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by

PATRICK J. O'DONNELL, CLERK

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LEGISLATURE

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3	Orval A. Keyes	Springfield	Farmer	Sarpy
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10	John S. Savage	Omaha	Public Relations	Douglas
11	Ernest Chambers	Omaha	Barber	Douglas
12	Gerald D. Koch	Ralston	Educator	Douglas
13	David R. Newell	Omaha	Graduate Student	Douglas
14	Tom Fitzgerald	Omaha	Retired - Post Office	Douglas
15	Barry Reutzel	Fremont	Field Office Mgr.	Dodge
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17	John R. Murphy	So. Sioux City	Plumbing, Banking, Farming.	Dakota, Dixon, Wayne
18	W. H. Hasebroock	West Point	Merchant	Colfax, Cuming, Dodge, Stanton
19	Elroy M. Hefner	Coleridge	Agri-Businessman	Cedar, Knox, Pierce, Wayne
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21	Thomas C. Kennedy	Newman Grove	Farmer	Madison, Pierce

MEMBERS

Dist.	Name	Address	Occupation	Counties
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23	Loran Schmit	Bellwood	Farmer, Helicopter Pilot	Butler, Platte, Polk, Saunders
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27	Steve Fowler	Lincoln	State Senator	Lancaster
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29	Shirley Marsh	Lincoln	Homemaker	Lancaster
30	George W. Burrows	Adams	Farmer	Gage, Jefferson, Saline
31	Neil Simon	Omaha	Director-Sales	Douglas
32	Richard Maresh	Milligan	Farmer	Fillmore, Jefferson, Saline, Thayer
33	Richard D. Marvel	Hastings	Educator	Adams
34	Maurice A. Kremer	Aurora	Farmer & Businessman	Clay, Hamilton, Merrick, Nuckolls, Polk
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36	Ron Cope	Kearney	Business-Farming	Buffalo, Hall
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38	Richard Lewis	Holbrook	Stockman	Frontier, Furnas, Gosper, Harlan, Hayes, Red Willow
39	Herbert J. Duis	Gothenburg	Real Estate, Insurance	Buffalo, Dawson, Phelps
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MEMBERS

Dist.	Name	Address	Occupation	Counties
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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
44	Jack D. Mills	Big Springs	State Senator	Arthur, Chase, Deuel, Dundy, Garden, Hayes, Hitchcock, Keith, Perkins
45	Frank Lewis	Bellevue	Public Relations-Consultant	Sarpy
46	Jo Ann Maxey	Lincoln	Homemaker	Lancaster
47	Robert L. Clark	Sidney	Merchant	Banner, Cheyenne, Kimball, Morrill, Scotts Bluff
48	William E. Nichol	Scottsbluff	Businessman	Scotts Bluff
49	Samuel K. Cullan	Hemingford	Farmer	Box Butte, Dawes, Sheridan, Sioux, Grant

Clerk

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

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

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

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

Const. Art. III, Sec. 10.

C. Speaker

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

Distribution of material by Clerk. Rule 2, Sec. 3f.
Excuse attendance at committee hearing. Rule 2, Sec. 4.
Power to refer bill back to committee. Rule 6, Sec. 2g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. 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. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he be the mover, proposer, or introducer of the matter pending in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer or introducer of the matter pending may speak for ten minutes when he first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure 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
Business and Labor	7 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Miscellaneous Subjects	8 members
Public Health and Welfare	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

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

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

Committee on Committees. Rule 3, Sec. 17.
Budget–Governor's Bill, Introduction. Rule 5, Sec. 7.
Chairman, Appropriations Committee, Member Executive Board. RRS 50-401.01
Government Committee–Review Civil Defense program. RRS 50-127

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

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

Sec. 14. Temporary Appointments. (a) When a member is unable to serve, the chairman of such committee after a majority vote of the remaining members shall request to fill such vacancy or vacancies. The request shall be made to the Committee on Committees and such 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, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the chairman of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his reports and recommendations to the Legislature or making any special record thereof.

For amendments to title. Rule 7, Sec. 3c.
For engrossment of bill. Rule 5, Sec. 9.

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

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

Reference of resolutions. Rule 4, Sec. 8.

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

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

Intergovernmental Cooperation. RRS 81-816 ..... 5 members
Nebraska Retirement Systems. RRS 50-416 ..... 5 members
Conflict of Interest. RRS 49-1105 ..... 4 senate members
Law Enforcement and Justice Advisory
Committees, Judiciary Committee. RRS 50-601 ..... 8 members
Nebraska Transportation Advisory Committee. RRS 50-421.5 members
Education Commission of the States. RRS 79-2504 .... 4 members
Administrative Rules Committee. RRS 84-908 ..... 9 members
(Chosen by Congressional caucus)

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.

RULE 4

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

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

Const. Art. III, Sec. 14.

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

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

For public hearing. Rule 3, Sec. 5.

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

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

RULE 5—BILLS—GENERAL PROVISIONS

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

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 either of which would require an appropriation of $50,000 or more to implement in the ensuing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairman of the

Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

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

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

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

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

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

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

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

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

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

Const. Art. III, Sec. 14.

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

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

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) 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.

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

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

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

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

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

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

GENERAL FILE

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

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

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

SELECT FILE

		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?"

RULE 6

Const. Art. III, Sec. 27.

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

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

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

Const. Art. IV, Sec. 15.

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

RRS 84-503.

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

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, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairman of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line item veto therein.

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

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

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

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
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

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

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

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

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

Introduction of bills. Rule 6, Sec. 1.

(B) Voting Machine

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

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

(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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On committees, appointment to	3	14
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TITLES TO BILLS

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STATUS OF BILLS ON January 4, 1978

GENERAL FILE: LR63; LB18 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

SELECT FILE: 109 109A

FINAL READING: 33A

BILLS HELD BY COMMITTEES:

AGRICULTURE: 130 135 435
APPROPRIATIONS: 89 171 381 413 437 449 489 490 493 495 538
BANKING: 331 464
BUSINESS & LABOR: LR42
CONSTITUTIONAL REVISION & RECREATION: 15 76CA 105CA 153CA 234CA 281 295CA 297 322CA
EDUCATION: 188 339 375 378 428 442 444
GOVERNMENT: 63 434
JUDICIARY: 166 367 455
MISCELLANEOUS SUBJECTS: None
NEBRASKA RETIREMENT SYSTEMS: 102 341 342 348 423
PUBLIC HEALTH: 325 496
PUBLIC WORKS: 51 149 249 296 299 300 313 377
REVENUE: 28 107 350 382 392 416
URBAN AFFAIRS: None

e – Emergency
A – Appropriation Bill
CA– Constitutional Amendment

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.

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.

BILLS

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 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 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 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.

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 33A. By Koch, 12th District. (Engrossed)

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.

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 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 Adminstrative 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 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 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 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 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 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 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 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 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 92 A. 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.

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 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 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 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 Constitutional Revision and Recreation Committee; Koch, 12th District, Chairman; 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 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.

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 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 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.

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.

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 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 149. By Dworak, 22nd District.

A BILL FOR AN ACT relating to irrigation; to define a term.

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 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 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.

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 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 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 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.

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 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.

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 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.

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 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 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 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 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 226. By Merz, 1st District.

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

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.

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 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 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 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.

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 258. By Schmit, 23rd District.

A BILL FOR AN ACT to adopt the Nebraska Capital Expansion Act.

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.

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 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 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 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 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 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 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 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 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.

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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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.

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.

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 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 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 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 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 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.

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 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 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 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 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 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 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 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 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.

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 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 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 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 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 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 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 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.

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 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 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 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.

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 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 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.

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.

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.

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.

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 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.

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.

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.

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.

FIRST DAY - JANUARY 4, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 4, 1978

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Fifth Legislature, Second Session of the Legislature of Nebraska assembled in Legislative Hall of the Capitol Building at the hour of 10:00 o'clock on Wednesday, January 4, 1978, and was called to order by President Whelan.

Presentation of Colors by the Nebraska National Guard Ceremonial Unit.

PRAYER

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

> Eternal God, who makes all things new, we ask your guidance as we begin another session together as leaders of this State. We remember others who have served with us in the past and who are gone from us now; we welcome other new faces on the scene and pray that they and we may work together well; and we are always grateful for the familiar faces which have returned, and ask that you'll continue to work through us all. Give us courage for the great challenges which face us, and endurance for the trivia that clogs our calendars, and the wisdom to tell the difference from the two. Instruct each one of us, the officers of this body, each Senator, each secretary, each aide, each one involved in the enactment of legislation for the people of the State this year, that together we may "do justly, love mercy, and walk humbly with our God" and with one another all the days of our lives. Amen.

ROLL CALL

The roll was called and the following members were present.

Barnett, Wally Jr.	Hasebroock, William	Maxey, JoAnn
Bereuter, Douglas	Hefner, Elroy	Merz, Nelson
Brennan, Bill	Kahle, Martin	Mills, Jack
Burrows, George	Kelly, Ralph	Moylan, Harold
Carsten, Calvin	Kennedy, Thomas	Murphy, John Robert
Chambers, Ernest	Keyes, Orval	Newell, David
Clark, Robert	Koch, Gerald	Nichol, William
Cope, Ron	Kremer, Maurice	Rasmussen, Dennis
Cullan, Samuel	Labedz, Bernice	Reutzel, Barry
Duis, Herbert J.	Lamb, Howard	Rumery Myron
Dvorak, Ed	Lewis, Frank	Savage, John
Dworak, Donald	Lewis, Richard	Schmit, Loran
Fitzgerald, Tom	Luedtke, Roland	Simon, Neil
Fowler, Steve	Maresh, Richard	Stoney, Larry
George, Walter	Marsh, Shirley	Venditte, Patrick
Goodrich, Glenn	Marvel, Richard	Warner, Jerome

Mr. DeCamp was excused.

MOTION - Advise Governor

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

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

The Chair appointed Mesdames Marsh, Maxey, Labedz, Messrs. Carsten, and Savage to serve on said committee.

EASE

The Legislature was at ease from 10:10 a.m. until 10:14 a.m.

The committee returned and delivered the following message from the Governor.

MESSAGE FROM THE GOVERNOR

January 4, 1977

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

Dear Mr. President and Senators:

Because of the meeting in South Sioux City in an attempt to get negotiations resumed for hopeful settlement of the Iowa Beef Processors' strike, followed by a Governors' meeting in Minnesota on the agriculture strike and possible solutions, I cannot personally be in the Chambers to welcome you back. I apologize for my necessary absence, and appreciate your notification that the Legislature has reconvened. Nevertheless I welcome you back to your important deliberations.

We all recognize the time restraints of the sixty legislative day sessions in even-numbered years. I pledge my cooperation in helping to expedite our decisions. As usual, when any of you feel a conference would be helpful, you will find me available. Even during previously scheduled meetings in my office, Senators are afforded priority considerations.

I will be presenting my recommended budget and a state of the state address earlier than customary to help expedite the work of your appropriations committee and the final actions by the body on the fiscal 1978-79 budget. My final recommendation and presentation to you will be ready by the end of this month or by no later than approximately February 10. My budget will be based on maintaining the reduced state tax rates that became effective four days ago.

Pat and I are looking forward to greeting and sharing an evening with each of you and your spouses during the annual dinner at the Executive Mansion next Monday evening. 'Til then I wish you God speed in your efforts and a Happy New Year.

Sincerely,
(Signed) J. James Exon
Governor

JJE:fw

MESSAGES FROM THE SECRETARY OF STATE

January 4, 1978

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 Edwin V. Dvorak as Member of the Legislature from the Eighth (8th) Legislative District for the unexpired term of Warren Swigart, resigned.

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

Enclosures

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, J. James Exon, Governor of the State of Nebraska, do hereby appoint EDWIN V. DVORAK of 5851 Sprague, Omaha, Nebraska 68104 to the office of Member of Unicameral Legislature - Eighth District to do and perform all the duties of said office for the term beginning August 4, 1977 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until January 4, 1979.
Said appointee succeeds Warren Swigart, resigned.

Done at Lincoln, Nebraska, this 3rd day of August A.D. 1977.

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

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

"I EDWIN V. DVORAK, 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 - 8th Dist. 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) Edwin V. Dvorak

Subscribed in my presence and sworn to before me this 8th day of August, 1977.

(Signed) Allen J. Beermann
Notary Public

(SEAL)
*Constitution of the State of Nebraska,
Article XV, Section One.
For term ending January 4, 1979
Succeeds Warren Swigart, resigned.

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that EDWIN V. DVORAK has been appointed a Member of the Nebraska State Unicameral Legislature from the Eighth (8th) District for the unexpired term of Warren Swigart, resigned for the term beginning August 4, 1977, 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. James 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 fourth day of January in the year of our Lord, one thousand nine hundred and seventy-eight.

(Signed) Allen J. Beermann
Secretary of State
(Signed) Ralph Englert, Deputy

(SEAL)

January 4, 1978

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 Thomas C. Kennedy as Member of the Legislature from the Twenty-first (21st) Legislative District for the unexpired term of Keith Boughn, deceased.

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

Enclosures

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, J. James Exon, Governor of the State of Nebraska, do hereby appoint THOMAS C. KENNEDY of Newman Grove, Nebraska to the office of Member of Unicameral Legislature - District 21 to do and perform all the duties of said office for the term beginning December 19, 1977 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until January 2, 1979. Said appointee succeeds Keith Boughn, deceased.

Done at Lincoln, Nebraska, this 16th day of December A.D. 1977.

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

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

"I Thomas C. Kennedy, 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. 21 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) Thomas C. Kennedy

Subscribed in my presence and sworn to before me this 20th day of December, 1977.

(Signed) Allen J. Beerman
Notary Public

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

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that THOMAS C. KENNEDY has been appointed a Member of the Nebraska State Unicameral Legislature from the Twenty-first (21st) District for the unexpired term of Keith Boughn, deceased, for the term beginning December 19, 1977, 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. James 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 fourth day of January in the year of our Lord, one thousand nine hundred and seventy-eight.

(Signed) Allen J. Beerman
Secretary of State
(Signed) Ralph Englert, Deputy

(SEAL)

MESSAGES FROM THE GOVERNOR

June 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 appointment requiring legislative confirmation:

David O. Coolidge, McCook - Director-State Engineer, Department of Roads

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: David O. Coolidge
Committee on Committees
Department of Roads

June 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 Public Roads Classifications and Standards requiring legislative confirmation:

Blase J. Cupich, Sarpy County Commissioner, 7306 South 36 Street, Omaha - succeeds Norman Magnussen, resigned with term expiring November 3, 1979

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Blase J. Cupich
Committee on Committees
Dept. of Roads

June 9, 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 Motor Vehicle Industry Licensing Board requiring legislative confirmation:

Marlin O. Armbruster, 307 W. 17th St., Falls City, for a three year term expiring May 18, 1980

Francis Hanna, 304 Court, Thedford, for a three year term expiring May 18, 1980

I respectfully submit these reappointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Marlin O. Armbruster
Francis Hanna
Motor Vehicle Ind. Licensing Board
Committee on Committees

June 15, 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 Public Employees Retirement Board requiring legislative confirmation:

W. Gale Rumpeltes, Budget and Systems Coordinator, Beatrice State Developmental Center, Beatrice - succeeds Richard Weber, resigned - term expiring January 1, 1979

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: W. Gale Rumpeltes
Committee on Committees
Public Employees Retirement Board

July 5, 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 Environmental Control Council (four year terms expiring June 22, 1981) requiring legislative confirmation:

Reappointment of George J. David, American Stores Packing Co., Box 82008, Lincoln, NE 68501

Reappointment of Leonard Schaefer, Box 34327, Omaha, NE 68134

Reappointment of Margaret Sutherland, 1320 No. 79th, Lincoln 68505

Appointment of Dwayne Kizzier, Kizzier Chevrolet, 2014 E. 20th Pl., Scottsbluff, NE 69361 - succeeds Robert Cox

Appointment of Homer C. Loutzenheiser, Assistant General Manager, Nebraska Public Power District, 116 No. Dewey, North Platte - succeeds Richard Dugdale

Appointment of William Krejci, Fairmont 68354 - succeeds T. C. Reeves

Appointment of Maurine Biegert, Shickley 68436 - succeeds Dale Sampson

Appointment of Jerry Hassett, Councilman, Omaha City Council, Omaha/Douglas Civic Center, Omaha 68102 - succeeds Betty Abbott

I respectfully submit these appointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: All appointees
Committee on Committees
Dept. of Environmental Control

July 6, 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 Parole requiring legislative confirmation:

Robert J. Keller, 3310 Woodsshire Parkway, Lincoln - succeeds Catherine Dahlquist, term expiring September 9, 1978

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Robert J. Keller
Committee on Committees
Board of Parole

July 8, 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 Board of Health requiring legislative confirmation:

Dr. Robert C. Rosenlof, 17 West 31st, Kearney - succeeds V. Franklin Colon, M.D., resigned

I respectfuly submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Dr. Robert C. Rosenlof
Committee on Committees
Department of Health

July 27, 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 State Board of Health requiring legislative confirmation:

Mrs. Emmett Smith, 3863 So. 100 Ave, Omaha 68124 - term expiring 9-14-77, succeeds Mrs. Maxine Morrison, resigned

Dr. Richard M. Evans, 600 N. Cotner, Lincoln (podiatrist) - term expiring 9-14-78

Dr. W. J. Higgins, 1619 Circle Dr., Lincoln (optometrist) - term expiring 9-14-78

John E. Olsson, 2830 Bonacum Dr., Lincoln (civil engineer) - term expiring 9-14-78

Dr. A. B. Pittman, 4629 Dodge, Omaha (vet med) - reappointment with term expiring 9-14-78

Dr. Jack (Raymond) Swanson, 142 E. 5th, Wahoo 68066 (osteo phys.) term expiring 9-14-79, succeeded Dr. Purtzer, and reappointed in September 1976

These appointments were made at earlier dates, and it has just been called to the attention of this office that we failed to submit these appointments to your body for legislative confirmation at the time they were made.

I respectfully submit these appointments to you at this time for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do2
cc: All appointees
Dr. Smith, Dept. of Health
Committee on Committees

July 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 Agricultural Products Industrial Utilization Committee requiring legislative confirmation:

Ramey Whitney, Chappell, Nebraska 69129 - 4 year term expiring July 1, 1981

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Ramey Whitney
Committee on Committees
Agric. Products Industrial
Utilization Committee

August 16, 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 Agricultural Products Industrial Utilization Committee:

Jack Quackenbush, 815 No. 8th, Beatrice - reappointment for four year term expiring July 1, 1981

Tom Kennedy, Newman Grove - appointed expiring July 1, 1981, succeeding Paul Meierhenry, term expired

I respectfully submit these appointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Jack Quackenbush
Tom Kennedy
Committee on Committees
Agricultural Products Industrial
Utilization Committee

August 24, 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 Advisory Committee to the Department of Economic Development requiring legislative confirmation:

Reappointment of:
Burnham Yates, 2900 Bonacum, Lincoln, for 4-year term

Robert G. Lueder, Suite 500, 11128 John Galt Blvd., Omaha 68137, for 4-year term

Charles Davey, P. O. Box 206, Scottsbluff for 4-year term

Neil Colerick, 414 Black Hills Ave, Alliance for 4-year term

Appointment of Herbert H. Davis, 1623 Farnam, Suite 700, Omaha, succeeding Robert Runice with term ending July 1, 1981

I respectfully submit these appointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: All appointees
Committee on Committees
Department of Economic Development

August 16, 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 Rural Health Manpower Commission for terms of three years requiring legislative confirmation:

Dwaine Peetz, M.D., Drawer 'D', Neligh 68756

Ben Meckel, M.D., Burwell 68823

Ramona Freeman, Box 447, Chappell 69129

Gary Ensz, M.D., 2918 Ave 'C', Apt. 6, Scottsbluff 69361

Clarence Davis, M.D., Osceola 68651

Judith Basart, 919 North Hastings, Hastings 68901

I respectfully submit these appointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: All appointees
Committee on Committees
Dr. Smith, Dept. of Health
Jon Oberg, SOPP

August 31, 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 Game and Parks Commission requiring legislative confirmation:

Mrs. Shirley L. Meckel, Burwell, Nebraska 68823 - for a five year term expiring September 6, 1982

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Shirley L. Meckel
Committee on Committees
Game and Parks Commission

September 6, 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 Court of Industrial Relations requiring legislative confirmation:

Donald F. McGinley - reappointment for 6 year term

I respectfully submit this appointment for your consideration.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:do
cc: Donald F. McGinley
Committee on Committees
Court of Industrial Relations

August 24, 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 Personnel Board requiring legislative confirmation:

Reappointment of David Flebbe, Suite 252, Aquila Court, Omaha, for another 5 year term

I respectfully submit this reappointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: David Flebbe
Committee on Committees
Department of Personnel

September 15, 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 requiring legislative confirmation:

Roger Sandman - Director of the Department of Agriculture

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Roger Sandman
Committee on Committees

September 26, 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 State Board of Health requiring legislative confirmation:

Mrs. Emmett Smith, 3863 So. 100 Ave, Omaha 68124 (lay) - reappointment for three years expiring September 14, 1980

Loren B. Belker, 2631 Sewell, Lincoln 68502 (lay) - appointment for three years expiring September 14, 1980

Warren Bosley, M.D., 416 W. Division, Grand Island 68801 (medical) - appointment for three years expiring Sep. 14, 1980

Dr. Howard Nelson, Box 673, Columbus 68601 (chiropractor) - appointment for three years expiring Sep. 14, 1980

George F. Sullivan, 1535 No. 62nd, Lincoln 68505 (phys. therapist) - appointment for three years expiring Sep. 14, 1980

I respectfully submit these appointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: All appointees
Committee on Committees
State Board of Health

September 21, 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 Manufactured Housing Advisory Board expiring July 29, 1979, requiring legislative confirmation:

Harold Dwyer, Westland Homes Corp., 109 E. B St., Hastings

Reappointment of William M. Fenton, 226 Stuart Bldg., Lincoln

Reappointment of Charles L. Thomsen, 1515 Sharp Bldg., Lincoln

I respectfully submit these appointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: All appointees
Committee on Committees
Department of Health

September 22, 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 Oil and Gas Conservation Commission for four year terms expiring September 28, 1981, requiring legislative confirmation:

John Mason, 2411 Craig, Sidney

Reed Gilmore, P. O. Box 57, Kimball

I respectfully submit these reappointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: John Mason
Reed Gilmore
Committee on Committees
Paul Roberts, Secretary

September 26, 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 Arts Council for three year terms expiring September 2, 1980, requiring legislative confirmation:

Reappointments of:
Mrs. Robert Bridge, 2007 Koenigstein, Norfolk

Mrs. David Dow, 2710 Sewell, Lincoln

Mrs. Barbara Doyle, 3024 Summit Blvd., Lincoln

Rev. Joseph Labaj, Creighton University, Omaha

Appointment of:
Richard S. Westin, 9755 Frederick, Omaha 68124, replacing N. P. Dodge

I respectfully submit these appointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: All appointees
Committee on Committees
Nebraska Arts Council

September 26, 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:

D. J. Erington, Public Works Director, Suite 600, Omaha Douglas Civic Center, Omaha 68102 - succeeding Terrance Pesek, resigned, term expiring November 3, 1979

I respectfully submit this appointment for your consideration.

Very turly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: D. J. Erington
Committee on Committees
Board of Public Roads Classifications and Standards

September 23, 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 State Highway Commission requiring legislative confirmation:

Dr. Ben Meckel, 280 No. 8th, Burwell (D-6)

W. D. "Twist" Newberry, 319 W. Circle Dr., North Platte (D-5)

Joseph Lipton, 110 So. 68th Ave, Omaha (D-2)

Their terms expire September 14, 1983.

I respectfully submit these reappointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Dr. Ben Meckel
W. D. Newberry
Joseph Lipton
Committee on Committees
Highway Commission

September 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 reappointment to the Nebraska Investment Council requiring legislative confirmation:

E. K. Yanney, Lodgepole, Nebraska - five year term expiring September 18, 1982

I respectfully submit this reappointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: E. K. Yanney
Committee on Committees
Nebraska Investment Council

October 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 Public Welfare, Institutions and Corrections Advisory Committee requiring legislative confirmation:

Bernard R. Gyger, Ph.D., 4832 Manderson St., Omaha 68104 - succeeds John Humpal, term expiring January 1, 1980

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Bernard R. Gyger
Committee on Committees
Public Welfare, Institutions and
Corrections Advisory Committee

October 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 Motor Vehicle Industry Licensing Board requiring legislative confirmation:

Reappointment of Julius Novak, 2525 Dodge, Omaha - three year term expiring October 19, 1980

I respectfully submit this reappointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Julius Novak
Committee on Committees

Motor Vehicle Industry Licensing Board

October 31, 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 Board of Educational Lands and Funds requiring legislative confirmation:

John C. Mitchell, 10407 Devonshire Circle, Omaha - five year term expiring October 1, 1982

I respectfully submit this reappointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: John C. Mitchell
Board of Educational Lands and Funds
Committee on Committees

November 10, 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 Special Education Appeal Board with terms expiring September 3, 1980, requiring legislative confirmation:

Appointment of:

Joe Patrick, 9905 Grover Street, Omaha

Reappointment of:

Mrs. Dorothy Ley, 518 Hillcrest Rd., Wayne

Mrs. Marjorie Hartnett, Creighton University, Omaha

I respectfully submit these appointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Joe Patrick
Mrs. Dorothy Ley
Mrs. Marjorie Hartnett
Committee on Committees
Department of Education

November 10, 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 Commission on Fire Fighting Personnel Standards and Education (six year terms expiring October 27, 1983) requiring legislative confirmation:

Reappointments:

Russell D. Salak, 604 Banner St., Schuyler

John J. Gabarron, 210 No. 32nd St., Lincoln

Appointment:

Hobart H. Boswell, Jr., 3500 Washington, Lincoln

I respectfully submit these appointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Russell D. Salak
John J. Gabarron
Hobart H. Boswell, Jr.
Committee on Committees
State Fire Marshal

November 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 made the following appointment requiring legislative confirmation:

John W. Neuberger - Director, Department of Water Resources

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: John W. Neuberger
Committee on Committees
Dept. of Water Resources

November 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 made the following reappointment to the Board of Parole (six year term expiring September 9, 1983) requiring legislative confirmation:

Eugene E. Neal, Lincoln

I respectfully submit this reappointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Eugene E. Neal
Committee on Committees
Board of Parole

November 30, 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 Public Employees Retirement Board requiring legislative confirmation:

Larry Kunc, 405 Executive Building, Lincoln 68508 - succeeds Marvin E. Jewell, resigned, term expiring January 1, 1980

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Larry Kunc
Committee on Committees
Public Employees Retirement Board

December 5, 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 Board of Public Roads Classifications and Standards (4 year terms expiring November 3, 1981) requiring legislative confirmation:

David O. Coolidge, Department of Roads (Dept. rep.)

F. B. Thompson, 1105 Rose, Sidney (County-Class III or IV)

Marvin Athey, Imperial (City--under 2500)

Bruce C. Gillan, 2775 Franklin Ave, Lincoln (1st Cong. Dist.)

I respectfully submit these reappointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: All appointees
Committee on Committees
Department of Roads

December 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 made the following appointment to the Agricultural Products Industrial Utilization Committee requiring legislative confirmation:

Ralph O'Connor, Grafton, Nebraska 68305 - succeeds Tom Kennedy, resigned, term expiring July 1, 1981

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Ralph O'Connor
Committee on Committees
Agricultural Products Industrial
Utilization Committee

ATTORNEY GENERAL'S OPINIONS

Opinion No. 115
July 13, 1977

Dear Senator DeCamp:

Mr. Coolidge, Director of the State Department of Roads, has forwarded to this office a copy of your letter to him dated July 5, 1977, in which you request his attorney to advise you concerning the constitutionality and legality of the Legislature directing the issuance of bonds for specific projects and providing for the retirement of the bonds from a gasoline tax of one cent per gallon. Pursuant to that request, we are providing you with the following information under the assumption you are contemplating legislation.

Section 1, Article XIII, of the Nebraska Constitution generally prohibits the State of Nebraska from contracting debts in excess of $100,000. The following exception is provided for in that section, however, which is applicable to the situation at hand:

> ". . .Provided, that if the Legislature determines by a three-fifths vote of the members elected thereto that the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue

closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees;. . ."

Pursuant to such authorization, the Legislature enacted the Nebraska Highway Bond Act in 1969, section 39-2201, et seq., R.R.S. 1943. Section 39-2202 provides for the creation of the Nebraska Highway Bond Commission which, under section 39-2203, is granted the authority to issue bonds in such principal amount to defray a part or all of the cost of construction of highways, limited to the total principal amount authorized by the Legislature. The amount authorized to be issued is further limited by section 39-2205 so that the total payment of principal and interest in any one year may not exceed fifty per cent of the money deposited in the Highway Trust Fund during the year preceding issuance. Section 39-2213 provides that the bonds which are issued are special obligations of the state payable only from the Highway Trust Fund.

Section 39-2215 provides that all motor fuel taxes and special fuel taxes, as well as several other types of revenue, are "irrevocably pledged for the terms of the bonds to the payment of the principal, interest, and redemption premium, if any, of such bonds" and shall be deposited in the Highway Trust Fund as received by the State Treasurer. Furthermore, section 39-2216 provides that the Legislature "irrevocably pledges and agrees" that it will not repeal, diminish, or apply to any other purpose those taxes mentioned above so long as the bonds remain outstanding, "if to do so would result in fifty per cent of the amount deposited in the fund in each year being less than the amount equal to the maximum annual principal and interest requirement of such bonds.".

From the foregoing, it appears that although your contemplated legislation could be drafted so as to be constitutional, it may be very difficult to draft so as to be consistent with the provisions of section 39-2201, et seq., and particularly the sections cited above.

Please feel free to contact this office concerning additional legal questions you may have on this matter.

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. 119
August 1, 1977

Re: Section 28-1031.01, R.R.S. 1943

Dear Senator Stoney:

You have requested our opinion as to whether, under the present language of section 28-1031.01, R.R.S. 1943, smoking is prohibited in "auditoriums" used by and open to the public. Section 28-1031.01 states in part as follows:

> ". . . whereas such smoking if done in any hospital patient room or patient area, elevator, indoor theater, library, art museum, concert hall, or bus which is used by or open to the public is harmful to the public health, smoking of tobacco in any form in any area specified in this section is prohibited, . . ."

It is important to note that a violation of section 28-1031.01 is made a misdemeanor punishable by a fine of from $10 to $100 by section 28-1031.02, R.R.S. 1943.

Several maxims of statutory interpretation must be considered in reaching an answer to your question. First, penal statutes must be strictly construed while placing a sensible interpretation upon the plain language of the statute. State v. Holtan, 197 Neb. 544, 250 N.W.2d 876 (1977). Next, where a statute enumerates certain objects upon which it is to operate, it is to be considered as excluding from its effect all those objects not expressly included within its operation unless the Legislature has plainly indicated a contrary purpose or intention. Galston v. School District of Omaha, 177 Neb. 319, 128 N.W.2d 790 (1964). A review of the legislative history of section 28-1031.01 indicates a conscious effort

on the part of the Legislature to initially prohibit smoking in only those areas specifically noted in the statute. The terms "auditorium" and "concert hall" are not synonymous. To say that by mentioning concert halls the Legislature intended to exclude from the operation of this statute auditoriums, in view of the legislative history of this enactment, appears a sensible interpretation.

Finally, the purpose of section 28-1031.01 appears to have been to identify certain structures in which smoking was to be regulated. We do not feel that a change of activity within a structure can bring about the operation of section 28-1031.01 where it would not otherwise apply.

Thus, performing a concert in what would otherwise be termed an "auditorium" would not create a "concert hall" for that performance requiring smoking restrictions.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) J. Kirk Brown
Assistant Attorney General

JKB:lc

August 12, 1977

Dear Mr. Brown:

You have asked several questions regarding provisions relating to lobbying and lobbyists in LB 987 (1976) and LB 4 (1977).

Your first question is whether lobbyists who filed registrations under the old lobbyist statutes are required to file anew under LB 987. Section 50-313, R.R.S. 1943, repealed by LB 987, provided that you were to charge a fee of $25 for application and registration by a lobbyist for each different principal. The section further provided that a certificate should be issued for each lobbyist and that the certificate would continue in affect until the commencement of the next legislative session in an odd numbered year. Thus, under this section a lobbyist, in effect, is registered for two years at the commencement of the legislative session in the odd numbered year until the commencement of the subsequent legislative session in the subsequent odd numbered year.

This provision resulted in lobbyists registering prior to or after the commencement of the legislative session in January of 1977. At

that time their registration was to be effective for two years under the terms of section 50-313. LB 987 in section 49-1486, Eighty-fifth Legislature, First Session, Section 2, provided that the registration of all lobbyists was to terminate on December 31 of the year in which the registration was noted in the journal. LB 4 altered that provision so that the registration shall be valid for the period commencing with each regular session of the Legislature which convened in an odd numbered year and terminated at the convening of a regular session in the next odd numbered year reinstating, in effect, the provisions of section 50-313. A further difficulty is encountered because LB 987 became effective July 1, 1977, whereas LB 4 does not become effective until September 2, 1977. Thus, during the intervening period the provisions of LB 987 apply to registration for lobbyists.

As to the first question, it is our opinion that those lobbyists who registered under the provisions of section 50-513, R.R.S. 1943, are entitled to the terms of that provision in that their registration under that act and their payment of a registration fee shall be effective for the two-year period of the Legislature. As such, it is our opinion that they would not be required to pay a subsequent registration fee. However, we find no impediment to requiring that they comply with the terms of LB 987 with respect to the disclosure of information called for therein by lobbyists. Thus, you may request that the lobbyists reregister on forms newly developed by the executive board of the Legislature for compliance with LB 987, but you would not be entitled to require an additional fee from the lobbyists. We believe that this conclusion is justified because under LB 987 lobbyists are required to file monthly reports. In addition, they are required to file an application prior to commencing any lobbying activity with the Clerk of the Legislature. See, section 49-1480. The nature of these requirements are, of course, new under LB 987.

In your second question you ask whether a lobbyist, not previously registered seeking to register between July 1 and September 2, would be required to pay a $5 registration fee or some other fee. This question arises because section 49-1482 of LB 987 required a fee of $5 while section 49-1482 as amended by LB 4 requires a fee of $25. The second part of your question is whether such persons would then have to pay an additional $25 registration fee for new registrations prior to the commencement of the 1978 legislative session. During the interval, as you have set forth in your question, the terms of LB 987 are effective. The appropriate

fee for persons newly registering during that period is $5. Subsequent to September 2, 1977, LB 4 becomes effective and amends that provision to change the fee to $25. From and after September 2, 1977, the fee for registrations by lobbyists will be governed by LB 4 and be at a rate of $25.

Your next question is under section 49-1483, are the interim reports required therein applicable to activities occurring from and after July 1, 1977, to the commencement of the next session of the Legislature. Section 49-1483 provides that lobbyists shall file a report for each principal for each month the Legislature is in session and shall file a separate statement once during each interim period between regular sessions of the Legislature. Obviously, the Legislature has not met during the period of July 1, 1977, to date. It would appear unlikely, although unknown, that the Legislature will meet between the present date and the commencement of the next regular session in January of 1978. Thus, the only report required by this section is the interim report to be filed prior to the commencement of the next regular session. Thus, only those matters subject to be reported that occurred after the effective date of LB 987 would be required to be reported in the interim report required by section 49-1483.

The final question you have raised is whether section 49-1488 applies to the Eighty-fifth Legislature, First Session, which adjourned June 1, 1977. LB 987 was not effective during the 1977 session of the Legislature. Section 49-1488 requires that within 30 days of the completion of a regular session of the Legislature a lobbyist shall submit a report to the Clerk listing the legislation upon which he acted and identify bills, resolutions, and the position taken by such lobbyists. There is no indication in LB 987 that it was intended to have retroactive effect. Thus, in our opinion section 49-1488, R.S.Supp., 1976, is not applicable to actions taken by lobbyists during the Eighty-fifth Legislature's First Session. It will, of course, be applicable and effective from and after the next legislative session.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:lc

Opinion No. 124
August 19, 1977

Dear Senator Labedz:

You have requested our opinion on the constitutionality of proposed amendments to L.B. 407, Eighty-Fifth Legislature, First Session, 1977. The draft you have provided would amend section 77-202.12 by adding a new section which provides:

> "(5) Homestead improvement shall mean any improvement to an existing structure of a homestead."

The second proposed amendment would amend section 77-202.13 to add a new subsection which provides:

> "(5) 100% of the actual value of any improvement to the structure of the Homestead, provided that the structure is more than 25 years old and that the exemption shall expire five years after such improvements are made."

The third amendment would amend section 77-202.15(3) to provide:

> "Exemption as provided in Subdivision (5) of Section 77-202.13, shall not be transferred to the new owner or purchaser."

The effect of these three amendments would be exempt 100% of the actual value of any improvement to the structure of a homestead, where the homestead is more than 25 years old for a period of five years. Such an exemption would not be transferable.

The Legislature, by virtue of Art. VIII, sec. 2, is authorized to exempt a portion of the value of any residence actually occupied by an owner. Pursuant to that provision of the Constitution, the Legislature has enacted the homestead exemption provisions generally found in sections 77-202.12 through 77-202.22, R.R.S. 1943. The actual value of any improvement to a homestead qualifying for the exemption under the proposed amendments would be available without regard to the value of the improvement.

The Legislature has classified homeowners into different classes for purposes of granting an exemption. Section 77-202.13 exempts 25% of the actual value of any homestead having a value of $1,500.00 or less, 20% of the first $4,000.00 of any homestead having a value in excess of $1,500.00, the first 90% of the actual value of any homestead of a veteran, as defined by statute, and 100% of the first $15,000.00 of value for any homestead of persons qualifying under section 77-202.12 which generally require that the claimant meet certain income limitations. We perceive a problem

with respect to the latter classification under the terms of your proposed amendment.

The following possibility might exist. A person in all respects entitled to the homestead exemption, provided by statute, owning a home of $30,000.00 value would have an exemption on the first $15,000.00, and thus pay taxes on the remaining $15,000.00, while a similar person in the same circumstance would have a home of a similar value to which improvements of $5,000.00 might be made. The second person would, for at least a five-year period, have an exemption of an additional $5,000.00. This would create a subclass within a class established by statute. It is our opinion that the class itself, provided for by statute, has a rational relationship to legitimate legislative purposes. We have more difficulty where persons in the same circumstances would be entitled to a different exemption rate solely due to an improvement. In Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974), the Supreme Court stated:

> "'The Legislature may make a reasonable classification of persons, corporations, and property for purposes of legislation concerning them, but the classification must rest upon real differences in situations and circumstances surrounding the members of the class, relative to the subject of the legislation, which render appropriate its enactment; and to be valid the law must operate uniformly and alike upon every member of the class so designated.' Rehkopf v. Board of Equalization, 180 Neb. 90, 141 N.W.2d 462."

In the hypothetical situation we have posed in this letter, two houses of equal value and two persons of similar circumstances could exist, one having an exemption of 100% of $15,000.00 and the other having an exemption of $20,000.00. We believe that this would be a difficult classification to defend and, therefore, it is our opinion that the proposed amendment would be constitutionally suspect.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:cjb
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 130
September 20, 1977

Dear Senator Duis:

In your letter of September 6, 1977, you ask whether natural resources districts are required to comply with the filing requirement of the Administrative Procedures Act with respect to the filing of their rules. We conclude that they are not.

Section 84-902, R.S.Supp., 1976, contains the filing requirements for "agencies." Section 84-901, R.S.Supp., 1976, defines agency to mean each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules, with certain exceptions. The case of Harnett v. City of Omaha, 188 Neb. 449, 197 N.W.2d 375 (1972), held that the Administrative Procedure Act is applicable only to agencies of the state and that it did not apply to the Personnel Board of the City of Omaha. In State ex rel. Southeast Rural Fire Protection District v. Grossman, 188 Neb. 424, 197 N.W.2d 398 (1972), while the Supreme Court did not directly decide the issue, it referred to the fact that the District Court of Lancaster County had held that the Board of County Commissioners was not a state agency under the provisions of the Administrative Procedures Act.

We are quite convinced that natural resources districts are not state agencies, as contemplated by section 84-901. Under the provisions of Chapter 2, Article 32 of the statutes, the entire state is divided into a number of natural resources districts. These districts are governed by boards elected by the voters, and have taxing powers. It is clear that they are therefore political subdivisions of the state, rather than state agencies. They would not, therefore, be governed by the Administrative Procedures Act.

We have not overlooked the provisions of section 2-3204, R.R.S. 1943, which provides in part:

> "(1) The commission shall establish appropriate rules and regulations for all hearings and other procedures authorized by this act. All such hearings and procedures shall be subject to the provisions of Chapter 84, article 9."

We do not, however, construe this as applying the filing requirements of section 84-902 to the natural resources districts. It only requires hearings and procedures to comply with that Act. In section 2-3244 to section 2-3450 provision is made for the adoption

of land-use rules and regulations. These sections set forth rather fully the method of adoption of such rules and regulations, and we find nothing in these sections which suggests that they are to be filed as required by the Administrative Procedures Act.

As you know, we render legal opinions to senators only when such opinions are necessary to the senators in the performance of their legislative duties. We have rendered this opinion to you as Chairman of the Legislature's Committee on Administrative Rules and Regulations with the understanding that such opinion is necessary to you and the Committee in the performance of the Committee's functions.

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

September 19, 1977

Honorable Ralph Slocum
Secretary, Nebraska Political
Accountability and Disclosure Commission
3900 Sheridan Blvd.
Lincoln, Nebraska 68506

Dear Judge Slocum:

You have requested on behalf of the Political Accountability and Disclosure Commission the answer to certain questions. The first question which you have requested that we answer is when do the terms of the members of the Political Accountability and Disclosure Commission begin and end? LB 987, section 139, provides:

> "Sections 106 to 122 of this act shall become operative on their effective date or as specified therein. The other sections of this act shall become operative on July 1, 1977."

LB 987 was passed by the 1976 legislative session, Eighty-fourth Legislature, second session. It became effective three months after the Legislature adjourned. It however had an operative date of July 1, 1977.

Section 105 of LB 987 provided that three members should be appointed by the Governor, three members by the Secretary of State and that the Governor and the Secretary of State should also be on the Board. Section 110 required that the persons nominated for appointments should be submitted not later than March 15, 1977 to the Legislature. The Legislature then had 60 days in which to act or the person was to be seated as an acting member of the Commission until the Legislature did act. The Legislature received the names within the times specified and acted within the time specified confirming the individuals who were appointed. The individuals were referred to the Legislature by the Governor and the Secretary of State on different dates. The Legislature confirmed the individuals whose names had been submitted on several different days during the legislative proceedings. The Governor's appointment notification indicated that the members of the Commission were appointed to serve for terms commencing July 1, 1977. The Secretary of State's appointments indicated that the Commission members were appointed to serve terms commencing as provided by law.

It is clear from reading the sections regarding the initial appointment and initial acts of the Commission members that the Legislature envisioned the Commission establishing operations prior to July 1, 1977, the operative date of the act. In the 1977 legislative session a number of amendments were proposed to LB 987, some of which would have substantially altered the law. During the period in which substantial question existed as to the final form of LB 97, no work was commenced upon by the Political Accountability and Disclosure Commission.

A general discussion of terms of office may be found at Report of the Attorney General, 1959-1960, Opinion No. 4, page 10. In that opinion we indicated that a term of office may be fixed by law though not stated in express terms. Where one may infer a date from a construction of the statute as a whole, the commencement of the terms should operate from and after that date. In LB 987 we can find no date that can be firmly inferred as a date for the commencement of terms of the members of the Commission. In fact, the only document to which we can refer that gives a specific date for the commencement of terms of members of the Commission is the appointment of the Governor. It is our opinion that the appointment by the Governor in the absence of some other firm guide as to a date for the commencement of the terms should be controlling. While it is clear that the executive may not alter

terms established by the Legislature where the terms are not clearly established by the Legislature it is within the authority of the executive to establish the commencement of the term. Thereafter, of course, the terms must conform to the legislative dictates. In LB 987 the specific members of the Commission have terms clearly set forth and those terms shall control.

Your second question is whether the Nebraska Political Accountability and Disclosure Commission is responsible for receiving federal campaign reports. The section of federal law that relates to this particular requirement is found at 2 U.S.C.A. Section 439. It provides in part:

> "(a) A copy of each statement required to be filed with the Commission by this subchapter shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State. . . ."

The specific language of this section appears to mandate that the Secretary of State be the appropriate filing officer. It is our opinion that the specific language herein contained would control, thus the Secretary of State should be the person to whom such reports are tendered by candidates and not to the Political Accountability and Disclosure Commission.

A further question that you have raised is whether the records of the Conflicts of Interest Committee under section 49-101, et seq., R.R.S. 1943, now repealed should be held by the Political Accountability and Disclosure Commission, the State Historical Society or the Secretary of State. Section 82-104, R.R.S. 1943, states:

> "The Nebraska State Historical Society shall be the custodian of all public records, documents, relics, and other material which this society may consider to be of historic value or interest, and which may be in any of the offices of vaults of the several departments of the state, . . ."

Section 82-105, R.R.S. 1943, provides:

> "The Nebraska State Historical Society shall obtain possession of the historical material mentioned in section 82-104 whenever it is not in active use in any department, institution or building, . . ."

Furthermore, it is unlawful for anyone to destroy or dispose of records without complying with the terms of the Record Management Act. Thus in answering your question it would appear that the Historical Society initially may determine whether or not

they wish to be the custodian of the Conflict of Interest Committee records. Assuming they do not then the terms of the records management preservation statute should be complied with prior to the destruction or alteration of any of the documents held by the Conflicts of Interest Committee. There is no particular statutory authority clearly assigning a custodial function to any particular body. It is an issue that should be decided by consultation between the Political Accountability Commission, the State Historical Society and the Secretary of State.

The final question to be addressed in this letter raised by the Commission is your request for our opinion on the duty of the Commission arising under section 49-1484, R.S.Supp., 1976. That section provides:

> "The Clerk of the Legislature shall monthly while the Legislature is in session, and at least once while the Legislature is not in session, refer all such statements to the commission which may require the lobbyist or the principal to furnish additional details with respect to the matters which are or should be included in such statements. The Legislature itself may at any time require the furnishing of such additional details."

Your question is more specifically directed to the phrase, refer all such statements to the Commission. What then is the Commission's responsibility or authority under this section?

The provisions relating to lobbying in LB 987 are primarily directed toward informing lobbyists of their duties and responsibilitites in registering and disclosing the activities in which they engage. The principal officer with whom they are directed to file the required reports and information is the Clerk of the Legislature. The Clerk of the Legislature in conjunction with legislative committees has particular responsibility relating to these requirements. No particular duty or responsibility is placed upon the Commission. However, section 49-1484, does authorize the Commission to require the furnishing of additional details regarding matters which are or should have been included in reports filed by lobbyists. This in our view amounts to an oversight authority granted by this section. This obviously creates some latitude within which the Commission may act respecting lobbying. This is an area in which the judgment of the Commission must be exercised to determine the extent to which it wishes to be involved in these matters. It does not appear however to grant the Commission any authority over the Clerk of the Legislature regarding his duties or responsibilities under LB 987.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb

September 22, 1977

Dear Senator Bereuter:

You have requested our views on an office arrangement for the Seward County Extension Service. In connection therewith you have furnished us with a copy of an August 8, 1977 letter to you from the Seward County Extension Agent, wherein he explains that formerly the Extension Service occupied offices in the Seward County Courthouse, with all utility services and maintenance being provided by the county; that near the end of the year 1976 the Extension Service offices were moved to the new Seward County Courthouse Annex; that under the present arrangement with the County Board, the Extension Service is required to pay "utilities and maintenance" for the building, notwithstanding the fact the building also is used by others such as "drivers' license examiners, county officials, county official boards and groups." You have also furnished us with a copy of a July 12, 1976 letter from the Deputy Seward County Attorney to the County Board, wherein it is stated:

> "While the County Board is responsible for providing a suitable building or office for the County Agricultural Agent and for repair of the same, pursuant to Section 23-120, R.R.S. 1943, it is this writer's opinion, which is concurred in by Mr. Sheldon, of the Attorney General's office, that the utilities and maintenance for the new building are subject to the restriction of Section 2-1604, R.R.S. 1943, and thus must be included in the budgets submitted by the Agricultural Agent."

Normally, in keeping with our policy concerning non-legislative questions, we might have some reluctance to express an opinion to an individual senator on a matter such as this. However, in this instance we shall not invoke that rule — for two reasons. First, conceivably the question might relate to possible clarifying legislation; but more especially because it does involve a matter in connection with which we have advised and consulted with the County Attorney's Office.

The County Extension Service is not a county office, in the usual sense of that term. County Extension programs are authorized by virtue of and pursuant to sections 2-1601, et seq., R.R.S. 1943. The statutes authorize the institution within the several counties of the state of extension work to be carried on in cooperation with the University of Nebraska College of Agriculture and the United States Department of Agriculture. Extension Service is not organized or established by any action of the County Board or, for that matter, the Legislature. The service is initiated in the first instance by action of farm operators within the county. The only real connection between the County Extension Service and the county itself arises by reason of section 2-1604 which provides that the county must appropriate funds to help support the work when there is an affirmative vote authorizing an appropriation for that purpose. In fact, the County Board does not even possess discretion as to the amount of tax money to be appropriated for the Extension Service. The work of the Extension Service in each county is carried on under the direction of an Executive Board in cooperation with the University. The County Board simply acts ministerially in making an appropriation and levying a tax sufficient to raise the amount called for by the County Extension budget.

Hence, although the Deputy County Attorney's letter basically reflects our discussion with that office, it is doubtful that section 23-120, R.R.S. 1943, imposes any obligation upon the county to provide a building in which the Extension Service may office. However, interpretation of that section of the statutes does not seem to be an issue in the present setting; and, in any event, the County Board clearly has authority to provide office space for the County Extension Service. But it does not necessarily follow that if the county does furnish an office it must do so wholly without cost or expense to the Extension Service. Rather, we believe the entire matter of office facilities is something for free negotiation and mutual agreement as to terms and conditions. If a county is willing to provide office space in a county building — but only upon the condition that the Extension Service assume responsibility for certain costs or expenses, such as utilities and maintenance — the Service may either accept such a proposal or it may make such other arrangements as it may choose.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) C. C. Sheldon

Assistant Attorney General

CCS:smb
cc: Mr. Randy L. Stohl
Seward County Attorney
Seward County Courthouse
Seward, NE 68434

Seward County Extension Board
Seward County Courthouse Annex
Seward, NE 68434

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

Opinion No. 137
October 13, 1977

Dear Senators Koch and DeCamp:

You have requested our opinion on certain matters relating to LB 33 and LB 532, Eighty-Fifth Legislature, First Session, 1977. LB 33 has been made the subject of referendum petition pursuant to Article III, Section 3. LB 33 is suspended from taking effect until it has been approved by the electors of the state. We enclose a copy of a letter to the Commissioner of Education which answers this question.

In your second question you ask whether the Legislature is precluded from acting when a referendum is pending against an act of the Legislature? In Schreifer v. City of Auburn, 110 Neb. 179, 193 N.W. 350 (1923), the court considered a referendum on a city issue. This case does not specifically deal with the constitutional provisions although it does indicate generally that the court may allow some latitude to a legislative body in enacting legislation on matters that have been referred to the voters. In Schreifer, the referendum had been initiated against a paving ordinance enacted by the city. A statute in effect at that time provided that the mayor and city council could not alter, amend, modify, impair or render negatory ordinances enacted by direct vote of the voters. This of course referred to the initiative proceedings. The court there indicated that such a provision did not relate or purport to cover ordinances enacted by the legislative body and referred to the voters

for rejection. Therefore an amendment to that provision was authorized.

Similarly in Klosterman v. Marsh, 180 Neb. 506, 143 N.W.2d 744, the court did not directly discuss whether or not the Legislature could amend a referred bill. However in Klosterman the basic bill enacted an income tax. The bill was adopted on June 22, 1965 and became law July 1, 1965 without the Governor's signature. On July 23rd, a referendum petition was filed with the Secretary of State and on July 27th, while the Legislature was still in session, another bill was introduced that amended one section of the referred bill. This bill was passed and approved by the Governor. Subsequently the referendum petition drive was successful and the law suspended.

The amendment did not significantly alter the prior act. It simply changed one aspect of the proposed income tax code. The court said:

> "In this case we are not faced with the problem of a referendum petition against a specific legislative act in which changes or amendments made by the Legislature in a subsequent amending act might be such as to make them inseverable. Nor is this a case where the later amendment was so major and extensive as to make the issue to be presented to the voters unintelligible or so misleading as to be unfair or constitute fraud. Neither is this a case in which rejection of the act under referral by the voters would create confusion or upset the orderly process of legislation."

In part the court seemed to hold that the amendment was so minor that the fact that it was not part of the referendum did not make any difference. It did not of course deal with the specific issue as to the extent of the authority of the Legislature to act in a session subsequent to the successful initiation of a referendum petition. That question is unresolved in Nebraska case law.

One of the points argued in Klosterman was that referendum petition could not be commenced during the session at which a bill was enacted. The contention being that the act was not final until three months after the adjournment of the legislative session. The court in rejecting this argument said:

> ". . .To the extent this conclusion implies that the legislative power of initiative and referendum reserved to the people and the legislative authority granted to the Legislature may not be exercised concurrently, we disagree. Both the initiative and referendum involve the exercise of

> legislative power reserved to the people by the Constitution. The initiative is in no sense limited as to the time of its exercise. Neither are initiated laws limited to matters on which the Legislature has not acted. By the initiative process, the people may amend or even expressly repeal laws already enacted by the Legislature. By the referendum, the people may also reinstate an act which the Legislature has expressly repealed."

It may generally be said that most of the cases in which this issue has been considered, there is unanimous agreement that the legislative body may not act in such a manner as to make ineffective the exercise of the right of the people to vote on the referred bill. In, Re Referenda Petition No. 1, 1950, 203 Okl. 298, 220 P.2d 454, the Oklahoma court held that city councils did not have the power to amend or repeal an ordinance while referendum was proceeding against that ordinance. However, a contrary result was reached in Ex Parte Haley, 202 Okl. 101, 210 P.2d 653, in which the court held that where a referendum election had been held but was invalid and the Legislature reenacted the statute subject to referendum that the reenactment was valid. This holding was based upon a clause of the Oklahoma Constitution which provided that the utilization of the powers of initiative and referendum did not deprive the Legislature of the right to repeal any law or propose or pass any measure that was consistent with the constitution of the state.

Missouri in State ex rel. Drain v. Becker, 240 S.W.2d 229, held that the Legislature was unable to repeal a statute or to legislate on the same subject while a referendum was pending. Arizona adopted a similar rule with the exception that legislation on the same subject which conflicted with the referred matter could be enacted. Several other states may be cited in which the issue has been litigated.

Almost uniformly these cases repeat the admonition of the Nebraska Supreme Court in Klosterman v. Marsh, supra, to the effect that the initiative and referendum provisions of the Constitution should be liberally construed to make effective the powers therein reserved. Thus, we believe that the Legislature is not precluded from acting in the area of school aid. However, any action taken by the Legislature which may interfere or make ineffective the referendum power reserved to the people would undoubtedly be found to be invalid and in violation of the Constitution. It also, of course, may be assumed that an attempt to substantially amend or repeal LB 33 prior to the referendum vote, would be of very questionable validity.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:pjs
Enclosure
cc: Vincent Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Opinion No. 138
October 13, 1977

Re: Possible revision of section 71-1333(2)(c)

Dear Senator Fowler:

You have asked whether the language in section 71-1333(2)(c), R.R.S. 1943, is constitutional under the Supreme Court decision in Bates, et al. v. State Bar of Arizona, ___ U.S. ___ (June 27, 1977). If it is not, you have indicated that you want to introduce legislation to correct it at the next session of the Legislature.

Section 71-1333(2)(c) authorizes the Department of Health, upon recommendation and findings of the Board of Examiners in Embalming, to deny a license or to take disciplinary action against the license of a funeral establishment or a funeral director if the applicant or licensee is found guilty of unprofessional conduct including "circulating or causing to be circulated, via newspapers, pamphlets, circulars or by any other means, advertising containing photographs or any reproduction thereof of funeral service merchandise, or prices relating thereto."

Prior to the decision in Bates, above, the Supreme Court had held in Virginia State Board of Pharmacy, et al. v. Virginia Citizens' Consumer Council, Inc., 425 U.S. 748 (1976), that a state could not make all advertising of prescription drug prices a ground for disciplinary action against the license of a pharmacist. Such commercial speech is protected under the First Amendment. Thus it cannot be completely suppressed by the state even though the state can prohibit false or misleading advertising. Some restrictions on time, place and manner of advertising are also possible. In a footnote to that opinion, the court stressed that it was expressing

no opinion as to other professions, for example, physicians and lawyers, professionals who render services of infinite variety and scope.

In Bates, above, the Court did express an opinion about advertising of prices by lawyers. Two lawyers had placed an advertisement in a newspaper, stating the prices at which they would perform certain routine services. The Court held that "advertising by attorneys may not be subjected to blanket suppression, and that the advertisement at issue is protected." False, deceptive or misleading advertising, it said, may still be restrained. There may also be reasonable restrictions on the time, place and manner of advertising, for example, on in-person solicitation or on the use of electronic broadcast media.

The practice of embalming is a "profession" as defined in section 71-101(3) and 71-102, R.R.S. 1943. However, those licensed to do so not only render services of less infinite variety and scope than attorneys, but in addition to those services they also dispense products as a pharmacist does. Therefore it seems reasonable to assume that blanket suppression by the state of advertising of prices by such licensees was already prohibited by Virginia State Board of Pharmacy, above. If not, it surely is now by Bates, above. As you have indicated, the Legislature may want to eliminate a provision in the statute which is probably unconstitutional.

For your information, we are attaching a copy of Attorney General Opinion No. 114 (June 28, 1977) in which we discussed several other aspects of advertising by funeral establishments and funeral directors.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:cjb
enc.
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 139
October 14, 1977

Dear Senator DeCamp:

You have informed us that the Agriculture and Banking Committees of the Legislature intend to hold a hearing on the subject of Nebraska's economy, at which the Federal Reserve authorities will present information. You state that you expect a large crowd, and need more space than is available in the Capitol Building. You state that the Nebraska Bankers Association has agreed to rent facilities in the Cornhusker Hotel for this hearing. You ask whether this presents any problem of conflict of interest.

We have examined the Constitution and the statutes, and have been unable to find anything which would prohibit this procedure. We have particularly examined Chapter 49, article 11 of the statutes dealing with conflicts of interest. We do not believe that this article contains anything dealing with the situation you inquire about. Section 49-1103 prohibits a member of the Legislature from receiving any compensation for his services as a Legislator, but obviously this does not apply. The Bankers Association would, in efect, be making a contribution to the Legislature itself, or to the State of Nebraska, in the form of the rent they would pay for these facilities, but we find no prohibition against that. No individual member of the Legislature would profit from such contribution.

So far as we can ascertain from your letter, the Bankers Association would be doing this without having anything in particular to gain, and certainly not for the purpose of promoting or opposing any particular legislation. So far as we have been able to determine, there is nothing illegal or improper about the association's furnishing the facilities for such hearing.

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

Opinion No. 140
October 20, 1977

Dear Senator Kremer:

You have called our attention to LB 373, now pending before the Legislature, which would increase the permissible length of mobile

home loans, and have asked some questions about the effect of the present law, as having some bearing on the necessity for the passage of LB 373.

You ask what effect section 45-335(5) has on the validity of mobile home loans which are guaranteed by VA or FHA. This section provides that an installment sale contract must be payable within 145 months. On the other hand, federal statutes authorize VA and FHA to guarantee loans for longer periods than this. For example, 38 U.S.C. Section 1819 (d)(2) authorizes the VA to insure loans on mobile homes for periods up to 20 years and 32 days.

Under these circumstances, you ask whether section 45-335(5) can limit such loans to periods less than those for which VA or FHA guarantees are authorized. We conclude that it can.

Presumably, the question is whether the federal government has preempted the field with respect to the terms of loan contracts guaranteed by VA and FHA. Congress did preempt the field with respect to interest rates on federally insured loans by the passage of 12 U.S.C. Section 1709-1a, which provided that state constitutional or statutory provisions as to interest should not apply to such loans. This was, however, only on a temporary basis, and we find no such preemption with respect to the length of such loans. We have checked with attorneys for both VA and FHA, and they are aware of no such preemption either by congressional act or administrative regulation. We therefore conclude that section 45-335(5) operates to limit the length of such loans.

You ask whether the guarantee would be good, if the length of the loan was beyond the 145 month limitation. While this is a question which probably should be addressed to federal authorities, we believe it is doubtful. Section 45-344, R.R.S. 1943 provides that if a seller or sales finance company violates any provision of section 45-334 to section 45-353, other than interest violations, the contract shall be void and uncollectable as to the first $500.00 of the time price differential and the first $1,000.00 of the principal of the contract. This would apply to a mobile home loan covering more than 145 months.

24 C.F.R. 201.575, dealing with guaranteed loans, provides that the obligation must be valid and enforceable against the borrower. A loan such as you describe would certainly be invalid and unenforceable, to the extent specified in section 45-344. Therefore it would not qualify for federal guarantee. While we do not undertake to give an opinion as to the effect of a guarantee made in violation of federal regulations, we would assume that the guarantee was void.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pjs
cc: Vince Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Opinion No. 142
October 26, 1977

Dear Senator DeCamp:

You have asked for further explanation of our letters of October 13, 1977 to Dr. M. Anne Campbell, Senator Koch, and yourself. Your first question is, did L.B. 532 appropriate 75 million dollars or 55 million dollars to the School Foundation and Equalization Fund. L.B. 532, in the first paragraph of section 45, appropriated 55 million dollars to the School Foundation and Equalization Fund. As you know, during the course of the debates on L.B. 33, a determination was made that the language of L.B. 33 did not constitute an appropriations act. Therefore, language was added which was intended to appropriate 20 million dollars to the School Foundation and Equalization Fund. However, the language utilized simply appropriated any money allocated by L.B. 33. Since L.B. 33 was suspended from operation by a successful petition drive calling for a referendum election upon the Legislature's passage of L.B. 33, no money was allocated by L.B. 33 to the School Foundation and Equalization Fund for the fiscal year 1977-78.

The cases in Nebraska are quite clear in holding that the right of initiative and referendum reserved to the people must be construed to make effective the powers reserved. It is clear from the successful completion of the referendum petition drive that there is an intention that the people vote upon the enactment of L.B. 33. Part of L.B. 33 allocated specific sums of money to the School Foundation and Equalization Fund. Although these allocations were not an appropriation, they did allocate money to a particular fund. The fact that the Legislature in L.B. 532 appropriated the sums allocated by L.B. 33 in section 45 does not affect the right of the people to vote on the allocation in L.B. 33.

This rationale is clearly set out by the Supreme Court of the State of Nebraska in Lawrence v. Beerman, 192 Neb. 507, 220 N.W.2d 809 (1974). In Lawrence, L.B. 772, Eighty-third Legislature, Second Session, 1974, was under consideration. L.B. 772 was entitled "AN ACT to adopt the public school support act of 1974." L.B. 772 was made subject to a referendum which was successful. The court made several pertinent observations in that case which are applicable to the current situation involving L.B. 33. The court, in part, there held:

> ". . . Legislative Bill 772 does not appropriate or set apart from the public revenue a certain sum of money and is not a specific appropriation, as required by our Constitution, but on the other hand sets up a new scheme for local public school district taxation and financing. Our decisions in these matters are clear that such an act does not constitute an appropriation measure, within the meaning of the Constitution. [Citations omitted.] It appears on the face of Legislative Bill 772 that no appropriation in the constitutional sense was intended because the act, by its terms, sets up a funding provision, providing for contributions, and provides that the act shall not become operative until September 1, 1976."

The court also held that the portion of the initiative and referendum provisions of the Constitution which except appropriations must be strictly construed to mean the ordinary expenses of operating of state government and existing state institutions and not money or appropriations or funds created which have as their end a new or different method of financing of state delegated or created local units of self-government.

Obviously, a part of L.B. 33 was the increased funding of local units by the state. In order to make effective the referendum power that part of L.B. 33, as well as its other portions must be subject to the people's vote. Additionally, the suspension of L.B. 33, as noted above, suspends the operation of the entire act. See Article III, section 3 of the Constitution. Thus, there is left nothing upon which the language of the second sentence of L.B. 532 section 45 could operate.

In your second question you ask whether "the restoration of ten million dollars to be distributed under section 79-4,160 through 79-4,169 would constitute a substantial amendment of L.B. 33." We do not understand precisely the issue which you raised by this question. L.B. 33 did not affect any sum of ten million dollars

with respect to the provisions of sections cited in your question. In previous years the Legislature, in appropriating sums to be distributed to the local school systems, has made two separate appropriations. The first appropriation has been 45 million dollars to the School Foundation and Equalization Fund. Sections 79-1330 through 1344 control the distribution of funds to local school districts under the School Foundation and Equalization Fund. A separate appropriation, of ten million dollars, has been made to a separate program. This sum has been distributed under the terms of section 79-4,160 through 4,169, R.R.S. 1943.

In the latter sections it is expressly recognized that a separate sum may be appropriated for distribution under the formula contained in those sections. If your question is, may the Legislature now amend L.B. 532 to provide that 45 million shall be distributed under sections 79-1330 through 1344 and 10 million shall be distributed under sections 79-4,160 through 4,169, it is our opinion the Legislature may.

L.B. 33, although it would have altered the formulas contained in both of the above sets of statutes, does not directly relate to the distributional problem posed by the method in which money was appropriated this year. Nor, does it seem to us that a return to the preexisting status quo adversely affect the power of referendum. In Klosterman v. Marsh, 180 Neb. 506, 143 N.W.2d 744, as pointed out in our letter to you October 13, 1977, the Supreme Court has indicated that actions by the Legislature that are not inconsistent with the exercise of the referendum power do not violate the Constitution. It may be argued that amending L.B. 532 will not be a major or extensive change in the law so as to make the issue presented to the voters unintelligible nor is it likely the rejection of the referred act by the voters is likely to cause confusion.

Our comments are somewhat speculative because we do not have the precise proposal that may be introduced. Any proposal should be examined in light of Klosterman, supra, and other relevant cases prior to its adaption.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O. Brien
Assistant Attorney General

PTO:cjb
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 143
November 3, 1977

Dear Senator Warner:

You have requested the opinion of this office concerning legal representation of state agencies in a situation in which one state agency proposes to take legal action against another state agency. In addition, you inquire as to what responsibility the Legislature has to provide general fund support for state agencies requesting funds for legal services.

In regard to your first question you have posed two hypothetical examples of problems which you are concerned with. The first is a situation in which a state college brings suit against a state agency, and the second is a situation in which one state agency takes legal action against another state agency for violation of the first agency's regulations.

The first hypothetical situation does not pose a problem concerning legal representation. This office, pursuant to authority contained in section 84-205, R.R.S. 1943, and pursuant to its common law powers, is authorized to represent the state and its agencies in legal matters. This office, however, does not represent a state college or the Board of Trustees of the Nebraska State Colleges. The Legislature, in section 85-302, R.R.S. 1943, has designated the Board of Trustees of Nebraska State Colleges as a body corporate which may sue and be sued. As such, it is a separate legal entity from the State of Nebraska in much the same way that a county or a city is a separate legal entity. Therefore, this office is not authorized to give the Board of Trustees of the Nebraska State Colleges legal advice or representation, and the Board of Trustees traditionally has employed its own legal counsel just as has the University of Nebraska Board of Regents. Therefore, in your hypothetical example in which a state college brings a suit against a state agency the state college would be

represented by its own legal counsel while this office would represent the state agency.

The second hypothetical question you pose also normally does not present a problem. Section 84-205(4) states that the Attorney General is only required to prosecute or defend for a state agency when he is convinced that there is sufficient legal merit to justify the proceeding. Therefore, normally when a dispute would arise between two agencies, the Attorney General could determine which position has legal merit and decide the question without the necessity of filing a lawsuit. However, in those situations in which, becauseof their nature, it appears that formal litigation is required, the Atorney General could elect which of the agencies he wishes to represent in the action and pursuant to authority contained in section 84-205(4) authorize the other state agency to retain special attorneys or counselors at law to represent it for purposes of that action. Historically, however, this has been an unusual occurrence.

Your second question deals with the responsibility of the Legislature to provide general fund support for state agencies requesting funds for legal services. An example which you cite is a request by the Board of Trustees of the State Colleges for a certain amount of money for attorneys' fees. The concern you express is that in some instances the Board of Trustees has used this money to sue the state or state agencies. As a general principle the Legislature has absolute control over the monies contained in the general fund of the State of Nebraska. Along with this authority, however, is the obligation to make provision for the expenses of government as is provided in Section 22, Article III, of the Nebraska Constitution. The State Constitution specific (Section 25, Article III); but it may not be so specific so as to invade the constitutional rights and powers of other boards or agencies. State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490; Board of Regents v. Exon, 199 Neb. 146. In general, the Legislature does not have an obligation to appropriate money to state agencies or to the Board of Trustees of State Colleges for legal services. However, it should be remembered that the Board of Trustees of State Colleges may then be without any legal advice since this office is not authorized to render legal services to it. Assuming that some appropriation needs to be made for legal services for the Board of Trustees of State Colleges, the Legislature cannot, via the appropriations bill, give directions to the Board of Trustees as to how the appropriated funds for legal fees may or may not be used. And was stated in
Board of Regents v. Exon, supra, at page 149:

"The Legislature can not use an appropriation bill to usurp the powers or duties of the Board of Regents and to give directions to the employees of the University. The general government of the University must remain vested in the Board of Regents. In prescribing the powers and duties of the Regents a legislative act must not be so detailed and specific in nature as to eliminate all discretion and authority on the part of the Regents as to how a duty shall be performed."

We have attempted to answer your questions in a general manner, looking particularly at the hypothetical situations which you have presented. If you have further questions concerning specific situations, we will attempt to give you more specific answers. Hopefully, however, this letter will provide you with the general information you need.

Yours very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gary B. Schneider
Assistant Attorney General

GBS:pjs
cc: Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Opinion No. 145
November 18, 1977

Dear Senator DeCamp:

You have called to our attention the fact that punchboards and other types of lotteries have been determined to be lawful if used in conjunction with certain activities and you ask if slot machines if used for these same purposes would also be legal.

In Opinion No. 48 dated February 17, 1977, we were of the opinion that punchboards are lotteries and are lawful if utilized in conjunction with activities specifically outlined in sections 28-964.01 to 28-965.05, R.R.S. 1943. A copy of that opinion is included for your reference.

The question whether or not slot machines would also be legal as logical extensions of the reasoning applicable to punchboards is a

difficult one. We are of the opinion that it would be extremely difficult to predict how the Nebraska Supreme Court would rule on this question and would be reluctant to speculate on how far the court would go in permitting gambling and the use of gambling devices for the purpose of business promotion or community betterment.

In your letter you indicate that you are considering legislation on the subject of gambling generally and we believe that a legislative statement in the form of legislation specifically allowing slot machines or specifically prohibiting them would be of great value in any litigation attempting to define the limits of the use of gambling devices for the purposes declared to be lawful by the Nebraska Supreme Court.

You have also asked our opinion as to the constitutionality of Rule No. 8 of the Nebraska Liquor Control Commission. Rule 8 provides:

> "No licensee holding a license covering premises open to the public for the sale of intoxicating liquor or beer shall directly or indirectly permit gambling on or in the licensed premises; nor shall he permit the operation or possession of any payoff gambling device, slot machine, or punchboard, mechanical or otherwise, whether payoff is in cash or merchandise, in, on or about the licensed premises."

The Nebraska Supreme Court has held that the power to regulate all phases of the control, manufacture, distribution, sale and traffic of intoxicating liquors is vested exclusively in the Liquor Control Commission. City of Lincoln v. Nebraska Liquor Control Commission, 181 Neb. 277, 147 N.W.2d 803.

The Nebraska Supreme Court has also held that the Liquor Commission may promulgate such reasonable rules and regulations as it may deem necessary to carry out the purposes of the Liquor Control Act. State ex rel. Nebraska Beer Wholesales Assoc. v. Young, 153 Neb. 395, 44 N.W.2d 806.

With respect to the control of the liquor industry, the Nebraska Supreme Court held:

> ". . . The control of the licensed liquor business is different than the ordinary exercise of the police power of an unlicensed business for the protection of the health, safety, morals, and welfare of the public. The engaging in the sale of intoxicating liquors is a mere privilege; and restrictive regulations or even a suppression of the traffic does not violate provisions of the state and federal

> Constitutions relating to the due process, privileges or immunities, uniformity, nor, unless wholly arbitrary in their discr between persons, the equal protection of the law. . . ."

Tom & Jerry, Inc. v. Nebraska Liquor Control Commission, 183 Neb. 410, 160 N.W.2d 232.

Many phases of the liquor industry are highly regulated and many aspects of the conduct of this business are prohibited outright where such practices would be common to other types of businesses. For example the extension of credit to purchasers of liquor is strictly forbidden whereas most all other types of business activity relies heavily upon credit practices. Retailers of liquor are also forbidden to sell to certain persons whereas most other businesses are not so restricted.

We are therefore of the opinion that Rule 8 of the Nebraska Liquor Control Commission would most likely survive close constitutional scrutiny by a court of competent jurisdiction.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

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

Opinion No. 148
November 29, 1977

Dear Senator Simon:

Legislative Bill 1201, enacted at the 1972 Session of the Legislature and now appearing as sec. 18-416, R.R.S. 1943, provides:

> "No public or private utility company furnishing water, natural gas, or electricity at retail in this state shall discontinue service to any domestic subscriber for nonpayment of any due account unless the utility company shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination. As to any subscriber who has previously been identified as a welfare recipient to the

> company by the county welfare department, such notice shall be by certified mail and notice of such proposed termination shall be given to the county welfare department."

You have requested our opinion as to whether the last sentence of the statute is unconstitutional, as being an invasion of privacy.

As a preliminary matter, it will be noted that the statute requires that ermination notices be given by the utility to the Welfare Deprtment only with respect to subscribers whom the Department has previously "identified" to the utility supplier as being a welfare recipient. It appears, therefore, that the Department has discretion as to whether such identification shall be made in any given case. Be that as it may, even in those instances where the Welfare Department does elect to notify the utility supplier, we see nothing in such an arrangement which would constitute an unlawful infringement upon the constitutional right to privacy of the individual welfare recipient assuming that no other information were divulged.

Actually your specific question has to do only with the constitutional matter of right to privacy; and what we have already said is probably sufficient in that regard. However, it occurs to us that the position which you indicate has been taken by some county welfare departments may be based upon or related to the fact that Title IV, Sections 402(a) of the Federal Social Security Act provides:

> "A state plan for aid and services to needy families with children must . . . (9) provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of aid to families with dependent children."

Similar state plan requirements appear in other titles of the federal act with respect to assistance for the aged, blind or disabled.

In order to comply with those provisions relative to the safeguarding of information, the Legislature enacted what is now sections 68-312 to 68-314, R.R.S. 1943. Section 68-313 contains the general prohibition against disclosure of information, and reads as follows:

> "It shall be unlawful, except as permitted by section 68-313.01 and except for purposes directly connected with the administration of general assistance, old age assistance, aid to the blind, or aid to dependent children, and in accordance with the rules and regulations of the Department

> of Public Welfare, for any person or persons to solicit, disclose, receive, make use of, authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, any information concerning, or persons applying for or receiving such aid or assistance, directly or indirectly derived from the records, papers, files, or communications of the state or county, or subdivisions or agencies thereof, or acquired in the course of the performance of official duties." (Emphasis added.)

The obvious main thrust of both the federal and state restrictions is to prevent the misuse of welfare roles and related information for undesirable commercial purposes; and toward that end unauthorized disclosure of information is made unlawful. However, both the federal and state laws expressly contemplate authorized disclosure of information for purposes "connected with the administration" of the various public welfare assistance programs.

Deprivation of any of the essential utility services, such as water, gas or electricity, can cause extreme hardship of varying degree depending upon the particular circumstances and conditions existing in any given situation. The purpose of section 18-416, of course, is to give advance notice of the impending discontinuation of utility service and afford and opportunity for prompt action to avoid such consequences. In the case of utility services being furnished to welfare recipients, the Legislature has recognized the proposition that the state, through its county welfare departments, has a direct and legitimate interest in the preservation of an uninterrupted supply of necessary utility services. Certainly, a requirement that county welfare departments be notified of any impending interruption or termination of service is a means well calculated to protect the state's interest in the matter; and such protection is best effectuated by informing the utility suppliers of the identity of such welfare receipients with respect to whom the county welfare department desires to be given notice of poposed termination of service.

We believe that the notice provided for in section 18-416 reflects a purpose directly connected with the administration of public assistance and that the statute is inno way repugnant to other existing federal or state restrictions upon disclosure of information concerning recipients of public welfare.

You also raise a question with respect to the matter of utilities requiring a deposit as security for the payment of service bills;and you ask "if a law were established which stated that all persons

who did not have a good credit record would pay a deposit, would this be discriminatory and therefore unconstitutional?''

It is generally recognized that a public utility may require a deposit from its customers, provided that the amount is reasonable and the requirement is not applied in a discriminatory fashion. The objective of any security deposit requirement, of course, is to reduce the bad debt losses of the public utility and is justifiable by reason of the fact that in order to insure a fair return to the utility the bad debt incidence necessarily results in an increase in utility rates passed on to all customers.

The constitutional guarantees of equal protection of the law is afforded to public utility users if the utility credit requirements and classifications adopted are reasonably related to protection against bad-debt losses. 64 Am.Jur.2d Public Utilities Section 46, p. 583.

Requirement of a security deposit by all subscribers having a bad credit record, in our judgment, would not be unconstitutionally discriminatory if applied equally and uniformly to all persons falling within that classification. Whether a similar requirement would be valid with respect to persons who, although not having a bad credit record, simply have no established credit record or history presents a somewhat closer question; but we are inclined to believe that such a rule also would be lawful. The application of this principle, although in a somewhat reverse fashion, was approved by the court in Wood v. Public Utilities Commrs. (Cal.), 481 P.2d 823. In that case a credit rule whereby there was excepted from the requirement of a security deposit any subscriber able to establish credit ''to the satisfaction'' of the utility company was found not to be a denial of equal protection to persons unable to do so.

We cannot give a categorical opinion as to when the amount of a security deposit requirement may become so unreasonably high as to be unlawful. As a general proposition, it is probably safe to say, the deposit should be such an amount as is reasonably commensurate with the charges which might be expected to be incurred by the subscriber.

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
State Capitol Building

Opinion No. 147
November 25, 1977

Dear Senator DeCamp:

In your letter of November 16, 1977, you state that you have drafted legislation to add another dollar to the present one dollar collected as court costs in criminal cases pursuant to section 84-1429, R.R.S. 1943. The money so collected is paid into the State Treasury and credited to the Law Enforcement Improvement Fund. You have asked whether your proposed bill would be constitutional, which, or course, raises the question of the validity of the present provisions.

The answer to your question is far from certain. It has not, so far as we have found, been answered by our court, and the courts of other jurisdictions have split on the issue, and those that have held such provisions invalid have done so on various inconsistent grounds.

The Oklahoma court, in Ex parte Coffelt, 228 P.2d 199, 93 Okla. Crim. 343 (1951), struck down a statute providing for a one dollar charge to be added to costs in criminal cases, and transmitted to the State Treasurer, to be used to defray the expenses of the Pardon and Parole Officer. The court held the charge was not properly "costs" but a tax, and that the Legislature had attempted to make the court a tax-gathering agency, in violation of the doctrine of the separation of powers.

The same court reached the same conclusion in a similar situation in Ex parte Miller, 263 P.2d 522, 97 Okla. Crim. 351 (1953), in which the money was to be used to fund the Pension and Retirement Fund for Policemen.

In People v. Barber, 14 Mich. App. 395, 165 N.W.2d 608 (1968), the court struck down a statute providing for additional costs of ten percent of the fines for criminal offenses, with some exceptions.

The charges collected were to be used for the training of law enforcement officers. The court did not hold it to be a tax, but an additional fine, and held that the statute conflicted with a constitutional provision that all fines collected should be used to support public libraries and county law libraries. If the Nebraska court were to follow the same path, it could hold that such additional charges were fines, and were required to be used in support of the common schools, as provided by Article VII, Section 5 of the Nebraska Constitution.

Our court has not spoken on the subject. In State ex rel. Douglas v. Gradwohl, 194 Neb. 745, 235 N.W.2d 854 (1975), the court took note of both section 84-1429 and section 24-703(3), (which provides for the taxation of costs of one dollar for the Nebraska Retirement Fund for Judges). However, the constitutionality of these sections was not challenged in that case, and the case cannot be considered a holding as to the validity of these sections.

Some courts, however, have specifically upheld provisions very similar to ours. In State v. Young, 238 So.2d 589 (Fla. 1970), a statute was involved which provided for the assessment of one dollar as court costs against every person convicted of violation of a state criminal statute or a municipal or county ordinance, with the money to be deposited in the state general fund. The court upheld the statute, saying:

> "The assessment contemplated by section 14 is levied only after a conviction has been secured in cases not civil in nature. It is not unreasonable that one who stands convicted of such an offense should be made to share in the improvement of the agencies that society has had to employ in defense against the very acts for which he has been convicted."

The above case would appear to overrule Flood v. State, 117 So. 385 (Fla. 1928), which had invalidated a charge as costs to establish and maintain a law library in the courthouse, holding it was a tax, and repugnant to the right to free and reasonable access to the courts.

In Carter v. City of Norfolk, 206 Va. 872, 147 S.E.2d 139 (1966), the court upheld a statute providing that five dollars should be added to the costs of a person convicted of an offense which was required to be reported to the Division of Motor Vehicles, to be used to partially defray the costs of administration of the Division. It is therefore apparent that there is no unanimity among

the jurisdictions as to the validity of such provisions. We normally start with a presumption of the validity of acts passed by the Legislature. While we cannot say with any degree of certainty that our court would uphold such a provision, in view of the super majority required by Article V, Section 2 of our Constitution to invalidate a legislative act, it is our opinion that the present law, and your proposed amendment thereto, could probably be successfully 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
State Capitol Building

Opinion No. 150
December 6, 1977

Dear Senator DeCamp:

You have requested the opinion of this office concerning whether an amendment to LB 38, which you are considering, would be constitutional. The amendment you are considering would amend LB 38 so as to be substantially the same as the law is now. That amendment is:

> "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."

This provision presents a constitutional question as to whether compulsory self-incrimination would be required. Although the provision is questionable, we believe that the provision on its face could be defended against constitutional attack so long as the provision's interpretation is limited so as to merely require the

convicted person's attendance at such an interview session and so as not to require the individual to divulge information which may tend to incriminate him concerning either the crime for which he was convicted or other crimes. If, on the other hand, the provision were interpreted so as to require divulgence of incriminating information, then it would probably run afoul of the Fifth Amendment to the United States Constitution. The language of the provision itself is not clear as to whether mere attendance at the interview is required or, conversely, whether divulgence of such information is required. Perhaps the provision could be worded in such a way as to make clear that the person convicted is not required under that section to divulge information which may incriminate him.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Gary B. Schneider
Assistant Attorney General

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

APPRECIATION

Received note of appreciation from the Keith Boughn family.

COMMUNICATIONS

Acknowledged receipt of House Joint Resolution No. 25 from the State of Montana urging Congress to review OSHA.

Acknowledged receipt of House Concurrent Memorial 2003 from the State of Arizona regarding federal appropriations.

Acknowledged receipt of Resolution 77-02 from the National Federation of the Blind of Nebraska commending the Legislature and Governor for securing the right of the blind to a secret ballot.

Acknowledged receipt of Resolution 97, Senate Joint Resolution 858 regarding federal appropriations and Resolution 47, House Joint Resolution 133 from North Carolina regarding local units of government containing land owned by federal government.

Acknowledged receipt of Resolutions from the Transport Workers Union of America regarding equal rights and right-to-work laws.

Acknowledged receipt of Resolutions from the International Association of Chiefs of Police regarding local crime prevention programs and intelligence systems.

Acknowledged receipt of Resolution from the Eastern Nebraska Office on Aging Governing Board regarding the Homestead Exemption Act.

REPORTS

Public Employees Retirement Board

August 9, 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:

Actuarial Valuation
Nebraska State Employees Retirement System
January 1, 1976 through December 31, 1976;

Actuarial Valuation
Nebraska County Employees Retirement System
January 1, 1976 through December 31, 1976.

Respectfully submitted,
(Signed) Kenneth D. Steinmiller
Director

KDS:dvh
Enclosures: 2

December 20, 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-Second Actuarial Valuation, Nebraska State Patrolmen's Retirement System, July 1, 1976 through June 30, 1977;

Thirteenth Actuarial Report, Nebraska Judges Retirement System, July 1, 1976 through June 30, 1977;

Twenty-Sixth Actuarial Report, Nebraska School Retirement System, July 1, 1976 through June 30, 1977.

The actuarial valuation reports for the following retirement systems were previously forwarded to your office on August 9, 1977:

Nebraska State Employees Retirement System, January 1, 1976 through December 31, 1976;

Nebraska County Employees Retirement System, January 1, 1976 through December 31, 1976.

Respectfully submitted,
(Signed) Kenneth D. Steinmiller
Director

KDS:dki
Enclosures - 3

(Actuarial valuation reports on file in the Clerk's office.)

Natural Resources Commission

September 2, 1977

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

Dear Vince:

Section 2-3295 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 Development Fund has been in existence just over three years as a state program. During that time there have been twenty-five project requests for financial assistance through the Development Fund. Those twenty-five projects have requested in excess of 15.7 million dollars as seventy-five percent of the local share of the project. The local share would be another 3.9 million dollars. Federal sources of funding make up the remainder which ranges up to fifty percent of the total project cost. Not all of the project proposals have been funded, however, about 13 million dollars are requested for viable projects under the Fund.

Project fund requests and fund disbursements are now proceeding according to project readiness. The Fund has become more than "just another state program;" it is a highly functional, working program involving local, state and federal people in 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. I sincerely believe that this third annual report will aid you in monitoring the progress of the Nebraska Resources Development Fund in its role of resource development.

I have also taken the liberty of providing each of Nebraska's Senators with a copy of the 1977 Report. If you have further questions relative to the Development Fund, please do not hesitate requesting assistance from this office.

Sincerely,
(Signed) Dayle E. Williamson
Executive Secretary

DEW:RLH:mfh
(Annual report on file in the Clerk's office.)

November 28, 1977

The Honorable J. James Exon
Governor, State of Nebreaska
and

Members of the Legislature

We take pleasure in submitting the report of the Advisory Board on the Nebraska Water Conservation Act of 1977 (L.B.450). The Act created the "Nebraska Water Conservation Fund" to be administered by the Nebraska Natural Resources Commission. The Act further provided for appointment of an advisory board to prepare recommendations for the Governor and the Legislature on how the Nebraska Water Conservation Fund should be administered, funded, and distributed.

In carrying out this assignment, the Advisory Board held six meetings from August through November. Considerable assistance was also provided to the Advisory Board by the Agricultural Conservation and Stabilization Committee, the Soil Conservation Service, the Department of Water Resources, the Department of Environmental Control, the Game & Parks Commission, the University of Nebraska's Institute of Agriculture and Natural Resources, the Department of Agriculture, the State Office of Planning & Programming, the Department of Health, the Department of Economic Development, the Department of Revenue, and the Conservation and Survey Division of UNL. Special recognition is given to the staff members of the Natural Resources Commission for their assistance and input.

The Advisory Board also carried out a 30-day public comment period during the month of October. A number of excellent suggestions were received from agencies, political subdivisions, groups and individuals during the comment period. A number of the suggestions were incorporated in the Advisory Board report.

Prior to preparing the recommendations, the Advisory Board determined that the development of a program outline was necessary. That outline is found as Exhibit A in the report and entitled, "The Nebraska Water Conservation Program". That program establishes the purpose, provides administrative details, and establishes practices that are eligible for cost-sharing under the Act.

Exhibit B outlines the detailed recommendations of the Advisory Board as required in Section 7 of the Act. Exhibit C suggests certain legislative modifications that should be considered by the 1978 Legislature.

In conclusion, the Advisory Board feels that the establishment of the "Nebraska Water Conservation Program" is feasible and in the interest of citizens of the State. The Board further recommends that the initial funding level be established at $1,000,000.

As provided by the Act, the Board remains in existence until July 1, 1978. If the need arises for additional input, we stand ready to respond.

Respectfully submitted,

(Signed) Mr. Gene Smith; Mr. James Dickinson; Mr. Harold Ledingham; Mr. James Barr; Mr. Milton Fricke; Mr. Raymond Burke; Mrs. Judith Walsh; Mr. Harold Stevens; Mrs. Dolores Christensen; Dayle E. Williamson, Secretary, Advisory Board.

(Water Conservation Program on file in the Clerk's office.)

Department of Public Institutions

December 14, 1977

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

Dear Mr. Brown:

Pursuant to the Legislative Fiscal Office letter of July 20, 1977, with reference to the Legislative intent per LB532, page 17, "Funding is provided for 24 patient care staff in male security, 21 patient care staff-comprehensive care, and for a Lincoln Regional Center superintendent and business manager or hospital administrator."

Male security staff - the additional staff provided has allowed us to accomplish the following: Provide one complete ward (S-4) of 22 beds for Penal Complex referrals; isolate all of the sexual sociopathic commitments in one ward (S-1) which is in keeping with State Statutes; opening a part of another ward of 12 beds; and also allowed us to improve the staff on the other wards.

Comprehensive care - the additional staff was used to take care of lack of staff to meet both ICF-MR Certification and JCAH Accreditation for ACFMR-DD. In so doing, we have also developed a center for prevocational skills. The center's staff also will help out on the Living Unit in cases of emergency.

We presently have a Chief Executive Officer and we are recruiting a Board Certified Psychiatrist for Clinical Director. Until

the position is filled, Dr. Hartmann, our Director of Medical Services, is spending part of his time providing this service. Our present top administrative structure for the three Regional Centers is to either have a Board Certified Psychiatrist as the Superintendent supported by a Hospital Administrator, or a Chief Executive Officer supported by a Board Certified Psychiatrist as the Clinical Director.

Sincerely,
(Signed) Jack M. Cleavenger
Director

JMC/wpc
cc: Senator Richard D. Marvel
Senator Jerome Warner

December 14, 1977

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

Dear Mr. Brown:

Pursuant to the Legislative Fiscal Office letter of July 20, 1977, with reference to the Legislative intent per LB532, page 18, "Community-Based Mental Retardation Governing Boards should follow FY 77-78 budget recommendations of the State Office, except special consideration for Region IV."

Two major problems are apparent concerning compliance by the Community-Based Mental Retardation Regions with the Legislative intent provisions of LB532 and LB539. Since the Department of Public Institutions does not have authority to require regional compliance with Legislative intent, these noncompliance issues are presented for informational purposes only, subject to any remedial action the Legislature may take.

Salary Adjustments

LB532, Section 10(5) page 12, paragraph 1. This section stated the intent of the Legislature is that the Mental Retardation Regions should provide for a maximum of a six percent salary policy increase in FY 77-78.

An on-site review of CBMR regional payroll records conducted by DPI staff in November, 1977, concluded the following salary policies had been implemented by the mental retardation regions:

Region 1 - The average salary increase given was 7 percent. The raises varied from no increase for two employees whose wages were "frozen" to 15.72 percent for employees with "special consideration." The highest paid position in the region was given an 8.02 percent salary increase.

Region II - The average salary increase was 6.45 percent. Two payrolls are used in Region II - one for the North Platte area and one for the rest of the region. The average raise in the North Platte area was 7.11 percent. The average raise in the remainder of the region was 6.22 percent. The raises given ranged from 3.33 percent to 20.57 percent.

Region III - The average salary increase was 5.36 percent. Increases ranged from zero for employees who had not completed their probationary period to 42.11 percent for two employees who had received promotions to higher classifications on the pay plan.

Region IV - Region IV was exempted in this section of LB532 so it could attempt to increase salaries to a level approaching the other five regions. The average salary in Region IV was increased by approximately 11.1 percent during the first four months of FY 77-78.

Region V is in substantial noncompliance with six percent average salary increase provision of LB532. Average salary increases over a year earlier were approximately ten percent. This violation is particularly severe in our opinion since Region V is already substantially higher paid than the other mental retardation regions. The salary disparity between Region V and the other regions has been increased due to the noncompliance with LB532 by Region V. The other regions, with minor exceptions as noted, seemed to have complied with the salary increase limit which the Legislature intended in FY 77-78.

Region VI - The region gave no salary overall increases during the first four months of the fiscal year. The agency's policy is to give 3% salary increases on the employee's anniversary date thereafter. The raises given in FY 77-78 will therefore be either 3%, 6% or both a 3% and 6% (totaling 9%) raise depending on the employee's initial date of employment. The average raise should be approximately 6% per employee. Two exceptions were noted: First, some revisions to the agency pay plan are awaiting approval of the governing board and if approved, some

classifications will be moved to increased ranges on the pay plan effective January 1, 1978. The exact number of these proposed increases is unknown at this time. Second, it was noted that the new agency director was hired at a beginning salary rate which exceeds the rate paid to the previous acting director by slightly more than 25 percent.

Program Expansion

Region VI is in substantial noncompliance with the requirement in LB539 that funds were appropriated for deinstitutionalization in FY 77-78. The Region has maintained that no funds are available for expansion in FY 77-78. The annual independent CPA audit of Region VI indicates otherwise. Region VI has a fund balance on June 30, 1977 of $883,963 up from the balance of $496,831 a year earlier on June 30, 1977. Region VI changed accounting policies during FY 76-77 and had the Region followed accounting procedures consistent with previous fiscal years, the fund balance on June 30, 1977 would have been $1,022,571.

The CPA audit for Region VI indicates that total expenses for ENCOR during FY 76-77 were $5,139,661. For FY 77-78 the Governing Board has approved an operating budget with revenues totaling $6,239,722, and increase of $1,100,061 or 21.4% over actual expenses incurred during FY 76-77.

Due to the massive fund balance present in Region VI on June 30, 1977 and the tremendous increase in revenues available to the Region in FY 77-78, we feel their contention that no funds are available for expansion this fiscal year is totally unfounded. The Region has moved only five clients out of the BSDC during the first five months of this fiscal year.

We feel it is appropriate to reiterate part of the budget narrative concerning Region VI which we submitted with out budget recommendations last September: "It is clear from recent experience, that on a dollar for dollar basis, additional funding for Region VI (ENCOR) purchases considerably less deinstitutionalization than the results obtained by the other five regions."

Sincerely,

(Signed) Jack M. Cleavenger
Director

JMC/wpc
cc: Senator Richard D. Marvel
Senator Jerome Warner

December 14, 1977

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

Dear Mr. Brown:

Pursuant to the Legislature Fiscal Office letter of July 20, 1977, with reference to the Legislative intent per LB532, page 18, "Federal funds for Beatrice Developmental Center reflect an increase in such funds for children's medical services pursuant to LB311, 1977."

The receipts from the above were estimated by the Department to be just over $1,000,000.00.

As of this date we have realized no receipts from this new source of revenue. We will be keeping the Legislative Appropriations informed on any developments, in as much as the Beatrice Developmental Center operating budget will be short for FY77-78 if all these funds are not realized.

Sincerely,
(Signed) Jack M. Cleavenger
Director

JMC/wpc
cc: Senator Richard D. Marvel
Senator Jerome Warner

December 19, 1977

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

Dear Mr. Brown:

Pursuant to the Legislative Fiscal Office letter of July 20, 1977, with reference to the Legislative intent per LB532, page 17, "Lincoln Regional Center personal service expenditures shall not be less than FY76-77 with salary policy adjustments."

During FY76-77, Lincoln Regional Center personal service expenditures averaged as follows: Total Expenditures $4,950,999; Average F.T.E. 475.4; Average Annual Salary 10,414

During FY77-78 through the month of October the average has been as follows: Total Expenditures $1,703,104; Average F.T.E. 507.1; Average Annual Salary 10,000

There are still positions to be filled that were provided for in the appropriation.

Sincerely,
(Signed) Jack M. Cleavenger
Director

JMC/cb17,18
cc: Senator Richard D. Marvel
Senator Jerome Warner

December 19, 1977

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

Dear Mr. Brown:

Pursuant to the Legislative Fiscal Office letter of July 20, 1977, with reference to the Legislative intent per LB532, page 15, "Department shall submit a report detailing improvements in the billing system due to additional funding."

The system as presently planned will provide these additional benefits over our present system:

Provide the counties with balances forward receipts, plus other information that they have been requesting.

Provide an itemized billing showing room rate charges, drug charges, physician charges, and ancillary charges.

Provide a more auditable system that has been approved by the Auditor's Office.

Eliminate the need of hand billing when there is more than one guarantor.

Speed up the time frame in getting out statements.

Improve the system of billings to Welfare for Title XIX patients.

Emphasis was made to design the system so as to eliminate all possible errors.

The system will eliminate many manual records.

Once the system is implemented and operating, we hope it will eliminate some of the clerical staff. Program costs are running

over the $24,500. We hope to have the system in full operation by July 1, 1978. Some delay was caused by the need to set up interest-bearing accounts for all M.R. patients because of the court decree.

Sincerely,
(Signed) Jack M. Cleavenger
Director

JMC/cb15
cc: Senator Richard D. Marvel
Senator Jerome Warner

December 13, 1977

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

Dear Mr. Brown:

Pursuant to the Legislative Fiscal Office letter of July 20, 1977, with reference to the Legislative intent per LB532, page 18, "Department may contract with Department of Health for citizen advocacy services for disabled."

As per the attached copy of the signed Agreement between the Department of Health, Division of Developmental Disabilities, and the Department of Public Institutions, we have contracted with them to perform the following:

Developmental Disabilities hereby agrees to develop and implement statewide citizen advocacy services. The director of Developmental Disabilities shall be responsible for the proper administration and for the necessary staff to carry out the citizen advocacy services. The administration shall be responsible for:

(1) Developing criteria for the use of these funds in the provision of citizen advocacy services;

(2) Selecting, according to the criteria developed in subsection (1) of this section, by contracting with and awarding grants to appropriate organizations to implement citizen advocacy services on a statewide basis:

(a) In order that persons with developmental disabilities in all geographical sections of the state shall have citizen advocacy services available;

(b) In order that persons with differing types of developmental disabilities shall have citizen advocacy services available appropriate to their particular problems;

(3) Monitoring and evaluating contracted and grantee citizen advocacy services;

(4) Providing for the coordination of citizen advocacy services with the Nebraska Protection and Advocacy Agency, including the cooperative development of a Public Education Plan, coordinated training and education programs, and cooperative development of a Nebraska long-range plan for personal advocacy services; and

(5) Maintaining and reporting on the programmatic and fiscal status of contracted citizen advocacy services.

Sincerely,
(Signed) Jack M. Cleavenger
Director

JMC/wpc
Attachment
cc: Senator Richard D. Marvel
Senator Jerome Warner

AGREEMENT
Between the
NEBRASKA DEPARTMENT OF PUBLIC INSTITUTIONS
and the
NEBRASKA DEPARTMENT OF HEALTH,
DIVISION OF DEVELOPMENTAL DISABILITIES
Relative to
IMPLEMENTATION OF STATEWIDE CITIZEN ADVOCACY SERVICES

(1)

An agreement between the Nebraska Department of Public Institutions, hereinafter to be know as DPI, and the Nebraska Department of Health-Division of Developmental Disabilities, hereinafter to be known as Developmental Disabilities, concerning the utilization of certain funds made available through the provisions of section 10 of LB 532, in regard to the implementation of statewide citizen advocacy services.

(2)

Developmental Disabilities hereby agrees to develop and implement statewide citizen advocacy services. The director of Developmental Disabilities shall be responsible for the proper

administration and for the necessary staff to carry out the citizen advocacy services. The administration shall be responsible for:

(1) Developing criteria for the use of these funds in the provision of citizen advocacy services;

(2) Selecting, according to the criteria developed in subsection (1) of this section, by contracting with and awarding grants to appropriate organizations to implement citizen advocacy services on a statewide basis:

(a) In order that persons with developmental disabilities in all geographical sections of the state shall have citizen advocacy services available;

(b) In order that persons with differing types of developmental disabilities shall have citizen advocacy services available appropriate to their particular problems;

(3) Monitoring and evaluating contracted and grantee citizen advocacy services;

(4) Providing for the coordination of citizen advocacy services with the Nebraska Protection and Advocacy Agency, including the cooperative development of a Public Education Plan, coordinated training and education programs, and cooperative development of a Nebraska long-range plan for personal advocacy services; and

(5) Maintaining and reporting on the programmatic and fiscal status of contracted citizen advocacy services.

Developmental Disabilities further agrees that it will submit all proposals for contracts and grants which it determines should be favorably selected to the Department of Public Institutions for prior review and approval.

(3)

In consideration therefor, the Department of Public Institutions hereby agrees to allot to Developmental Disabilities a sufficient amount to fund in total the approved proposals for the provision of citizen advocacy services as described in Section (2). The total amount of funding shall not exceed Forty Thousand Dollars ($40,000) during the term of this Agreement. Such funds may be used for the payment of salaries of personnel, fringe benefits, payroll taxes, telephone, travel, office supplies, and other general operating expenses relative to the contractees' operation of the citizen advocacy services and coordination with the Protection and Advocacy Agency.

All such funds transmitted from the Department of Public Institutions to Developmental Disabilities shall be from funds appropriated by the Nebraska Eighty-fifth Legislature, First Session

(1977), pursuant to the provisions of LB 532 in relation to the Legislature's intent to provide statewide citizen advocacy services. The Department of Public Institutions agrees to transfer the total amount of funds obligated by this contract to Developmental Disabilities prior to June 30, 1978.

(4)

To aid in carrying out all of the provisions of this agreement, Developmental Disabilities agrees to make available to the Department of Public Institutions any and all documents and reports needed or desired by it pertaining to the subject of this agreement. Such documents and reports shall include copies of the following documents and data concerning the subject of this agreement: (a) statistical reports, (b) activity reports, (c) personnel records, (d) payroll records, (e) requisitions, (f) invoices, (g) vouchers, and (h) quarterly progress reports.

(5)

Developmental Disabilities further agrees to allow an audit and examination of its fiscal and financial records relative to the operation of the subject of this agreement at such times as required or requested by the Department of Public Institutions. Said agency or any of its duly authorized representatives shall have access to and the right to examine and audit all pertinent books, documents, papers, and records of Developmental Disabilities involving transactions related to this agreement. Records shall be retained for a period of three years.

Developmental Disabilities agrees to enforce policies which will make certain that there is complete compliance with Title VI of the Civil Rights Act of 1964, P.L. 88-352 and with affirmative action guidelines.

(6)

This agreement shall be effective December 1, 1977, and after signature of all the parties and shall terminate on June 30, 1978. This agreement may be modified or terminated at any time by the consent of both of the parties hereto; any of the parties mentioned reserve the right to terminate this agreement upon a written thirty-day notice to the other party.

DEPARTMENT OF PUBLIC INSTITUTIONS:
12 Dec. 77
By (Signed) Jack M. Cleavenger, Director
Department of Public Institutions
DEPARTMENT OF HEALTH
12-5-77

By (Signed) Henry D. Smith, M.D., M.P.H.
Director of Health
12-6-77
By (Signed) D. Beth Macy, Director
Division of Developmental Disabilities
Department of Health

December 13, 1977

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

Dear Mr. Brown:

Pursuant to the Legislative Fiscal Office letter of July 20, 1977, with reference to the Legislative intent per LB539, page 3, "Funds are provided for movement of residents from the Beatrice State Developmental Center to community-based programs."

Page (1) and the top of page (2) tells by Regions the number of residents the Regions stated they plan to place in the community and the amount of funds they plan to devote for this during FY 77-78.

Page (2) supplements and compares the number they stated they would take to the number they have taken through November of FY 77-78. With 43% of the year gone they have taken only 33% of their stated number.

Supplemental (B) and (C) compares balances on July 1, 1977, and the amount of increased revenue for FY 77-78 to the numbers the Region proposed to take.

Page (4) is of interest as it shows how the Region Fund Balances have steadily increased at the end of each Fiscal Year for the last four years.

Sincerely,
(Signed) Jack M. Cleavenger
Director

Enclosure
cc: Senator Richard D. Marvel
Senator Jerome Warner

II.

LB539, Section 5(2). This section states that an unspecified amount of the Program 424 State General Funds allocated to each region were appropriated to ensure that the CBMR regions have funds available to move clients from the Beatrice State Developmental Center to community-based programs during FY77-78.

The Regional Operating Budgets and supplemental request for information made to each region establish that the regions plan to expend funds for deinstitutionalization and move clients out of the BSDC as follows:

Region I - The region expects to spend approximately $53,000 during FY77-78 to move nine clients from the BSDC into community-based programs. Four of these clients are to be moved due to startup costs paid to the region by DPI ($12,000) during FY76/77 and the other five clients are funded out of funds appropriated for FY77/78.

Region II - The region plans to take eleven clients out of the BSDC during FY77/78. No data is available from the region concerning the amount of funds to be used to take these eleven clients. Three new residential facilities will be started in FY77/78 with expansion funds appropriated in LB532. One client was moved out of the BSDC during FY77/78 due to startup costs ($2,000) paid during FY76/77. The other ten clients are to be financed exclusively out of funds in the FY77/78 appropriation.

Region III - The region plans to expend about $109,000 on deinstitutionalization in FY77/78 and according to verbal assurances by the region, at least fifteen clients will be moved from the BSDC into community programs during FY77/78. Six of these clients will be moved with startup costs ($9,000) paid during FY76/77.

Region IV - During July, the region submitted an operating budget indicating that it would move 17 clients from the BSDC into CBMR programs during FY77/78. In September the region submitted updated plans listing the names of 25 clients it plans to move from the BSDC during FY77/78. The region plans to expend about $295,000 to expand programs to move clients from the BSDC during FY77/78. Nine of these clients will be placed due to startup costs ($21,820) paid during FY76/77, the remaining 16 clients will be financed exclusively out of funds in the FY77/78 appropriation.

Region V - In June the region submitted an operating budget which stated it would take a total of 29 clients out of the BSDC

during FY77/78. In October it submited updated plans which said the region would take 33 clients out of the BSDC this fiscal year. Of the 33 clients, 17 will be placed due to startup costs ($25,943) which were paid to the region during FY76/77. The remaining 16 clients will be financed exclusively out of funds in the FY77/78 appropriation. The region stated that it plans to spend $334,699 for programs to accommodate BSDC residents during FY77/78.

Region VI - The region has consistently maintained that in spite of the language in this section of LB539, there is no funding available in FY77/78 for expansion. In October, however, the region did commit itself to return 22 BSDC clients in FY77/78. It did not indicate how much of their FY77/78 budget was being allocated to the placement into the community of these 22 BSDC residents.

Supplemental Analysis

A. The following chart gives the number of clients each region says it will take during FY77/78 and compares this goal to the number of clients actually taken during the first five months (July through November) of this fiscal year:

	No. of BSDC Clients to be Placed by the Region	No. of BSDC Clients Taken in July Through Nov.
Region I	9	4
Region II	11	2
Region III	15	8
Region IV	25	8
Region V	33	11
Region VI	22	5
Total	115	38

At this point in time, with 41.7% of the fiscal year elapsed, the regions have taken only 33% of the clients they have plans to move out of the BSDC during FY77/78.

B. The following chart compares the amount of funds the regions had in their balances (according to their CPA annual audits on June 30, 1977) to the number of clients they plan to move out of the BSDC during FY77/78:

	Amount of General Fund Balance on June 30, 1977 According to CPA Audit	No. of BSDC Clients the Region Plans to Take during FY77/78
Region I	$129,791	9
Region II	436,066	11
Region III	210,134	15
Region IV	378,717*	25
Region V	349,750	33
Region VI	883,963**	22
	$2,388,421	115

*Represents net current assets

**Utilizing the accounting method consistent with prior fiscal years by Region VI, the fund balance on June 30, 1977, would be $1,022,571.

C. The following chart compares the amount of dollar increase in revenue available to each region for FY77/78 compared to actual expenses in the CPA audits for FY76/77 and the number of clients each region plans to move out of the BSDC during FY77/78:

	Amount of Increased Revenue for FY77/78 Over Actual Expenses in FY76/77	No. of BSDC Clients the Region Plans to Take During FY77/78
Region I	$237,611	9
Region II	283,095	11
Region III	164,688	15
Region IV	510,486	25
Region V	681,745	33
Region VI	1,100,061	22
Total	$2,977,686	115

Fund Balance Summary - CPA Annual Audits FY73/74 through FY76/77
Community Based Mental Retardation Regions
Prepared October 31, 1977 by the Office of Mental Retardation

	Fund Balance June 30, 1974	Fund Balance June 30, 1975	Fund Balance June 30, 1976	Fund Balance June 30, 1977
Region I	$ (2,488)	$ 83,388	$ 108,452	$ 129,791
Region II	23,334	139,329	356,075	436,066*
Region III	69,363	123,315	164,667	210,134

Region IV	50,380	228,835	501,826**	687,840**
Region V	174,531	271,741	328,512	349,750
Region VI	278,331	236,274	496,831	883,963***
Total	$ 593,451	$1,082,882	$1,956,363	$2,697,544

*Does not include $21,920 balance of the separate client payroll fund kept by the North Platte Opportunity Center.

**Region IV adopted an accrual accounting system in the year ending June 30, 1976 but did not take the usual additional steps of dividing their fund balance into a General Fund and a Fixed Asset and Equipment Fund. Thus the balance given includes the estimated value of property and equipment. As of June 30, 1977, Region IV had net current assets of $378,717, which is comparable to the General Fund balances in the other Regions.

***Region VI (ENCOR) changed its accounting method during FY76/77 and counted accrued vacation as a libility item on June 30,1977. Had Region VI (ENCOR) followed the procedures used in prior fiscal years and the procedure used by the other mental retardation regions, its fund balance on June 30, 1977 would be $1,022,571.

December 14, 1977

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

Dear Mr. Brown:

Pursuant to the Legislative Fiscal Office letter of July 20, 1977, with reference to the Legislative intent per LB539, page 3, "Department shall strengthen its monitoring of the Community-Based Mental Retardation Regions' operations and expenditures."

While the Touche Ross study recommended the enlarging of the Office of Mental Retardation staff, other interests have recommended the reduction of the Office's staff. As a result, the Central Office budget was funded for nine less staff members. In order to comply with the Legislative intent, other positions in the Central Office were held vacant in order to at least staff the Office of Mental Retardation with nine staff persons.

In addition, the following steps have been taken to comply with the Legislative intent:

The Office of Mental Retardation was reorganized at the beginning of FY 77-78. Monitoring of the CBMR programs has

been improved through the use of a combination of survey personnel from National Accreditation Agencies and on-site, follow-up and concurrent visitations from OMR personnel. The DPI client data system will be implemented during this fiscal year and will enable the state to better measure areas such as client movement, program quality, and success of the community programs in placing recipients of services into independent living and competitive employment situations.

Creation of the position of State Coordinator of Mental Retardation as a Deputy Director of DPI is expected to streamline monitoring of both community-based and institutional services funded by the state.

Sincerely,
(Signed) Jack M. Cleavenger
Director

JMC/wpc
cc: Senator Richard D. Marvel
Senator Jerome Warner

December 14, 1977

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

Dear Mr. Brown:

Pursuant to the Legislative Fiscal Office letter of July 20, 1977, with reference to the Legislative intent per LB549, page 4, "No improvements shall be made at the Beatrice Developmental Center or structures that will be vacated, surplused, or razed pursuant to the updated master plan."

No improvements not pursuant to the updated master plan have or will be made at the Beatrice State Developmental Center on structures that will be vacated, surplused, or razed.

Sincerely,
(Signed) Jack M. Cleavenger
Director

JMC/wpc
cc: Senator Richard D. Marvel
Senator Jerome Warner

December 14, 1977

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

Dear Mr. Brown:

Pursuant to the Legislative Fiscal Office letter of July 20, 1977, with reference to the Legislative intent per LB549, page 5, "No renovations shall be made at the Beatrice Developmental Center until after the updated master plan has been submitted and approved by the Governor."

No renovations are being made at the Beatrice Developmental Center until approval of the updated master plan by the Governor.

Sincerely,
(Signed) Jack M. Cleavenger
Director

JMC/wpc
cc: Senator Richard D. Marvel
Senator Jerome Warner

Nebraska Educational Television Commission

December 30, 1977

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebrska 68508

Dear Mr. O'Donnell:

In response to LB 539 as enacted during the Eighty Fifth Session of the Nebrska Legislature, enclosed is a report to the Nebraska Legislature of a study of Nebraska folklore. This study was conducted and the report is herewith placed on file by the Nebraska Educational Television Commision and the University of Nebraska Center for Great Plains Study.

Sincerely,
(Signed) Jack G. McBride
Secretary

JGMcB/mee
Enclosure
cc: Senator Walter George
Senator Douglas Bereuter
President Ronald W. Roskens
Chancellor Roy A. Young
Commission Chairman James D. Johnson

(Report filed in the Clerk's Office.)

Nebraska State Colleges

October 14, 1977
Corrected 11/1/77

Vincent Brown
Clerk of the Legislature
Room 2018
State Capitol Building

RE: Nebraska State College Student Fee Report

Dear Sir:

In compliance with LB 543, 1977, Section 4, Page 1,

> "On or before October 15, 1977, and each year thereafter, the Board of Trustees of the Nebraska State Colleges shall file with the Clerk of the Legislature a student fee schedule, revenue, and expenditure report that identifies for each college the student fee schedule, the amount of student fees collected, the cost of providing services for which a fee is collected, and the expenditures of fees by service or program category."

the following list displays for each State College the student fee schedule, the amount fo student fees collected, and the expenditures associated with the fees collected by program category. The four fees listed are assessed on all full-time students at each college. Another form of student assessments is optional use charges which contribute to the costs of such items as specific services, materials, penalties, etc. The use charges are established at each college and are not a required charge to all full-time students.

1977-78 Student Fee Schedule per Semester

Fee	Chadron	Kearney	Peru	Wayne
*Admission/Matriculation	$10.00	$10.00	$10.00	$10.00
Health (7 Hours or more)	5.00	6.00	6.00	6.00
Student Center (12 hours or more)	30.00	——	35.00	35.00
Student Center (7 hours or more)	——	27.50	——	——
Student Activity/Program (7 hours or more)	5.00	7.50	10.00	10.00

*Admission/Matriculation is a one-time only fee.

1977-78 Estimated Student Fee Collections and Expenditures

College Fee	Collected P.C.S.	Collected Amount	Expended P.C.S.	Expended Amount
Chadron State College				
Admissions/Matriculation	6.8	12,300	6.8	84,318
Health Fee	5.5	12,510	5.5	13,625
Student Center Fee	7.1	84,630	7.1	362,091
Student Activity/Program Fee	5.2	13,500	5.2	13,500
Total		122,940		473,534
Kearney State College				
Admissions/Matriculation	6.8	37,030	6.8	131,969
Health Fee	5.5	53,640	5.5	55,965
Facilities Fee	7.1	243,905	7.1	890,359
Student Activity Fee	5.2	61,560	5.2	61,560
Total		396,135		1,139,853
Peru State College				
Admissions/Matriculation	6.8	4,500	6.8	105,650
Health Fee	5.4	7,767	5.4	17,086
Student Center Fee	7.1	46,734	7.1	165,705
Student Activity/Program Fee	5.2	11,846	5.2	11,846
Total		70,847		300,287
Wayne State College				
Admissions/Matriculation	6.8	15,000	6.8	94,517
Health Fee	5.5	25,500	5.5	25,000
Facilities Fee	7.1	130,000	7.1	517,925
Student Activity Fee	5.2	38,000	5.2	38,000
Total		208,000		675,442

Respectfully,
(Signed) Richard Bringelson
Executive OFficer & Secretary

cc: College Presidents
George Rebensdorf, Board Chairman
Murl Mauser, Chairman Budget Subcommittee

NATURAL RESOURCE DISTRICT REPORTS

December 21, 1977

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

Dear Mr. Brown:

In compliance with Section 2-3262, R.R.S. 1943, I am hereby reporting that the Natural Resources Commission has paid no fees to date during calendar year 1977 to attorneys or lobbyists. Fees were however paid during the same time period to a public relations representative as follows: Merritt Public Relations and Advertising--$8,582.70.

(Signed) Dayle E. Williamson

DEW:bjt

In compliance with Section 2-3262 (R.R.S.1943) a summary of all fees paid to date during calendar year 1977 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEYS	FEE
Lewis & Clark	Craig Monson	3,390.00
Lower Big Blue		1,153.25
Lower Elkhorn	Duetsch, Jewell, Otte, Gatz, Collins, Domina	1,700.00
Lower Loup	Weems & Uher, P.C.	135.40
Lower Niobrara	August Schuman	410.00
Lower Platte North	Sabata & Egr	57.00
Lower Republican	Thomas McNally	35.00

Middle Missouri Tribs	C. J. Galvin	2,141.81
Middle Niobrara	Moylan & Heitz	667.11
Middle Republican	Fred. J. Schroeder,Jr.	2,219.63
Nemaha		1,247.85
North Platte Natural	Holtorf, Hansen, Kovarik & Nuttleman, P.C.	1,732.12
Papio Natural	Moore, Moore & Peters	14,795.07
South Platte	Van Steenberg, Myers, Burke	6,119.84
Twin Platte	Jess C. Nielsen Crosby & Nielsen	1,562.03
Upper Big Blue	Svehla & Brugh	600.00
Upper Elkhorn	William W. Griffin	42.64
Upper Loup	None	
Upper Niobrara-White	Bump & Howland	365.75
Upper Republican		927.00

MOTION - Approve Appointments

Mr. Marvel moved we appoint Mr. Patrick J. O'Donnell as Acting Clerk of the Legislature and Mr. Richard Brown as Acting Asistant Clerk of the Legislature.

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

Mr. Marvel, on behalf of the members thanked Mr. Vincent Brown for his service as Clerk of the Legislature.

PRESENTATION

Mr. Carsten presented apples to the membership from the Second Legislative District.

MEMBERS BIRTHDAY

President Whelan announced today is Speaker Luedtke's birthday.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 551. By Judiciary Committee: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend section 49-803, Reissue Revised Statutes of Nebraska, 1943, relating to citation of statutes; to provide how the reissued statutes of Nebraska, 1943, should be cited; and to repeal the original section.

LEGISLATIVE BILL 552. By Judiciary Committee: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend Laws 1977, LB 518, section 12, relating to taxation; to correct erroneous internal references; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 553. By Duis, 39th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article I, section 9, of the Constitution of Nebraska, relating to the Bill of Rights; to provide that sexual offenses shall be nonbailable; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 554. By Duis, 39th District.

A BILL FOR AN ACT to amend sections 29-2901 and 29-2902, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to redefine sexual offense; to provide for a sexual sociopath hearing whenever a person is convicted of a sexual offense; and to repeal the original sections.

LEGISLATIVE BILL 555. By Duis, 39th District.

A BILL FOR AN ACT to amend section 28-319, Revised Statutes Supplement, 1977, relating to the Nebraska Criminal Code; to change the penalty for sexual assault in the first degree as prescribed; and to repeal the original section.

LEGISLATIVE BILL 556. By Duis, 39th District.

A BILL FOR AN ACT to amend section 29-901, Reissue Revised Statutes of Nebraska, 1943, relating to bail; to change bail procedures for certain defendants; and to repeal the original section.

LEGISLATIVE BILL 557. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide for crediting to the State Recreation Road Fund the proceeds derived from sales and use taxes on recreational vehicles; and to repeal the original section.

LEGISLATIVE BILL 558. By Reutzel, 15th District.

A BILL FOR AN ACT to amend section 16-691, Reissue Revised Statutes of Nebraska, 1943, relating to first-class cities; to change signature requirements on orders for disbursement of funds; and to repeal the original section.

LEGISLATIVE BILL 559. By Mills, 44th District.

A BILL FOR AN ACT relating to cities and villages; to provide that certain ordinances shall be of no effect; and to declare an emergency.

LEGISLATIVE BILL 560. By Mills, 44th District.

A BILL FOR AN ACT to amend section 23-343.07, Reissue Revised Statutes of Nebraska, 1943, relating to county boards; to provide for certain expenditures; and to repeal the original section.

LEGISLATIVE BILL 561. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Carsten, 2nd District; E. Dvorak, 8th District; Venditte, 7th District; Stoney, 4th District.

A BILL FOR AN ACT to amend section 25-1013, Reissue Revised Statutes of Nebraska, 1943, relating to district court remedies; to provide for service of process as prescribed; and to repeal the original section.

LEGISLATIVE BILL 562. By Barnett, 26th District.

A BILL FOR AN ACT to amend sections 29-1301 and 29-1302, Reissue Revised Statutes of Nebraska, 1943, relating to change of venue in criminal proceedings; to authorize the transfer of such proceedings from one district court to the district court of any other county; and to repeal the orginal sections.

LEGISLATIVE BILL 563. By Barnett, 26th District.

A BILL FOR AN ACT to amend sections 81-502, 81-504, 81-505, 81-523, 81-530, and 81-542, Reissue Revised Statutes of Nebraska, 1943, and sections 81-502.02, 81-502.03, and 81-538, Revised Statutes Supplement, 1977, relating to the State Fire Marshal Act; to change duties of the State Fire Marshal; to expand duties of the Nebraska Fire Safety Appeals Board; and to repeal the original sections, and also section 81-501.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 564. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 85-505 and 85-506, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska National Guard; to change certain educational benefits; to provide additional benefits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 565. By Rasmussen, 41st District.

A BILL FOR AN ACT relating to restaurants; to require certain information on menus as prescribed.

LEGISLATIVE BILL 566. By Bereuter, 24th District.

A BILL FOR AN ACT to amend section 43-107, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to provide for an investigation upon the filing of a petition for adoption; and to repeal the original section.

LEGISLATIVE BILL 567. By Bereuter, 24th District; Warner, 25th District; Kahle, 37th District.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to authorize the acquisition of certain real and personal property and the operation of a Willa Cather Center.

LEGISLATIVE BILL 568. By Government, Military, and Veterans Affairs Committee: Rasmussen, 41st District, Chairman; George, 16th District; Duis, 39th District; Simon, 31st District; Stoney, 4th District; Maxey, 46th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 81-193, Revised Statutes Supplement, 1977, relating to termination of agencies, boards, and commissions; to provide for the continued existence of the

Department of Economic Development; and to repeal the original section.

LEGISLATIVE BILL 569. By Government, Military, and Veterans Affairs Committee: Rasmussen, 41st District, Chairman; George, 16th District; Duis, 39th District; Simon, 31st District; Stoney, 4th District; Maxey, 46th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 81-193, Revised Statutes Supplement, 1977, relating to termination of agencies, boards, and commissions; to provide for the continued existence of the Board of Cosmetologist Examiners; and to repeal the original section.

LEGISLATIVE BILL 570. By Government, Military, and Veterans Affairs Committee: Rasmussen, 41st District, Chairman; George, 16th District; Duis, 39th District; Simon, 31st District; Stoney, 4th District; Maxey, 46th District; Chambers, 11th District.

A BILL FOR AN ACT to amend sections 55-135, 55-136, 55-138, and 55-143, Reissue Revised Statutes of Nebraska, 1943, relating to the Military Code; to provide an additional cause for separation; to provide that the Adjutant General may make appointments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 571. By Goverment, Military, and Veterans Affairs Committee: Rasmussen, 41st District, Chairman; Chambers, 11th District; George, 16th District; Maxey, 46th District; Simon, 31st District; Duis, 39th District; Stoney, 4th District.

A BILL FOR AN ACT to amend section 80-401.01, Reissue Revised Statutes of Nebraska, 1943, relating to soldiers and sailors; to provide an eligibility date in defining Vietnam veterans; and to repeal the original section.

LEGISLATIVE BILL 572. By Rasmussen, 41st District.

A BILL FOR AN ACT relating to nursing; to create the Board of Diploma Nursing Schools; to define terms; to provide for membership; and to specify duties.

LEGISLATIVE BILL 573. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 71-1333, Reissue Revised Statutes of Nebraska, 1943, relating to funeral directors and

undertakers; to redefine unprofessional conduct; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 574. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 60-406.04, Revised Statutes Supplement, 1977, relating to motor vehicle operators' licenses; to provide a temporary permit as prescribed; to set a fee; and to repeal the original section.

LEGISLATIVE BILL 575. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 71-2601, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Health; to increase the membership of the board as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 576. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1977, relating to rules of the road; to provide for an additional width exception as prescribed; and to repeal the original section.

LEGISLATIVE BILL 577. By Nichol, 48th District.

A BILL FOR AN ACT relating to cities and villages; to grant authority relating to irrigation and drainage ditches, canals, and laterals as prescribed.

LEGISLATIVE BILL 578. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 54-821, Revised Statutes Supplement, 1976, relating to commercial feeding stuffs; to provide for additional exemptions; and to repeal the original section.

LEGISLATIVE BILL 579. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 39-6,181, Revised Statutes Supplement, 1976, relating to rules of the road; to require a permit from only one county in which certain crops are hauled; and to repeal the original section.

LEGISLATIVE BILL 580. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 71-1630, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for consecutive terms of office for board of health members; and to repeal the original section.

LEGISLATIVE BILL 581. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 39-6,138, Revised Statutes Supplement, 1976, relating to rules of the road; to change the hours when motor vehicle lights must be used; and to repeal the original section.

LEGISLATIVE BILL 582. By Rumery, 42nd District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize such commission to expand the North Platte Fish Hatchery; to make an apropriation for such purpose; and to declare an emergency.

LEGISLATIVE BILL 583. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 71-1001, Reissue Revised Statutes of Nebraska, 1943, relating to the State Anatomical Board; to change the membership as prescribed; and to repeal the original section.

LEGISLATIVE BILL 584. By Administrative Rules and Regulations Committee: Duis, 39th District, Chairman; Bereuter, 24th District; Lamb, 43rd District; R. Lewis, 38th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend section 2-3244, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources districts; to prescribe procedures for making rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 585. By Administrtive Rules and Regulations Committee: Duis, 39th District, Chairman; Bereuter, 24th District; Lamb, 43rd District; R. Lewis, 38th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend section 84-907, Revised Statutes Supplement, 1977, relating to rules of administrative agencies; to extend the time interval in which notice of rule changes shall be sent to the Revisor of Regulations; and to repeal the original section.

LEGISLATIVE BILL 586. By Mills, 44th District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize such commission to modernize the Rock Creek Fish Hatchery; to make an appropriation for such purpose; and to declare an emergency.

LEGISLATIVE BILL 587. By Simon, 31st District.

A BILL FOR AN ACT to amend section 2-3252, Reissue Revised Statutes of Nebraska, 1943, relating to Natural Resources Districts; to change the funding system for improvement project areas as prescribed; and to repeal the original section.

LEGISLATIVE BILL 588. By Simon, 31st District; Newell, 13th District.

A BILL FOR AN ACT relating to insulation; to set minimum insulation standards for houses; to provide definitions; and to provide an operative date.

LEGISLATIVE BILL 589. By Cullan, 49th District.

A BILL FOR AN ACT relating to schools; to provide duties for each board of education; to provide for rules, standards, and procedures for suspension and expulsion; and to repeal sections 79-4,170 to 79-4,205, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 590. By Cope, 36th District.

A BILL FOR AN ACT relating to electric generators; to require testing; to provide duties for the Department of Agriculture and the University of Nebraska; and to provide penalties.

LEGISLATIVE BILL 591. By Cope, 36th District.

A BILL FOR AN ACT to amend section 19-617, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to

provide for a temporary council chairperson; and to repeal the origianl section.

LEGISLATIVE BILL 592. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 84-1317, Reissue Revised Statutes of Nebraska, 1943, relating to the State Employees Retirement Act; to remove the mandatory retirement age for certain state employees; and to repeal the original section.

LEGISLATIVE BILL 593. By Nichol, 48th District.

A BILL FOR AN ACT relating to alcoholism; to decriminalize certain offenses; and to repeal section 53-196, Revised Statutes Suplement, 1977.

LEGISLATIVE BILL 594. By Warner, 25th District; Fowler, 17th District.

A BILL FOR AN ACT to amend section 70-1012, Reissue Revised Statutes of Nebraska, 1943, relating to the Power Review Board; to remove certain exceptions for municipalities supplying electricity; and to repeal the original section.

LEGISLATIVE BILL 595. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Rasmussen, 41st District; Maresh, 32nd District; Kelly, 35th District; Kelly, 35th District; Cullan, 49th District; Moylan, 6th District; Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 71-1,133 to 71-1,136, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of optometry; to redefine a term;to provide exceptions; to change license requirements; to provide for pharmaceutical agents as prescribed; to change accreditation requirements of schools of optometry; and to repeal the original sections.

LEGISLATIVE BILL 596. By Merz, 1st District.

A BILL FOR AN ACT to amend section 79-549, Revised Statutes supplement, 1977, relating to Class I, II, and III school districts; to provide another option for kindergarten programs; and to repeal the original section.

LEGISLATIVE BILL 597. By Merz, 1st District.

A BILL FOR AN ACT relating to crimes and punishments; to place restrictions upon the display of material depicting nudity; and to provide a penalty.

LEGISLATIVE BILL 598. By Merz, 1st District.

A BILL FOR AN ACT to amend section 46-609, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to restrict the placement of irrigation wells; and to repeal the original section.

LEGISLATIVE BILL 599. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 77-2305, Reissue Revised Statutes of Nebraska, 1943, relating to deposit of public funds; to increase the maximum amount of funds deposited in a bank as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 600. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 9-401 and 9-504, Uniform Commercial Code, relating to secured transactions; to provide legislative intent; to require certain filings with the Public Service Commission; to clarify language; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 601. By Fowler, 27th District; Marsh, 29th District; Newell, 13th District.

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

LEGISLATIVE BILL 602. By Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 14-366, 14-374, 14-1008, 14-1103.02, 15-229, 15-229.02, and 15-501, Reissue Revised Statutes of Nebraska, 1943, and section 19-709, Revised Statutes Supplement, 1977, relating to acquisition of property; to prohibit the acquisition of property in certain instances as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 603. By Mills, 44th District.

A BILL FOR AN ACT to amend section 24-513, Revised Statutes Supplement, 1976, relating to salaries; to provide for an increase in salaries as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 604. By Simon, 31st District.

A BILL FOR AN ACT to amend section 18-416, Reissue Revised Statutes of Nebraska, 1943, relating to utility service; to provide for the discontinuance of service as prescribed; to provide for the form of notice; to provide for appeals; to create a utility review board; to provide for a limitation on deposits; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 605. By Stoney, 4th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 71-605, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for an autopsy in certain cases; to provide counseling for families of suspected victims of sudden infant death syndrome; and to repeal the original section.

LEGISLATIVE BILL 606. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 60-415, Revised Statutes Supplement, 1977, relating to motor vehicles; to provide for changing the name on a motor vehicle operator's license; and to repeal the original section.

LEGISLATIVE BILL 607. By Venditte, 7th District; Fitzgerald, 14th District.

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

LEGISLATIVE BILL 608. By Venditte, 7th District.

A BILL FOR AN ACT to amend sections 32-420.02 and 32-426, Reissue Revised Statutes of Nebraska, 1943, and sections 32-424 and 32-528, Revised Statutes Supplement, 1976, relating to elections; to require alphabetical placement of names on ballots for certain elections; and to repeal the original sections.

LEGISLATIVE BILL 609. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 16-503, 17-616, and 84-1413, Reissue Revised Statutes of Nebraska, 1943, relating to votes by public bodies; to allow the use of electronic voting devices as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 610. By Dworak, 22nd District.

A BILL FOR AN ACT relating to motor vehicle licensing; to authorize issuance of repair plates; to set fees; and to provide penalties.

LEGISLATIVE BILL 611. By Dworak, 22nd District.

A BILL FOR AN ACT relating to rules of the road; to provide for construction and maintenance of automatic railroad grade crossing protection devices; to provide for duties of the Department of Roads; to provide for expenditures from a fund; and to provide a penalty.

LEGISLATIVE BILL 612. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman;; Barnett, 26th District; Fitzgerald, 14th District; Labedz, 5th District; E. Dvorak, 8th District; Reutzel, 15th District; Carsten, 2nd District.

A BILL FOR AN ACT relating to state agencies; to provide an additional means of payment for certain services.

LEGISLATIVE BILL 613. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman; Barnett, 26th District; Fitzgerald, 14th District; Labedz, 5th District; E. Dvorak, 8th District; Reutzel, 15th District; Carsten, 2nd Distrct.

A BILL FOR AN ACT to amend sections 81-814.01, 81-815.22, 81-815.23, and 81-815.32, Reissue Revised Statutes of Nebraska, 1943, relating to the Game and Parks Commission; to change the

designation of state special use areas to state wildlife management areas; and to repeal the original sections.

LEGISLATIVE BILL 614. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman; Barnett, 26th District; Reutzel, 15th District; Fitzgerald, 14th District; Labedz, 5th District; E. Dvorak, 8th District; Carsten, 2nd District.

A BILL FOR AN ACT relating to public target ranges, to authorize use of federal funds; and to prescribe duties for the Game and Parks Commission.

LEGISLATIVE BILL 615. By D. Dworak, 22nd District.

A BILL FOR AN ACT relating to natural resources districts; to amend section 39-602, Revised Statutes Supplement, 1976; to allow natural resources districts authority as prescribed; and to repeal the original section.

LEGISLATIVE BILL 616. By Kennedy, 21st District.

A BILL FOR AN ACT relating to county courts; to require a court facility in certain cities of the first class.

LEGISLATIVE BILL 617. By Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 19-2501 and 19-2503, Reissue Revised Statutes of Nebraska, 1943, relating to industrial areas; to define a term; to provide for removal of the designation; to provide for platting of a tract; to provide statutes of limitations; and to repeal the original sections.

LEGISLATIVE BILL 618. By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to provide provisions relating to incriminating testimony in certain offenses.

LEGISLATIVE BILL 619. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 39-662 and 39-666, Revised Statutes Supplement, 1977, relating to rules of the road; to change speed limits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 620. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2704 and 77-2715, Revised Statutes Supplement, 1977, 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 621. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 39-703, Revised Statutes Supplement, 1976, relating to regulations governing the use of public roads; to harmonize a penalty provision with the Nebraska Criminal Code; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 622. By Judiciary Committee: Barnett, 26th District, Chairman; Carsten, 2nd District; Stoney, 4th District; E. Dvorak, 8th District; Venditte, 7th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend sections 83-945 to 83-950, and 83-953, Reissue Revised Statutes of Nebraska, 1943, relating to criminal detention facilities; to provide for minimum standards for criminal detention facilities; to provide duties of the Department of Correctional Services; and to repeal the original sections.

LEGISLATIVE BILL 623. By Judiciary Committee: Barnett, 26th District, Chairman; Carsten, 2nd District; Stoney, 4th District; Venditte, 7th District; Nichol, 48th District; E. Dvorak, 8th District; Reutzel, 15th District.

A BILL FOR AN ACT to adopt the Protection From Domestic Abuse Act; to provide penalties; to amend sections 29-2219 and 29-2262, Reissue Revised Statutes of Nebraska, 1943, relating to probation; to require counseling as a condition of probation for certain offenses as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 624. By Judiciary Committee: Barnett, 26th District, Chairman; Stoney, 4th District; Carsten, 2nd District; Venditte, 7th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend section 29-2255, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide that certain probation officers become members of the Field Probation Service; and to repeal the original section.

LEGISLATIVE BILL 625. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Stoney, 4th District; Carsten, 2nd District; Venditte, 7th District.

A BILL FOR AN ACT to amend sections 29-2249, 29-2250, and 29-2252, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedures; to create the Nebraska Probation System Committee; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 626. By Newell, 13th District.

A BILL FOR AN ACT relating to consumer agreements; to provide for simplification of language; and to provide penalties.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 627. By Newell, 13th District.

A BILL FOR AN ACT to amend section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943 and sections 77-2704 and 77-2715, Revised Statutes Supplement, 1977, relating to taxation; to exempt certain foods intended for human consumption from the sales and use taxes; to eliminate the food sales tax credit; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 628. By George, 16th District.

A BILL FOR AN ACT to amend section 82-118, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Historical Society; to allow the transfer of federal funds to individuals; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 629. By Brennan, 9th District.

A BILL FOR AN ACT relating to workmen's compensation; to provide for an increase in previously determined benefits as prescribed; and to provide applicability.

LEGISLATIVE BILL 630. By Brennan, 9th District.

A BILL FOR AN ACT to amend section 48-122.03, Revised Statutes Supplement, 1976, and sections 48-121 and 48-122, Revised Statutes Supplement, 1977, 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 631. By Brennan, 9th District.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1977, relating to labor; to provide an increased maximum benefit amount; to change a date; and to repeal the original sections.

LEGISLATIVE BILL 632. By Burrows, 30th District.

A BILL FOR AN ACT to amend section 18-102, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide requirements for a person who signs or circulates an initiative or referendum petition; and to repeal the original section.

LEGISLATIVE BILL 633. By Government, Military, and Veterans Affairs Committee: Rasmussen, 41st District; Nichol, 48th District; Duis, 39th District; Simon, 31st District; George, 16th District; Chambers, 11th District; Stoney, 4th District; Maxey, 46th District.

A BILL FOR AN ACT to amend sections 71-201, 71-202, 71-202.01, 71-203, 71-206, 71-208, 71-208.07, 71-209, 71-210, 71-212, 71-216, 71-218, 71-219, 71-219.02, 71-222, 71-222.01, 71-223.01, 71-223.04, 71-225, 71-227, and 71-232, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of barbering; to redefine terms; to change requirements for issuance of a license; to remove inactive status as prescribed; to provide for a fee; and to repeal the original sections, and also sections 71-201.01, 71-226, 71-229, and 71-233, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 634. By Stoney, 4th District.

A BILL FOR AN ACT to amend sections 31-710 and 31-741, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary and improvement districts; to increase the minimum contract amount subject to bidding procedures; and to repeal the original sections.

LEGISLATIVE BILL 635. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Hefner, 19th District; Maresh, 32nd District; Venditte, 7th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1977, relating to taxation; to provide energy tax credits as prescribed; to define terms; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 636. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Burrows, 30th District, Hefner, 19th District; Maresh, 32nd District; Kahle, 37th District; Venditte, 7th District.

A BILL FOR AN ACT relating to weights and measures; to provide for inspection and testing of grain moisture measuring devices; to provide duties of the Public Service Commission; and to provide penalties.

LEGISLATIVE BILL 637. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Hefner, 19th District; Maresh, 32nd District; Kahle, 37th District; Venditte, 7th District; Burrows, 30th District.

A BILL FOR AN ACT to amend sections 3-126 and 3-155, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Aeronautics; to allow leases of real property held by the department; to provide for rental payments; and to repeal the original sections.

LEGISLATIVE BILL 638. By Lamb, 43rd District.

A BILL FOR AN ACT to amend Laws 1977, LB 532, section 45, relating to state aid appropriations; to change the manner certain General Fund appropriations shall be distributed; to provide duties of the State Department of Education as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 639. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Hefner, 19th District; Kahle, 37th District; Burrows, 30th District; Maresh, 32nd District.

A BILL FOR AN ACT to adopt the Nebraska Corn Resources Act; to define terms; to create a board; to provide duties; to create a fund; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 640. By Revenue Committee: Keyes, 3rd District, Chairman; Burrows, 30th District; Simon, 31st District; D. Dworak, 22nd District; Newell, 13th District; Marvel, 33rd District.

A BILL FOR AN ACT to amend sections 77-202.12, 77-202.13, 77-202.16, and 77-204, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to adopt the Nebraska Expanded Homestead Relief Act; to provide penalties; to provide an operative date; to provide severability; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 145.

Introduced by Barnett, 26th District.

WHEREAS, the right of the accused to a public trial has long been recognized in this country as one of the fundamental constitutional safeguards; and

WHEREAS, most judicial proceedings are currently open to the public; and

WHEREAS, every person has a need to be aware of and understand how issues, many of which may personally effect him, are settled by the judicial system; and

WHEREAS, technology has now produced audio and visual recording and broadcasting equipment which can be used in a silent and unobtrusive manner.

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

1. That the Legislature favors the use of audio and visual recording and broadcasting coverage from within the courtroom and its surroundings.

2. That such coverage should be available for either live or later public dissemination.

3. That all precautions necessary in view of this resolution, should be taken to protect the rights of persons involved in judicial proceedings.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 146.

Introduced by Rasmussen, 41st District.

WHEREAS, American agriculture produces abundant food not only for the American public but also for the world food market; and

WHEREAS, American agriculture has made the greatest productivity gains of any sector of the American economy in the last 50 years; and

WHEREAS, net profits in the production of raw food products are vital to the American economy; and

WHEREAS, current prices for raw agricultural products are below the cost of production; and

WHEREAS, processed food prices have not declined when the prices of raw food products have dropped; and

WHEREAS, the portion of processed food prices representing the cost of raw agricultural products is small; and

WHEREAS, the cost of machinery, equipment, repairs, supplies and fuel continue to increase; and

WHEREAS, the federal government encourages maximum production by American agriculture and at the same time fails to take action either through price supports or increase export of raw food products which would maintain reasonable price levels and adequate returns on investment and labor in American agriculture; and

WHEREAS, reports from Washington on increases in the cost of living continue to attribute increases to increased food prices which are not based on increases in returns to the producers in American agriculture.

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

1. That the Legislature requests a hearing with the President's Council of Economic Advisors to discuss these serious matters.

2. That the Speaker of the Legislature appoint three members of the Legislature to meet with the Council of Economic Advisors to discuss the concerns contained in this Resolution.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 641. By Murphy, 17th District.

A BILL FOR AN ACT to amend sections 8-131 and 8-167, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide for interest on reserve deficiencies; to change the time limits for filing certain information; to repeal the original sections, and also sections 8-825 and 8-826, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 642. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 77-202.12, Reissue Revised Statutes of Nebraska, 1943, relating to the homestead exemption; to permit an exemption for residences on leased lands; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused from January 6, 1978 until January 17, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 18

Mr. Nichol asked unanimous consent to bracket LB 18 until January 19, 1978. No objections. So ordered.

MOTION - Withdraw LB 360

Mr. Kahle moved to withdraw LB 360.

Laid over.

ANNOUNCEMENT

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

RECESS

At 11:12 a.m., on a motion by Mr. F. Lewis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused and Mr. F. Lewis who was excused until he arrives.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 64 in the Journal. No objections. So ordered.

1. Insert new sections to read:

"Sec. 2. That section 28-105, Revised Statutes Supplement, 1977, be amended to read as follows:

28-105. (1) For purposes of this code and any statute passed by the Legislature after the date of passage of this code, felonies are divided into six classes which are distinguished from one another by the following penalties which are authorized upon conviction:

~~Class I felony.....Death~~
Class IA felony.....Maximum-life imprisonment
Class IB felony.....Mimimum-life imprisonment
Minimum-ten years imprisonment
Class II felony.....Maximum-fifty years imprisonment
Minimum-one year imprisonment
Class III felony.....Maximum-twenty years
imprisonment, or twenty-five
thousand dollars fine, or both
Minimum-one year imprisonment
Class IV felony.....Maximum-five years
imprisonment, or ten thousand
dollars fine, or both
Minimum-none

(2) All sentences of imprisonment for Class IA, IB, II, and III felonies and sentences of one year or more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in

this subsection. If the Department of Correctional Services certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the Department of Correctional Services. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisdiction to sentence in felony cases.

(3) Nothing in this section shall limit the authority granted in sections 29-2221 and 29-2222, to increase sentences for habitual criminals.

Sec. 3. That section 28-201, Revised Statutes Supplement, 1977, be amended to read as follows:

28-201. (1) A person shall be guilty of an attempt to commit a crime if he:

(a) Intentionally engages in conduct which would constitute the crime if the attendant circumstances were as he believes them to be; or

(b) Intentionally engages in conduct which, under the circumstances as he believes them to be, constitutes a substantial step in a course of conduct intended to culminate in his commission of the crime.

(2) When causing a particular result is an element of the crime, a person shall be guilty of an attempt to commit the crime if, acting with the state of mind required to establish liability with respect to the attendant circumstances specified in the definition of the crime, he intentionally engages in conduct which is a substantial step in a course of conduct intended or known to cause such a result.

(3) Conduct shall not be considered a substantial step under this section unless it is strongly corroborative of the defendant's criminal intent.

(4) Criminal attempt is:

(a) A Class II felony when the crime attempted is a ~~Class I,~~ Class IA~~,~~ or Class IB felony;

(b) A Class III felony when the crime attempted is a Class II felony;

(c) A Class IV felony when the crime attempted is a Class III felony;

(d) A Class I misdemeanor when the crime

attempted is a Class IV felony;

(e) A Class II misdemeanor when the crime attempted is a Class I misdemeanor; and

(f) A Class III misdemeanor when the crime attempted is a Class II misdemeanor.

Sec. 4. That section 28-303, Revised Statutes Supplement, 1977, be amended to read as follows:

28-303. A person commits murder in the first degree if he kills another person (1) purposely and with deliberate and premeditated malice, or (2) in the perpetration of or attempt to perpetrate any sexual assault in the first degree, arson, robbery, kidnapping, hijacking of any public or private means of transportation, or burglary, or (3) by administering poison or causing the same to be done; or if by willful and corrupt perjury or subornation of the same he purposely procures the conviction and execution of any innocent person. ~~The determination of whether murder in the first degree shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.~~ Murder in the first degree is a Class IA felony."

2. Renumber original section 2 as section 5; strike original section 3; and renumber original sections 4 and 5 as sections 6 and 7.

3. On page 4, line 13, strike ", 28-401, and 29-102," and insert "and 28-401,"; at the end of line 13, insert "and sections 28-105, 28-201, and 28-303, Revised Statutes Supplement, 1977,"; in line 14, insert "29-102," after "sections" and insert a comma after "29-2528".

GENERAL FILE

LEGISLATIVE BILL 186. Title read. Considered.

Standing Committee amendments found in the Journal on page 991 for the Forty-Eighth Day, First Session, were adopted with 38 ayes, 0 nays, 2 excused and not voting, and 9 present and not voting.

Mr. Koch offered the following amendment:
Strike Sec. 13 and 14 of LB 186.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 7 nays, and 14 not voting.

Mr. Cullan requested a division of the question on the Koch amendment.

The Chair ruled the question could be divided.

The Koch amendment to Strike Sec. 13 was adopted with 30 ayes, 14 nays, 4 present and not voting, and 1 excused and not voting.

The Koch amendment to strike Sec. 14 was adopted with 28 ayes, 18 nays, 2 present and not voting, and 1 excused and not voting.

Mr. Warner offered the following amendment:

To amend LB 186 to reinsert Section 13 by striking the new language and re-insert the old language and add in line 23, page 24 following "county" the words "or any municipality."

Mr. Barnett 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 Warner amendment was adopted with 28 ayes, 13 nays, 7 present and not voting, and 1 excused and not voting.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Advanced to E & R for Review with 36 ayes, 6 nays, 6 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 643. By Kahle, 37th District; Cope, 36th District.

A BILL FOR AN ACT to amend section 23-106, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to remove a limitation on a fund; and to repeal the original section.

LEGISLATIVE BILL 644. By Keyes, 3rd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article IV, section 28, of the Constitution of Nebraska, relating to the executive; to provide for a State Board of Equalization and Assessment as provided by the Legislature; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

RESOLUTIONS

LEGISLATIVE RESOLUTION 147.

Introduced by Merz, 1st District.

WHEREAS, the Nebraska Legislature is a strong advocate of our free enterprise system; and

WHEREAS, an essential element of this system is that every man engaged in a productive livelihood is entitled to a fair profit as the fruit of his efforts; and

WHEREAS, the economic structure of Nebraska has a special dependency upon the profits earned by the farmer-businessman of our state; and

WHEREAS, many farmer-businessmen in our state and across the nation are unable to profit from their enterprise due to increased costs of production, low prices paid producers of farm commodities and other factors; and

WHEREAS, an identifiable group of these farm product producers have elected to pursue a farm production strike as a means of obtaining the higher price levels for farm commodities they need to insure a healthful agricultural economy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE, SECOND SESSION:

1. That the Legislature supports to all Nebraska farmers seeking to improve and strengthen our state farm economy.

2. That all Nebraska farmer-businessmen are encouraged to use reasonable, nonviolent means necessary to achieve their economic goals.

3. That the University of Nebraska make available its expertise and statistical information to activate higher farm prices.

Mr. Merz moved to suspend the rules, Rule 4, Sec. 6, to consider LR 147 today.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 14 nays, and 6 not voting.

The motion to suspend the rules prevailed with 41 ayes, 0 nays, and 8 not voting.

Mr. Maresh moved to refer LR 147 to the Agriculture and Environment Committee.

The Chair ruled the motion is in order at this time.

Mr. Maresh asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Bereuter offered the following amendment to LR 147.

To amend the Merz Resolution by adding a Section 4 which reads as follows:

"4 That this expression of sentiment be conveyed to Secretary Bergland at his meeting in Omaha later this week.

Mr. Kahle moved to amend the Bereuter amendment by sending the Chairman of the Agriculture and Environment Committee to the meeting in Omaha and if the resolution should pass, the Chairman shall carry the resolution to the meeting.

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

The Bereuter amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

LR 147 was adopted, as amended, with 48 ayes, 0 nays, and 1 excused.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 645. By Banking, Commerce and Insurance Committee: Schmit, 23rd District, Vice Chairman; Duis, 39th District; Merz, 1st District; Murphy, 17th District; Labedz, 5th District.

A BILL FOR AN ACT to amend 52-1102 and 52-1103, Revised Statutes Supplement, 1977, relating to liens; to require filing a duplicate notice of lien as prescribed; to change the priority of certain lienholders; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 646. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Burrows, 30th District; Hefner, 19th District; Kahle, 37th District; Venditte, 7th District; Lamb, 43rd District.

A BILL FOR AN ACT to amend sections 2-1601 to 2-1604, and 2-1607, Reissue Revised Statutes of Nebraska, 1943, relating to county extension work; to change the name of the Agricultural Extension Service as prescribed; to harmonize provisions; to increase the limits of the county extension budget; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 148.

Introduced by Koch, 12th District.

WHEREAS, State Senator Keith Boughn was called from a teaching career in 1976 to serve in the Nebraska Legislature; and

WHEREAS, Senator Boughn had pursued an active interest in Nebraska's transportation systems, the education of its retarded citizens and other matters of interest to his constituents; and

WHEREAS, his personal style and integrity had become a recent part of the tradition of the Legislature; and

WHEREAS, on Wednesday, December 7, 1977, Keith Boughn responded to an untimely call from the earthly presence of his family, friends and colleagues in the Legislature.

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

1. That the Legislature extend deepest sympathy to the family of Senator Keith Boughn.

2. That a copy of this resolution be presented to the family of Keith Boughn as an expression of sorrow for his passing.

Laid over.

UNANIMOUS CONSENT - Bracket LB 109 and 109A

Mr. Mills asked unanimous consent to unbracket LB 109 and LB 109A for January 11, 1978 and bracket them for January 12, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Newell asked unanimous consent to add his name to LB 140. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Reutzel asked unanimous consent to withdraw his name from LB 140. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 647. By Labedz, 5th District.

A BILL FOR AN ACT relating to rules of the road; to provide an option in lieu of a court appearance for certain traffic offenses; to provide duties; and to provide penalties.

VISITORS

The President introduced 100 juniors and seniors from Millard High School and members from the American Agricultural Movement.

ADJOURNMENT

At 3:57 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Thursday, January 5, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY – JANUARY 5, 1978

LEGISLATIVE JOURNAL

SECOND DAY - JANUARY 5, 1978
LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, Januray 5, 1978

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, as we seek thy guidance this day, we do not ask to see the distant scene, knowing that we can take only one step at a time. Make that first step plain to us, that we may see where our duty lies, but give us a push, that we may start in the right direction. Through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. F. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

UNANIMOUS CONSENT - Members Excused

Mr. D. Dworak asked unanimous consent to be excused at 9:30 a.m. until he returns. No objections. So ordered.

Mr. Carsten asked unanimous consent to be excused this afternoon. No objections. So ordered.

NATURAL RESOURCES DISTRICT REPORT

January 5, 1978

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

Dear Mr. Brown:

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1977 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEYS	FEE
Lower Platte South		$29,363.58

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: 147.

MOTION - Withdraw LB 360

Mr. Kahle renewed his pending motion found in the Journal on page 147 for the First Day to withdraw LB 360.

The motion prevailed with 35 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

MOTION - Refer LR 145

Mr. Barnett moved pursuant to Rule 4 Section 8, to refer LR 145 to the Reference Committee for referral.

The motion prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

MOTION - Refer LR 146

Mr. Rasmussen moved pursuant to Rule 4 Section 8 that LR 146 be sent to the Reference Committee for referral.

The motion prevailed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 142. Mr. Bereuter asked unanimous consent to bracket LB 142 until March 1, 1978. No objections. So ordered.

LEGISLATIVE BILL 75. Considered.

Mr. Chambers offered the following amendment:
Page 2, line 8, put "period" after "100 dollars" - strike following language through line 11

The amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Mr. Reutzel renewed his pending amendment found in the Journal on page 1941, First Session.

Mr. Reutzel moved for a Call of the House. The motion lost with 14 ayes, 15 nays, 19 present and not voting, and 2 excused and not voting.

The Chair voted "nay" to break the tie.

The Reutzel amendment lost with 18 ayes, 20 nays, 9 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.

UNANIMOUS CONSENT - MEMBER EXCUSED

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 394. Title read. Considered.

Standing Committee amendments found in the Journal on page 631 for the Thirty-Second Day, First Session, were considered.

Mr. Keyes offered the following amendment to the Standing Committee amendment:
Sec. 6 line 2 strike "1977" and insert "1978"

The amendment was adopted with 28 ayes, 1 nay, 3 excused and not voting, and 17 present and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
Strike the words "to impose"

The amendment was adopted with 30 ayes, 0 nays, 3 excused and not voting, and 16 present and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 3 nays, 3 excused and not voting, 18 present and not voting.

Mr. Newell renewed his pending amendment found in the Journal on page 1187 for the Fifty-Fourth Day, First Session.

Mr. Chambers requested a division of the question on the Newell amendments.

The Chair ruled the amendments divided.

Mr. Lamb offered the following amendment to the Newell amendment (1):
Substitute "primary" for Class I.

The amendment was adopted with 18 ayes, 7 nays, 21 present and not voting, and 3 excused and not voting.

Speaker Luedtke asked unanimous consent to be excused. No objections. So ordered.

The Newell amendment (1) as amended, lost with 2 ayes, 22 nays, 22 present and not voting, and 3 excused and not voting.

Mr. Newell asked unanimous consent to withdraw his amendment (2). No objections. So ordered.

Mr. Chambers offered the following amendment:
Add the emergency clause.

The amendment was adopted with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Koch moved to indefinitely postpone LB 394.

Mr. Rasmussen 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 27 ayes, 1 nay, and 21 not voting.

Mr. Koch withdrew his motion to indefinitely postpone.

Mr. F. Lewis asked unanimous consent to bracket LB 394 until January 19, 1978.

Mr. Lamb objected.

Mr. F. Lewis moved to bracket LB 394 until January 19, 1978.

MR. MARVEL PRESIDING

The motion lost with 17 ayes, 25 nays, 3 present and not voting, and 4 excused and not voting.

Mr. Simon moved to indefinitely postpone LB 394.

The motion lost with 6 ayes, 28 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 33 ayes, 8 nays, 4 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 648. By Stoney, 4th District.

A BILL FOR AN ACT to adopt the Nebraska Clean Indoor Air Act; and to repeal sections 28-1327 and 28-1328, Revised Statutes Supplement, 1977.

LEGISLATIVE BILL 649. By Judiciary Committee: Barnett, 26th District, Chairman; Venditte, 7th District; Reutzel, 15th District; Stoney, 4th District; Carsten, 2nd District; E. Dvorak, 8th District.

A BILL FOR AN ACT to amend sections 48-136, 48-173, 48-174, and 48-176, Reissue Revised Statutes of Nebraska, 1943, sections 48-108, 48-153, and 48-177, Revised Statutes Supplement, 1976, and section 48-139, Revised Statutes Supplement, 1977, relating to the Nebraska Workmen's Compensation Court; to delete provisions for a lump sum attorney's fee; to change verfication requirements; to require duplicate originals of applications for lump sum settlement; to delete obsolete matter; to provide for the residence of judges; to change an acknowledgement provision; to provide a time for certain filings; to clarify a provision; and to repeal the original sections.

LEGISLATIVE BILL 650. By Judiciary Committee: Barnett, 26th District, Chairman; Chambers, 11th District; E. Dvorak, 8th District; Venditte, 7th District; Carsten, 2nd District; Reutzel, 15th District; Stoney, 4th District.

A BILL FOR AN ACT to amend sections 30-2209, 30-2220, 30-2307, 30-2322, 30-2323, 30-2324, 30-2329, 30-2412, 30-2414, 30-2416, 30-2433, 30-2436, 30-2453, 30-2459, 30-2460, 30-2461, 30-2476, 30-2483, 30-2489, 30-2611, 30-2619, 30-2626, 30-2636, 77-2003, 77-2010, 77-2101.01, and 77-2102, Reissue Revised Statutes of Nebrsaka, 1943, and section 77-2037, Revised Statutes Supplement, 1977, relating to the administration and taxation of estates; to clarify priority of administration expenses; to provide a discovery procedure for property of decedent; to change provisions relating to probate and appointment proceedings as prescribed; to change provisions with respect to the self-proved will; to change when inheritance and estate taxes are due; to change inheritance and estate tax provisions as prescribed; and to repeal the original sections.

UNANIMOUS CONSENT - LB 645

Mr. DeCamp asked unanimous consent to add his name to LB 645. No objections. So ordered.

Mr. Duis asked unanimous consent to withdraw his name from LB 645. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Friday, January 6, 1978. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 177. Mr. Murphy asked unanimous consent to have LB 177 laid over. No objections. So ordered.

PRESIDENT WHELAN PRESIDING

ANNOUNCEMENT

President Whelan announced the Reference Committee will meet at 1:00 p.m. today.

GENERAL FILE

LEGISLATIVE BILL 380. Title read. Considered.

Standing Committee amendments found in the Journal on page 661 for the Thirty-Third Day, First Session, were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Koch offered the following amendment:

Amendments to LB 380

1. On page 4, line 24 strike "1978" and insert "1979".
2. On page 5, line 3 strike "1975" and insert "1976"; and in line 4 strike "1978" and insert "1979".
3. On page 6, line 25 strike "1978" and insert "1979".
4. Insert a new section to read as follows:

"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.".

5. Renumber original sections 9 and 10 as sections

11 10 and 11.

Amendment pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 651. By Banking Committee: DeCamp, 40th District, Chairman; Mills, 44th District; Murphy, 17th District; Merz, 10th District; Duis, 39th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 77-907, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to exempt certain premiums from taxation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 652. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 23-927, Reissue Revised Statutes of Nebraska, 1943, and section 79-2210, Revised Statutes Supplement, 1977, relating to budgets; to change the date for filing a budget statement; to provide for filing an amended budget statementand levy certification for educational service units; and to repeal the original sections.

LEGISLATIVE BILL 653. By Banking Committee: DeCamp, 40th District, Chairman; Labedz, 5th District; Merz, 10th District; Schmit, 23rd District; Mills, 44th District.

A BILL FOR AN ACT relating to bonds; to provide blanket surety bond coverage for state employees; to amend sections 2-1201, 2-1505, 3-103, 8-104, 8-105, 11-119, 11-121, 11-201, 48-158, 48-609, 48-618, 48-701, 53-109, 55-123, 55-126, 55-127, 55-150, 57-917, 60-432, 60-1303, 60-1502, 68-703, 71-1,132.11, 71-222.01, 71-2611, 71-3808, 72-1241, 80-401.02, 81-111, 81-151, 81-811, 81-8,128, 81-1108.14, 83-101.02, 83-128, 84-106, 84-206, and 84-801, Reissue Revised Statutes of Nebraska, 1943, and section 48-804.03, Revised Statutes Supplement, 1976; and to repeal the original sections, and also section 11-120, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 654. By Banking Committee: DeCamp, 40th District, Chairman; Mills, 44th District; Labedz, 5th District; Duis, 39th District; Brennan, 9th District; Merz, 10th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to the State of Nebraska Classification and Pay Plan; to create additional classes of bank examiners; to classify grades for bank examiners as prescribed; to amend section 8-105, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 655. By Banking Committee: DeCamp, 40th District, Chairman; Duis, 39th District; Mills, 44th District; Merz, 10th District; Schmit, 23rd District; Brennan, 9th District.

A BILL FOR AN ACT to amend sections 77-910 and 77-912 to 77-914, Reissue Revised Statutes of Nebraska, 1943, relating to insurance companies; to create the Department of Insurance Refund Fund; to provide refunds for certain payments and overpayments; to provide duties for the Director of Insurance; and to repeal the original sections.

LEGISLATIVE BILL 656. By Banking Committee: Schmit, 23rd District, Vice Chairman; Mills, 44th District; Duis, 39th District; Merz, 10th District; Labedz, 5th District; Brennan, 9th District.

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

LEGISLATIVE BILL 657. By Banking Committee: DeCamp, 40th District; Chairman; Merz, 10th District; Mills, 44th District; Labedz, 5th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 76-501, 76-504, 76-512, 76-515, 76-519, and 76-521, Reissue Revised Statutes of Nebraska, 1943, relating to abstracters; to change certain bonding provisions; to change county officer eligibility; to change application requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 658. By Lamb, 43rd District; Hefner, 19th District.

A BILL FOR AN ACT to amend section 71-1,132.20, Reissue Revised Statutes of Nebraska, 1943, relating to nursing; to eliminate the requirement of a review course; and to repeal the original section.

ATTORNEY GENERAL'S OPINION

Opinion No. 156
January 4, 1978

Dear Senator Barnett:

You have requested the opinion of this office concerning a proposed amendment to LB 121. That amendment would delete the present subsection (7) and replace it with the following:

> "(7) 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 balance of the property and money due such tenant under (2) and, as liquidated special damages for loss of use of the property and money, an amount on one month's periodic rent, plus reasonable attorney fees."

That amendment is essentially the same as an amendment addressed earlier by this office in Opinion No. 79, except that this amendment specifies that the special damages are for the purpose of compensating for the loss of use of the property or money withheld. As was pointed out in the earlier opinion, Abel v. Conover, 170 Neb. 926, 104 N.W.2d 684 (1960), states the applicable test to be applied 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. . . ."

Therefore, the question faced is whether the liquidated damages provided herein bears a reasonable relationship to actual damages which may be sustained, or conversely whether they are clearly in excess of the amount necessary to make the injured party whole.

The courts will give great deference to reasoned decisions made by the Legislature in the course of enacting legislation. In the instant case, if the Legislature clearly and purposefully determines that liquidated damages are provided herein because damages are not

susceptible of measurement by ordinary pecuniary standards, and that the amount of liquidated damages provided bears a reasonable relationship to the actual damages which might be sustained, then the courts would certainly give great deference to that decision. However, in light of the fact that under subsection (1) of LB 121 the maximum amount of money or property that could be unjustifiably withheld is 125% of one month's periodic rent (one month security deposit plus an additional 1/4 for pets), it is questionable whether returning not only the amount unjustifiably withheld and attorney fees, but also giving the tenant an additional one month's rent for loss of use would be considered to bear a relationship to the actual damages sustained by the tenant. For instance, assume monthly rent of $100.00 so that the maximum security deposit allowable is $125.00. If the landlord unjustifiably withholds the entire $125.00, the tenant would be allowed to recover $225.00 (the amount due plus one month's periodic rent) plus his attorneys' fees. This, at least on the surface, would appear to be in excess of the tenants's damage. Therefore, it may be considerd to be a penalty against the landlord which, under Abel v. Conover, would be unconstitutional. Therefore, it is our opinion that a substantial constitutional question would still exist.

Yours very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gary B. Schneider
Assistant Attorney General

GBS:pjs
cc: Patrick O'Donnell
Acting Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducer to LB 562

Mr. Reutzel asked unanimous consent to add his name to LB 562. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at 1:00 p.m., in room 2102.

VISITORS

The President introduced 22 seniors from Bradshaw High School, Bradshaw, Nebraska.

RECESS

At 12:02 p.m., on a motion by Mr. Marvel, 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. Luedtke who was excused and Messrs. Carsten, Duis, F. Lewis and Mrs. Marsh who were excused until they arrive.

UNANIMOUS CONSENT - Members Excused

Mr. Kelly asked unanimous consent to be excused Monday, January 9, 1978. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 659. By Duis, 39th District.

A BILL FOR AN ACT to amend sections 81-8,279, 81-8,280, and 81-8,282, Reissue Revised Statutes of Nebraska, 1943, relating to real estate appraiser licenses; to provide for only one class of license; to provide for reciprocity; to reduce the experience requirement; to clarify fee provisions; and to repeal the original sections, and also section 81-8,281, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 660. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman; Carsten, 2nd District; Barnett, 26th District; Fitzgerald, 14th District; E. Dvorak, 8th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend sections 77-1240 and 77-1241, Reissue Revised Statutes of Nebraska, 1943, and section 60-1602, Revised Statutes Supplement, 1976, relating to taxation; to change tax payment provisions of cabin trailers and mobile homes; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 315 in the Journal. No objections. So ordered.

1. Insert a new section as follows:

"Sec. 2. The Veterans' Home Building Fund as provided for in section 1 of this act shall, along with matching federal funds available, be used for the specific purpose of adding a one hundred bed nursing facility at the already existing one hundred bed domicilary care at the Western Nebraska Veterans Home in Scottsbluff.".

2. Renumber original section 2 as section 3.

GENERAL FILE

LEGISLATIVE BILL 380. Considered.

The Koch pending amendment found in this day's Journal 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 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 380A. Title read. Considered.

Mr. Warner offered the following amendment:

Amend LB 380A by striking in lines 1 and 2 the words "one thousand seven hundred seventy-one" and insert "two thousand four hundred and ninety" and in line 3 strike "1977" and insert "1978"; in line 4 strike "1978" and insert "1979"

The amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 33 ayes, 2 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 372. Title read. Considered.

Standing Committee amendment found in the Journal on page 700 for the Thirty-Fifth Day was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Kelly withdrew his pending amendments found in the Journal on page 1613 and 1614 for the Sixty-Ninth Day, First Session.

Mrs. Marsh withdrew her pending amendments found in the Journal on page 1941 for the Eightieth Day, First Session.

Mr. Koch offered the following amendment:
Committee amendment strike nine and insert five.

Mr. Fowler offered the following amendment to the Koch amendment:
To strike "5" insert "4"

The amendment lost with 13 ayes, 19 nays, 15 present and not voting, and 2 excused and not voting.

The Koch amendment was adopted with 26 ayes, 7 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Kelly requested a record vote on advancing to E & R for Review.

Voting in the affirmative, 27:

Barnett	Duis	Kelly	Maresh	Rumery
Burrows	D. Dworak	Keyes	Mills	Simon
Clark	George	Kremer	Moylan	Warner
Cope	Hasebroock	Labedz	Murphy	
Cullan	Hefner	Lamb	Rasmussen	
DeCamp	Kahle	R. Lewis	Reutzel	

Voting in the negative, 8:

Brennan	Fowler	Marvel	Newell
E. Dvorak	Marsh	Maxey	Stoney

Present and not voting, 12:

Bereuter	Goodrich	F. Lewis	Savage
Chambers	Kennedy	Merz	Schmit
Fitzgerald	Koch	Nichol	Venditte

Excused and not voting, 2:

Carsten Luedtke

Advanced to E & R for Review with 27 ayes, 8 nays, 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 661. By Clark, 47th District.

A BILL FOR AN ACT to amend sections 57-104 and 57-905, Reissue Revised Statutes of Nebraska, 1943, relating to minerals, oil, and gas; to provide duties of prospectors for minerals; to provide powers of the Oil and Gas Conservation Commission; and to repeal the original sections.

LEGISLATIVE BILL 662. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Murphy, 17th District; Schmit, 23rd District; Labedz, 5th District; Mills, 44th District.

A BILL FOR AN ACT relating to hospital service corporations; to specify the number of directors as prescribed.

LEGISLATIVE BILL 663. By Warner, 25th District; Koch, 12th District.

A BILL FOR AN ACT relating to education; to create a fund; to prescribe its name and purpose; to provide for deposit and disbursements; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 664. By Newell, 13th District.

A BILL FOR AN ACT relating to public buildings; to provide that a portion of appropriations be used for the acquisition of art works; to create a commission; to amend sections 85-106 and 85-304, Revised Statutes Supplement, 1977; to provide duties on the

Nebraska Arts Council, the Board of Regents, and the Board of Trustees of Nebraska State Colleges; and to repeal the original sections.

REFERENCE COMMITTEE REPORT

LB	Committee
551	General File
552	General File
553	Constitutional Revision and Recreation
554	Judiciary
555	Judiciary
556	Judiciary
557	Revenue
558	Urban Affairs
559	Urban Affairs
560	Government, Military & Veterans Affairs
561	Judiciary
562	Judiciary
563	Government, Military & Veterans Affairs
564	Government, Military & Veterans Affairs
565	Agriculture and Environment
566	Judiciary
567	Government, Military & Veterans Affairs
568	Government, Military & Veterans Affairs
569	Government, Military & Veterans Affairs
570	Government, Military & Veterans Affairs
571	Government, Military & Veterans Affairs
572	Public Health & Welfare
573	Public Health & Welfare
574	Public Works
575	Public Health & Welfare
576	Public Works
577	Urban Affairs
578	Agriculture and Environment
579	Public Works
580	Public Health & Welfare
581	Public Works
582	Constitutional Revision & Recreation
583	Public Health & Welfare
584	Public Works
585	Miscellaneous Subjects
586	Constitutional Revision & Recreation

587 Public Works
588 Public Health & Welfare
589 Education
590 Agriculture and Environment
591 Urban Affairs
592 Nebraska Retirement Systems
593 Judiciary
594 Public Works
595 Public Health & Welfare
596 Education
597 Judiciary
598 Public Works
599 Banking, Commerce & Insurance
600 Banking, Commerce & Insurance
601 Education
602 Urban Affairs
603 Judiciary
604 Miscellaneous Subjects
605 Public Health & Welfare
606 Public Works
607 Government, Military & Veterans Affairs
608 Government, Military & Veterans Affairs
609 Urban Affairs
610 Public Works
611 Public Works
612 Constitutional Revision & Recreation
613 Constitutional Revision & Recreation
614 Constitutional Revision & Recreation
615 Public Works
616 Judiciary
617 Government, Military & Veterans Affairs
618 Judiciary
619 Public Works
620 Revenue
621 Public Works
622 Judiciary
623 Judiciary
624 Judiciary
625 Judiciary
626 Banking, Commerce & Insurance
627 Revenue
628 Government, Military & Veterans Affairs
629 Business & Labor

630 Business & Labor
631 Business & Labor
632 Government, Military & Veterans Affairs
633 Public Health & Welfare
634 Urban Affairs
635 Revenue
636 Agriculture and Environment
637 Agriculture and Environment
638 Education
639 Agriculture and Environment
640 Revenue
641 Banking, Commerce & Insurance
642 Revenue

LR Committee
145 Judiciary

(Signed) Richard D. Marvel, Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS

LR 145 Wednesday, January 11, 1978 12:30 p.m

(Signed) Wally Barnett, Chairman

MOTION - Suspend Rules

Mr. DeCamp moved to suspend Rule 5, Sec. 4, to permit any co-signers on Req. 1053 and

Further Rule 5, Sec. 5 so that said Req. 1053 shall not apply to the 10 bill limitation applicable to each Senator.

Mr. Warner requested a division of the question. The Chair ruled the motion divided.

The first portion of the motion to suspend to the rules to introduce the bill with more than 3 names prevailed with 35 ayes, 7 nays, 5 present and not voting, and 2 excused and not voting.

Mr. DeCamp withdrew the remainder of the motion.

BILL ON FIRST READING

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

LEGISLATIVE BILL 665. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Duis, 39th District; Labedz, 5th District; Merz, 1st District; Mills, 44th District; Murphy, 17th District; Goodrich, 20th District; Bereuter, 24th District; Reutzel, 15th District; Nichol, 48th District; Hasebroock, 18th District; Kahle, 37th District; Cope, 36th District; Savage, 10th District; Rasmussen, 41st District; Hefner, 19th District; Kremer, 34th District; Kelly, 35th District; Stoney, 4th District; Lamb, 43rd District; Marvel, 33rd District; George, 16th District; Keyes, 3rd District; Maresh, 32nd District; Rumery, 42nd District; Venditte, 7th District; Clark, 47th District; Carsten, 2nd District.

A BILL FOR AN ACT relating to product liability actions; to authorize such actions as prescribed; to define a term; to amend sections 25-702, 25-1151, and 27-407, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

ANNOUNCEMENT

Mr. Savage announced a brief meeting under the South Balcony of the Committee on Committees immediately upon adjournment to assign Senator Kennedy to his committees.

UNANIMOUS CONSENT - Member Excused

Mr. Kahle asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 406. Title read. Considered.

Standing Committee amendments found in the Journal on page 707 for the Thirty-Sixth Day, First Session, were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

MR. MARVEL PRESIDING

Mr. Nichol asked unanimous consent to withdraw his pending amendment found in the Journal on page 1524. No objections. So ordered.

Mr. Moylan offered the following amendment:
On page 8, line 13, strike "1978" and insert "1979", strike "1979" and "1980".

The amendments were adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 32 ayes, 2 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 406A. Title read. Considered.

Mr. Moylan offered the following amendment:
On page 2, line 1, strike "five" and insert "one"; on line 2, strike "nine hundred seventy-five" and insert "seven hundred ninety"; on line 3, strike "four" and insert "nine"; on line 5, strike "1977" and insert "1978", strike "1978", and insert "1979"; and on line 8, strike "First Session, 1977" and insert "Second Session, 1978".

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

PRESIDENT WHELAN PRESIDING

LEGISLATIVE BILL 329. 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 411. Title read. Considered.

Standing Committee amendment found in the Journal on page 736 for the Thirty-Eighth Day, First Session, was considered.

Mr. Mills offered the following amendment to the Standing Committee amendment:

Amend the committee amendment by adding a new section after Section (5) "Beginning Jan. 1, 1980 all watershed conservancy districts, created under sections 2-1550 to 2-1565 and in existence on the effective date of this act, shall be discontinued and the assets distributed as provided in section 2-1549.04."

Mr. Bereuter requested a ruling of the Chair on whether the Mills amendment is germane.

The Chair ruled the amendment was in order.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

The Call showed 43 members present.

Mr. Barnett requested a roll call vote.

Voting in the affirmative, 15:

Cullan	D. Dworak	Kennedy	Mills	Newell
DeCamp	Hasebroock	Lamb	Moylan	Rasmussen
E. Dvorak	Hefner	Marvel	Murphy	Savage

Voting in the negative, 25:

Barnett	Cope	Keyes	R. Lewis	Rumery
Bereuter	Fitzgerald	Koch	Maresh	Schmit
Brennan	Fowler	Kremer	Marsh	Simon
Burrows	George	Labedz	Maxey	Stoney
Clark	Kelly	F. Lewis	Merz	Warner

Present and not voting, 3:

Duis	Nichol	Reutzel

Absent and not voting, 3:

Chambers	Goodrich	Venditte

Excused and not voting, 3:

Carsten Kahle Luedtke

The Mills amendment lost with 15 ayes, 25 nays, 3 present and not voting, 3 absent and not voting, and 3 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 39 ayes, 1 nay, and 9 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 666. By Public Works Committee: Kremer, 34th District, Chairman; Moylan, 6th District; Mills, 44th District; R. Lewis, 38th District; Cullan, 49th District; Kelly, 35th District; Merz, 10th District.

A BILL FOR AN ACT to amend section 46-663, Revised Statutes Supplement, 1976, relating to irrigation; to provide that a natural resources district may require installation of measuring devices; and to repeal the original section.

LEGISLATIVE BILL 667. By Public Works Committee: Kremer, 34th District, Chairman; Moylan, 6th District; Mills, 44th District; R. Lewis, 38th District; Merz, 10th District; Cullan, 49th District; Kelly, 35th District.

A BILL FOR AN ACT to amend section 46-256, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to provide that certain persons construct a headgate and measuring device as prescribed; and to repeal the original section.

LEGISLATIVE BILL 668. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Venditte, 7th District; Stoney, 4th District; E. Dvorak, 8th District.

A BILL FOR AN ACT to amend section 76-216, Reissue Revised Statutes of Nebraska, 1943, relating to conveyances; to change provisions relating to acknowledgment requirements; to repeal the original section; and to declare an emergency.

VISITORS

The President introduced 14 freshmen through seniors and teacher from Midland College, Fremont, Nebraska.

ADJOURNMENT

At 4:42 p.m., on a motion by Mr. Marvel, the Legislature adjourned until 9:00 a.m., Friday, January 6, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 6, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 6, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Oh God, our Father, we know that our laws can be no better than those who make the laws and administer the laws, and the people who follow the laws.
>
> As this legislature initiates laws, give them the courage to look at themselves. Our pride, our passions, and our self-interested are very real, and often dominate the center of life from which our thinking stems and our decisions follow.
>
> We pray that Thou wouldst allow other qualities, which may be buried, to rise again in our lives - decency, consideration, unselfishness, and hard thinking with a warm heart.
>
> In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Koch, Luedtke, and Nichol who were excused; and Mrs. Labedz, Messrs. George, and F. Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Mrs. Marsh offered the following correction to the Journal.
Page 158 of the Legislative Journal for January 5, 1978 Paragraph 7

"Mr. Reutzel moved for a Call of the House. The motion lost with 14 ayes, 14 nays, 19 present and not voting, and 2 excused and not voting."

Paragraph 8
"President Whelan voted 'nay' to break the tie."
The Journal for the Second Day was approved as corrected.

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

January 6, 1978

The Committee on Committees will meet at 12:00 Noon on Monday, January 16, 1978, in Room 1019 of the State Capitol for the purpose of hearing appointments submitted by Governor J. James Exon, as follows:

John W. Neuberger - Department of Water Resources (Director)
Roger Sandman - Department of Agriculture (Director)
David O. Coolidge - Department of Roads (Director)
Eugene E. Neal - State Board of Parole
Robert J. Keller - State Board of Parole
Maurine Biegert - Environmental Control Council
David O. Coolidge - Board of Public Roads Classifications & Standards

January 6, 1978

The Committee on Committees will meet at 12:00 Noon on Friday, January 20, 1978, in Room 1019 of the State Capitol for the purpose of hearing appointments submitted by Governor J. James Exon, as follows:

Marlin O. Armbruster - Motor Vehicle Industry Licensing Board
Francis Hanna - Motor Vehicle Industry Licensing Board
Julius Novak - Motor Vehicle Industry Licensing Board
F. B. Thompson - Board of Public Roads Classifications & Standards
Marvin Athey - Board of Public Roads Classifications & Standards
Bruce C. Gillan - Board of Public Roads Classifications & Standards
D. J. Erington - Board of Public Roads Classifications & Standards
Blase J. Cupich - Board of Public Roads Classifications & Standards
E. K. Yanney - Nebraska Investment Council

January 6, 1978

The Committee on Committees will meet at 12:00 Noon on Thursday, February 16, 1978, in Room 1019 of the State Capitol

for the purpose of hearing appointments submitted by Governor J. James Exon, as follows:

Dwayne Kizzier - Environment Control Council
Homer Loutzenheiser - Environmental Control Council
William Krejci - Environmental Control Council
Jerry Hassett - Environmental Control Council
George J. David - Environmental Control Council
Leonard Schaefer - Environmental Control Counci
Margaret Sutherland - Environmental Control Council

(Signed) John S. Savage, Chairman

SELECT COMMITTEE REPORT
Committee on Committees

The Committee on Committees met at 4:45 p.m. under the South Balcony of the Legislative Chamber-State Capitol, Lincoln, Nebraska on Thursday, January 5, 1978 for consideration of committee assignments due to the vacancy created by the demise of Senator Keith Boughn.

Senator Frank Lewis moved that Senator Thomas Kennedy be assigned to the Public Health & Welfare and Public Works Committees.

Senator Shirley Marsh seconded the motion.

Motion carried on a vote on 11 ayes; 0 nays; 2 absent and not voting.

Voting Aye: Savage, Marsh, Burrows, F. Lewis, Labedz, Moylan, Dworak, Murphy, Cope, Mills, Rasmussen.

Voting Nay: None

Absent and Not Voting: Koch, DeCamp

(Signed) John S. Savage, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 158
January 5, 1978

Dear Senator Lamb:

You have asked for our opinion on LB 638 which you have introduced in this legislative session. LB 638 amends LB 532, section

45, Eighty-fifth Legislature, First Session, 1977. Your amendment, in effect, reestablishes the former method of appropriation of state aid for local schools.

In Section 1(3) your amendment proposes the following language:

> "There is included in the amount shown $45,000,000 General Funds which are appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated and $10,000,000 General Funds for distribution under sections 79-4,160 to 79-4,168."

This is the identical language that has been used in the recent past in approriating state aid money for distribution to local school districts. The School Foundation and Equalization Fund is distributed under a formula established by sections 79-1330 through 79-1344, R.R.S. 1943. Section 79-4,160 through section 79-4,168 provide for a distribution of sums appropriated for their purposes. By the enactment of LB 33 last year, the Legislature sought to amend the provisions of both of the above sets of statutes concerning the distribution of state aid money to local school districts. In addition, LB 33 contemplated an increase in state support for local school districts of $20,000,000 for the fiscal year 1977-1978. As you know, a referendum petition was circulated successfully thereby suspending LB 33 pursuant to Article III, section 3 of the Constitution. In LB 532, the appropriations bill of the last session intended to fund state aid to local school districts, the Legislature appropriated $55,000,000 in General Funds to the School Foundation and Equalization Fund. The further language of that section appropriating the money which you propose to amend appropriated the amounts allocated under LB 33 and, of course, that appropriation was ineffective as set forth in our prior opinions to Senators Koch and DeCamp.

The question that arises by virtue of the attempt to correct the problems introducted into the distribution of state aid by the method of appropriation utilized by the Legislature last year is the extent of the power of the Legislature to act where a referendum

vote is pending. In Nebraska the case that offers the most guidance in this area is Klosterman v. Marsh, 180 Neb. 506, 143 N.W.2d 744 (1966). In that case a referendum action had been initiated against the enactment of an income tax law. The general income tax law was first enacted during the session, passed and became law without the Governor's signature. Later in the session an additional bill was enacted which amended section 1 of the income tax law. The only affect of the amendment was to change the definition of income for cooperatives in the State of Nebraska. The question presented to the court was whether the referendum and initiative provisions and the legislative power were concurrent or consecutive. The court held that the power of the people and the Legislature to enact legislation could be exercised concurrently. In addition, the court stated the often repeated rule that:

> "Constitutional provisions with respect to the right of initiative and referendum reserved to the people should be construed to make effective the powers reserved. . . ."

However, the court also recognized that legislative power to act still existed. They stated:

> "In this case we are not faced with the problem of a referendum petition against a specific legislative act in which changes or amendments made by the Legislature in a subsequent amending act might be such as to make them inseverable. Nor is this a case where the later amendment was so major and extensive as to make the issue to be presented to the voters unintelligible or so misleading as to be unfair or constitute fraud. Neither is this a case in which rejection of the act under referral by the voters would create confusion or upset the orderly process of legislation."

There is a very similar situation in Klosterman to that which is proposed under your amendment in that the amendment you propose does not affect LB 33 directly. Your amendment is of an appropriations bill which has the effect of appropriating money to be distributed under the legislation that would have been repealed or amended by LB 33. In effect, your bill maintains the status quo as it had existed prior to the adoption of LB 33. It is also corrective in that it authorizes the Department of Education in subsection 2 to distribute the money under the existing statutes regulating the distribution of state aid to school districts essentially in the same manner that the distributions have been made in previous years. For these reasons as well as for the reasons pointed out in our letter to Senator DeCamp of October 26, 1977, it is our opinion that your

proposed amendment is not in violation of the power of initiative or referendum reserved to the people by Article III, section 3 of the Constitution.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature
State Capitol Building

BILLS ON FIRST READING

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

LEGISLATIVE BILL 669. By Fowler, 27th District.

A BILL FOR AN ACT relating to the University of Nebraska; to provide for enrollment within a certain program.

LEGISLATIVE BILL 670. By Duis, 39th District.

A BILL FOR AN ACT relating to district courts; to change garnishment procedures.

MOTION - Place LB 574 on General File

Mr. Maresh moved pursuant to Rule 3 Section 20 I object to LB 574 referral and would move to place the bill directly on General File without a public hearing.

The motion prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

Mr. Hasebroock announced the Nebraska Retirement Systems Committee will meet in Executive Session at 12:00 noon on Tuesday, January 24, 1978, for purposes of reviewing bills held in committee and reviewing actuarial reports submitted on those systems administered by the Public Employees Retirement System.

GENERAL FILE

LEGISLATIVE BILL 411. Considered.

Standing Committee amendment found in the Journal on page 736 for the Thirty-Eighth Day, First Session, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Kremer offered the following amendment:
When the words "Watershed Conservancy" are used in the title and other places in the bill be changed to "ground water conservation" in that there are no watershed conservancy districts.

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

Mr. Mills asked unanimous consent to bracket LB 411.

Mr. Bereuter objected.

Mr. Mills moved to bracket LB 411 to January 27, 1978.

Mr. Bereuter withdrew his objection.

No objections. So ordered. LB 411 was bracketed until January 27, 1978.

LEGISLATIVE BILL 233. Title read. Considered.

Standing Committee amendment found in the Journal on page 743 for the Thirty-Eighth Day, First Session, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

PRESIDENT WHELAN PRESIDING

Mr. Kahle offered the following amendment:
Counties of less than 10,000 population would provide at least one polling place in the county accessible to all handicapped.

Mr. Merz 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 Kahle amendment lost with 13 ayes, 20 nays, 13 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 28 ayes, 0 nays, and 21 not voting.

Advanced to E & R for Review with 29 ayes, 4 nays, 13 present and not voting, and 3 excused and not voting.

BIRTHDAY

Mrs. Marsh announced today is Assistant Sergeant at Arms, Walt Robinson's 84th birthday. The members sang happy birthday to him.

GENERAL FILE

LEGISLATIVE BILL 258. Title read. Considered.

Standing Committee amendments found in the Journal on page 780 for the Thirty-Ninth Day, First Session, were adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Mr. Schmit withdrew his pending amendment found in the Journal on page 1984, First Session.

Mr. Goodrich withdrew his pending amendments found in the Journal on pages 1087 and 1304, First Session.

Messrs. DeCamp and Schmit offered the following amendment:

Amendment to LB 258

1. Strike the committee amendment.

2. On page 2, line 6 after "requirements" insert "and housing credit requirements"; in line 7 after "channels" insert "and building and loan association channels"; in line 16 after the semicolon insert "(2) Building and loan associations shall mean any building and loan association organized under Chapter 8, article 3, Reissue Revised Statutes of Nebraska, 1943, or any federal savings and loan association with its principal office in this state;"; in line 17 strike "(2)" and insert "(3)"; in line 18 after "account" insert "or a deposit with a building and loan association"; and in line 27 after "officer" insert "with prior approval of such form by the Federal Deposit Insurance Corporations and the Federal Savings and Loan Insurance Corporations".

3. On page 3, line 1 after "bank" insert "and building and loan associations"; in line 2 strike "(3)" and insert "(4)"; in line 3 after the comma insert "federal insurance reserves,", in line 4 strike "(4)" and insert "(5)"; in line 6 after "jurisdiction" insert "less those funds necessary for day-to-day operations and"; in line 10 after "banks" insert "and building and loan associations"; in line 11 after "hundred" insert "fifty", and after "dollars" insert ", except that any bank or building and loan association may accept such offer in amounts of one hundred thousand dollars or fifty thousand dollars"; in line 12 after "banks" insert "or building and loan associations"; in line 16 after "offered" insert "at the same rate", and after "banks" insert "and building and loan associations" in line 17 after "deposit" insert a period; and strike beginning with the comma in line 17 through the period in line 24 and insert "Such deposit shall be offered in increments of fifty thousand dollars.".

4. In the Standing Committee Amendment 1, line 3 after "bank" insert "or building and loan association".

5. On page 4, line 1 after the period insert "No one bank or building and loan association may receive for deposit a sum of more than five hundred thousand dollars or an amount not to exceed the amount covered by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, plus twice the institution equity capital or net worth or as otherwise provided for by law, whichever is less."; in line 3 strike "of the first day of each month, which" and insert "they become available. The time of such deposit"; in line 7 after "banks" insert "or building and loan associations"; in line 8 after "hundred" insert "fifty"; in lines 8 and 9 strike "or ten thousand dollars"; in line 10 strike "qualifying" and insert "desiring" and in line 10 after "banks" insert "or building and loan associations"; and in lines 15 and 16 strike ", plus one per cent,".

6. Strike original section 6.

7. On page 5, line 11 strike "deposit of securities and"; and in line 12 after "banks" insert "and building and loan associations".

8. Renumber original sections 7 and 8 as sections 6 and 7.

9. Insert two new sections as follows:

'Sec. 8. Notwithstanding any other provision of law, every bank and building and loan association shall be eligible for the maximum investment offered to all banks provided for in section 3 of this act and no pledging of assets of any bank or building and loan association shall be required for any investment under this act.

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.'.

Amendment pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 671. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Kelly, 35th District; Rasmussen, 41st District; Cullan, 49th District; Moylan, 6th District; Maresh, 32nd District; Kennedy, 21st District.

A BILL FOR AN ACT to amend section 71-634, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for recording paternity information on birth certificates; and to repeal the original section.

LEGISLATIVE BILL 672. Judiciary Committee: By Barnett, 26th District, Chairman; E. Dvorak, 8th District; Stoney, 4th District; Reutzel, 15th District; Venditte, 7th District.

A BILL FOR AN ACT to amend sections 24-201.02, 24-301.01, 26-106, and 48-159, Revised Statutes Supplement, 1976, relating to salaries; to provide for an increase in salaries as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 673. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 39-669.13, Reissue Revised Statutes of Nebraska, 1943, relating to rule of the road; to provide for the payment of certain fees by any person convicted of driving while under the influence of alcoholic liquor or of any drug; and to repeal the original section.

LEGISLATIVE BILL 674. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Cullan, 49th District; Rasmussen, 41st District; Kennedy, 21st District; Moylan, 6th District; Maresh, 32nd District; Kelly, 35th District.

A BILL FOR AN ACT relating to public health; to provide for a temporary educational permit to practice dentistry as prescribed; to define terms; to provide conditions for issuance; to provide for fees; and to provide for suspensions and revocations.

LEGISLATIVE BILL 675. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Cullan, 49th District; Rasmussen, 41st District; Kennedy, 21st District; Moylan, 6th District; Maresh, 32nd District; Kelly, 35th District.

A BILL FOR AN ACT relating to public health; to provide for a temporary educational permit to practice pharmacy as prescribed; to define terms; to provide conditions for issuance; to provide for fees; and to provide for suspensions and revocations.

LEGISLATIVE BILL 676. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Cullan, 49th District; Rasmussen, 41st District; Kennedy, 21st District; Moylan, 6th District; Maresh, 32nd District; Kelly, 35th District.

A BILL FOR AN ACT relating to approved animal technicians; to define terms; to provide when an approved animal technician may render services; to provide for the certification of programs and animal technicians; to establish guidelines for applications for approved animal technicians; to set fees; and to provide for penalties.

LEGISLATIVE BILL 677. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 77-1315, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide for taxation without receipt of written notice of a higher assessment under certain conditions; and to repeal the original section.

LEGISLATIVE BILL 678. Kelly, 35th District.

A BILL FOR AN ACT relating to judgment on conviction; to deny probation in certain instances as prescribed; to amend section 29-

2260, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 679. By Kelly, 35th District.

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

LEGISLATIVE BILL 680. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 28-1244, 28-1250, and 28-1252, Revised Statutes Supplement, 1977, relating to offenses against public health and safety; to prohibit the use and sale of fireworks as prescribed; to provide an operative date; to repeal the original sections, and also sections 28-1003 and 28-1003.04 to 28-1003.15, Reissue Revised Statutes of Nebraska, 1943, and sections 28-1241 and 28-1245 to 28-1249, Revised Statutes Supplement, 1977; and to declare an emergency.

LEGISLATIVE BILL 681. By Kelly, 35th District.

A BILL FOR AN ACT relating to cities of the first class; to require that certain land be designated or a fee paid as prescribed.

LEGISLATIVE BILL 682. By Kelly, 35th District; Fowler, 27th District.

A BILL FOR AN ACT relating to the Legislature; to create the office of the Nebraska Unicameral Research Institute and the position of Unicameral Research Institute Director; and to provide duties.

LEGISLATIVE BILL 683. By Kelly, 35th District.

A BILL FOR AN ACT relating to rural libraries; to provide for establishing, altering, or dissolving library districts; to provide for a board of directors; to provide duties; and to provide for a levy.

LEGISLATIVE BILL 684. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 2-1201, Reissue Revised Statutes of Nebraska, 1943, relating to the State Racing Commission; to change membership of the commission and selection as provided; and to repeal the original section.

LEGISLATIVE BILL 685. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 71-4410, Reissue Revised Statutes of Nebraska, 1943, relating to rabies; to provide for seizure of animals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 686. By Murphy, 17th District.

A BILL FOR AN ACT to amend sections 84-712 and 84-712.01, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to clarify provisions; to define a term; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 687. By Public Works Committee: Kremer, 34th District, Chairman; Moylan, 6th District; Mills, 44th District; Kennedy, 21st District; R. Lewis, 38th District; Cullan, 49th District; Merz, 1st District.

A BILL FOR AN ACT to amend section 46-204, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to provide an exception for diverting unappropriated waters; to provide for compensation; and to repeal the original section.

LEGISLATIVE BILL 688. By Public Works Committee: Kremer, 34th District, Chairman; Moylan, 6th District; Mills, 44th District; Kennedy, 21st District; R. Lewis, 38th District; Cullan, 49th District; Merz, 1st District; Kelly, 35th District.

A BILL FOR AN ACT relating to ground water; to provide a penalty for transfer of water without a permit.

LEGISLATIVE BILL 689. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Maresh, 32nd District; Rasmussen, 41st District; Kelly, 35th District; Kennedy, 21st District, Cullan, 49th District; Moylan, 6th District.

A BILL FOR AN ACT to amend section 71-162, Reissue Revised Statutes of Neberaska, 1943, relating to public health; to increase the fee for an initial license to practice chiropractic issued on the basis of an examination; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 690. By Reutzel, 15th District.

A BILL FOR AN ACT to amend section 29-402.01, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide immunity to certain private security forces as prescribed; and to repeal the original section.

EXPLANATION OF VOTE

Had I been in my chair I would have voted "aye" to advance LB 233.

(Signed) John S. Savage

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at 1:30 p.m. under the South Balcony for bill reference.

Mr. Maresh announced an Executive Session for the Business and Labor Committee on Monday, January 9, 1978 at 9:00 a.m. under the North Balcony.

VISITORS

The President introduced former Senator Bill Diers from York County.

RECESS

At 12:00 noon, on a motion by Senator Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Koch, Luedtke, Nichol, and Simon who were excused; Messrs. Chambers, Fowler, Kennedy, Keyes, F. Lewis, Reutzel, and Mrs. Marsh who were excused until they arrive.

ANNOUNCEMENT

Mr. Warner announced that the Appropriations Committee will meet at 4:30 p.m., Monday, January 9, 1978 in room 1003.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 64 in the Journal. No objections. So ordered.

1. Insert new sections to read:

"Sec. 2. That section 28-105, Revised Statutes Supplement, 1977, be amended to read as follows:

28-105. (1) For purposes of this code and any statute passed by the Legislature after the date of passage of this code, felonies are divided into six classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I felony.....~~Death~~
Maximum-ninety years imprisonment
Minimum-thirty years imprisonment
Class IA felony.....Life imprisonment
Class IB felony.....Maximum-life imprisonment
Minimum-ten years imprisonment
Class II felony.....Maximum-fifty years imprisonment
Minimum-one year imprisonment
Class III felony.....Maximum-twenty years
imprisonment, or twenty-five
thousand dollars fine, or both
Minimum-one year imprisonment
Class IV felony.....Maximum-five years
imprisonment, or ten thousand
dollars fine, or both
Minimum-none

(2) All sentences of imprisonment for Class IA, IB, II, and III felonies and sentences of one year or more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in this subsection. If the Department of Correctional Services certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months

or more be served in any institution under the jurisdiction of the Department of Correctional Services. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisdiction to sentence in felony cases.

(3) Nothing in this section shall limit the authority granted in sections 29-2221 and 29-2222, to increase sentences for habitual criminals

Sec. 3. That section 28-303, Revised Statutes Supplement, 1977, be amended to read as follows:

28-303. A person commits murder in the first degree if he kills another person (1) purposely and with deliberate and premeditated malice, or (2) in the perpetration of or attempt to perpetrate any sexual assault in the first degree, arson, robbery, kidnapping, hijacking of any public or private means of transportation, or burglary, or (3) by administering poison or causing the same to be done; or if by willful and corrupt perjury or subornation of the same he purposely procures the conviction and execution of any innocent person. ~~The determination of whether murder in the first degree shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.~~ Murder in the first degree is a Class I felony. Sentences on two or more counts 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."

2. Renumber original section 2 as section 4; strike original section 3; and renumber original sections 4 and 5 as sections 5 and 6.

3. On page 4, line 13, strike ", 28-401, and 29-102," and insert "and 28-401,"; at the end of line 13, insert "and sections 28-105 and 28-303, Revised Statutes Supplement, 1977,"; in line 14, insert "29-102," after "sections" and insert a comma after "29-2528".

LEGISLATIVE BILL 258. Considered.

Mr. DeCamp offered the following amendment to the DeCamp-Schmit amendment found in this day's Journal:

1. On page 4, line 12 after "deposits" insert "and the term of deposits to be offered"; and strike beginning with "yield" in line 14 through "determined" in line 20 and insert "rate paid for other qualified investments of equal term available for investment by the state investment officer. It is the Legislature's intent that the state receive a competitive rate from Nebraska banks and building and loan associations, but that rates received should not exceed the rates that would be paid for other qualified investments.".

Mr. DeCamp asked unanimous consent to be excused for 10 minutes. No objections. So ordered.

The DeCamp amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The DeCamp-Schmit amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. D. Dworak offered the following amendment:
Strike the words "savings and loan instutitions" where used in the bill.

Mr. Mills requested a record vote.

Voting in the affirmative, 8:

Burrows	Kahle	Marsh	Merz
D. Dworak	R. Lewis	Maxey	Mills

Voting in the negative, 23:

Barnett	Fitzgerald	Kremer	Rasmussen	Stoney
Carsten	Goodrich	Labedz	Reutzel	Venditte
Cope	Hasebroock	Lamb	Rumery	Warner
DeCamp	Hefner	Maresh	Schmit	
Duis	Keyes	Newell	Simon	

Present and not voting, 13:

Bereuter	Cullan	George	Marvel	Savage
Brennan	E. Dvorak	Kelly	Moylan	
Clark	Fowler	Kennedy	Murphy	

Excused and not voting, 5:

Chambers	Koch	F. Lewis	Luedtke	Nichol

The D. Dworak amendment lost with 8 ayes, 23 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 1 nay, and 26 not voting.

Advanced to E & R for Review with 30 ayes, 5 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 258A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Duis asked unanimous consent to be excused for the remainder of the afternoon. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 21. Title read. Considered.

Mr. Savage offered the following amendment:
On page 24, line 4, strike "1978" and insert "1979".

This amendment would change the effective date from January 1, 1978, to January 1, 1979, to maintain the effective date after the passage of the bill.

The amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Lamb offered the following amendment:
Pg 3 line 13
after "every" insert "class 1, 2, 3, or 4"
Pg 4 Line 11
After "length" insert "and powered by outboard motors"
Strike the general file amendment on pg 4, line 26.

Mr. Merz 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 Lamb amendment lost with 13 ayes, 17 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Barnett offered the following amendments:

Section 70, page 22, strike beginning with "misdemeanor" in line 22 through "imprisonment" in line 26 and insert "Class IV misdemeanor".

Section 71, page 23, strike beginning with "misdemeanor" in line 3 through "imprisonment" in line 7 and insert "Class IV misdemeanor".

Section 72, page 23, strike beginning with "misdemeanor" in line 11 through "imprisonment" in line 15 and insert "Class II misdemeanor".

Mr. Barnett requested the amendments be divided to vote on No. 3 separate from Nos. 1 and 2.

Mr. Maresh offered the following amendment to the Barnett amendments 1 and 2:
To amend the First Barnett amendment to strike "four" & insert "five"

MR. MARVEL PRESIDING

The Maresh amendment was adopted with 23 ayes, 0 nays, 23 present and not voting, and 3 excused and not voting.

The Barnett amendments 1 and 2, as amended, were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The Barnett amendment 3 was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Burrows offered the following amendment:
Amend LB 21 on page 21 by strikeing Sec. 66 and renumbering sections accordingly.

The amendment lost with 12 ayes, 14 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 21A. Title read. Considered.

Mr. Savage offered the following amendment:
On page 2, line 3, strike "July 1, 1977, to June 30, 1978,: and insert 'July 1, 1978, to June 30, 1979.'.

This amendment would appropriate the funds for FY 78-79 rather than FY 77-78 to reflect the effective date of the act.

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 27 ayes, 0 nays, 19 present and not voting, and 3 excused.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 691. By George, 16th District.

A BILL FOR AN ACT to amend sections 23-1112, 23-1112.01, 83-337, and 83-424, Reissue Revised Statutes of Nebraska, 1943, and section 33-117, Revised Statutes Supplement, 1976, relating to county government and officers; to change the rate of mileage allowance; and to repeal the original sections.

LEGISLATIVE BILL 692. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Hefner, 19th District; Burrows, 30th District; Kahle, 37th District; Venditte, 7th District.

A BILL FOR AN ACT relating to economic poisons and devices; to repeal section 2-2615, Reissue Revised Statutes of Nebraska, 1943.

REFERENCE COMMITTEE REPORT

LB	Committee
643	Government, Military and Veterans' Affairs
644	Constitutional Revision and Recreation
645	Banking, Commerce and Insurance
646	Agriculture and Environment
647	Public Works
648	Public Health and Welfare
649	Judiciary
650	Judiciary
651	Revenue
652	Revenue
653	Banking, Commerce and Insurance
654	Banking, Commerce and Insurance
655	Bnaking, Commerce and Insurance
656	Banking, Commerce and Insurance
657	Banking, Commerce and Insurance
658	Public Health and Welfare

(Signed) Richard Marvel, Chairman

GENERAL FILE

LEGISLATIVE BILL 469. Laid over at the request of Mr. Carsten.

LEGISLATIVE BILL 407. Mrs. Labedz asked unanimous consent to bracket until February 15. No objections. So ordered.

LEGISLATIVE BILL 212. Laid over at the request of Mr. Kremer.

PRESIDENT WHELAN PRESIDING

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 436. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 2 nays, 15 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 693. 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 694. By Newell, 13th District.

A BILL FOR AN ACT relating to safety; to define terms; to provide that certain equipment be available at construction sites as prescribed; to provide penalties; and to provide an operative date.

LEGISLATIVE BILL 695. By Chambers, 11th District.

A BILL FOR AN ACT relating to persons on probation or parole; and to restrict employment by law enforcement agencies.

LEGISLATIVE BILL 696. By D. Dworak, 22nd District.

A BILL FOR AN ACT relating to elections; to provide a duty for the county clerk or election commissioner; to provide for designation of an office for signing referendum and initiative petitions.

LEGISLATIVE BILL 697. By Bereuter, 24th District.

A BILL FOR AN ACT relating to administrative agency rules; to direct the Legislative Fiscal Analyst to submit analyses on legislation involving administrative agencies and their powers; and to prescribe what material shall be included in the analyses.

LEGISLATIVE BILL 698. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 44-150, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide an exemption from retaliatory taxation; and to repeal the original section.

LEGISLATIVE BILL 699. By Revenue Committee: Keyes, 3rd District, Chairman; Hefner, 19th District; Clark, 47th District; Simon, 31st District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 77-1318, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide a penalty for late reporting or failure to report certain improvements; and to repeal the original section.

LEGISLATIVE BILL 700. By Judiciary Committee: Barnett, 26th District, Chairman; E. Dvorak, 8th District; Chambers, 11th District; Stoney, 4th 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 701. By Judiciary Committee: Barnett, 26th District, Chairman; Chambers, 11th District; E. Dvorak, 8th District; Stoney, 4th District, Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 28-318 and 28-320, Revised Statutes Supplement, 1977, relating to offenses against the person; to redefine a term; to provide for an additional degree of sexual assault; and to repeal the original sections.

LEGISLATIVE BILL 702. By Judiciary Committee: Barnett, 26th District, Chairman; Carsten, 2nd District; Chambers, 11th District; E. Dvorak, 8th District; Stoney, 4th District.

A BILL FOR AN ACT to amend section 39-669.07, Reissue Revised Statutes of Nebraska, 1943, relating to Nebraska Rules of Road; to harmonize drunken driving penalties with the Nebraska Criminal Code; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 703. By Clark, 47th District.

A BILL FOR AN ACT to amend section 29-2262, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide an additional probation condition; and to repeal the original section.

LEGISLATIVE BILL 704. By Brennan, 9th District.

A BILL FOR AN ACT to amend section 25-1902, Reissue Revised Statutes of Nebraska, 1943, relating to reversal or modification of judgments and order; to change provisions relating to final orders as prescribed; and to repeal the original section.

LEGISLATIVE BILL 705. By Brennan, 9th District.

A BILL FOR AN ACT to amend section 48-806, Revised Statutes Supplement, 1977, relating to the Court of Industrial Relations; to increase the per diem paid to judges; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 407A. By Labedz, 5th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 407, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 457 in the Journal. No objections. So ordered.

Amendment to LB 457

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.".

VISITORS

The President introduced former Senator E. Thome Johnson from Fremont, and 7 Cub Scouts and Mrs. Vincent Brown, Den Leader, from Ruth Hill Elementary, Lincoln, Nebraska.

ADJOURNMENT

At 4:06 p.m., on a motion by Mr. Marvel, the Legislature adjourned until 9:30 a.m., Monday, January 9, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 9, 1978

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 9, 1978

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear Lord, we recognize that prayer cannot balance a budget, but it can balance our minds; we also realize that we cannot expect you to come into our world everyday the way you came that first Christmas Day, but you can come into our worlds through the lives of others around us who care and share our dreams and goals, so in this prayer in this day, we ask that your truth be made known in our minds and hearts and in the minds and hearts of others around us that, together, your spirit may guide us as we strive to make this world more like what you intended it to be for all people. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly, and Nichol who were excused; Messrs. Schmit, Newell, Venditte, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 188, line 31, change "rule" to "rules".
The Journal for the Third Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

January 3, 1978

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:

Mrs. Sally Bates, 3230 South 40th, Lincoln 68506 - four year term expiring January 1, 1982

I respectfully submit this reappointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Sally Bates
Committee on Committees
Public Welfare, Institutions &
Corrections Adv. Committee

January 3, 1978

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 Power Review Board (four year terms expiring January 1, 1982) requiring legislative confirmation:

John Shoemaker, Dannebrog (Engineer)

Paul Dutton, Suite 210, 10730 Pacific, Omaha (Accountant)

I respectfully submit these reappointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: John Shoemaker
Paul Dutton
Committee on Committees
Power Review Board

January 5, 1978

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 Natural Resources Commission requiring legislative confirmation:

Louis Knoflicek, 911 Emerson, Alliance 69301 - serves at the pleasure of the Governor - succeeds Emmett Lee, deceased

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Louis Knoflicek
Committee on Committees
Natural Resources Commission

ATTORNEY GENERAL'S OPINION

Opinion No. 160
January 5, 1978

Re: Sections 55-135, 55-136, 55-138, and 55-143

Dear Senator Rasmussen:

This is in reply to your inquiry concerning the constitutionality of the above sections of the Nebraska statutes as they are proposed to be amended. In arriving at our conclusion we have considered a rule stated in Smithberger v. Banning, 129 Neb. 651, wherein our Supreme Court held:

> "The state legislature has no power to delegate any of its legislative powers to any outside agency such as the congress of the United States."

With this rule in mind we call to your attention that section 55-135 provides that National Guard officers may hold their commissions until separated, and section 55-136 that staff officers may hold their positions until retired, "pursuant to regulation issued by the Department of Army or the Department of Air Force" ; that section 55-138 provides for the selection and separation of National Guard Officers "as prescribed in regulations issued by the Department of the Army or the Department of the Air Force"; and that section 55-143 provides that the "general fitness for the service of a National Guard officer may be determined by an efficiency board as provided by the United States."

Considering the rule in the Smithberger case, if regulations issued by the Department of Army or the Department of Air Force, or any law adopted by the United States affecting the above provisions of our statutes are unchanged after the enactment or amendment of the above statutes, it is doubtful that their constitutionality would be affected. However, if federal regulations or laws affecting the above sections were to be adopted or amended subsequent to the amendment of these statutes, there would be a serious question as to their constitutionality.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packet
Assistant Attorney General

BLP:smb
cc: Mr. Patrick O'Donnel
Acting Clerk of the Legislature
State Capitol Building

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 6, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick O'Donnell
Clerk of the Legislature

Ackerman, James N. - Lincoln, Insurance Federation of Nebraska
Allan, Tamas - Lincoln, Tews and Radcliffe
Anderson, Ferd E. Jr. - Lincoln, American Consulting Engineers Council of Nebraska
Arfmann, Walter G. - Lincoln, League of Nebraska Municipalities
Bauer, Rosemary - Lincoln, Omaha Public Power
Besaw, Daniel J. - St. Paul, Minnesota, Motor Vehicle Mfg. Association
Brockmeier, Herman A. (withdrawn 1/3/78), National Bank of Commerce
Brockmeier, Herman A. - Lincoln, NBC Co.
Crosby, Guenzel, Davis, Kessner & Kuester: Dunn, Donald L. - Lincoln, Police Officers Association of Nebraska; Dunn, Donald L. - Lincoln, The Tobacco Institute, Inc.
Davis, Wayne - Hay Springs, The American Legion, Department of Nebraska
Demke, Neldon George - Omaha, Omaha Police Union Local #1
Dunn, David A. - Bellevue (withdrawn 1-5-78), Bellevue Public Schools
Duritsa, Thomas E. - Lincoln (withdrawn 10-25-77), Lincoln Chamber of Commerce

Eide, Robert A. - Omaha (withdrawn 1-16-78), Northern Natural Gas Company
Hood, William R. - Bellevue, Omaha Suburban Education Association
Huff, Charles P. - Lincoln, National Association of Theatre Owners of Nebraska
Huff, Charles P. - Lincoln, Nebraska Dental Laboratories Association
Ivey, Priscilla - Omaha, Omaha Suburban Area Council of Schools
Johnson, Vard R. - Omaha, Legal Aid Society of Omaha
Knudsen, Berkheimer, Endacott & Beam:
Beam, C. Arlen - Lincoln (withdrawn for 1978), NBC Company; National Confectioners Association; Nebraska Aviation Trades Association; Nebraska Pest Control Association; Nebraska State Bar Association; Nebraska State Homebuilders Association; Nebraska Wholesale Suppliers Association; Tobacco Tax Council, Inc.; Village of Doniphan; Wausau Homes, Inc.
Ruth, Larry L. - Lincoln, Manufacturers Life Insurance Company
Ruth, Larry L. - Lincoln, United States Fidelity and Guaranty Company
Ruth, Larry L. - Lincoln (withdrawn for 1978), Village of Doniphan
Meyers, Victor G. - Omaha, Nebraska State AFL-CIO
Moylan, James H. - Omaha, American Consulting Engineers, Council of Nebraska
Moylan, James H. - Omaha, Building Construction Trades
Moylan, James H. - Omaha, Nebraska Association of Trial Attorneys
Nicholas, William J. - Lincoln, Nebraska Rural Electric Association
Nielsen, Jess C. - North Platte, Nebraska Hearing Aid Dealers Association
Noren, Charles F. - Lincoln (withdrawn 7-15-77), Committee For Essential Mental Health Care
Noren, Charles F. - Lincoln (Name Change), Nebraska Association of Technical Community Colleges to: Nebraska Association of Community College Trustees
Noren, Charles F. - Lincoln (withdrawn 1-1-78), Nebraska Association of Trial Attorneys

Petersen, Nels - Omaha (withdrawn 12-28-77), Nebraska State AFL-CIO

Piester, David L. - Lincoln (Name Change 6-6-77), Legal Aid Society of Lincoln to: Legal Services of Southeast Nebraska

Polk, Patrick D. - Lincoln, Veterans of Foreign Wars, Department of Nebraska

Printz, Gordon E. - Lincoln, Lincoln Chamber of Commerce

Ragsdale, John - Lincoln, Woodmen Accident and Life Company

Ryan, James E. - Lincoln, Grand Island Industrial Foundation, Inc.

Ryan, James E. - Lincoln, Nebraska County Judges' Association

Ryan, James E. - Lincoln (withdrawn 6/1/77), Coin Operated Industries of Nebraska; (withdrawn 5/9/77), Committee for Review of Bingo Laws; (withdrawn 5/11/77), Committee to Name the Nebraska Sports Center; (withdrawn 3/7/77), Nebraska Association of Tobacco Distributors; (withdrawn 7/11/77), Nebraska District Judges Association; (withdrawn 5/11/77), Nebraska Press Association; (withdrawn 6/21/77), Personal Property Tax Relief Committee

Stenberg, Donald B. - Lincoln (withdrawn 8/16/77), Nebraska Republican Party

Tews and Radcliffe:

Radcliffe, Walter H. - Lincoln, Disrict Court, Supreme Court, Workmen's Compensation, Juvenile and Municipal Court Judges; Friends of Higher Education; Lincoln Telephone and Telegraph Co.; Media of Nebraska; Nebraska Academy of Ophthalmology; Nebraska Pyrotechnics Association; Nebraska Securities Industries Association; Nebraska Society of Certified Public Accountants; Omaha Public Power District

Tews, David D. - Lincoln, District Court, Supreme Court, Workmen's Compensation, Juvenile and Municipal Court Judges

Tews, David D. - Lincoln (withdrawn 12/27/77), Nebraska Chapter of Architects

Tews David D. - Lincoln, Nebraska Pyrotechnics Association

Tiehen, Mary Anne - Bellevue, Nebraskans for a Constitutional Convention

Warrick, Robert H. - Meadow Grove, Nebraska Chapter of the Sierra Club

Whetstone, Michael J. - Lincoln, Nebraska County Attorneys Association

Wilson, Anne - Lincoln, League of Women Voters
Wunderlich, LaRue - Roca, Nebraskans for Public Radio Inc.
Young, Marguerite - Lincoln (withdrawn 6/15/77), League of Women Voters of Nebraska

The attached is a list of all Lobbyists who registered for the Eighty-Fifth (first session) Legislature and reregistered under LB 987:

Adams, Donald D. - Omaha, Omaha National Corporation
Agee, W. B. - Lincoln, Northwestern Bell Telephone Company
Allan, Marilyn J. - Lincoln, Ryan, James E.
Allan, Tamas R. - Lincoln, Tews, David D. (Now Tews and Radcliffe)
Andersen, Robert C. - Lincoln, Nebraska Cooperative Council
Anderson, Robert L. - Lincoln, Nebraska Fertilizer Institute, Inc.;Nebraska Grain and Feed Dealers Association
Baburek, Robert B. - Omaha, Fleet Reserve Association Omaha Branch 276
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
Blake, William G. - Lincoln, City of Lincoln, Nebraska
Bloomingdale, A. Lee - Omaha, Mutual Protective Insurance Company and its wholly owned Subsidiary, Medico Life Insurance Company
Botsch, Barbara A. - Omaha, Greater Omaha Chamber of Commerce
Brandt, William B. - Unadilla, Nebraska Bankers Association, Inc.
Brasher, David E. - Des Moines, Iowa, National Federation of Independent Business
Broman, Marvin E. - Lincoln, Safety Council of Nebraska
Brown, Jim L. - Lincoln, Nebraska Health Care Association
Chamberlain, Eugene - Tekamah, Nebraska Association of County Extension Boards
Chambers, David L. - Lincoln, League of Nebraska Municipalities
Clark, Robert L. - Lincoln, Lancaster County Board of Commissioners
Collins, Richard E. - Omaha, Pro-Law Association of Nebraska
Connell, Robert C. - Lincoln, Nebraska Collectors Association, Inc.

Cromer, Dr. Chalmers A. - Lincoln, Nebraska State Advisory Council For Vocational Education
Crosby, Robert B. - Lincoln, First Federal Savings & Loan Association of Lincoln
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; Reinsurance Association of America
Davis, Donn E. - Lincoln, Energy Transportation Systems, Inc.; Lower Platte South NRD; Reinsurance Association of America; The Tobacco Institute, 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 Reinsurance Association of America
Crosier, Donald A. - Lincoln, American Petroleum Institute
Cunningham, James R. - Lincoln, Nebraska Catholic Conference
Denney, Max A. - Lincoln, Nebraska Consumer Credit Association; Nebraska Mobile Housing Institute
Dirrim, Delbert E. - Omaha, Omaha Public Power District
Douce, Wayne R. - Omaha; Guarantee Mutual Life Company
Dougherty, Oren E. - Englewood, Colo., Eli Lilly and Company
Eickhoff, Donald H. - Alvo, Fleet Reserve Association, Omaha Branch 276
Eldien, Paul V. - Lincoln, United States Brewers Association, Inc.
Flynn, John F. - Niles, Illinois, CIBA Pharmaceutical Co., Div. CIBA-GEIGY Corp.
Garey, Robert W. - Hastings, Nebraska Funeral Directors Association; Nebraska Optometric Association; Nebraska Veterinary Medical Association
Gauger, Jan - Lincoln, Lancaster County
Gilbertson, Raymond M. - Lincoln, League of Nebraska Municipalities
Gordon, James E. - Lincoln, Nebraska and Omaha Food Retailers Association, Inc.; Nebraska Sheriffs' and Peace Officers' Association, Inc.; Postal Finance Company, A Nebraska Corporation

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
Hamon, Esther M. - Lincoln, Lincoln Gray Panthers
Harris, Robert E. - Lincoln, Nebraska Bankers Association
Hart, Wayne - Lincoln, Lancaster County Board of Commissioners
Hewitt, James W. - Lincoln, NEBCO, Inc.
Hodge, Holly - Holdrege, Nebraska Wheat Growers
Hopkins, Julian H. - Lincoln, Bankers Life Insurance Company of Nebraska
Huff, Charles P. - Lincoln, Great Western Sugar Company; Nebraska Cable communications Association; Nebraska Lodging Association; Nebraska State Association of Life Underwriters
Huff, Martin B. - Lincoln, Nebraska Manufactured Housing Institute, Inc.
Humble, Charles D. - Lincoln, City of Lincoln, Nebraska
Humpal, John E. - Omaha, Blue Cross and Blue Shield of Nebraska
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
Johnson, Forrest A. - Lincoln, Nebraska Tax Research Council, Inc.
Jorgensen, Lanford L. - Lincoln, Lincoln Center Association
Kennedy, John W. - Omaha, Central States Health & Life Company of Omaha
Kenny, Philip T. - Omaha, Nebraska Railroad Association
Knudsen, Berkheimer, Endacott & Beam:
Ruth, Larry L. - Lincoln, National Confectioners Association; Nebraska Aviation Trades Association; Nebraska Pest Control Association; Nebraska State Bar Association; Nebraska State Homebuilders Association; Nebraska Wholesale Suppliers Association; Tobacco Tax Council, Inc.; Wausau Homes, Inc.
Krane, Robert A. - Omaha, United States National Bank of Omaha

Kratz, Dean G. - Omaha, Nebraska Building Chapter, Associated General Contractors of America; Nebraska Cemetery Association; Nebraska League of Savings & Loan Association
Kruger, E. C. - Fairbury, Nebraska Consumer Credit Association
Kucera, John D. - Lincoln, Safety Council of Nebraska
Kunz, David N. - Hastings, Garey Management Organization, Inc.
Lanning, Fred L. - Omaha, Board of Barber Examiners
LaShelle, Charles S. - Omaha, Mutual Protective Insurance Company and its Wholly Owned Subsidiary, Medico Life Insurance Company
Licht, Alice L. - Lincoln, Association Services, Inc.
Long, Donald P. - Holdrege, The Central Nebraska Public Power and Irrigation District
Lynch, John E. - Lincoln, Nebraska State Education Association
Mastny, Johnny F. - Schuyler, Nebraska Rural Letter Carriers Association
McEniry, Glenn J. - Lincoln, Nebraska Association of Commerce & Industry
McNeil, Martin J. - Omaha, United Transportation Union
Melvin, Bill - Omaha, Nebraska State Council No. 32, AFSCME, AFL-CIO
Miesbach, Neal L. - Omaha, Professional Insurance Agents of Nebraska
Millard, Herbert C. - Omaha, Mechanical Contractors Association of Omaha, Inc.
Morgan, James J. - Lincoln, Disabled American Veterans Department of Nebraska
Moylan, James H. - Omaha, Douglas County, Nebraska; Johnson Enterprises, Inc.; Nebraska Association of County Officials; Nebraska Credit Union League; Nebraska Licensed Beverage Association; Nebraska Shorthand Reporters Association; Nebraskans For Independent Banking
Neal, Jean D. Jr. - Austin, Texas, Hoffmann-La Roche Inc.
Ninegar, Louis C. - Kearney, State College Board of Trustees
Noren, Charles F. - Lincoln, Independent Insurance Agents of Nebraska; Nebraska Association of Community College Trustees; Nebraska Motorcycle Dealers Association; Nebraska State Association of Fire Fighters; Nebraska Association of Trial Attorneys
Oltman, Ray - Lincoln, The American Legion, Department of Nebraska

O'Neill, John F. - Lincoln, Lincoln Mutual Life Insurance Company
Orton, Lee - Lincoln, Nebraska Association of Resources Districts
Owens, Randall W. - Omaha, Eastern Nebraska Heavy Contractors Association
Patitz, Patricia L. - Lincoln, Nebraska Water Resources Association
Payne, Dale L. - Papillion, Sarpy County Board of Commissioners
Peterson, Alan E. - Lincoln, Media of Nebraska
Piester, David L. - Lincoln, Legal Services of Southeast Nebraska
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
Rall, Frank - Lincoln, Nebraska Public Power District
Rowson, Joseph P. - Lincoln, Lincoln Public Schools
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 Public Power District
Schimek, Herbert H. - Lincoln, Nebraska State Education Association
Schmidt, Kenneth E. - Lincoln, Nebraska Cooperative Council
Schulz, Roger D. - Lincoln, Nebraska Association of Public Employees
Shafer, Patricia - Omaha, Omaha Education Association
Snodgrass, Del - Lincoln, Nebraska Association of Commerce & Industry
Stanley, Cecil E. - Lincoln, Nebraska Vocational Association
Stewart, E. Mickey - Alliance, Nebraska Stock Growers Association
Stromer, Gerald A. - Lincoln, Nebraska Association of County Officials
Stuve, Gregory K. - Omaha, City of Omaha
Sullivan, John L. - Lincoln, Nebraska New Car and Truck Dealers Association
Swanson, William F. - Lincoln, University of Nebraska
Tews and Radcliffe:
Tews, David D. - Lincoln, Friends of Higher Education; Lincoln Telephone & Telegraph Company, Media of Nebraska; Nebraska Academy of Ophthalmology; Nebraska Securities

Industries Association; Nebraska Society of Certified Public Accountants; Omaha Public Power District
Thies, John C. - Omaha, Omaha Education Association
Waas, Gene L. - Lincoln, Lincoln Electric System
Watters, George L. - Lincoln, Nebraska Petroleum Marketers, Inc.
Wells, Stanley - 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
Wilson, Bruce H. - Lincoln, Fleet Reserve Assn. 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.
Yost, Kurt T. - Lincoln, Mid-America Lumbermens Association
Young, Harry - Beatrice, Norris Public Power District
Young, Malcolm D. - Omaha, Eastern Nebraska Heavy Contractors Association

BILL ON FIRST READING

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

LEGISLATIVE BILL 706. By Business and Labor Committee: Maresh, 32nd District, Chairman; Lamb, 43rd District; Fitzgerald, 14th District; F. Lewis, 45th District.

A BILL FOR AN ACT to adopt the Polygraph Examiners Act; to create a fund; to create a board; to provide penalties; and to provide severability.

MOTION - Approve Report

Mr. Savage moved the adoption of the report of the Committee on Committees Report found in the Journal on page 181 assigning Senator Kennedy to the Public Health and Welfare Committee and the Public Works Committee.

The report on Committee on Committees was adopted with 29 ayes, 0 nays, and 20 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 148. Read and considered.

LR 148 was adopted with 37 ayes, 0 nays, and 12 not voting.

GENERAL FILE

LEGISLATIVE BILL 315. Title read. Considered.

Mr. Rasmussen renewed his pending amendment found in the Journal on page 168.

Mr. Rasmussen moved for a Call of the House. The motion prevailed with 20 ayes, 5 nays, and 24 not voting.

The Call showed 45 members present.

Mr. Rasmussen requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Barnett	Fitzgerald	Koch	Maresh	Rasmussen
Brennan	George	Kremer	Marvel	Savage
Burrows	Hasebroock	Labedz	Maxey	
Carsten	Hefner	Lamb	Merz	
Clark	Kahle	R. Lewis	Mills	
DeCamp	Kennedy	Luedtke	Murphy	

Voting in the negative, 13:

Chambers	Fowler	F. Lewis	Reutzel	Warner
Cope	Goodrich	Marsh	Rumery	
D. Dworak	Keyes	Moylan	Stoney	

Present and not voting, 6:

Bereuter	Duis	Newell
Cullan	E. Dvorak	Simon

Excused and not voting, 4:

Kelly Nichol Schmit Venditte

The amendment was adopted with 26 ayes, 13 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Rasmussen moved the Call be raised. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Rasmussen offered the following amendment:
Before any money is expended, a complete accounting of expenditures will be made to Appropriations Committee.

Amendment pending.

Mr. F. Lewis moved to delay action on this bill until the Speaker makes a determination whether the bill should be returned to committee.

Mr. F. Lewis withdrew his motion.

Mr. Rasmussen withdrew his pending amendment.

Mr. Rasmussen offered the following amendment:

1. Insert a new section as follows:

"Sec. 2. The Veterans' Home Building Fund as provided for in section 1 of this act shall, along with matching federal funds available, be used for the specific purpose of adding nursing facilities when needed.

2. Renumber original section 2 as section 3.

The amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Mills asked unanimous consent to print the following amendments to LB-109 in the Journal. No objections. So ordered.

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

"Section 1. Sections 1 and 2 and 4 to 6 of this act shall be known and may be cited as the Nebraska Outdoor Recreation Development Act.

Sec. 2. Whereas the areas of the state park system are among the most precious resources of this state and the development and utilization of these resources is important to the health and welfare of each person and the public in general, the public policy of this state is hereby declared to be:

(1) To recognize the immeasurable worth of Nebraska's recreational opportunities and provide for the development, operation, and maintenance of areas of the state park system;

(2) To provide quality recreational opportunities because such opportunities are an integral part of the good life desired by all residents of Nebraska; and

(3) To promote a more aggressive program for the proper improvement and utilization of our state park system.

Sec. 3. That section 77-2602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2602. Every person, engaged in distributing or selling cigarettes at wholesale in this state, shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On all cigarettes thirteen cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of thirteen cents for the first twenty cigarettes and thirteen cents for each twenty cigarettes or fractional part thereof in excess of twenty cigarettes. The proceeds of eight cents of such tax shall be placed in the General Fund and the proceeds of the remaining five cents of such tax shall be distributed in the following order:

First, in each fiscal year beginning with the fiscal year commencing July 1, 1972, there shall be first transferred to the University of Nebraska at Lincoln Field House Fund, which is hereby created, the sum of two million four hundred thousand dollars, and the money in such fund shall be used to make the annual payments on the lease of the field house building constructed pursuant to the provisions of section 85-1,100. There is hereby appropriated two million four hundred thousand dollars from the Nebraska Capital Construction Fund for the fiscal year ending June 30,1977, for the purposes stated in this subdivision;

Second, there shall be placed in the State Office Building Fund the sum of one million two hundred thousand dollars each year for fiscal years 1974-75, 1975-76, 1976-77, and 1977-78 and three million six hundred thousand dollars for each fiscal year beginning with 1978-79 through 1983-84. Such amounts are hereby appropriated and the unexpended

balances existing in such fund at the end of each fiscal year through June 30, 1984, are hereby reappropriated;

Third, any unexpended balances existing on June 30, 1976, in the State Office Building at Omaha Fund are hereby reappropriated for the development of a program statement. Programs No. 991 of the University of Nebraska and No. 904 of the Department of Administrative Services are hereby merged into a single program within the Department of Administrative Services;

Fourth, there shall be placed in the Downtown Education Center and Office Rental Fund the sum of nine hundred sixty thousand dollars each year for fiscal years 1976-77 through 1983-84 and two million two hundred eighty thousand dollars each year for fiscal years 1984-85 and 1985-86. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1986, are hereby reappropriated; ~~and~~

Fifth, beginning July 1, 1980, the equivalent of one cent of such tax shall be placed in the Nebraska Outdoor Recreation Development Cash Fund. There shall be placed in such fund one million thirty thousand one hundred dollars for fiscal year 1979-80; and

~~Fifth~~ Sixth, the balance of such proceeds shall be placed in a special fund to be known as the Nebraska Capital Construction Fund and disbursements from such fund shall be as the Legislature shall from time to time provide.

Sec. 4. There is hereby created a fund to be known as the Nebraska Outdoor Recreation Development Cash Fund. The fund shall contain the money received pursuant to section 3 of this act and any funds donated as gifts, bequests, or other contributions to such fund from public or private entities.

Sec. 5. (1) No appropriation shall be made from the Nebraska Outdoor Recreation Development Cash Fund until the Game and Parks Commission has presented a multi-year recreational development plan to the Legislature for its review, modification, and final approval of such plan. An updated version of such plan shall also be submitted to the Legislature annually for its modification and approval. The money in such fund shall be administered according to the provisions of this section 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 from the fund shall be made upon warrants drawn by the Director of Administrative Services.

(2) When a recreational plan is prepared for any state park system area or part of a state park system area cooperatively managed by the Game and Parks Commission and the Nebraska State Historical Society, such plan shall

insure that adequate funds are appropriated to develop and maintain historical aspects.

Sec. 6. 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.

Sec. 7. That original section 77-2602, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 707. By Bereuter, 24th District.

A BILL FOR AN ACT to amend section 2-1579, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Water Conservation Act of 1977; to change conditions for receiving cost-share funds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 708. By Brennan, 9th District.

A BILL FOR AN ACT to amend section 31-736, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary improvement districts; to place certain requirements on such districts prior to the acquisition of an interest in real property; and to repeal the original section.

LEGISLATIVE BILL 709. By Revenue Committee: Keyes, 3rd District, Chairman; Clark, 47th District; Burrows, 30th District; Hefner, 19th District; Marvel, 33rd District; D. Dworak, 22nd District; Newell, 13th District.

A BILL FOR AN ACT relating to budgets of governing bodies; to require approval of certain expenditures as prescribed.

LEGISLATIVE BILL 710. By Chambers, 11th District.

A BILL FOR AN ACT relating to the Nebraska National Guard; to make Nebraska law applicable to members of the National Guard as prescribed.

LEGISLATIVE BILL 711. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 29-2522 and 29-2524, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to require a review and analysis of certain cases; to provide guidelines for sentencing in criminal homicide cases; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 712. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 48-818, Reissue Revised Statutes of Nebraska, 1943, relating to the Court of Industrial Relations; to provide that the court consider additional factors in making its findings; and to repeal the original section.

LEGISLATIVE BILL 713. By Murphy, 17th District.

A BILL FOR AN ACT to adopt the Security, Privacy, and Dissemination of Criminal History Information Act; to define terms; to amend sections 29-209 and 29-210, Reissue Revised Statutes of Nebraska, 1943, and section 81-1423, Revised Statutes Supplement, 1976; to provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 714. By Judiciary Committee: Barnett, 26th District, Chairman; Chambers, 11th District; Reutzel, 15th District; E. Dvorak, 8th District; Stoney, 4th District.

A BILL FOR AN ACT to amend sections 28-711, 28-712, and 28-713, Revised Statutes Supplement, 1977, relating to crimes and punishments; to change reporting and investigation procedures concerning abused or neglected persons as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 715. By Savage, 10th District.

A BILL FOR AN ACT to adopt the Nebraska Consultants' Competitive Negotiation Act; to define terms; to provide duties; and to provide severability.

LEGISLATIVE BILL 716. By Savage, 10th District.

A BILL FOR AN ACT to amend section 8-319, Reissue Revised Statutes of Nebraska, 1943, relating to building and loan associations; to authorize certain unsecured loans to members as precribed; (sic) and to repeal the original section.

LEGISLATIVE BILL 717. By Savage, 10th District.

A BILL FOR AN ACT to amend section 8-355, Reissue Revised Statutes of Nebraska, 1943, 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 718. By Carsten, 2nd District.

A BILL FOR AN ACT relating to cities of the second class and villages; to provide procedures for removal of elected officials from office.

LEGISLATIVE BILL 719, By Merz, 1st District.

A BILL FOR AN ACT to amend section 23-343.02, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to change a salary limitation and mileage rate; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 457. Title read. Considered.

Mr. Barnett renewed his pending amendments found in the Journal on page 202.

The amendments were adopted with 25 ayes, 2 nays, 19 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 28 ayes, 0 nays, and 21 not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 1389, First Session.

The amendment lost with 8 ayes, 23 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Barnett withdrew his pending amendment found in the Journal on page 1019, First Session.

Advanced to E & R for Review with 29 ayes, 4 nays, 13 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting under the South Balcony at 11:15 a.m. for reference of bills.

GENERAL FILE

LEGISLATIVE BILL 327. Title read. Considered.

Standing Committee amendments found in the Journal on page 1038 for the Fiftieth Day, First Session, were considered.

Mr. Newell offered the following amendment to the Standing Committee amendment:
To amend the committee amendments to LB 327, to strike ~~shall~~ and add should in Line 4 after revenues.

The amendment lost with 13 ayes, 14 nays, 19 present and not voting, and 3 excused and not voting.

The Standing Committee amendments were adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 20 ayes, 8 nays, and 21 not voting.

Mr. Bereuter requested a record vote to advance LB 327 to E & R for Review.

Voting in the affirmative, 25:

Barnett	Fitzgerald	Koch	Marsh	Reutzel
Burrows	Fowler	Kremer	Merz	Savage
Cullan	Goodrich	Labedz	Mills	Schmit
DeCamp	Hasebroock	F. Lewis	Moylan	Simon
E. Dvorak	Keyes	R. Lewis	Newell	Stoney

Voting in the negative, 17:

Bereuter	Duis	Kennedy	Maxey	Warner
Carsten	D. Dworak	Lamb	Murphy	
Clark	George	Luedtke	Rasmussen	
Cope	Kahle	Maresh	Rumery	

Present and not voting, 1:

Hefner

Absent and not voting, 3:

Brennan Chambers Marvel

Excused and not voting, 3:

Kelly Nichol Venditte

Advanced to E & R for Review with 25 ayes, 17 nays, 1 present and not voting, 3 absent and not voting, and 3 excused and not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to add his name to LB 404. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee
659	Banking, Commerce and Insurance
661	Miscellaneous Subjects
662	Banking, Commerce and Insurance
663	Education
664	Appropriations
665	Banking, Commerce and Insurance
666	Public Works
667	Public Works
668	Judiciary
669	Public Health and Welfare
670	Judiciary
671	Public Health and Welfare
672	Judiciary
673	Public Works
674	Public Health and Welfare
675	Public Health and Welfare
676	Public Health and Welfare
677	Revenue

678 Judiciary
679 Miscellaneous Subjects
680 Judiciary
681 Urban Affairs
682 Miscellaneous Subjects
683 Government, Military and Veterans' Affairs
684 Miscellaneous Subjects
685 Public Health and Welfare
686 Government, Military and Veterans' Affairs
687 Public Works
688 Public Works
689 General File
690 Judiciary
691 Government, Military and Veterans' Affairs
692 Agriculture & Environment
693 Education
694 Business and Labor
695 Judiciary
696 Government, Military and Veterans' Affairs
697 Appropriations
698 Banking, Commerce and Insurance
699 Revenue
700 Judiciary
701 Judiciary
702 Public Works
703 Judiciary
704 Judiciary
705 Business and Labor
407A General File

(Signed) Richard Marvel, Chairman

NOTICE OF COMMITTEE HEARING
Public Works

LB 584	Wednesday, January 18, 1978	10:00 a.m.
LB 587	Wednesday, January 18, 1978	10:00 a.m.
LB 611	Wednesday, January 18, 1978	2:00 p.m.
LB 615	Wednesday, January 18, 1978	2:00 p.m.
LB 619	Thursday, January 19, 1978	10:00 a.m.
LB 621	Thursday, January 19, 1978	10:00 a.m.
LB 647	Thursday, January 19, 1978	2:00 a.m.

LB 594	Friday, January 20, 1978	10:00 a.m.
LB 606	Wednesday, January 25, 1978	10:00 a.m.
LB 610	Wednesday, January 25, 1978	10:00 a.m.

(Signed) Maurice A. Kremer, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 720. 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.

LEGISLATIVE BILL 721. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 46-154 and 46-538, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to provide compensation and expenses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 722. By Government, Military & Veterans Affairs Committee: Rasmussen, 41st District, Chairman; George, 16th District; Maxey, 46th District; Stoney, 4th District;; Duis, 39th District; Simon, 31st District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 81-193, Revised Statutes Supplement, 1977, relating to termination of agencies, boards, and commissions; to provide for the continued existence of the Board of Barber Examiners; and to repeal the original section.

LEGISLATIVE BILL 723. By Government, Military & Veterans Affairs Committee: Rasmussen, 41st District, Chairman; George, 16th District; Maxey, 46th District; Stoney, 4th District; Duis, 39th District; Simon, 31st District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 81-193, Revised Statutes Supplement, 1977, relating to termination of agencies, boards, and commissions; to provide for the continued existence of the Board of Examiners in Massage; and to repeal the original section.

LEGISLATIVE BILL 724. By Government, Military & Veterans Affairs Committee: Rasmussen, 41st District, Chairman; George, 16th District; Maxey, 46th District; Stoney, 4th District; Duis, 39th District; Simon, 31st District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 81-193, Revised Statutes Supplement, 1977, relating to termination of agencies, boards, and commissions; to provide for the continued existence of the Board of Registration for Sanitarians; and to repeal the original section.

LEGISLATIVE BILL 725. By Government, Military & Veterans Affairs Committee: Rasmussen, 41st District, Chairman; George, 16th District; Maxey, 46th District; Stoney, 4th District; Duis, 39th District; Simon, 31st District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 81-193, Revised Statutes Supplement, 1977, relating to termination of agencies, boards, and commissions; to provide for the continued existence of the Board of Hearing Aid Dealers and Fitters; and to repeal the original section.

LEGISLATIVE BILL 726. By Government, Military & Veterans Affairs Committee: Rasmussen, 41st District, Chairman; Chambers, 11th District; Duis, 39th District; Simon, 31st District; Maxey, 46th District; Stoney, 4th District; George, 16th District.

A BILL FOR AN ACT to adopt the Private Security Licensing and Regulatory Act; to create a board; to provide duties; to provide penalties; and to provide severability.

LEGISLATIVE BILL 727. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 43-205.02, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to provide procedures for the temporary custody of a minor in cities of the metropolitan class; to provide for juvenile court detention centers in cities of the metropolitan class; to provide for juvenile court detention centers in cities of the metropolitan class; and to repeal the original section.

LEGISLATIVE BILL 728. By Burrows, 30th District.

A BILL FOR AN ACT relating to agriculture; to declare intent; to define terms; to provide that no corporation shall engage in farming operations except as authorized; to require reports of farming operations as prescribed; and to provide penalties.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Merz asked unanimous consent to add his name as a sponsor to LB 404. No objections. So ordered.

VISITORS

The President introduced 110 Fourth Grade students from Kahoa Elementary School, Lincoln, 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 1:34 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel, Kelly, and Nichol who were excused; Messrs. Brennan, Carsten, Savage, Simon, Merz, Clark, and Mrs. Labedz who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 655	Tuesday, January 17, 1978	12:00 noon
LB 656	Tuesday, January 17, 1978	12:15 p.m.
LB 657	Tuesday, January 17, 1978	12:30 p.m.
LB 654	Tuesday, January 17, 1978	12:45 p.m.

(Signed) John DeCamp, Chairman

MOTION - Suspend Rules

Mr. Barnett moved to suspend the rules, Rule 5, Sec. 4, and allow that Req. No. 1267 be introduced with five signatures.

The motion preaviled with 30 ayes, 0 nays, and 19 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 729. By Barnett, 26th District; Fowler, 27th District; Maxey, 46th District; Luedtke, 28th District, Warner, 25th District.

A BILL FOR AN ACT relating to electric power; to provide for the settlement of disputes over charges as prescribed.

GENERAL FILE

LEGISLATIVE BILL 217. Title read. Considered.

Mr. Kremer withdrew the Standing Committee amendments found in the Journal on page 1054, First Session.

The corrected Standing Committee amendments found in the Journal on page 1117, First Session, were considered.

Mr. Duis withdrew the amendment found in the Journal on page 1709, First Session, to the corrected Standing Committee amendments.

Mr. Mills withdrew his amendment found in the Journal on page 1869, First Session, to the corrected Standing Committee amendments.

Mr. Mills offered the following amendment to the corrected Standing Committee amendments:

AMENDMENTS TO LB 217

1. On page 2, line 24, after "may", insert ", upon ten days notice to the person affected, stating the contemplated action and in general the grounds therefore, and upon reasonable opportunity to be heard,".

2. Strike new section 3 added by the committee amendments.

3. Strike committee amendment 4.

4. Renumber original section 2 as section 3.

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The corrected Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Mills offered the following amendment:

Add emergency clause.

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 Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 526. Title read. Considered.

The Standing Committee amendments found in the Journal on page 1455, First Session, were adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:
To amend LB 526 on page 4 line 2 strike "1977" and insert "1978"

The amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 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 730. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 32-445.01, Revised Statutes Supplement, 1976, relating to elections; to provide different election hours; and to repeal the original section.

LEGISLATIVE BILL 731. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 7-101, Reissue Revised Statutes of Nebraska, 1943, relating to attorneys at law; to provide for consultants who are not attorneys; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 732. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 43-905, Revised Statutes Supplement, 1977, relating to infants; to provide services to persons over the age of majority as prescribed; and to repeal the original section.

LEGISLATIVE BILL 733. By Koch, 12th District; Bereuter, 24th District; Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 80-401, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Veterans' Aid Fund; to increase such fund to twelve million dollars; to provide for appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 734. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman; Labedz, 5th District; Barnett, 26th District; Carsten, 2nd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 10 and 14, of the Constitution of Nebraska, relating to the Legislature; to remove the Lieutenant Governor as presiding officer of the Legislature; to provide that the Speaker shall preside; to provide for the signing of bills; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 735. By Koch, 12th District.

A BILL FOR AN ACT to adopt the Nebraska Outdoor Recreation Development Act; to create a fund; to amend section 77-2602, Reissue Revised Statutes of Nebraska, 1943, and section 2, Legislative Bill 546, Eighty-fifth Legislature, First Session, 1977; to establish criteria for expenditure of funds; and to repeal the original sections.

LEGISLATIVE BILL 736. By Koch, 12th District.

A BILL FOR AN ACT to amend section 66-635, Reissue Revised Statutes of Nebraska, 1943, relating to the Special Fuel Tax Act; to change provisions relating to motor vehicles transporting passengers for hire within municipalities or six miles thereof; and to repeal the original section.

LEGISLATIVE BILL 737. 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 738. By Koch, 12th District.

A BILL FOR AN ACT to adopt the Nebraska Computer Privacy Act; and to provide penalties.

LEGISLATIVE BILL 739. By Koch, 12th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 19, of the Constitution of Nebraska, relating to the Legislature; to authorize retroactive application of retirement benefits to spouses of public employees; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 740. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 71-3812, 71-3817 to 71-3821, 71-3823, and 71-3824, Reissue Revised Statutes of Nebraska, 1943, and sections 71-3822 and 71-3829, Revised Statutes Supplement, 1977, relating to the practice of psychology; to provide for registration as a school psychologist; to provide duties of the State Board of Examiners of Psychologists; to provide fees; to provide for suspension, revocation, or restoration of registrations as prescribed; to provide penalties; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 741. By Koch, 12th District.

A BILL FOR AN ACT relating to postsecondary education; to place restrictions on out-of-state institutions of higher education as prescibed; to provide duties of the Nebraska Coordinating Commission for Postsecondary Education; to amend sections 79-2401 to 79-2405, and 79-2407, Reissue Revised Statutes of Nebraska, 1943, and section 85-910, Revised Statutes Supplement, 1977; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 742. By Barnett, 26th District; Mills, 44th District; Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 37-1106, Revised Statutes Supplement, 1977, relating to park entry permits; to authorize the issuance of duplicate permits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 743. By Education Committee: F. Lewis, 45th District, Chairman; Maxey, 46th District; George, 16th District; Kahle, 37th District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to postsecondary education; to establish a scholarship award program; to provide for the administration of the award program; to define terms; to provide qualifications for awards; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Stoney asked unanimous consent to print the following amendment to LB 21 in the Journal. No objections. So ordered.

On page 3, after the period in line 2, add: Not included are waters located on private property.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 148.

GENERAL FILE

LEGISLATIVE BILL 529. Title read. Considered.

Standing Committee amendments found in the Journal on page 1500, First Session, 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 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 519. Title read. Considered.

Standing Committee amendments found in the Journal on page 1587, First Session, were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 534. Title read. Considered.

Standing Committee amendments found in the Journal on page 1603, First Session, were adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Mr. DeCamp withdrew his amendment found in the Journal on page 1881, First Session.

Mr. Lamb offered the following amendment:
Page 2, Line 21, after "sites" insert "Ranch or farm locations"

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

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 202. Title read. Laid over.

LEGISLATIVE BILL 223. Title read. Laid over.

LEGISLATIVE BILL 402. Title read. Considered.

Standing Committee amendment found in the Journal on page 635, First Session, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Mills moved to indefinitely postpone.

Mr. Merz moved the previous question. The question is, "Shall the debate now close? The motion lost with 18 ayes, 15 nays, and 16 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close? The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The motion to indefinitely postpone prevailed with 26 ayes, 10 nays, 9 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 744. By Kahle, 37th 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 745. By Kahle, 37th District.

A BILL FOR AN ACT to amend section 33-120, Reissue Revised Statutes of Nebraska, 1943, relating to fees and salaries; to permit the county clerk to require fees be paid in advance; and to repeal the original section.

LEGISLATIVE BILL 746. By Goodrich, 20th District.

A BILL FOR AN ACT to create the Nebraska Commission to Strengthen State Government; to provide for membership; to specify the term of office; to specify duties; and to declare an emergency.

LEGISLATIVE BILL 747. By Merz, 1st District.

A BILL FOR AN ACT to make an appropriation to the Game and Parks Commission for campground improvements at Indian Cave State Park.

LEGISLATIVE BILL 748. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Carsten, 2nd District; Stoney, 4th District; Venditte, 7th District; E. Dvorak, 8th District.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to harmonize provisions; to correct erroneous internal references; to clarify language; to amend sections 2-1221, 20-128, 25-2310, 29-2519, 29-2520, 29-2524, 29-2901, 30-2219, 39-6,104.02, 39-6,104.03, 44-515, 54-141, 60-1004, 71-161.01, 71-5122, 77-2601, 77-2612, 79-429, 83-120, 83-184, 83-912, and 86-304, Reissue Revised Statutes of Nebraska, 1943, sections 54-137 and 54-160, Revised Statutes Supplement, 1976, and sections 24-216, 28-319, 28-333, 28-518, 28-611, 28-703, 28-704, 28-705, 28-803, 28-807, 28-825, 28-827, 28-1003, 28-1203, 28-1204, 28-1206, 28-1423, 43-512.01, 54-101, 60-1005, 71-649, 71-4632, 75-361, 77-1318.02, and 83-1,133, Revised Statutes Supplement, 1977; to provide an operative date; to repeal the original sections, and also sections 29-102 and 29-2015, Reissue Revised Statutes of Nebraska, 1943, and sections 28-426, and 28-1458 to 28-1462, Revised Statutes Supplement, 1977; and to declare an emergency.

LEGISLATIVE BILL 749. By Chambers, 11th District.

A BILL FOR AN ACT relating to civil procedure; to require a report of all criminal homicide cases as prescribed; and to provide duties.

LEGISLATIVE BILL 750. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 39-6,100, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,177 and 39-6,178, Revised Statutes Supplement, 1977, relating to the Nebraska rules of the road; to change certain width and length limitations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 751. By Burrows, 30th District.

A BILL FOR AN ACT relating to real property; to place certain restrictions on real estate investment trusts as prescribed.

RESOLUTIONS

LEGISLATIVE RESOLUTION 149.

Introduced by DeCamp, 40th District; F. Lewis, 45th District.

WHEREAS, responsible individuals in key positions on all sides of the issues of state aid to education and the financing of education in Nebraska have unanimously concluded that equalization of property throughout the State of Nebraska is one of the biggest, if not the biggest, stumbling block to a resolution of both the state aid question in general and the question of how to finance education in Nebraska; and

WHEREAS, the efficiency of the equalization system has deteriorated radically in the last seven years; and WHEREAS, questions have arisen as to whether public officials are performing their jobs as dictated by the statutes of this state in regard to accomplishing equalization; and

WHEREAS, any resolution of the questions of state aid and the financing of public education involves a resolution, first, of the equalization problem; and

WHEREAS, the Legislature has in 1977 passed special legislation including but not limited to LB 131 designed to begin to resolve the problem of equalization; and

WHEREAS, the integrity of the entire property tax system at all levels of government is predicated upon a just and efficient equalization system in which like items are treated in a like manner; and

WHEREAS, it is the duty of the Legislature to insure integrity of this system.

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

1. That a special legislative committee, invested with subpoena power and staffed by the Executive Board with whatever aid and assistance is reasonably required to accomplish its task, be set up immediately by the Executive Board to accomplish the following:

(a) Analysis and study of what the equalization situation in Nebraska is now;

(b) Determine the effects of the present system of equalization upon public education and the financing of education;

(c) Determine the effects of the present system of equalization upon the state aid question; and

(d) Determine whether public officials are resolving the existing problems and are complying with the laws and fulfilling their duties under such laws.

2. That this special committee should begin work immediately and should conclude and report back to the Legislature its findings on a continuing basis including any legislative recommendations and a final report of this committee should be presented to the Legislature prior to April 15, 1978, unless such deadline is extended by this Legislature.

3. That this special committee shall consist of the chairman of all committees of the Nebraska Legislature who shall among themselves elect a chairman for this special committee.

4. That this special committee shall in addition to issuing a legislative report make specific recommendations as to whether any misfeasance or malfeasance in office is being or has been committed by public officials and shall if such misfeasance or malfeasance is reported make appropriate recommendations to resolve the matter.

Laid over.

LEGISLATIVE RESOLUTION 150.

Introduced by Koch, 12th District.

WHEREAS, the United States Department of Housing and Urban Development proposes to sell a tract of land commonly referred as to Lonergan Lake and which is located to the north of the City of Omaha in Douglas County, Nebraska, which tract is of great potential to the state as a recreational site; and

WHEREAS, the Nebraska Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor when funds are available for such purpose; and

WHEREAS, in the interest of promoting recreational opportunities for Nebraskans, the Nebraska Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or part of the tract of land referred to as Lonergan Lake.

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

1. That the Legislature approves the acquisition by the Game and Parks Commission of all or part of that real estate commonly referred to as Lonergan Lake located in the northeast quadrant of Douglas County, Nebraska approximately ten miles from downtown Omaha and three-fourths of a mile south of the Washington County line, bounded by 72nd Street on the East, 84th

Street on the West, State Highway 36 or Bennington Road on the South, and County Road 5 or Pawnee Road on the North, and legally described as follows:

All of the Southwest Quarter of the Southeast Quarter of Section 2, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, plus all of Section 11, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, except the North 840.0 feet of the East 518.0 feet of said Section 11, along with a 1 acre tract described as follows:

Beginning at a point 198.0 feet north of the Southeast corner of said Section 11, thence West 220.0 feet; thence North 198.0 feet; thence East 220.0 feet; thence South 198.0 feet to the point of beginning. Also except that portion along the south line of said Section 11 taken for State Highway right-of-way. Said tract of ground is also subject to existing County Road right-of-way which abuts said tract.

Said property is more particularly described by metes and bounds as follows:

Beginning at a point on the west line of Section 11, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, and said point being on the north right-of-way line of State Highway No. 36 and 60.0 feet north of the Southwest corner of said Section 11; thence N O degrees E, Assumed Bearing, along the west line of said Section 11 a distance of 2571.59 feet to the West quarter corner of said Section 11; thence N O degrees, 7 minutes, 31 seconds W a distance of 2642.18 feet to the Northwest corner of said Section 11; thence N 89 degrees, 53 minutes, 52 seconds E a distance of 2632.42 feet to the North Quarter corner of said Section 11; thence N O degrees, 3 minutes 50 seconds W a distance of 1320.65 feet to the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 2, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska; thence N 89 degrees, 46 minutes, 21 seconds E a distance of 1320.02 feet to the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section 2; thence S O degrees, 6 minutes, 27 seconds E a distance of 1322.30 feet to the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 2; thence N 89 degrees, 50 minutes, 46 seconds E along the North line of said Section 11 a distance of 804.18 feet to a point and said

point being 518.00 feet west of the Northeast corner of said Section 11; thence S O degrees, 6 minutes, 27 seconds W along a line parallel to the East line of said Section 11 a distance of 840.00 feet to a point; thence N 89 degrees, 50 minutes, 46 seconds E a distance of 518.00 feet to a point on the East line of said Section 11; thence S O degrees, 6 minutes, 27 seconds W a distance of 1799.99 feet to the East Quarter corner of said Section 11; thence S O degrees, 7 minutes, 58 seconds W along the East line of said Section 11 a distance of 2244.36 feet to a point; thence N 89 degrees, 52 minutes, 2 seconds W a distance of 220.00 feet to a point; thence S O degrees, 7 minutes, 58 seconds W a distance of 198.00 feet to a point; thence S 89 degrees, 52 minutes, 2 seconds E a distance of 220.00 feet to a point on the East line of said Section 11; thence S 9 degrees, 7 minutes, 58 seconds W along the East line of said Section 11 a distance of 165.00 feet to a point on the northerly right-of-way line of State Highway No. 36 and said point being 33.00 feet north of the Southeast corner of said Section 11; thence S 89 degrees, 53 minutes, 30 seconds W along the northerly right-of-way line of State Highway No. 36 and said line being parallel to the south line of said Section 11 a distance of 392.72 feet to a point; thence in a northwesterly direction along the northerly right-of-way line of State Highway No. 36 which is curving to the left and said curve having a radius of 2,954.79 feet, an arc distance of 581.32 feet and the bearing of the chord being N 84 degrees, 28 minutes, 20 seconds W a chord length of 580.38 feet to a point and said point being 90.00 feet north and 970.30 feet west of the Southeast Corner of said Section 11; thence S 89 degrees, 53 minutes, 30 seconds W along the northerly right-of-way line of State Highway No. 36 which is 90.00 feet north of and parallel to the South line of said Section 11 a distance of 1658.69 feet to a point on the North-South centerline of said Section 11; thence N 89 degrees, 6 minutes, 35 seconds W continuing along this northerly right-of-way line of State Highway No. 36 a distance of 638.90 feet to a point which is 100.00 feet North of the South line of said Section 11; thence S 89 degrees, 46 minutes, 24 seconds W continuing along the northerly right-of-way line of State Highway No. 36 a distance of 1300.00 feet to a point 95.00 feet North of the South line of said Section 11; thence S 87 degrees, 5 minutes, 35 seconds W continuing along the northerly right-of-way line of State Highway No. 36 a distance of 691.68 feet to the point of beginning and said tract of land contains 28,627,139 square feet or 657.19 acres more or less.

Laid over.

UNANIMOUS CONSENT - Bracket LB 202

Mr. Simon asked unanimous consent to bracket LB 202 until February 3, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 177

Mr. D. Dworak asked unanimous consent to bracket LB 177 until March 1, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Stoney asked unanimous consent to print the following amendment to LB 361 in the Journal. No objections. So ordered.

In Line 8, Page 10, after the comma add, Proprietary Real Estate School Courses or

ADJOURNMENT

At 4:07 p.m, on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, January 10, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 10, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 10, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Dr. Mike Mason, Associate Pastor Westminster Presbyterian Church, Lincoln.

> Our God and Heavenly Father, we know that before you generations rise and pass away, that kingdoms, nations, and governments are built up and destroyed. In all of this we often need to be remined of your love and care for the individual. As we seek your guidance in creating government and laws to guide this state, remind us that we are dealing with the precious lives of those you have created. In our work today, bring to our recollection the many needs and desires of the people we serve, that we may carry out our duties with the love, wisdom, and compassion that comes from you. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel, Nichol, and Savage who were excused; and Mr. Simon and the Public Health and Welfare Committee who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 226, line 40, delete "2:00 a.m." insert "2:00 p.m."
The Journal for the Fourth Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 162
January 9, 1978

Dear Senator DeCamp:

You have asked for our opinion on three amendments that you might offer this session for the purpose of amending LB 532, section 45, Eighty-fifth Legislature, Second Session, 1977.

In your first proposed bill amendatory language in section 1 is:

> "No school district shall receive less state financial assistance per pupil under section 2 of this act for the 1977-1978 school year than such district received pursuant to sections 79-1330 to 79-1344 and 79-4,160 to 79-4,168 for the 1976-1977 school year."

In section 2, subsection (3), your amendment contains the following new language:

> "There is included in the amount shown $49,600,000 General Funds which are appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated and $8,900,000 General Funds for distribution by the State Department of Education to meet the requirements of section 1 of this act."

In your second proposal section 1 contains the following new language:

> "No school district shall receive less state financial assistance per pupil for the 1977-1978 school year than such district received on a per pupil basis for the 1976-1977 school year."

In section 2(3) you include the following language:

> "There is included in the amount shown $45,000,000 General Funds which are appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated and $12,500,000 General Funds for distribution under sections 79-4,160 to 79-4,168, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto."

Section 3 of both proposals allows the Department of Education to recompute payments to be made this fiscal year. We will treat each of your proposals together for purposes of this discussion.

In both cases the proposed bill contains an emergency clause.

Your third proposed draft is identical to a bill introduced by Senator Lamb, LB 638. We refer you to the copy of our opinion to Senator Lamb enclosed with this letter in answer to that question.

You ask that we review your proposals with a view toward any constitutional problems that may exist.

By way of general explanation, the problem arises by virtue of the fact that the Legislature adopted LB 33 last year which was intended to amend the sections of law currently controlling the distribution of state aid to local school districts. In addition, LB 33 increased the amount of state aid to be given to local school districts by $20,000,000 for fiscal year 1977-1978. Of course that portion of LB 33 dealing with the amount of money to be provided for state aid was not an appropriation but simply an allocation. LB 532, in section 45, then appropriated $55,000,000 to the School Foundation and Equalization Fund and additionally appropriated $20,000,000 for the purposes of LB 33. Those purposes were for distribution under the School Foundation and Equalization Fund under the formulas contained in LB 33. Subsequently the referendum petition was circulated successfully and LB 33 was suspended pursuant to Article III, section 3 of the Nebraska Constitution. That resulted in the existing statutes remaining in effect during the interim period between the filing of the referendum petition and the general election to be held in November of 1978. Those statutes provided for distribution of state aid to school districts under two formulas -- those contained in sections 79-1330 through 79-1344 and those contained in sections 79-4,160 through 79-4,168.

By previous opinions we have made clear that no appropriation was made for the purposes of sections 79-4,160 through 79-4,168. Subsequently the Department of Education in determinating the allocations to be made discerned that $49,600,000 would fully fund the provisions of section 79-1330 through 79-1344 thereby leaving an excess not to be expended during the current fiscal year of $5,400,000. In addition, several school systems as a result in part of not having any funds appropriated for the purposes of sections 79-4,160 through 79-4,168 have received or will receive less money from the State Department of Education this year than they have in the past years. Of course, that same prospect would exist even if money had been appropriated for the purposes of section 79-4,160 through 79-4,168, in that a variety of factors under the formulas existing affect the amount of money to be received by any school

district including such things as reevaluation of property values within the district, decreases or increases in the size of the student enrollment and the qualifications of the faculty and income received from other sources than state aid. In fact, it may be said safely that the amount of money any school district will receive in any particular year will vary under any formula that may be established. At least in part the proposals that you have provided our office for review would establish a new formula for the distribution of state aid. To a limited extent this raised some question about whether or not this alteration substantially affects the referendum vote on LB 33 which also contains a new formula.

In your proposal number one, $49,600,000 is appropriated to the Foundation and Equalization Fund and $8,900,000 to be distributed under the "hold harmless provision" of section 1. In your second proposal $45,000,000 and $12,500,000 are appropriated for the same purposes. Thus, the proposals result in an expenditure of $3,500,000 and $2,500,000 respectively above the $55,000,000 presently appropriated by LB 532. To this extent the appropriations take the character of a deficit appropriation and require the appropriate majority for passage. These increases over the $55,000,000 presently appropriated raise the question of whether or not they violate Article III, section 3 of the Constitution of the State of Nebraska in that at least a portion of the referendum on LB 33 involves the question of increased state aid to local school districts.

It is our opinion that both of these questions may be analyzed by reference to the prohibitions set forth by the Nebraska Supreme Court in Klosterman v. Marsh, 180 Neb. 506, 143 N.W.2d 744 (1966).

> "In this case we are not faced with the problem of a referendum petition against a specific legislative act in which changes or amendments made by the Legislature in a subsequent amending act might be such as to make them inseverable. Nor is this a case where the later amendment was so major and extensive as to make the issue to be presented to the voters unintelligible or so misleading as to be unfair or constitute fraud. Neither is this a case in which rejection of the act under referral by the voters would create confusion or upset the orderly process of legislation."

In addition to these prohibitions announced in Klosterman v. Marsh, the court in that case did recognize that the legislative power and the referendum power may be concurrently exercised by

the Legislature and the people. The court also recognized that the Legislature is not precluded from acting in an area while that particular subject matter is awaiting a referendum vote. Therefore, recognizing the undoubted legislative power to take some actions we must analysze the particular proposals that you put forward to see if they run afoul of any of the prohibitions set forth in Klosterman.

Neither draft directly amends LB 33. They do, however, alter the amount of money available for distribution to school systems by the Department of Education for this fiscal year, 1977-1978. To that extent they change, amend or affect that portion of LB 33 dealing with the amount of state aid to be provided to local school systems. Proposed increases of $3,500,000 and $2,500,000 are inserverable from the provisions of LB 33 authorizing an increase of $20,000,000. The proposals you have presented are not a situation where the Legislature is acting to overcome the objections raised by the referendum petition by altering the amount of increase. Where that is the case, different considerations might apply. However, at least in part the vote of the people is concerned with increasing state aid from $55,000,000 to some greater figure. To the extent that the Legislature attempts retroactively to authorize an increase of a lesser amount there can be little question but that there is an effect on the referendum.

To the extent that the proposals alter this formula they are questionable. Of course, your proposals also alter the distributional formula and to that extent do in some measure affect the power of the people to express their will by way of referendum.

The second prong of the analysis set forth in Klosterman requires a determination of whether the change is so major or extensive as to make the issue presented unintelligible or so misleading as to be unfair or fradulent. This analysis is different from that required above in that any change made must be analyzed in terms of the extent of the effect the change will have on the matter subject to referendum. Here there is some change, to the extent of 2.5 or 3.5 million dollars. For purposes of this portion of the analysis set forth in Klosterman we simply point out that the change does exist and that the extent of the change, although difficult to characterize, is a change.

The final prong of the test we believe is not offered by your proposals in that it would not upset the orderly processes of legislation or create confusion.

For the reasons set forth above, it is therefore our opinion that both of your proposals would be in violation of Article III, section

3 of the Constitution. Under the test set out in Klosterman v. Marsh, the proposals would offend the right of the people to vote upon the method to be utilized in distributing state aid to education and the amount of state aid to education to be provided local school districts.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature
enc.

NATURAL RESOURCES DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1977 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEY	FEES
Central Platte	James Shamberg	$1,347.23

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 186. Placed on Select File as amended.
E & R amendments to LB 186:

1. On page 3, line 20, strike "that".
2. On page 5, line 3, strike "that"; in line 5 strike "complete" and insert "all available"; at the end of line 13 insert the same sentence added to page 4, line 3, by committee amendment; and in line 21 strike "a resident" and insert "residents".
3. On page 10, line 23, strike the comma and show as stricken.
4. On page 13, line 8, strike the comma and insert "and".
5. On page 15, insert "and" at the end of line 4.
6. Renumber the new section added by committee amendment as section 14 and strike committee amendment 6.
7. On page 26, insert "and" at the end of line 2; and in line 3 strike "and 84-152,".

8. In the title, line 2, insert "relating to planning and zoning;" after "ACT"; in line 6 insert "and" after the second comma and strike "and 84-152,"; in line 20 strike "certain" and insert "additional"; and strike beginning with "to" in line 21 through the semicolon in line 22.

LEGISLATIVE BILL 75. Placed on Select File as amended.
E & R amendments to LB 75:

1. On page 2, line 8, insert an underscored period after the second "dollars"; and in lines 8 to 11 show stricken matter as stricken.

2. In the title, line 7, insert "to eliminate a provision for imprisonment;" after the semicolon.

LEGISLATIVE BILL 394. Placed on Select File as amended.
E & R amendments to LB 394:

1. On page 2, line 17, strike the first comma, insert an underscored comma after "which", and strike "1977" and insert "1978"; and in line 18 insert an underscored comma after "act".

2. On page 3, line 5, strike "such" and insert "the" insert an underscored comma after "Whenever" in line 22 and "election" in line 23; and in line 24 strike "such" and insert "any".

3. In the 1st Chambers amendment insert in "line 4" after "impose' ".

4. Add a new section to read:

"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.".

5. In the title, line 7 strike "and" and insert "to provide for initiative;"; and in line 8 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 380. Placed on Select File as amended.
E & R amendments to LB 380:

1. On page 2, line 17, strike "his or her".

2. On page 3, line 9, strike "encourage".

3. On page 4, line 17, strike the comma.

4. In the Koch amendment, insert an underscored comma after "1976" in line 2 and "1979" in line 3.

5. On page 5, line 9, strike the first comma and insert "and"; and in line 12 insert an underscored comma after "each".

6. On page 6, line 27, insert "Class II" after "a" and an underscored period after "misdemeanor" and strike the remainder of the sentence and show as stricken.

7. On page 6, line 17, strike "Reissue"; and in line 18 strike "of Nebraska, 1943" and insert "Supplement, 1977".

8. On page 7, line 5 and 6, strike "sections 71-3823 and 71-3829" and insert "section 71-3823"; in line 6, strike

"and"; and in line 7 insert "and section 71-3829, Revised Statutes Supplement, 1977" after the third comma.

9. In the title, line 2, strike "sections 71-3823 and 71-3829" and insert "section 71-3823"; in line 3 strike "and"; in line 5, insert "and section 71-3829, Revised Statutes Supplement, 1977," after the comma; and in line 10 insert "to provide severability;" after the semicolon.

LEGISLATIVE BILL 380A. Placed on Select File as amended.
E & R amendment to LB 380A:

1. In the Warner amendment, line 5, strike "and ninty" and insert "ninety".

(Signed) Samuel K. Cullan, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 752. By Bereuter, 24th District.

A BILL FOR AN ACT relating to liquors; to prohibit possession of liquor in certain receptacles while in a private motor vehicle; and to provide a penalty.

LEGISLATIVE BILL 753. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District; Marsh, 29th District.

A BILL FOR AN ACT relating to eminent domain; to specify what constitutes a public purpose as prescribed.

LEGISLATIVE BILL 754. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District; Marsh, 29th District.

A BILL FOR AN ACT to amend section 69-1317, Revised Statutes Supplement, 1977, relating to the Uniform Disposition of Unclaimed Property Act; to change the limitation on a fund; and to repeal the original section.

LEGISLATIVE BILL 755. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District; Marsh, 29th District.

A BILL FOR AN ACT to amend Laws 1977, LB 532, section 12, relating to appropriations; to change the amount that may be used for bill board or sign removal; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 756. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District; Marsh, 29th District.

A BILL FOR AN ACT to amend Laws 1977, LB 539, section 16, relating to appropriations; to change language relating to charges for services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 757. By DeCamp, 40th District.

A BILL FOR AN ACT to amend Laws 1977, LB 532, section 45, relating to state aid appropriations; to change the manner of distributing a certain General Fund appropriation; to provide duties of the State Department of Education as prescribed; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 151.

Introduced by Venditte, 7th District; Newell, 13th District; E. Dvorak, 8th District; Chambers, 11th District; Fowler, 27th District; Clark, 47th District; Merz, 1st District; Moylan, 6th District; Fitzgerald, 14th District; George, 16th District.

WHEREAS, Nebraskans living in Douglas, Sarpy and Washington counties are being substantially and adversely affected by the new rates imposed by Northern Natural Gas Company; and

WHEREAS, in view of the magnitude of the increase requested by Northern Natural Gas Company and the adverse impact the granting thereof would have upon the consumers of those counties as well as the general economy in Nebraska, this Legislature believes that its intervention into this area is in the public interest and is necessary for the protection of Nebraska gas consumers; and

WHEREAS, consumers have been assured by Northern Natural Gas Company that the surge in gas rates will continue; and

WHEREAS, conservation on the part of consumers has resulted in increased prices in order to maintain income levels to the natural gas company which results in the consumer paying more per unit simply because he or she is conserving; and

WHEREAS, consumers should receive some benefits for their expenditures for insulation and other conservation efforts, as well as enduring the colder conditions; and

WHEREAS, there is currently no state agency which controls or monitors the rates charged for natural gas or other forms of energy.

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

1. That a letter be sent to the Federal Energy Regulatory Commission informing them of the Legislature's concern about the continuous and unprecedented rise of natural gas rates.

2. That this Legislature consider the formation of a State Energy Regulatory Commission which would regulate energy rates across the state.

Laid over.

LEGISLATIVE RESOLUTION 152.

Introduced by F. Lewis, 45th District; Venditte, 7th District; Labedz, 5th District.

WHEREAS, millions of abortions have been performed in the United States since the abortion decision of the Supreme Court on January 22, 1973; and

WHEREAS, the Congress of the United States has not to date proposed, subject to ratification, a Human Life amendment to the Constitution of the United States.

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

1. That the Legislature respectfully petition the Congress of the United States pursuant to Article V of the United States Constitution to call a convention for the sole purpose of proposing the following article as an amendment to the constitution of the United States. The proposed article to read as follows:

ARTICLE ____

Section 1. With respect to the right to life, the word person as used in this article and in the Fifth and Fourteenth Articles of Amendment to this Constitution applies to all human beings irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development.

Section 2. No unborn person shall be deprived of life by any person, provided, however, that nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

Section 3. The Congress and the several states shall have the power to enforce this article by appropriate legislation.

2. That this application shall constitute a continuing application for such convention pursuant to Article V of the Constitution of the United States until the Legislatures of two-thirds of the several states shall have made like applications and such convention shall have been called by the Congress of the United States.

3. That copies of this resolution, suitably engrossed, certified, and exemplified in the manner provided by law, be presented to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress from the State of Nebraska attesting the adoption of this resolution by the Legislature of the State of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 149. Read and considered.

Mr. DeCamp moved the adoption of LR 149.

Mr. Dworak raised a point of order on the consideration, according to Rule 3, Sec. 22.

President Whelan sustained Mr. Dworak's point of order.

Mr. F. Lewis appealed the ruling of the Chair.

Mr. F. Lewis withdrew his appeal.

Mr. Dworak withdrew his point of order.

Mr. Maresh moved to refer LR 149 to the Revenue Committee for a public hearing.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close? The motion lost with 22 ayes, 13 nays, and 14 not voting.

Mr. Maresh withdrew his motion.

Mr. Warner moved to suspend the rules, Rule 3, Sec. 22, to permit the consideration for adoption of LR 149.

Mr. Koch moved the previous question. The question is, "Shall the debate now close? The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

Mr. Warner requested a record vote on his motion.

Voting in the affirmative, 21:

Barnett	DeCamp	George	Merz	Warner
Bereuter	Duis	Kelly	Rasmussen	
Brennan	E. Dvorak	Koch	Rumery	
Carsten	Fitzgerald	F. Lewis	Schmit	
Clark	Fowler	Luedtke	Simon	

Voting in the negative, 19:

Burrows	Kahle	Lamb	Maxey	Newell
Chambers	Keyes	R. Lewis	Mills	Reutzel
Cope	Kremer	Maresh	Moylan	Stoney
Cullan	Labedz	Marsh	Murphy	

Present and not voting, 6:

D. Dworak	Hasebroock	Kennedy
Goodrich	Hefner	Venditte

Excused and not voting, 3:

Marvel	Nichol	Savage

The Warner amendment lost with 21 ayes, 19 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Mills moved to amend LR 149: strike "invested with subpoena power and"
Strike Item 3

Mr. Dworak renewed his point of order.

President Whelan sustained his point.

Mr. Mills withdrew his motion.

LEGISLATIVE RESOLUTION 150. Read and considered.

Mr. Lamb moved LR 150 be referred to the Reference Committee for referral to the proper committee for hearing.

SPEAKER LUEDTKE PRESIDING

Mr. Merz 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 10 ayes, 27 nays, 9 present and not voting, and 3 excused and not voting.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

LR 150 was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 163
January 9, 1977

Re: LB 556

Dear Senator Chambers:

This is in reply to your inquiry concerning the constitutionality of a provision in LB 556 which mandates that a person accused of a certain sexual offense post 100 percent of any bond set.

As you know, there is no provision in either the Nebraska or United States Constitutions which requires that a person be placed

on bail upon paying a deposit or percentage of the amount set. The provision in the Nebraska Constitution, Article I, section 9, merely states that the bail shall be by sufficient sureties and that excessive bail shall not be required. The United States Constitution merely states that excessive bail shall not be required. Article VIII.

It cannot be said that the requirement of a deposit of the full amount set necessarily violates such provision. Some courts may set the bail low enough in the cases under consideration that 100 percent thereof would be less than 10 percent of the total bail set for other crimes.

A more serious constitutional question than that of excessive bail is the question of whether or not singling out of special treatment for this one crime denies to persons accused of committing that crime a denial of the equal protection of the law as required by the Fourteenth Amendment to the United States Constitution. As mentioned by you, classifications created by statute must not be arbitrary but must have a reasonable and sound basis logically related to the public interest intended to be protected.

Insofar as setting the amount of bail, 8 Am. Jur.2d, Bail and Recognizance Section 72, summarizes the matters generally accepted to be important as follows:

> "In setting the amount of bail, the principal factor considered, to the determination of which most other factors are directed, is the probability of the appearance of the accused, or of his flight to avoid punishment. Hence, the possible penalty that may be imposed is a major factor to be considered in determining the amount of bail. And the severity of the penalty, of course, generally depends on the seriousness of the crime with which the defendant is charged. Therefore, the seriousness of the offense is a valid consideration."

There are other factors which may also be taken into consideration by the courts in setting the amount but these are not the subject of this legislation.

This legislation applies only to persons charged with the commission of any degree of sexual assault. As you know, conviction of these crimes varies from a possible penalty of from one to twenty-five years in the penitentiary for a conviction of sexual assault in the first degree to a penalty of a maximum of one year imprisonment for sexual assault in the second degree without serious personal injury to the victim.

This compares with other crimes presently on the statutes such as robbery which carries a penalty of not less than three nor more

than fifty years in the penitentiary (28-414), train robbery - ten years to life in the penitentiary (28-415, kidnapping - from three to fifty years in the penitentiary (28-417), shooting, stabbing, etc. with intent to kill, wound or maim - one to fifty years in the penitentiary (28-410). We have not attempted to list all of the crimes carrying larger penalties than sexual assault crimes but there are others.

The avowed purpose of bail is an attempt to assure that the accused will appear for trial. The possible penalty for the crime with which an accused is charged is a major factor in determining whether or not an accused is likely to jump bail. Since the sexual crimes carry a lesser penalty than many of the other serious crimes which are bailable, it would be difficult, in our opinion, to defend the constitutionality of such a classification by the Legislature. This does not mean that the judge setting bail, in his discretion, may not take into consideration in each particular case the character and reputation of the accused, the seriousness of the particular crime, the strength of the evidence and other factors.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:smb
cc: Patrick O'Donnell
Acting Clerk of the Legislature
State Capitol Building

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

January 10, 1978

The confirmation hearing of E. K. Yanney to the Nebraska Investment Council previously scheduled for Friday, January 20, 1978 has been cancelled.

Mr. E. K. Yanney's confirmation will be considered on Monday, January 16, 1978 along with those persons previously scheduled for that date, pursuant to the Legislative Journal of January 6, 1978.

January 10, 1978

The Committee on Committees will met at 12:00 Noon on Tuesday, February 21, 1978, in Room 1019 of the State Capitol for the purpose of hearing appointments submitted by Governor J. James Exon, as follows:

Larry Kunc - Public Employees Retirement Board
W. Gale Rumpeltes - Public Employees Retirement Board
Robert C. Rosenlof - State Board of Health
Loren B. Belker - State Board of Health
Dr. Warren Bosley - State Board of Health
Dr. Howard Nelson - State Board of Health
George F. Sullivan - State Board of Health
Mrs. Phyllis Smith - State Board of Health
Dr. Richard M. Evans - State Board of Health
Dr. W. J. Higgins - State Board of Health
John E. Olsson - State Board of Health
Dr. A. B. Pittman - State Board of Health
Dr. Jack Swanson - State Board of Health

(Signed) John S. Savage, Chairman

Agriculture and Environment

LB 565	Thursday, January 19, 1978	10:00 a.m.
LB 578	Thursday, January 19, 1978	10:00 a.m.
LB 636	Thursday, January 19, 1978	10:00 a.m.
LB 590	Thursday, January 19, 1978	2:00 p.m.
LB 637	Thursday, January 19, 1978	2:00 p.m.
LB 639	Thursday, January 19, 1978	2:00 p.m.

(Signed) Loran Schmit, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 758. By DeCamp, 40th District.

A BILL FOR AN ACT relating to insurance; to authorize legal expense insurance; to provide duties; to set standards for legal expense insurers; and to provide severability.

LEGISLATIVE BILL 759. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 71-3503, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to define terms; to restrict the construction and establishment of certain facilities in the state; and to repeal the original section.

LEGISLATIVE BILL 760. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-1111, Reissue Revised Statutes of Nebraska, 1943, relating to the Securities Act of Nebraska; to provide an additional exemption from registration under the act; and to repeal the original section.

LEGISLATIVE BILL 761. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Kelly, 35th District; Rasmussen, 41st District; Moylan, 6th District; Maresh, 32nd District; Kennedy, 21st District; Cullan, 49th District.

A BILL FOR AN ACT to amend sections 71-1,104, and 71-1,107.13, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to provide for the manner in which a foreign medical graduate may apply for a license to practice medicine and surgery, or for a temporary educational permit as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 762. By Public Health and Welfare Committee: Moylan, 6th District, Vice Chairman; Kelly, 35th District; Rasmussen, 41st District; Kennedy, 21st District; Cullan, 49th District; Maresh, 32nd District.

A BILL FOR AN ACT to amend sections 83-1,143.06 and 83-1,147, Reissue Revised Statutes of Nebraska, 1943, relating to mental retardation; to create the Division of Mental Retardation; to create an advisory committee to the division and to each region as prescribed; to provide powers and duties; to repeal the original sections, and also sections 83-1,141 to 83-143.05, 83-1,143.07 to 83-1,144.01, and 83-1,146, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 763. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Mills, 44th District; Murphy, 17th District; Labedz, 5th District; Merz, 1st District; Schmit, 23rd District; Duis, 39th District.

A BILL FOR AN ACT to amend sections 8-1302 and 24-604, Reissue Revised Statutes of Nebraska, 1943, relating to securities; to provide for transfer of securities as prescribed; to provide that securities may be evidenced by book entry; and to repeal the original sections.

LEGISLATIVE BILL 764. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Mills, 44th District; Duis, 39th District; Murphy, 17th District; Labedz, 5th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to property held in joint tenancy; to provide for the provisionsal (sic) severance of joint tenancy ownerships; and to declare an emergency.

LEGISLATIVE BILL 765. By Luedtke, 28th District.

A BILL FOR AN ACT to amend Laws 1977, LB 539, section 16, relating to appropriations; to delete restrictions on rebates or reduction of charges; to repeal the original section; and to declare an emergency.

MESSAGE FROM THE GOVERNOR

January 10, 1977

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

Dear Mr. President and Senators:

Attached, herewith, is a bill that deletes language in LB539, 85th Legislature, First Session relating to rebates and reduction of charges made by the Department of Administrative Services. Because of the limitations put on these programs by LB539 the State is faced with losing substantial amounts of federal funds for those costs. I urge that this language be stricken and all amounts collected above actual costs be remitted to the agency paying them. I am attaching my latest correspondence from William Parks of the Department of Health, Education and Welfare and would urge you to give this bill prompt consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE/ph

Department of Health, Education, and Welfare

September 1, 1977

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

Dear Governor Exon:

Thank you for your prompt attention to the problems our offices have encountered with LB 539.

The proposed resolution of this matter, as stated in your letter of August 2, 1977, is agreeable with this office. As a matter of record, I restate the stipulations agreed to:

1. You, as Governor of the State of Nebraska, have agreed to present to the Legislature, and urge passage, corrective legislation as soon as the Legislature convenes next January. In the interim, my office will be available, as deemed necessary by Nebraska officials, to consult in arriving at acceptable corrective language.
2. In consideration of the above, I, representing the Department of HEW and the Federal Government as a whole, agree not to terminate approval for federal funding of those costs adversely affected by LB 539 at this time.
3. That if corrective action is not taken by the Legislature by February 1, 1978, pursuant to this understanding, I must withdraw approval for federal funding of those costs adversely affected by LB 539. This provision shall not be construed to relieve federal agencies of their rights and responsibilities to ensure that federal programs are charged not in excess of actual costs for allowable services during the interim period.

Thank you again for your enlightened assistance in this matter. I am hopeful that a complete and timely resolution will be achieved. Please contact me if I may be of further assistance in this endeavor.

Sincerely,
(Signed) William L. Parks
Deputy Assistant Regional
Director for Finance

cc: Thomas J. Higgins
Richard E. Burnett
Darrel L. Stotts

January 10, 1977

Mr. William L. Parks
Deputy Assistant Regional
Director for Finance
Dept. of Health, Educaton and Welfare
Federal Building
601 East 12th Street
Kansas City, MO 64106

Dear Mr. Parks:

Pursuant to our correspondence of August 2 and September 1, 1977, I agreed to introduce corrective legislation to delete language dealing with LB539. That bill stated that no rebates would be made to state agencies using the servies of the Department of Administrative Services.

Attached is a copy of the LB that I am introducing today as well as a copy of the correspondence that I attached with it. If you should have any additional questions pertaining to the status of the bill, please contact Don Leuenberger at (402) 471-2526.

Sincerely,
(Signed) J. James Exon
Governor

JJE/ph

BILLS ON FIRST READING

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

LEGISLATIVE BILL 766. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Murphy, 17th District; Labedz, 5th District; Schmit, 23rd District; Brennan, 9th District.

A BILL FOR AN ACT to amend section 44-1525, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide additional unfair acts; and to repeal the original section.

LEGISLATIVE BILL 767. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Murphy, 17th District; Labedz, 5th District; Schmit, 23rd District; Brennan, 9th District.

A BILL FOR AN ACT to amend section 44-201, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to specify additional lines of insurance for which an insurance company can be formed.

LEGISLATIVE BILL 768. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Murphy, 17th District; Labedz, 5th District; Schmit, 23rd District; Brennan, 9th District.

A BILL FOR AN ACT relating to insurance; to provide for placement of certain lines of insurance as prescribed.

LEGISLATIVE BILL 769. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Murphy, 17th District; Labedz, 5th District; Schmit, 23rd District; Brennan, 9th District.

A BILL FOR AN ACT to amend sections 44-311.03 and 44-320, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide certain requirements; and to repeal the original sections.

LEGISLATIVE BILL 770. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Labedz, 5th District; Murphy, 17th District; Schmit, 23rd District; Brennan, 9th District.

A BILL FOR AN ACT to amend section 44-2118, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to increase a fee; and to repeal the original section.

LEGISLATIVE BILL 771. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Murphy, 17th District; Labedz, 5th District; Schmit, 23rd District; Brennan, 9th District.

A BILL FOR AN ACT to amend section 44-1625, Revised Statutes Supplement, 1976, relating to insurance; to provide an exception as prescribed; and to repeal the original section.

LEGISLATIVE BILL 772. By Savage, 10th District.

A BILL FOR AN ACT to amend section 21-17,120.01, Reissue Revised Statutes of Nebraska, 1943, relating to credit unions; to provide the same advantages as federal credit unions; and to repeal the original section.

LEGISLATIVE BILL 773. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 33-105, Reissue Revised Statutes of Nebraska, 1943, relating to fees; to provide an exception from filing fee charges as prescribed; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 153.

Introduced by Rasmussen, 41st District.

WHEREAS, irrigation has become the keystone of Nebraska's agricultural prosperity; and

WHEREAS, many individuals have devoted their lives to the development of Nebraska irrigation; and

WHEREAS, certain of these individuals have become nationally recognized leaders in the field of irrigation; and

WHEREAS, the efforts of these individuals have successfully expanded the scope and improved the efficiency in the use of water for irrigation; and

WHEREAS, Mr. Cyril Shaughnessy has become a recognized expert in irrigation throughout Nebraska and the United States; and

WHEREAS, Mr. Shaughnessy has assisted in the organization of the Loup Basin Reclamation District, the Twin Loup Reclamation District, and the Cedar Valley Reclamation Districts, and assisted in the development of the Sargent and Farwell Irrigation Projects, and the North Loup Irrigation Project; and

WHEREAS, in recognition of his efforts, Mr. Shaughnessy has been awarded a life-time membership in the National Water Resources Association; and

WHEREAS, the Four-State Irrigation Council has chosen to recognize Mr. Cyril Shaughnessy for his outstanding achievement in the field of irrigation.

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

1. That the Legislature of the State of Nebraska extends its congratulations for his receipt of the Head Gate Award as presented by the Four-State Irrigation Council.

2. That the Legislature of the State of Nebraska acknowledges Mr. Shaughnessy's meritorious service in the development and promotion of irrigation in Nebraska.

3. That a copy of this Resolution be forwarded to Mr. Shaughnessy.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 469. Title read. Considered.

Mr. Koch offered the following amendment:

1. In the Standing Committee amendment, Journal page 789, line 10 strike "twelve" and insert "fifteen".

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Warner moved to indefinitely postpone LB 469.

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.

The Warner motion lost with 10 ayes, 22 nays, 14 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 774. By DeCamp, 40th District.

A BILL FOR AN ACT to reinstate certain campaign practices, conflict of interest provisions, and lobbying provisions as they existed prior to July 1, 1977; and to repeal Laws 1976, LB 987.

LEGISLATIVE BILL 775. By DeCamp, 40th District; Murphy, 17th District.

A BILL FOR AN ACT relating to courts; to require payment of the costs of litigation and attorneys' fees as prescribed.

LEGISLATIVE BILL 776. 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 777. By Bereuter, 24th District.

A BILL FOR AN ACT to amend sections 84-908 and 84-908.01, Reissue Revised Statutes of Nebraska, 1943, relating to administration agency rules; to confer certain powers and duties on the Legislature's Committee on Administrative Agency Rules and Regulations; to provide duties of the Governor as prescribed; and to repeal the original sections.

ANNOUNCEMENT

Mr. Mills announced the Reference Committee will meet at 1:20 p.m. today, January 10, in room 2102.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 661	Thursday, January 19, 1978	2:00 p.m.
LB 682	Thursday, January 19, 1978	2:00 p.m.
LB 684	Thursday, January 19, 1978	2:00 p.m.
LB 679	Thursday, January 26, 1978	2:00 p.m.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT - Bracket LB 276

Mr. Fowler asked unanimous consent to bracket LB 276 until January 16, 1978.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet in executive session under the North Balcony immediately after adjournment this afternoon.

RESOLUTIONS

LEGISLATIVE RESOLUTION 154.

Introduced by Keyes, 3rd District; Simon, 31st District; Hefner, 19th District; Burrows, 30th District; Newell, 13th District.

WHEREAS, the State of Nebraska ceded exclusive 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 has apparently exempted properties of private individuals and corporations and has resulted in a loss of millions of dollars to local government entities because such property has escaped taxation; and

WHEREAS, individuals and corporations have avoided the payment of personal property taxes because such property is located within lands ceded to the United States; and

WHEREAS, the legislative Revenue Committee performed an interim study determining what property, which otherwise would be subject to personal property taxation, is located within the jurisdiction of the United States is now, and has been, excaping such taxation; and

WHEREAS, such study could not be properly completed because of certain companies failing to cooperate.

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

1. That the Revenue Committee hold a public hearing to determine the exact amount of personal property located at Offutt Air Force Base and the tax value of such property if such property were subject to local property taxes. Failure to report the amount and value of personal property located at Offutt Air Force Base, by individuals and corporations, to the Revenue Committee, will result in the subpoena of such information.

2. That the U. S. Department of Defense explain to the Revenue Committee their present position on support of retrocession procedures at such public hearing.

3. That the fiscal impact of retrocession of the Offutt lands be determined.

4. That this resolution serve as an indication of acceptance by the Legislature of Nebraska of federal retrocession action.

LR 154 laid over.

LEGISLATIVE RESOLUTION 155.

Introduced by Keyes, 3rd District; Simon, 31st District; Hefner, 19th District; Burrows, 30th District; Newell, 13th District.

WHEREAS, the State of Nebraska ceded exclusive jurisdiction over certain lands in Nebraska to the United States; and

WHEREAS, such action has resulted in a tax exempt status for properties of private individuals and corporations and has resulted in a loss in millions of dollars to local government entities because of such property being located on ceded land; and

WHEREAS, President Eisenhower was concerned with the gross inequities of the tax exemption due to exclusive jurisdiction and appointed a committee to study such problems; and

WHEREAS, the conclusion of such study indicated that the Federal government should no longer accept this measure of jurisdiction and this injustice; and

WHEREAS, the elements of confidentiality and security would not be jeopardized by allowing concurrent jurisdiction; and

WHEREAS, the retention of this exclusive jurisdiction by the federal government appears to be discriminatory to the State of Nebraska.

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

1. That the Legislature propose to the Congress of the United States that procedures be instituted in Congress to grant jurisdiction to the State of Nebraska to allow for the collection of taxes on the land areas concerned.

2. That Senator Carl T. Curtis, Senator Edward Zorinsky, Representative John Cavanaugh, Representative Charles Thone, and Representative Virginia Smith initiate the necessary legislation this year through the introduction of a Public Law for retrocession procedures of all military lands, including Offutt Air Force Base.

3. That a copy of this resolution be sent to the President of the United States and the Nebraska Delegation in Congress.

4. That a copy of the proposed Public Law granting jurisdiction to the State of Nebraska accompany this resolution.

PUBLIC LAW

An Act to make retrocession to the State of Nebraska of jurisdiction of certain military lands including Offutt Air Force Base.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

Notwithstanding any other provisions of law, the Secretary of Defense shall, relinquish to the State of Nebraska all, of the jurisdiction heretofore acquired by the United States over any lands within the boundaries of the State of Nebraska, used by the United States for the erection of forts, arsenals and other needful buildings, reserving to the United States such concurrent or partial jurisdiction as necessary. Relinquishment of jurisdiction under the authority of this Act may be made by filing with the Governor of Nebraska a notice of such relinquishment, which shall take effect upon acceptance thereof by the State of Nebraska in such manner as its law may prescribe

LR 155 laid over.

RECESS

At 12:13 p.m., on a motion by Mr. Reutzel, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:46 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel, Murphy, Nichol and Savage who were excused; and Messrs. Clark, DeCamp, Kremer, F. Lewis, and R. Lewis who were excused until they arrive.

UNANIMOUS CONSENT - Members Excused

Mr. Murphy asked unanimous consent to be excused Wednesday, January 11, 1978 and Thursday, January 12, 1978 until he arrives. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 469. Considered.

Advanced to E & R for Review with 30 ayes, 4 nays, 6 present and not voting, and 9 excused and not voting.

ANNOUNCEMENT

Mr. Warner announced he has distributed a rough projection of General Fund receipts and expenditures to the members.

MOTION - "A" Bills

Mr. Warner moved that any bill carrying an "A" Bill for a General Fund appropriation or any enabling legislation containing a General Fund appropriation within the bill be bracketed on Final Reading until the appropriations bills for State Agency's request have been considered and enacted by the Legislature.

Motion pending.

UNANIMOUS CONSENT - Bracket LB 212

Mr. Kremer asked unanimous consent to bracket LB 212 until February 6, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Simon asked unanimous consent to print the following amendment to LB 223 in the Journal. No objections. So ordered.

Amendments to LB 223

1. Insert two new sections as follows:

"Sec. 3. That section 39-669.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

39-669.07. It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle while under the influence of alcoholic liquor or of any drug or when that person has ten-hundredths of one per cent or more by weight of alcohol in his body fluid as shown by chemical analysis of his blood, breath, or urine. 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 body fluid as shown by chemical analysis of his blood, breath, or urine shall be deemed guilty of a crime and, upon conviction thereof, shall be punished as follows: (1) If such conviction is for a first offense, such person shall be imprisoned in the county jail for at least one day, which sentence may be served on the weekend at the discretion of the judge. In addition to such one-day imprisonment, such person may be imprisoned in the county jail for not more than three months, or shall be fined one hundred dollars, or be both so fined and imprisoned, and the court shall, 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 shall order that the operator's license of such person be revoked for a like period; Provided, in the event that the court shall suspend the proceedings and place such person on probation as provided by law, the court as one of the conditions of probation shall order such person not to drive any motor vehicle for any purpose for a period of thirty days from the date of the order, except as provided for in section 39-669.32; (2) if such conviction is for a second offense such person shall be imprisoned in the county jail for not less than five days nor more than three months, and shall be fined the sum of three hundred dollars, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of one year 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 shall order that the operator's license of such person be revoked for a like period, and if the motor vehicle which such person was operating or was actually physically controlling, while under the influence of alcoholic liquor or any drug, is registered in the name of such person, the motor vehicle shall be impounded in a reputable garage by the court for a period of not less than two months nor greater than one year at the expense and risk of the owner thereof; Provided, any motor vehicle so impounded shall be released to the holder of a bona fide lien thereon, executed prior to such impounding, when possession of such motor vehicle is requested in writing by such lienholder for the purpose of foreclosing and satisfying his lien thereon; and (3) if such conviction is for a third offense, or subsequent offense thereafter, such person shall be imprisoned in the Nebraska Penal and Correctional Complex for not less than one year nor more than three years and the court shall, as part of the judgment of conviction, 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 shall order that the operator's license of such person be revoked for a like period. Such penalties as provided for in subdivisions (2) and (3) of this section shall be applicable regardless of whether the prior conviction or convictions was or were based upon violation of this section or upon violation of a city or village ordinance enacted pursuant to this section, or both. Any city or village may enact ordinances in conformance with this section and section 39-669.08. Upon conviction of any person of a violation of such a city or village ordinance, the provisions of this section with respect to the license of such person to operate a motor vehicle shall be applicable the same as though it were a violation of this section.

Sec. 4. That original section 39-669.07, Reissue Revised Statutes of Nebraska, 1943, is repealed.''.

GENERAL FILE

LEGISLATIVE BILL 223. Title read. Considered.

Standing Committee amendment found in the Journal on page 1666, First Session, was considered.

Mr. Barnett offered the following amendment to the Standing Committee amendment:
Sec. 1 - Line 8 strike "personal injury" and replace with "serious bodily injury as defined in Sec. 28-109 Revised Statutes of Nebraska, 1977 Supp."

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Standing Committee amendment was adopted, as amended, with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Reutzel offered the following amendment:
To amend LB 223 to add a new Sec. 3 to read as follows:
(3) If probation is granted after conviction as a condition of that probation the judge shall order the defendent to participate in an alcohol rehabilitation program if such a program exists within that jurisdiction.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

The Reutzel amendment was adopted with 27 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

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

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 92 and LB 92A 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, 1978, the county shall pay seventeen per cent of the cost of such medical assistance, (2) commencing July 1, 1979, the county shall pay fourteen per cent of the cost of such medical assistance, (3) commencing July 1, 1980, the county shall pay eleven per cent of the cost of such medical assistance, (4) commencing July 1, 1981, the county shall pay eight per cent of the cost of such medical assistance, (5) commencing July 1, 1982, the county shall pay five per cent of the cost of such medical assistance, and (6) commencing July 1, 1983, and thereafter, the county shall pay two per cent of the cost of such medical assistance".

Amendment to LB 92A

On page 2, line 1, strike "thirteen" and insert "two"; on line 2, strike "five hundred forty-five thousand" and insert "three hundred seventy-one thousand nine hundred fifty"; on line 3, strike "1977" and insert "1978"; and on line 4, strike "1978" and insert "1979".

REFERENCE COMMITTEE REPORT

LB	Committee
706	Miscellaneous Subjects
707	Public Works
708	Urban Affairs
709	Revenue
710	Government, Military and Veterans Affairs
711	Judiciary
712	Business and Labor
713	Miscellaneous Subjects
714	Judiciary
715	Government, Military and Veterans Affairs
716	Banking, Commerce and Insurance
717	Banking, Commerce and Insurance
718	Urban Affairs
719	Government, Military and Veterans Affairs
720	Urban Affairs
721	Public Works
722	Government, Military and Veterans Affairs
723	Government, Military and Veterans Affairs
724	Government, Military and Veterans Affairs
725	Government, Military and Veterans Affairs

726 Government, Military and Veterans Affairs
727 Judiciary
728 Agriculture and Environment
729 Judiciary
730 Government, Military and Veterans Affairs
731 Judiciary
732 Public Health and Welfare
733 Appropriations
734 Constitutional Revision and Recreation
735 Appropriations
736 Revenue
737 Public Health and Welfare
738 Miscellaneous Subjects
739 Constitutional Revision and Recreation
740 Public Health and Welfare
741 Education
742 Constitutional Revision and Recreation
743 Education
744 Government, Military and Veterans Affairs
745 Government, Military and Veterans Affairs
746 Miscellaneous Subjects
747 Appropriations
748 General File
749 Judiciary
750 Public Works
751 Agriculture and Environment

(Signed) Jack Mills, Vice Chairman

GENERAL FILE

LEGISLATIVE BILL 64. Mr. Chambers asked unanimous consent to bracket until January 16, 1978. No objections. So ordered.

LEGISLATIVE BILL 361. Title read. Considered.

Standing Committee amendments found in the Journal on page 1306, First Session were considered.

Mr. Duis offered the following amendment to the Standing Committee amendment:

1. On page 10, line 5 strike "three" and insert "two".

The amendment was adopted with 18 ayes, 1 nay, 25 present and not voting, and 5 excused and not voting.

Mr. Maresh offered the following amendment to the Standing Committee amendment:

Amend the committee amendments by striking 1980 and insert 1981

The amendment was adopted with 23 ayes, 1 nay, 20 present and not voting, and 5 excused and not voting.

Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Duis offered the following amendment:

1. On page 10, line 13, after "hours" insert "in addition to the hours required by subsection (2) of this section".

Mr. Duis moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

The Duis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. Maxey renewed her pending amendment found in the Journal on page 1725, First Session.

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

Mrs. Maxey withdrew her amendment found in the Journal on page 1591, First Session.

Mr. Dworak offered the following amendment:

1. On page 12, line 1 after "dollars" insert "for a resident and sixty dollars for a nonresident"; and in line 2 after "dollars" insert "for a resident and thirty dollars for a nonresident".

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Maresh offered the following amendment:
Amend LB 361 on page 5 in line 12 strike five and insert six in line 20 strike member and insert members and after public insert (including one to be a licensed real estate salesman)

Mr. Maresh moved for a Call of the House. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 30 ayes, 1 nay, and 18 excused.

The Maresh amendment was adopted with 28 ayes, 4 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Stoney renewed his pending amendment found in the Journal on page 242.

Mr. Goodrich offered the following amendment to the Stoney amendment:
Amend the Stoney amendment by inserting after "courses" that "the proprietory school must be operated by a licensed real estate broker"

The Goodrich amendment lost with 13 ayes, 14 nays, 17 present and not voting, and 5 excused and not voting.

The Stoney amendment was adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

Mrs. Marsh offered the following amendment:
To strike salesmens' and insert salesperson wherever found in the bill

The amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Mr. Cullan offered the following amendment:
To amend LB 361 subsection (3) to strike all material in lines 10 through 27, up to the words "The applicant. . . " on line 27.
Also strike (2) on page 10, lines 4 through 9.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Cullan amendment lost with 9 ayes, 15 nays, 21 present and not voting, and 4 excused and not voting.

Mr. Duis asked unanimous consent to bracket LB 361 until February 2, 1978. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 778. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Rasmussen, 41st District; Moylan, 6th District; Kennedy, 21st District; Maresh, 32nd District; Kelly, 35th District.

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

LEGISLATIVE BILL 779. By Education Committee: F. Lewis, 45th District, Chairman; Koch, 12th District; George, 16th District; Maxey, 46th District; Kahle, 37th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to education; to create a Program of American Indian Education Services; to provide a director; and to provide duties.

LEGISLATIVE BILL 780. By Barnett, 26th District.

A BILL FOR AN ACT to amend sections 53-102, 53-168, 53-180.07, 53-183, and 53-1,106, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to allow certain individuals to dispose of liquor containers as prescribed; to provide provisions relating to retail credit and sale on credit; to provide for defenses for sale to minors; to provide limitations on information in the prosecution for a second offense; and to repeal the original sections.

LEGISLATIVE BILL 781. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 35-302, Reissue Revised Statutes of Nebraska, 1943, relating to firemen; to change the maximum weekly duty hours; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 564	Thursday, January 19, 1978	9:00 a.m.
LB 570	Thursday, January 19, 1978	9:00 a.m.
LB 571	Thursday, January 19, 1978	9:00 a.m.
LB 607	Thursday, January 19, 1978	9:00 a.m.
LB 710	Thursday, January 19, 1978	9:00 a.m.
LB 568	Thursday, January 19, 1978	1:30 p.m.
LB 569	Thursday, January 19, 1978	1:30 p.m.
LB 722	Thursday, January 19, 1978	1:30 p.m.
LB 723	Thursday, January 19, 1978	1:30 p.m.
LB 724	Thursday, January 19, 1978	1:30 p.m.
LB 725	Thursday, January 19, 1978	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LR 149 in the Journal. No objections. So ordered.

Strike the original language and insert the following:

WHEREAS, responsible individuals in key positions on all sides of the issues of state aid to education and the financing of education in Nebraska have unanimously concluded that equalization of property throughout the State of Nebraska is one of the biggest, if not the biggest, stumbling block to a resolution of both the state aid question in general and the question of how to finance education in Nebraska; and

WHEREAS, the efficiency of the equalization system has deteriorated radically in the last seven years; and

WHEREAS, questions have arisen as to whether public officials are performing their jobs as dictated by the statutes of this state in regard to accomplishing equalization; and

WHEREAS, any resolution of the questions of state aid and the financing of public education involves a resolution, first, of the equalization problem; and

WHEREAS, the Legislature has in 1977 passed special legislation including but not limited to LB 131 designed to begin to resolve the problem of equalization; and

WHEREAS, the integrity of the entire property tax system at all levels of government is predicated upon a just and efficient equalization system in which like items are treated in a like manner; and

WHEREAS, it is the duty of the Legislature to insure integrity of this system.

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

1. That a special legislative oversight committee staffed by the Executive Board with whatever aid and assistance and legislative authority is legal and reasonably necessary to accomplish its task, be set up immediately by the Executive Board to accomplish the following:

(a) Analysis and study of what the equalization situation in Nebraska is now;

(b) Determine the effects of the present system of equalization upon public education, the financing of education, and our property tax system in general;

(c) Determine the effects of the present system of equalization upon the state aid question;

(d) Determine whether existing problems are being addressed and whether equalization laws are being complied with and whether officials are performing their duties under such laws.

2. That this special committee should begin work immediately and should conclude and report back to the Legislature its findings on a continuing basis including any legislative recommendations and a final report of this committee should be presented to the Legislature prior to April 15, 1978, unless such deadline is extended by this Legislature.

3. That this special committee shall consist of the chairman of all committees of the Nebraska Legislature who shall among themselves elect a chairman for this special committee.

4. That this special committee shall in addition to issuing a Legislative report make specific recommendations as to whether special legislation or other affirmative action is necessary to

accomplish the goals of equity in equalization and equity in the property tax system.

UNANIMOUS CONSENT - LB 361

Mr. Goodrich asked unanimous consent to have a white copy of LB 361 with all amendments adopted incorporated therein, printed and placed on the members desks. No objections. So ordered.

ADJOURNMENT

At 4:17 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, January 11, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 11, 1978

LEGISLATIVE JOURNAL

SIXTH DAY - JANUARY 11, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 11, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Dr. Mike Mason, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> Dear God and Father, creator and sustainer of the universe. We, in this generation, have often forgotten that you have an active part in the history of man. We often turn our minds to science or fate in search of explanations of the phenomena around us. Remind us today, as we carry out our duties, that all things work together for good, according to your will in our world. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel, Mills, Murphy, and Nichol who were excused; Messrs. Koch, F. Lewis, and Mrs. Marsh who were excused until they arrive; and Mr. Venditte who was excused until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 260, line 14, insert: "Speaker, at the request of the Governor."
The Journal for the Fifth Day was approved as corrected.

UNANIMOUS CONSENT - Members Excused

Mr. Mills asked unanimous consent to be excused Tuesday, January 24, 1978. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused Friday, January 13, 1978. No objections. So ordered.

ANNOUNCEMENT

Speaker Luedtke announced that all new bill requests be given to the Bill Drafter by 5:00 p.m. on Thursday, January 12, 1978, and all day hearings will begin on January 19, 1978.

MESSAGES FROM THE GOVERNOR

January 9, 1978

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 (3-year terms expiring January 1, 1981) requiring legislative confirmation:

Charles O. Morehouse, 601 So. Howard, Kimball
Mrs. Margaret Sullivan, Box 5, Clay Center, Nebraska

I respectfully submit these reappointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Charles O. Morehouse
Mrs. Margaret Sullivan
Committee on Committees
Public Employees Retirement Board

NATURAL RESOURCES DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1977 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEY	FEES
Little Blue		
	Dan W. Baird	$541.50
	Crosby, Guenzel, Davis, Kessner & Kuester	$6,189.36
Tri-Basin		
	Anderson, Storms & Strasburger	$1,294.77
	Clark & Clark	$40.25

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 372. Placed on Select File as amended.
E & R amendment to LB 372:

1. On page 2, line 13, strike "such" and insert "the".

LEGISLATIVE BILL 406. Placed on Select File as amended.
E & R amendment to LB 406:

1. On page 19, strike beginning with "the" in line 4 through "fitting" in line 5 and insert "Chapter 71, article 47"; and in line 24 strike "and" and insert "or".

LEGISLATIVE BILL 406A. Placed on Seclect File as amended.
E & R amendment to LB 406A:

1. Strike the Moylan amendment to page 2, line 8.

LEGISLATIVE BILL 329. Placed on Select File.

LEGISLATIVE BILL 233. Placed on Select File as amended.
E & R amendments to LB 233:

1. On page 7, line 1, strike the comma and insert "; and"; and in line 12, strike "1978" and insert "1979".
2. On page 8, line 4, strike "be repealed" and insert "terminate".
3. On page 10, line 8, strike "1978" and insert "1979".
4. On page 12, line 21, strike ", 32-216,".
5. In the title, line 4, strike ", 32-216,"; in line 6, insert "to reduce compensation;" after the semicolon;

and strike beginning with "to" in line 13 through the semicolon in line 14 and insert "to provide for filings in forma pauperis;".

(Signed) Samuel K. Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

January 11, 1978

The Committee on Committees will meet at 12:00 Noon on Thursday, January 26, 1978, in Room 1019 of the State Capitol for the purpose of hearing appointments and reappointments submitted by Governor J. James Exon, as follows:

Joe Patrick - Special Education Appeal Board
Mrs. Dorothy Ley - Special Education Appeal Board
Mr. Marjorie Hartnett - Special Education Appeal Board
Mr. W. D. Newberry - State Highway Commission
Mr. Joseph Lipton - State Highway Commission
Mrs. Shirley Meckel - Game and Parks Commission
Mrs. Robert Bridge - Nebraska Arts Council
Mrs. David Dow - Nebraska Arts Council
Mrs. Barbara Doyle - Nebraska Arts Council
Rev. Joseph Labaj - Nebraska Arts Council
Richard S. Westin - Nebraska Arts Council
David Flebbe - State Personnel Board

January 11, 1978

The Committee on Committees will meet at 12:00 Noon on Tuesday, February 28, 1978, in Room 1019 of the State Capitol for the purpose of hearing appointments and reappointments submitted by Governor J. James Exon, as follows:

Dr. Ben Meckel - Rural Health Manpower Commission
Dr. Dwaine Peetz - Rural Health Manpower Commission
Ramona Freeman - Rural Health Manpower Commission
Dr. Gary Enz - Rural Health Manpower Commission
Dr. Clarence Davis - Rural Health Manpower Commission
Judith Basart - Rural Health Manpower Commission
Dr. Ben Meckel - State Highway Commission
Russell D. Salak - Commission on Fire Fighting Personnel Standards and Education
John J. Gabarron - Commission on Fire Fighting Personnel Standards and Education
Hobart H. Boswell - Commission on Fire Fighting Personnel Standards and Education
John Mason - Oil and Gas Conservation Commission
Reed Gilmore - Oil and Gas Conservation Commission

(Signed) John S. Savage, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 782. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Cullan, 49th District; R. Lewis, 38th District; Kennedy, 21st District; Moylan, 6th District; Kelly, 35th District.

A BILL FOR AN ACT to amend section 60-326.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to increase the amount of registration fee retained by the county; and to repeal the original section.

LEGISLATIVE BILL 783. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Cullan, 49th District; Kennedy, 21st District; Moylan, 6th District; Merz, 1st District.

A BILL FOR AN ACT to amend section 2-3229, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources; to require a plan be prepared and adopted by the natural resource districts as prescribed; and to repeal the original section and also section 2-3252.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 784. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Cullan, 49th District; R. Lewis, 38th District; Kennedy, 21st District; Moylan, 6th District; Merz, 1st District;; Kelly, 35th District.

A BILL FOR AN ACT to amend sections 46-665 and 46-666, Revised Statutes Supplement, 1976, relating to ground water; to provide for a hearing; to provide for adoption, amendment, or repeal of controls as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 785. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Cullan, 49th District; R. Lewis, 38th District; Kennedy, 21st District; Moylan, 6th District; Merz, 1st District.

A BILL FOR AN ACT to amend section 46-658, Revised Statutes Supplement, 1976, relating to irrigation; to provide for establishing control areas as prescribed; and to repeal the original section

RESOLUTIONS

LEGISLATIVE RESOLUTION 149. Laid over.

LEGISLATIVE RESOLUTION 152. Mrs. Labedz moved to refer LR 152 to the Public Health and Welfare Committee.

The motion prevailed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE RESOLUTION 153. Read and considered.

LR 153 was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE RESOLUTION 154. Mr. Keyes moved to refer LR 154 to the Revenue Committee.

The motion prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 155. Mr. Keyes moved to refer LR 155 to the Revenue Committee.

The motion prevailed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 184. Mr. Schmit asked unanimous consent to bracket LB 184 until February 9, 1978. No objections. So ordered.

LEGISLATIVE BILL 92. Laid over at the request of Mr. Goodrich.

LEGISLATIVE BILL 92A. Laid over at the request of Mr. Goodrich.

LEGISLATIVE BILL 192. Mr. Burrows asked unanimous consent to bracket LB 192 until February 6, 1978. No objections. So ordered.

LEGISLATIVE BILL 99. Laid over.

LEGISLATIVE BILL 259. Title read. Considered.

Standing Committee amendment found in the Journal on page 581, First Session, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Burrows offered the following amendment:
On pages 6 and 7 strike new language and reinstate stricken matter.

Mr. DeCamp moved to amend the Burrows amendment as follows:
Strike page 7 of the Burrows amendment.

The DeCamp amendment was adopted with 22 ayes, 0 nays, 21 present and not voting, and 6 excused and not voting.

Mr. Burrows moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

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

Advanced to E & R for Review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 441. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 446. Title read.

Laid over at the request of Mr. Brennan.

LEGISLATIVE BILL 168. Title read. Considered.

Standing Committee amendment found in the Journal on page 623, First Session, was considered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 13 nays, and 22 not voting.

Mr. Newell offered the following amendment to the Standing Committee amendment:
After two statutes for each legislator, add language for optional third set by request.

Mr. Duis 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 Newell amendment was adopted with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Bereuter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Stoney withdrew his pending amendment found in the Journal on page 1223, First Session.

Mr. Brennan offered the following amendment:
On Page 4, line 4, insert, "the clerk of the Nebraska Workmen's Compensation Court," after the comma.

Mr. Brennan moved for a Call of the House. The motion prevailed with 17 ayes, 4 nays, and 28 not voting.

Mr. Brennan requested a roll call vote on his amendment:

Voting in the affirmative, 25:

Barnett	DeCamp	Hasebroock	Marsh	Reutzel
Brennan	E. Dvorak	Keyes	Maxey	Rumery
Burrows	Fitzgerald	Labedz	Merz	Savage
Carsten	Fowler	Luedtke	Moylan	Schmit
Chambers	Goodrich	Maresh	Newell	Simon

Voting in the negative, 16:

Bereuter	Duis	Kelly	Rasmussen
Clark	D. Dworak	Kennedy	Stoney
Cope	Hefner	Kremer	Venditte
Cullan	Kahle	R. Lewis	Warner

Present and not voting, 1:

George

Absent and not voting, 1:

Lamb

Excused and not voting, 6:

Koch	Marvel	Murphy
F. Lewis	Mills	Nichol

The Brennan amendment was adopted with 25 ayes, 16 nays, 1 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. Keyes moved to indefinitely postpone.

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 Keyes motion to indefinitely postpone lost with 14 ayes, 17 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Newell offered the following amendment to LB 168:

1. Section 1, page 4, line 5, after "attorney," insert, "each public defender office,".

The amendment lost with 11 ayes, 19 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Newell offered the following amendment to LB 168:

Remove County Attorneys.

The Newell amendment lost with 5 ayes, 20 nays, 19 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.

UNANIMOUS CONSENT - Change of Order

Speaker Luedtke asked unanimous consent to change the Speaker's order to allow Mr. Duis to consider LB 361 at this time. No objections. So ordered.

UNANIMOUS CONSENT - Unbracket LB 361

Mr. Duis asked unanimous consent to unbracket LB 361. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Merz asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 361. Considered.

Mr. Duis moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Duis requested a roll call vote to advance to E & R for Review.

Voting in the affirmative, 29:

Barnett	Cope	Fitzgerald	Hefner	Kennedy
Bereuter	DeCamp	Goodrich	Kahle	Keyes
Brennan	Duis	Hasebroock	Kelly	Kremer

Labedz	Luedtke	Maxey	Rumery	Venditte
F. Lewis	Maresh	Moylan	Savage	Warner
R. Lewis	Marsh	Rasmussen	Stoney	

Voting in the negative, 7:

Carsten	Cullan	Lamb	Simon
Chambers	D. Dworak	Schmit	

Present and not voting, 6:

Burrows	E. Dvorak	George
Clark	Fowler	Newell

Absent and not voting, 1:

Reutzel

Excused and not voting, 6:

Koch	Merz	Murphy
Marvel	Mills	Nichol

Advanced to E & R for Review with 29 ayes, 7 nays, 6 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Mr. Lamb moved the Call be raised. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 673	Thursday, January 19, 1978	2:00 p.m.
LB 702	Thursday, January 19, 1978	2:00 p.m.
LB 707	Friday, January 20, 1978	10:00 a.m.
LB 666	Thursday, January 26, 1978	10:00 a.m.
LB 667	Thursday, January 26, 1978	10:00 a.m.
LB 688	Thursday, January 26, 1978	10:00 a.m.
LB 687	Thursday, January 26, 1978	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Public Health and Welfare

LB 595	Monday, January 23, 1978	10:00 a.m.
LB 676	Monday, January 23, 1978	10:00 a.m.
LB 605	Monday, January 23, 1978	1:30 p.m.
LB 648	Monday, January 23, 1978	1:30 p.m.
LB 671	Monday, January 23, 1978	1:30 p.m.
LB 572	Tuesday, January 24, 1978	10:00 a.m.
LB 583	Tuesday, January 24, 1978	10:00 a.m.
LB 674	Tuesday, January 24, 1978	10:00 a.m.
LB 675	Tuesday, January 24, 1978	10:00 a.m.
LB 573	Tuesday, January 24, 1978	1:30 p.m.
LB 575	Tuesday, January 24, 1978	1:30 p.m.
LB 580	Tuesday, January 24, 1978	1:30 p.m.
LB 588	Monday, January 30, 1978	10:00 a.m.
LB 633	Monday, January 30, 1978	10:00 a.m.
LB 685	Monday, January 30, 1978	10:00 a.m.
LB 658	Monday, January 30, 1978	1:30 p.m.
LB 669	Tuesday, January 31, 1978	1:30 p.m.

(Signed) Richard Lewis, Chairman

Government, Military and Veterans Affairs

LB 563	Friday, January 20, 1978	9:00 a.m.
LB 567	Friday, January 20, 1978	9:00 a.m.
LB 628	Friday, January 20, 1978	9:00 a.m.
LB 715	Friday, January 20, 1978	9:00 a.m.
LB 726	Friday, January 20, 1978	9:00 a.m.
LB 632	Friday, January 20, 1978	1:30 p.m.
LB 696	Friday, January 20, 1978	1:30 p.m.
LB 730	Friday, January 20, 1978	1:30 p.m.
LB 560	Thursday, January 26, 1978	9:00 a.m.
LB 643	Thursday, January 26, 1978	9:00 a.m.
LB 683	Thursday, January 26, 1978	9:00 a.m.
LB 691	Thursday, January 26, 1978	9:00 a.m.
LB 744	Thursday, January 26, 1978	1:30 p.m.
LB 745	Thursday, January 26, 1978	1:30 p.m.
LB 608	Thursday, January 26, 1978	1:30 p.m.

LB 719	Thursday, January 26, 1978	1:30 p.m.
LB 617	Friday, January 27, 1978	9:00 a.m.

(Signed) Dennis L. Rasmussen, Chairman

Business and Labor

LB 629	Wednesday, January 18, 1978	10:00 a.m.
LB 694	Wednesday, January 18, 1978	10:00 a.m.
LB 705	Wednesday, January 18, 1978	1:30 p.m.

(Signed)Richard Maresh, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 786. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Mills, 44th District; Labedz, 5th District; Merz, 1st District.

A BILL FOR AN ACT relating to insurance; to adopt the Model Health Maintenance Organization Act; and to provide severability.

LEGISLATIVE BILL 787. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1977, relating to labor; to change the period of time for which a person may be disqualified for benefits; and to repeal the original section.

LEGISLATIVE BILL 788. By Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 16-321 and 17-568.01, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide an exemption from advertising for bids as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 789. By D. Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 53-103, 53-109, 53-123, 53-123.04, 53-123.05, 53-124.02, 53-124.05, 53-129, 53-134, 53-138.02, 53-138.03, 53-140, 53-142, 53-166, 53-177, 53-183,

53-184, and 53-188, Reissue Revised Statutes of Nebraska, 1943, sections 53-124.03, 53-125, 53-131, 53-132, 53-135.01, and 53-179, Revised Statutes Supplement, 1976, and sections 53-122, 53-124, and 53-124.07, Revised Statutes Supplement, 1977, relating to liquor; to redefine terms; to change licensing provisions; to change certain bond requirements; to change fees; to provide an operative date; and to repeal the original sections, and also sections 53-120, 53-121, 53-123.02, 53-123.06, 53-123.08, 53-124.01, 53-141, 53-143 to 53-145, and 53-160.03 to 53-160.07, Reissue Revised Statutes of Nebraska, 1943, section 53-127, Revised Statutes Supplement, 1976, and section 53-146, Revised Statutes Supplement, 1977.

LEGISLATIVE BILL 790. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Lamb, 43rd District; Hefner, 19th District; Maresh, 32nd District; Burrows, 30th District; Venditte, 7th District; Kahle, 37th District.

A BILL FOR AN ACT relating to environmental control; to adopt the Nebraska Hazardous Waste Management Act.

SPEAKER LUEDTKE PRESIDING

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Savage asked unanimous consent to add his name to LB 753, 754, 755, and 756. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 244. Title read. Considered.

Standing Committee amendment found in the Journal on page 630, First Session, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 65. Title read. Considered.

Standing Committee amendment found in the Journal on page 640, First Session, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Motion to advance pending.

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first by title.

LEGISLATIVE BILL 791. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 39-1811, Reissue Revised Statutes of Nebraska, 1943, relating to maintenance of county roads; to change the duty of landowners as prescribed; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 585	Thursday, January 19, 1978	10:00 a.m.
LB 604	Thursday, January 19, 1978	10:00 a.m.

(Signed) Donald N. Dworak, Chairman

VISITORS

The President introduced 27 fifth grade students and teachers from Peter Sarpy School, Bellview, Nebraska; Lee Seseman and son Mike from Lincoln; 14 juniors and 8 seniors and sponsor from Diller High, Diller, Nebraska; 18 senior hi students and sponsors from Grand Island Central Catholic; and 80 seniors and sponsor from Gross Hi, Omaha, Nebraska.

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 1:31 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel, Mills, Murphy, Nichol, and Schmit who were excused; and Messrs. Kelly, Merz, Newell, and the Judiciary Committee who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Rasmussen asked unanimous consent to be excused for a short time. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 664	Wednesday, January 18, 1978	2:00 p.m.
LB 697	Wednesday, January 18, 1978	11:00 a.m.

(Signed) Jerome Warner, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 792. By Venditte, 7th District.

A BILL FOR AN ACT to amend section 81-1108.43, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to reduce a project cost amount; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 65. Considered.

Advanced to E & R for Review with 25 ayes, 6 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 316. Laid over.

LEGISLATIVE BILL 270. 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.

Mr. Maresh asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 420. Title read. Considered.

Standing Committee amendment found in the Journal on page 674, First Session, was considered.

Mr. Lamb offered the following amendment to the Standing Committee amendment:
Strike $20,000, insert $50,000

The Lamb amendment lost with 7 ayes, 16 nays, 18 present and not voting, and 8 excused and not voting.

Mr. Kahle offered the following amendment to the Standing Committee amendment:
Amend committee amendments by striking "25" and inserting "40,000"

The amendment was adopted with 22 ayes, 0 nays, 20 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 165. Title read. Considered.

Standing Committee amendment found in the Journal on page 701, First Session, was considered.

Mr. Kennedy asked unanimous consent to be excused at 2:30 p.m. until he returns. No objections. So ordered.

Mr. Hasebroock asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Burrows offered the following amendment to the Standing Committee amendment:

To amend the Committee amendment to strike, eighteen and insert sixteen.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Burrows amendment lost with 7 ayes, 21 nays, 13 present and not voting, and 8 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 9 nays, and 23 not voting.

Mr. Venditte requested a record vote to the Standing Committee amendment.

Voting in the affirmative, 5:

Clark	George	Marsh	Stoney	Venditte

Voting in the negative, 23:

Barnett	D. Dworak	Koch	Maxey	Rumery
Bereuter	Hasebroock	Kremer	Moylan	Simon
Brennan	Hefner	Lamb	Newell	Warner
Burrows	Kahle	Luedtke	Rasmussen	
DeCamp	Kelly	Maresh	Reutzel	

Present and not voting, 14:

Carsten	Cullan	Fitzgerald	Keyes	R. Lewis
Chambers	Duis	Fowler	Labedz	Savage
Cope	E. Dvorak	Goodrich	F. Lewis	

Excused and not voting, 7

Kennedy	Merz	Murphy	Schmit
Marvel	Mills	Nichol	

The Standing Committee amendment lost with 5 ayes, 23 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Barnett offered the following amendment:

To amend LB 165 - Strike all new language and reinsert stricken language - then amend Line 5, the word "eighteen" and insert "seventeen" and on line 7 strike "sixteen" and insert "seventeen"

The amendment was adopted with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Mr. E. Dvorak asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 262. Title read. Considered.

Mr. D. Dworak offered the following amendment:
Page 5 line 24 after the word "annum" add "if those companies that offer an 8% policy shall also offer a 6% policy"

Mr. D. Dworak moved for a Call of the House. The motion prevailed with 17 ayes, 11 nays, and 21 not voting.

Mr. D. Dworak requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Bereuter	Chambers	Kelly	R. Lewis	Reutzel
Brennan	D. Dworak	Keyes	Moylan	Rumery
Burrows	Fowler	Labedz	Newell	Savage
Carsten	Goodrich	F. Lewis	Rasmussen	

Voting in the negative, 18:

Clark	Fitzgerald	Kahle	Maresh	Stoney
Cope	George	Koch	Marsh	Warner
Duis	Hasebroock	Lamb	Maxey	
E. Dvorak	Hefner	Luedtke	Simon	

Present and not voting, 4:

Barnett	Cullan	DeCamp	Kremer

Excused and not voting, 8:

Kennedy	Merz	Murphy	Schmit
Marvel	Mills	Nichol	Venditte

The D. Dworak amendment lost with 19 ayes, 18 nays, 4 present and not voting, and 8 excused and not voting.

Mr. D. Dworak moved the Call be raised. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. Burrows offered the following amendment:
Page 5, line 24 insert after "annum" on policies exceeding $50,000, on policies of less than $50,000 interest would remain 6 per cent per annum;
Strike remainder of line 24, and 25, to comma.

The amendment lost with 6 ayes, 19 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Simon moved to indefinitely postpone LB 262.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 10 nays, and 21 not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 15 ayes, 19 nays, and 15 not voting.

Mr. Simon requested a roll call vote in the motion to indefinitely postpone.

Voting in the affirmative, 19:

Barnett	E. Dvorak	Kelly	R. Lewis	Rasmussen
Bereuter	D. Dworak	Kennedy	Maresh	Rumery
Brennan	Fowler	Keyes	Maxey	Simon
Burrows	Goodrich	F. Lewis	Merz	

Voting in the negative, 21:

Carsten	Duis	Koch	Marsh	Warner
Clark	George	Kremer	Moylan	
Cope	Hasebroock	Labedz	Reutzel	
Cullan	Hefner	Lamb	Savage	
DeCamp	Kahle	Luedtke	Stoney	

Present and not voting, 3:

Chambers	Fitzgerald	Newell

Excused and not voting, 6:

Marvel	Murphy	Schmit
Mills	Nichol	Venditte

The motion to indefinitely postpone lost with 19 ayes, 21 nays, 3 present and not voting, and 6 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Fowler asked unanimous consent to bracket LB 262. No objections. So ordered.

LEGISLATIVE BILL 108. Mr. R. Lewis asked unanimous consent to bracket until February 3, 1978. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 644	Thursday, January 19, 1978	10:00 a.m.
LB 582	Friday, January 20, 1978	10:00 a.m.
LB 586	Friday, January 20, 1978	10:00 a.m.
LB 612	Friday, January 20, 1978	2:00 p.m.
LB 613	Friday, January 20, 1978	2:00 p.m.
LB 614	Friday, January 20, 1978	2:00 p.m.
LB 553	Thursday, January 26, 1978	10:00 a.m.

(Signed) Gerald Koch, Chairman

ANNOUNCEMENT

Mr. Koch announced an executive session of the Constitutional Revision and Recreation Committee Thursday, January 19, 1978 at 2:00 p.m. in the Supreme Court Hearing Room.

NOTICE OF CORRECTION ON COMMITTEE HEARINGS
Committee on Committees

The Committee on Committees will meet in Room 2102, not Room 1019 as previously advertised for public hearings scheduled for:

January 16, 1978	12:00 Noon
January 20, 1978	12:00 Noon
January 26, 1978	12:00 Noon
February 16, 1978	12:00 Noon
February 21, 1978	12:00 Noon

(Signed) John S. Savage, Chairman

ANNOUNCEMENT

Mr. Savage announced a meeting of Nebraska Transportation Advisory Committee under the South Balcony on adjournment this afternoon.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 793. By Cullan, 49th District; Marvel, 33rd District.

A BILL FOR AN ACT relating to technical community colleges; to state legislative intent; to define terms; to provide for a state-governed technical community college system as prescribed; to provide for severability; to provide an operative date; to repeal sections 79-2636, 79-2638 to 79-2641, 79-2643, 79-2645, 79-2646, 79-2647 to 79-2650, 79-2653, and 79-2662, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2637, 79-2644, 79-2646.01, 79-2651, and 79-2652, Revised Statutes Supplement, 1977; and to declare an emergency.

LEGISLATIVE BILL 794. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Cullan, 49th District; Rasmussen, 41st District; Moylan, 6th District; Maresh, 32nd District; Kennedy, 21st District; Kelly, 35th District.

A BILL FOR AN ACT to amend sections 71-3505, 71-3507, and 71-3508, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for licensing of persons involved with radiation as prescribed; to provide for the registration of persons installing or servicing sources of radiation; to provide for regulations regarding radiological working conditions; and to repeal the original sections.

LEGISLATIVE BILL 795. By Public Health and Welfare Committee: Moylan, 6th District, Vice Chairman; Cullan, 49th District; Rasmussen, 41st District; Maresh, 32nd District; Kennedy, 21st District.

A BILL FOR AN ACT to adopt the Nebraska Health Care Certificate of Need Act; to provide penalties; and to provide an operative date.

LEGISLATIVE BILL 796. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 53-124.03, Revised Statutes Supplement, 1976, relating to liquors; to provide an additional exemption; and to repeal the original section.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 153 and 150.

VISITORS

The President introduced Mike Kinsel from Western Heritage Museum in Omaha, Nebraska; Patrick Kelly, Sarpy County Attorney; and members from the Experienced Based Career Education Program with the Lincoln Public Schools.

ADJOURNMENT

At 4:15 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, January 12, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY – JANUARY 12, 1978

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 12, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 12, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, our loving Father, may we become more aware of the immediate concerns of our state - the minute problems confronting the various districts and the pleading of our constituents. But keep ever before this significant body the eternal and all-encompassing goals upon which smaller issues must be measured: to love mercy; to right wrongs; to live for justice, and to serve Thee, our God, and our fellowman as we would serve ourselves. We pray in our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Nichol who was excused and Mr. Newell who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 285, line 14, delete "Mr." and insert "Mrs.".
The Journal for the Sixth Day was approved as corrected.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 89. Indefinitely postponed.
LEGISLATIVE BILL 489. Indefinitely postponed.
LEGISLATIVE BILL 490. Indefinitely postponed.

LEGISLATIVE BILL 493. Indefinitely postponed.
LEGISLATIVE BILL 495. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 797. By Nebraska Transporation Advisory Committee: Savage, 10th District, Chairman; Keyes, 3rd District; Maresh, 32nd District; Kremer, 34th District.

A BILL FOR AN ACT to amend Laws 1977, LB 532, section 12, relating to appropriations; to delete a restriction; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 798. By Executive Board: Marvel, 33rd District, Chairman; Stoney, 4th District; Mills, 44th District; Bereuter, 24th District; Fowler, 27th District; R. Lewis, 38th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend section 84-306.01, Revised Statutes Supplement, 1977, relating to state officers; to change documentation procedure for certain reimbursements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 799. By Executive Board: Marvel, 33rd District, Chairman; Mills, 44th District; R. Lewis, 38th District; Stoney, 4th District; Fowler, 27th District; Luedtke, 28th District; Bereuter, 24th District.

A BILL FOR AN ACT to amend section 81-165, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to provide an exception to the requirement that official outgoing mail be metered; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 151. Read and considered.

Mrs. Maxey asked unanimous consent to add her name to LR 151. No objections. So ordered.

Mrs. Maxey offered the following amendment:
To include Lancaster, after Washington

The amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Murphy offered the following amendment:
To strike the name of "Northern Natural Gas" and insert "Public Utilities" therefore.

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

Mr. Murphy moved for a Call of the House. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

Mr. Murphy requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Bereuter	Hefner	Koch	Murphy	Stoney
Cope	Kahle	Lamb	Rasmussen	Warner
D. Dworak	Kelly	Luedtke	Rumery	
George	Kennedy	Maresh	Savage	
Goodrich	Keyes	Merz	Schmit	

Voting in the negative, 18:

Barnett	Chambers	Fowler	Maxey	Simon
Brennan	Clark	R. Lewis	Mills	Venditte
Burrows	E. Dvorak	Marsh	Moylan	
Carsten	Fitzgerald	Marvel	Newell	

Present and not voting, 7:

Cullan	Duis	Labedz	Reutzel
DeCamp	Kremer	F. Lewis	

Excused and not voting, 2:

Hasebroock Nichol

The Murphy amendment lost with 22 ayes, 18 nays, 7 present and not voting, and 2 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Marvel asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Hefner moved to refer LR 151 to the Public Works Committee for public hearing.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close;" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 18 ayes, 10 nays, and 21 not voting.

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

Voting in the affirmative, 23:

Bereuter	George	Kennedy	Maresh	Savage
Cope	Goodrich	Koch	Merz	Schmit
Cullan	Hefner	Kremer	Mills	Warner
DeCamp	Kahle	Lamb	Murphy	
D. Dworak	Kelly	Luedtke	Rasmussen	

Voting in the negative, 21:

Barnett	Clark	Keyes	Newell	Venditte
Brennan	Duis	Labedz	Reutzel	
Burrows	E. Dvorak	Marsh	Rumery	
Carsten	Fitzgerald	Maxey	Simon	
Chambers	Fowler	Moylan	Stoney	

Present and not voting, 2:

F. Lewis R. Lewis

Excused and not voting, 3:

Hasebroock Marvel Nichol

The Hefner motion to refer LR 151 to committee lost with 23 ayes, 21 nays, 2 present and not voting, and 3 excused and not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Mr. Hefner offered the following amendment:
Strike the word energy and add natural gas

The amendment lost with 15 ayes, 14 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Venditte moved for a Call of the House. The motion prevailed with 17 ayes, 4 nays, and 28 not voting.

Mr. Venditte requested a roll call vote to adopt LR 151.

Voting in the affirmative, 26:

Barnett	E. Dvorak	Kremer	Mills	Venditte
Brennan	D. Dworak	Labedz	Moylan	Warner
Burrows	Fitzgerald	Maresh	Newell	
Carsten	Fowler	Marsh	Rumery	
Chambers	George	Maxey	Schmit	
Clark	Keyes	Merz	Simon	

Voting in the negative, 12:

Cope	Hefner	Kennedy	Rasmussen
Cullan	Kahle	Lamb	Savage
Goodrich	Kelly	Murphy	Stoney

Present and not voting, 8:

Bereuter	Duis	F. Lewis	Luedtke
DeCamp	Koch	R. Lewis	Reutzel

Excused and not voting, 3:

Hasebroock	Marvel	Nichol

LR 151 was adopted with 26 ayes, 12 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

ANNOUNCEMENT

Mr. George announced the Urban Affairs Committee will be holding an executive session Thursday, January 12, 1978 after adjournment under the north balcony.

NOTICE OF COMMITTEE HEARINGS

Education

LB 589	Monday, January 23, 1978	10:00 a.m.
LB 596	Monday, January 23, 1978	10:00 a.m.
LB 693	Monday, January 23, 1978	1:30 p.m.
LB 779	Monday, January 23, 1978	1:30 p.m.
LB 741	Monday, January 30, 1978	10:00 a.m.
LB 743	Monday, January 30, 1978	10:00 a.m.
LB 601	Monday, January 30, 1978	1:30 p.m.
LB 638	Tuesday, January 31, 1978	10:00 a.m.
LB 663	Tuesday, January 31, 1978	10:00 a.m.
LB 757	Tuesday, January 31, 1978	10:00 a.m.

(Signed) Frank Lewis, Chairman

Public Works

LB 611	Wednesday, January 18, 1978(Cancel)	2:00 p.m.
LB 611	Wednesday, January 18, 1978(Set)	10:00 a.m.

(Signed) Maurice A. Kremer, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 258. Placed on Select File as amended.
E & R amendments to LB 258:

1. In the DeCamp-Schmit amendments, page 1, lines 5 and 17, strike "associations" and insert "association"; and in lines 14 and 15 strike "Corporations" and insert "Corporation".

2. Because of the DeCamp-Schmit amendment 1, strike the DeCamp-Schmit amendment 4.

3. On page 3, line 27, and page 4, line 1, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

4. In the DeCamp-Schmit amendments, page 2, line 15, strike "institution" and insert "institution's".

5. On page 4, line 20, strike the period.

6. On page 5, lines 17 and 18, strike "is authorized and directed to" and insert "shall".

7. In the title, line 2, insert "; and to declare an emergency" after "Act".

LEGISLATIVE BILL 258A. Placed on Select File as amended.
E & R amendment to LB 258A:

1. On page 2, line 3, strike "1977" and insert "1978"; and in line 4 strike "1978" and insert "1979".

LEGISLATIVE BILL 21. Placed on Select File as amended.
E & R amendments to LB 21:

1. Because of the first Barnett amendment 1, strike the Savage amendment to page 4, line 26.

2. On page 5, line 14, strike "its" and insert "his"; and in line 22 insert a comma after "vessel".

3. In line 1 of the Duis amendment, strike "Line 3" and insert "line 23".

4. In committee amendments, page 1, line 10, strike the comma.

5. On page 8, line 6, strike "on" and insert "in"; in line 18, strike "1978" and insert "1979" and strike "1980" and insert "1981"; and in line 27 strike "with" and insert "to".

6. On page 9, insert a comma after "motors" in line 18, and after "interest" in lines 21 and 22.

7. On page 11, line 10, strike "; namely," and insert ", so fixed as to throw the light".

8. On page 12, line 18, insert a comma after "machinery".

9. On page 15, insert a comma after "maintain" in line 3 and after "state" in line 4; and in line 5, strike "navigation" and insert "boating"; in line 6, strike "navigation rules" and insert "boating regulations"; and in line 22 strike "and" and insert "or".

10. On page 20, line 15, strike the comma; and in line 17 insert a comma after "numbering".

11. On page 22, lines 1 and 4, strike "herein" and insert "in this section".

12. In lieu of the Maresh amendment, in line 3 of the Barnett amendment to page 22, strike "IV" and insert "V".

13. On page 23, line 26, strike "which" and insert "as".

14. In the title, strike lines 2 to 7 and "system;" in line 8 and insert:
"FOR AN ACT to adopt the State Board Act;".

LEGISLATIVE BILL 21A. Placed on Select File as amended.
E & R amendment to LB 21A:

1. In line 2 of the Savage amendment, strike the period and insert a comma.

LEGISLATIVE BILL 436. Placed on Select File as amended.
E & R amendment to LB 436:

1. On page 2, line 22, strike "1977" and insert "1978" and strike "1978" and insert "1979".

LEGISLATIVE BILL 315. Placed on Select File as amended.
E & R amendments to LB 315:

1. Renumber the second new section 2 as section 3 and original section 2 as section 4.

2. In new section 2, line 6, insert "facility" after "care".

3. In the title, insert "to provide for uses of a fund;" at the end of line 3.

LEGISLATIVE BILL 457. Placed on Select File as amended.
E & R amendments to LB 457:

1. On page 3, line 9, insert a comma after "thereafter".

2. In the title insert "board of education members of" at the end of line 3; and in line 5 insert "; and to repeal section 79-902, Reissue Revised Statutes of Nebraska, 1943" after "prescribed".

LEGISLATIVE BILL 327. Placed on Select File as amended.
E & R amendments to LB 327:

1. In committee amendment 1, line 4, strike "revenues" both places and insert "revenue".

2. In the title, strike beginning with "to" in line 4 through the semicolon in line 6 and insert "to provide that rates be set so that total sales and use tax revenue does not exceed total individual income tax revenue in any year;".

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Stoney asked unanimous consent to print the following amendment 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 800. By Merz, 1st District.

A BILL FOR AN ACT to amend section 70-1003, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Power Review Board; to provide for compensation; and to repeal the original section.

LEGISLATIVE BILL 801. By Keyes, 3rd District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to provide for the sale of land; and to provide notice of the sale.

LEGISLATIVE BILL 802. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 72-902, Reissue Revised Statutes of Nebraska, 1943, relating to public lands and buildings; to provide for an increase of annual delay rentals; and to repeal the original section.

LEGISLATIVE BILL 803. By Cullan, 49th District.

A BILL FOR AN ACT relating to the technical community colleges; to change the manner certain funds are distributed; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 804. By Cullan, 49th District; Newell, 13th District.

A BILL FOR AN ACT to amend sections 77-601, 77-603, 77-604, 77-624, and 77-625, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to change the method of determining valuation of certain property; to delete terminal taxation; and to repeal the original sections, and also sections 77-606, 77-637 to 77-667, and 77-669 to 77-675, Reissue Revised Statutes of Nebraska, 1943, and section 77-668, Revised Statutes Supplement, 1977.

LEGISLATIVE BILL 805. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 19-1801, 19-1803, 19-1804, 19-1806, 19-1808, 19-1811, and 19-1823, Reissue Revised Statutes of Nebraska, 1943, relating to civil service commission; to provide for membership; to change qualifications for applicants; to provide for removal, suspension, demotion, or discharge of civil servants as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 806. By D. Dworak, 22nd District.

A BILL FOR AN ACT to amend section 79-458, Reissue Revised Statutes of Nebraka, 1943, relating to schools; to provide for reporting of census information; and to repeal the original section.

LEGISLATIVE BILL 807. By Warner, 25th District.

A BILL FOR AN ACT to amend section 23-174.10, Reissue Revised Statutes of Nebraska, 1943, relating to county zoning; to provide that a county may regulate junk and salvage yards; and to repeal the original section.

LEGISLATIVE BILL 808. By Venditte, 7th District.

A BILL FOR AN ACT to amend section 28-416, Revised Statutes Supplement, 1977, relating to drugs and narcotics; to provide a penalty for possession of marijuana as prescribed; to repeal the

original section; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 809. By Barnett, 26th District.

A BILL FOR AN ACT to amend sections 23-107.01 and 23-174.03, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to authorize the sale or lease of county owned real estate as prescribed; to change county authority to regulate subdivision as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 810. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District; F. Lewis, 45th District.

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

LEGISLATIVE BILL 811. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District; F. Lewis, 45th District.

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

MOTION - Overrule Speaker's Order

Mr. Carsten moved to overrule the Speaker's order to the effect of changing that order from all day hearing sessions to only afternoon hearing sessions.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Carsten moved for a Call of the House. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Carsten motion to overrule the Speaker's order lost with 19 ayes, 19 nays, 8 present and not voting, and 3 excused and not voting.

CANCELLATION OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 654 Tuesday, January 17, 1978 12:00 Noon

(Signed) John W. DeCamp, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 812. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Marsh, 29th District; Savage, 10th District; Rumery, 42nd District; Goodrich, 20th District; Cope, 36th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 71-4305, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to increase a fee; and to repeal the original section.

LEGISLATIVE BILL 813. By Appropriations Committee: Warner, 25th District, Chairman; Marsh, 29th District; Savage, 10th District; Rumery, 42nd District; Goodrich, 20th District; Cope, 36th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 71-3102, Reissue Revised Statutes of Nebraska, 1943, and section 71-2618, Revised Statutes Supplement, 1977, relating to public health and welfare; to provide for expenditures from and deposits into a fund; to increase a fee; and to repeal the original sections.

LEGISLATIVE BILL 814. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Marsh, 29th District; Savage, 10th District; Goodrich, 20th Distirict; Rumery, 42nd District; Cope, 36th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 71-2622, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to increase the fee for certain inspections; to provide for additional types of inspections; and to repeal the original section.

LEGISLATIVE BILL 815. By Miscellaneous Subjects Committee: Dworak, 22nd District, Chairman; Newell, 13th District; Keyes, 3rd District; F. Lewis, 45th District; Brennan, 9th District.

A BILL FOR AN ACT to amend section 76-902, Reissue Revised Statutes of Nebraska, 1943, relating to the Documentary Stamp Act; to provide an exemption from the tax imposed; and to repeal the original section.

LEGISLATIVE BILL 816. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Kelly, 35th District; R. Lewis, 38th District; Kennedy, 21st District; Merz, 1st District; Moylan, 6th District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 39-6,139, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to provide for auxiliary driving lamps as prescribed; and to repeal the original section.

LEGISLATIVE BILL 817. By Marsh, 29th District.

A BILL FOR AN ACT to create an enforcement unit within the office of the State Fire Marshal as prescribed; and to provide powers.

MOTION - Suspend Rules

Mr. Bereuter moved to suspend the rules, Rule 5, Section 4 to permit this bill (Req. 1283) to be introduced with the signatures of more than three senators.

The motion prevailed with 30 ayes, 0 nays, 16 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 818. By Bereuter, 24th District; Dworak, 22nd District; Fowler, 27th District; Schmit, 23rd District; Mills, 44th District; DeCamp, 40th 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.

SELECT FILE

LEGISLATIVE BILL 380. E & R amendments found in the Journal on page 249 for the Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 380A. E & R amendment found in the Journal on page 250 for the Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 406. E & R amendment found in the Journal on page 284 for the Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 406A. E & R amendment found in the Journal on page 284 for the Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 329. Advanced to E & R for Engrossment.

Mrs. Marsh asked unanimous consent to be excused at 11:55 a.m. until she returns. No objections. So ordered.

LEGISLATIVE BILL 109. Mr. Mills renewed his pending amendment found in the Journal on page 218.

MR. SAVAGE PRESIDING

Mr. Barnett offered the following amendment to the Mills amendment:
line 23, page 219 of the Journal after the word "cigarettes" add "cigars, chewing tobacco, and smoking tobacco."

Amendment pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 819. By Duis, 39th District.

A BILL FOR AN ACT to amend section 23-2417, Reissue Revised Statutes of Nebraska, 1943, relating to the Political Subdivisions Tort Claims Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 820. By Executive Board: Marvel, 33rd District, Chairman; Fowler, 27th District; Mills, 44th District; R. Lewis, 38th District; Bereuter, 24th District; Stoney, 4th District.

A BILL FOR AN ACT to adopt the Nebraska Lighting and Thermal Efficiency Act; and to provide severability.

LEGISLATIVE BILL 821. By Rumery, 42nd District.

A BILL FOR AN ACT relating to the Board of Regents of the University of Nebraska; to authorize the board to sell lands previously used by the University of Nebraska; to create the Board of Regents Land Fund and prescribe its purpose; and to declare an emergency.

LEGISLATIVE BILL 822. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 81-117 and 81-117.01, Revised Statutes Supplement, 1977, relating to state employees; to provide for overtime compensation to state employees as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 823. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 37-203, Reissue Revised Statutes of Nebraska, 1943, relating to permits to hunt and fish; to change fees retained by those selling such permits; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 676	Monday, January 23, 1978(Cancelled)	10:00 a.m.
LB 676	Tuesday, January 31, 1978(Reset)	1:30 p.m.

(Signed) R. Lewis, Chairman

Judiciary

LB 561	Monday, January 23, 1978	9:00 a.m.
LB 623	Monday, January 23, 1978	9:00 a.m.
LB 668	Monday, January 23, 1978	9:00 a.m.
LB 603	Monday, January 23, 1978	1:30 p.m.
LB 622	Monday, January 23, 1978	1:30 p.m.
LB 650	Monday, January 23, 1978	1:30 p.m.
LB 704	Monday, January 23, 1978	1:30 p.m.
LB 562	Tuesday, January 24, 1978	9:00 a.m.
LB 711	Tuesday, January 24, 1978	9:00 a.m.
LB 749	Tuesday, January 24, 1978	9:00 a.m.
LB 672	Tuesday, January 24, 1978	1:30 p.m.
LB 700	Tuesday, January 24, 1978	1:30 p.m.
LB 714	Tuesday, January 24, 1978	1:30 p.m.
LB 727	Tuesday, January 24, 1978	1:30 p.m.
LB 624	Wednesday, January 25, 1978	9:00 a.m.
LB 625	Wednesday, January 25, 1978	9:00 a.m.
LB 678	Wednesday, January 25, 1978	9:00 a.m.
LB 703	Wednesday, January 25, 1978	9:00 a.m.
LB 554	Wednesday, January 25, 1978	1:30 p.m.

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., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hasebroock and Nichol who were excused; and Messrs. Hefner, Schmit, Simon, and Venditte who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Duis asked unanimous consent to be excused Friday afternoon, January 13, 1978. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 109. Mr. Barnett withdrew his pending amendment to the Mills amendment found in this day's Journal.

Mr. Mills renewed his pending amendment found in the Journal on page 218.

The amendment was adopted with 29 ayes, 5 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Maresh moved to bracket until February 6, 1978.

Mr. Maresh withdrew his motion.

Mr. Mills offered the following amendment:
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 purpose 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."

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Barnett moved to bracket LB 109 until January 17, 1978.

Mr. Barnett moved for a Call of the House. The motion prevailed with 20 ayes, 8 nays, and 21 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Barnett motion to bracket prevailed with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 186. E & R amendments found in the Journal on page 248 for the Fifth Day were adopted.

Mr. DeCamp withdrew his pending amendments found in the Journal on pages 1410 and 1532, First Session.

Mr. Barnett offered the following amendment:

1. Insert a new section as follows:

"Section 1. That sections 15-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-901. No owner of any real estate located in an area which is within any city of the primary class or within three miles of the corporate limits of any city of the primary class when such real estate is located in the same county as such city of the primary class and outside of any organized city or village, shall be permitted to subdivide, plat or lay out said real estate in building lots and streets, or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained the approval thereof by the city council of such city, and no plat or subdivision of such real estate shall be recorded in the office of the register of deeds or have any force or effect unless the same be approved by the city council of such city. Such a city shall have authority within the area above described to regulate the subdivision of land for the purpose, whether immediate or future, of transfer of ownership or building development, except that the city shall have no power to regulate subdivision in those instances where the smallest parcel created is more than ~~five~~ ten acres in area; to prescribe standards for laying

out subdivisions in harmony with the comprehensive plan; to require the installation of improvements by the owner or by the creation of public improvement districts, or by requiring a good and sufficient bond guaranteeing installation of such improvements; and to require the dedication of land for public purposes.

Subdivision shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be subdivision when the smallest parcel created is more than ~~five~~ ten acres in area.

Subdivision plats shall be approved by the city planning commission on recommendation by the planning director and public works and utilities department and shall be submitted to the council for its consideration and legislative action. The council may withhold approval of a plat until the public works and utilities department has certified that the improvements required by the regulations have been satisfactorily installed or until a sufficient bond guaranteeing installation of the improvements has been posted with the city or until public improvement districts are created."

2. On page 25, line 26 after "sections" insert "15-901,".

3. Renumber remaining sections accordingly.

4. In the title, line 2 after "sections" insert "15-901,"; and in line 8 after the semicolon insert "to change an exception from subdivision regulations as prescribed;".

Mr. Barnett moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

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

Mr. Bereuter offered the following amendment:

Amend LB 186 by restoring the original Section 14 to the bill and renumbering the following sections appropriately.

Mr. Bereuter moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Bereuter moved the Call be raised. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

The Bereuter amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Mr. D. Dworak offered the following amendment:
Amendment to L.B. 186
Page 24 line 24
Delete the words, "~~An elected county official~~;" and insert the words all persons holding an elective public office.

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.

Mr. D. Dworak requested a record vote on his amendment.

Voting in the affirmative, 16:

Clark	Fitzgerald	Keyes	Rasmussen
Cullan	Hefner	Marvel	Rumery
DeCamp	Kahle	Mills	Schmit
D. Dworak	Kelly	Murphy	Warner

Voting in the negative, 14:

Barnett	Fowler	Kremer	Maresh	Simon
Bereuter	Kennedy	Labedz	Marsh	Stoney
Cope	Koch	Luedtke	Maxey	

Present and not voting, 16:

Brennan	Duis	Lamb	Moylan
Burrows	E. Dvorak	F. Lewis	Newell
Carsten	George	R. Lewis	Reutzel
Chambers	Goodrich	Merz	Savage

Excused and not voting, 3:

Hasebroock	Nichol	Venditte

The D. Dworak amendment lost with 16 ayes, 14 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Bereuter offered the following amendment:
To amend LB 186 by replacing Subsection (8) of Section 13, as amended, with the following language: a member of a county or municipal planning commission; provided, that such commissioners need only declare their real estate holdings within the zoning and subdivision jurisdiction of such a commission, whichever is more extensive; and further be it provided that such reports may be filed for such commissioners by the commission itself with their authorization.

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Cullan offered the following amendment:
Amend LB 186 page 24 line 23 add a new subsection (9) and renumber the subsections, the new subsection (9) should read as follows
A member of a school board or a city council.

MR. MARVEL PRESIDING

Mr. Cullan moved for a Call of the House. The motion prevailed with 17 ayes, 4 nays, and 28 not voting.

Mr.Cullan requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Fowler	Koch	Marvel	Savage
Clark	George	Kremer	Mills	Schmit
Cullan	Kahle	Labedz	Moylan	Stoney
DeCamp	Kelly	F. Lewis	Murphy	Warner
D. Dworak	Keyes	R. Lewis	Rasmussen	

Voting in the negative, 20:

Bereuter	Cope	Hefner	Maresh	Newell
Brennan	Duis	Kennedy	Marsh	Reutzel
Burrows	E. Dvorak	Lamb	Maxey	Rumery
Carsten	Goodrich	Luedtke	Merz	Simon

Present and not voting, 2:

Chambers Fitzgerald

Excused and not voting, 3:

Hasebroock Nichol Venditte

The Cullan amendment lost with 24 ayes, 20 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Mr. Warner asked unanimous consent to bracket LB 186 until Tuesday, January 17, 1978. No objections. So ordered.

LEGISLATIVE BILL 394. E & R amendments found in the Journal on page 249 for the Fifth Day were adopted.

Mrs. Marsh requested a machine vote to advance to E & R for Engrossment.

Mr. Lamb moved for a Call of the House. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 16 ayes, 13 nays, and 21 not voting.

Mr. Lamb requested a roll call vote to advance to E & R for Engrossment.

Voting in the affirmative, 24:

Bereuter	DeCamp	Kelly	Luedtke	Mills
Burrows	Duis	Kennedy	Maresh	Murphy
Carsten	D. Dworak	Kremer	Marvel	Rasmussen
Clark	Hefner	Lamb	Maxey	Reutzel
Cullan	Kahle	R. Lewis	Merz	

Voting in the negative, 18:

Barnett	Fitzgerald	Labedz	Newell	Simon
Brennan	Fowler	F. Lewis	Rumery	Stoney
Cope	Keyes	Marsh	Savage	
E. Dvorak	Koch	Moylan	Schmit	

Present and not voting, 4:

Chambers George Goodrich Warner

Excused and not voting, 3:

Hasebroock Nichol Venditte

The motion to advance lost with 24 ayes, 18 nays, 4 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Mills asked unanimous consent to print the following amendment to LB 128 in the Journal. No objections. So ordered.

1. On page 9, after line 19 insert a new subsection (2) as follows:

"(2) The department shall:

(a) Require that an employer who wishes to be designated as a seasonal employer file an application with the department;

(b) Investigate such employer; and

(c) Make a determination as to whether an employer shall be considered a seasonal employer within ninety days of receipt of the employer's application;".

2.In line 20 strike "(2)" and insert "(3)".

3. Insert a new section 4 as follows:

"Sec. 4. All determinations as to the eligibility of an individual to receive benefits as provided by section 3 of this act shall be made by the commissioner or his designee. Such determination shall be made only on the base pay period of an individual who files for a benefit claim on or after the first day of that calendar quarter commencing after the date of the determination of whether the individual's employer is a seasonal employer.".

4. Renumber original section 4 as section 5.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 164
January 11, 1978

Dear Mr. O'Donnell:

In your letter of January 10, 1978, you inform us that the Nebraska Legislature intends to recess for two weeks beginning approximately January 17, 1978. During this time that they will be in recess certain committee meetings will be held in Lincoln.

You ask if Senators returning for these committee meetings may constitutionally be paid for the expense of traveling to and from Lincoln to attend these meetings. Section 7 of Article III of the Constitution of the State of Nebraska provides as follows:

> "At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and the remainder for a term of two years, and thereafter all members ahll be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a non-partisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay or perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

We have previously been asked if legislators may be reimbursed for expenses incurred in traveling to committee meetings during interims between sessions and meetings of the Legislative Council

held between sessions. In each instance we have been of the opinion that reimbursement for such has been established by statute and that this statute was not violative of the constitutional provision set out above. (See Opinion No. 60, April 8, 1977, and Opinions Nos. 60 and 63, Report of the Attorney General, 1959-60, attached.)

However, in Opinion No. 60 dated April 13, 1959, we concluded with regard to the specific question you ask:

> ". . . However, in view of the previous construction placed upon this section, it would be a violation of the above provision for the Legislature to provide for the payment of their personal expenses during regular and special sessions of the Legislature."

We believe this statement to be correct and reaffirm it at this time. We are therefore of the opinion that Senators returning to Lincoln for committee meetings during this recess may not be compensated for the travel expense incurred.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:ejg
attach. (onfile)

Opinion No. 165
January 11, 1978

Dear Senator DeCamp:

You have requested our opinion on another draft proposal to amend LB 532, Eighty-fifth Legislature, First Session, 1977, section 45. In the latest draft that you have provided to us section 1 provides:

> "No school district shall receive less state financial assistance per pupil for the 1977-1978 school year than such district received on a per pupil basis for the 1976-1977 school year."

Section 2 (3) in part provides:

> "There is included in the amount shown $40,000,000 General Funds which are appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated and $15,000,000 General Funds for distribution by the State

Department of Education to meet the requirements of section 1 of this act."

Section 3 allows the Department of Education to recompute distributions to local school districts pursuant to the proposed amendment.

In previous opinions to Senator Lamb, dated January 5, 1978, and to yourself, dated January 9, 1978, we have discussed other draft amendments to section 45 of LB 532. In those previous opinions we have delineated the guidelines that must be followed in enacting legislation where a referendum is pending against an act of the Legislature. We will not reiterate in this letter our previous opinions.

In the present draft, section 1 is a hold-harmless clause providing that school districts shall not recieve less per pupil aid this year than they would have received last year. Subsection (3) of section 2 reallocates the $55,000,000 appropriated last year to the School Foundation and Equalization Fund for distribution under section 79-1330 through section 79-1344, R.R.S. 1943, and provides for a different distributional method. Forty million dollars would be distributed under those sections, and $15,000,000 would be used to maintain school districts in no worse position on a per pupil basis than the 1976-1977 year.

Once again, the three questions that must be answered are whether or not the changes or amendments are such as to make the act subject to referendum and subsequent changes inseverable; whether the latter amendment is so major or extensive as to make the issue unintelligible or so misleading as to be unfair or to constitute fraud; or whether rejection of the act under referral would create confusion or upset the orderly processes of legislation.

In making these determinations, we first point out that there is no change in the amount to be distributed from the appropriation not part of the referendum. We also point out that the distributional formula left intact by the suspension of LB 33 is not changed by the proposed amendment that you have provided for our inspection. However, the amount of money to be distributed under the formula provided by sections 79-1330 to 79-1344 has been reduced. Under the sections that remain in existence because of the suspension of LB 33, the school districts would have received 49.6 million dollars under sections 79-1330 to 79-1344. They would have received no money under the provisions of section 79-4,160 to 79-4,168; but it does appropriate a portion of the previously appropriated money for distribution in a manner that the school districts would receive

the same amount of money as they received in the 1976-1977 school year, which, of course, would by reference include distribution under both of the above statutory schemes. Therefore, the change proposed by the amendment is severable from the matter referred to the voters.

We do not believe that this distributional approach would upset orderly legislative processes or create confusion in the legislative process. Any confusion that may result can be limited by rapid calculation of the amount of money to be paid to local school districts under this distributional scheme.

The final question that must be answered is whether this scheme is so major or extensive as to make the issue to be presented to the voters unintelligible or so misleading as to be unfair to constitute fraud. It is our view that the change will not have any effect on the issue to be presented to the voter under LB 33. For this reason, it is our view that this provision is not offended by the proposed amendment.

Therefore, it is our opinion that your most recent proposed amendment to LB 532, section 45, Eight-fifth Legislature, First Session, 1977, is not in violation of Article III, Section 3 of the Constitution. The amendment amounts to a reallocation of funds previously appropriated by the Legislature for similar purposes to those existing at the time the appropriation was made. The net effect will be to maintain the status quo pending the outcome of the referendum. Thus, not affecting the rights of the voters.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:sjr
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 692	Friday, January 20, 1978	10:00 a.m.
LB 728	Friday, January 20, 1978	10:00 a.m.
LB 751	Friday, January 20, 1978	10:00 a.m.

(Signed) Loran Schmit, Chairman

Banking, Commerce and Insurance

LB 659	Monday, January 23, 1978	9:00 a.m.
LB 626	Monday, January 23, 1978	9:30 a.m.
LB 665	Monday, January 23, 1978	10:00 a.m.
LB 662	Monday, January 23, 1978	1:30 p.m.
LB 717	Monday, January 23, 1978	2:00 p.m.
LB 772	Monday, January 23, 1978	2:10 p.m.
LB 716	Monday, January 23, 1978	2:15 p.m.
LB 599	Monday, January 23, 1978	3:00 p.m.
LB 653	Monday, January 23, 1978	3:30 p.m.
LB 641	Monday, January 23, 1978	4:00 p.m.

(Signed) John W. DeCamp, Chairman

Revenue

LB 557	Monday, January 23, 1978	9:00 a.m.
LB 651	Monday, January 23, 1978	9:00 a.m.
LB 709	Monday, January 23, 1978	9:00 a.m.
LB 652	Monday, January 23, 1978	1:30 p.m.
LB 677	Monday, January 23, 1978	1:30 p.m.
LB 699	MOnday, January 23, 1978	1:30 p.m.
LB 620	Tuesday, January 24, 1978	9:00 a.m.
LB 627	Tuesday, January 24, 1978	9:00 a.m.
LB 635	Tuesday, January 24, 1978	9:00 a.m.
LB 736	Tuesday, January 24, 1978	9:00 a.m.
LB 640	Tuesday, January 31, 1978	9:00 a.m.
LB 642	Tuesday, January 31, 1978	9:00 a.m.
LR 154	Wednesday, February 1, 1978	9:00 a.m.
LR 155	Wednesday, February 1, 1978	9:00 a.m.

(Signed) Orval A. Keyes, Chairman

Urban Affairs

LB 558	Wednesday, January 18, 1978	10:00 a.m.
LB 591	Wednesday, January 18, 1978	10:00 a.m.
LB 609	Wednesday, January 18, 1978	2:00 p.m.
LB 718	Wednesday, January 18, 1978	2:00 p.m.
LB 720	Wednesday, January 18, 1978	2:00 p.m.

(Signed) Walter George, Chairman

Constitutional Revision and Recreation

LB 553	Thursday, January 26, 1978(Cancelled)	10:00 a.m.
LB 553	Thursday, January 26, 1978(Reset)	2:00 p.m.
LB 734	Thursday, January 26, 1978	10:00 a.m.
LB 742	Thursday, January 26, 1978	10:00 a.m.
LB 739	Thursday, February 2, 1978	10:00 a.m.

(Signed) Gerald Koch, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
752	Miscellaneous Subjects
753	Government, Military & Veterans Affairs
754	Banking, Commerce and Insurance
755	Appropriations
756	Appropriations
757	Education
758	Banking, Commerce and Insurance
759	Agriculture and Environment
760	Banking, Commerce and Insurance
761	Public Health and Welfare
762	Appropriations

771 Banking, Commerce and Insurance
772 Banking, Commerce and Insurance
773 Public Works
774 Miscellaneous Subjects
775 Judiciary
776 Public Works
777 Miscellaneous Subjects
778 Public Health and Welfare
779 Education
780 Miscellaneous Subject
781 Urban Affairs
782 Public Works
783 Public Works
784 Public Works
785 Public Works
786 Banking, Commerce and Insurance
787 Business and Labor
788 Urban Affairs
789 Miscellaneous Subjects
790 Agriculture and Environment
791 Public Works
792 Government, Military and Veterans Affairs
793 Education
794 Public Health and Welfare
795 Public Health and Welfare
796 Miscellaneous Subjects
797 Appropriations
798 Government, Military and Veterans Affairs
799 Government, Military and Veterans Affairs
800 Public Works
801 Urban Affairs
802 Education
803 Education
804 Revenue
805 Urban Affairs
806 Education
807 Government, Military and Veterans Affairs
808 Judiciary
809 Government, Military and Veterans Affairs
810 Nebraska Retirement Systems
811 Nebraska Retirement Systems
812 Public Health and Welfare
813 Public Health and Welfare

814 Public Health and Welfare
815 Banking, Commerce and Insurance
816 Public Works
817 Government, Military and Veterans Affairs
818 Agriculture and Environment
819 Judiciary
820 Public Health and Welfare
821 Agriculture and Environment
822 Government, Military and Veterans Affairs
660 General File

(Signed) Richard D. Marvel, Chairman

MR. SAVAGE PRESIDING

MOTION - Withdraw LB 735

Mr. Koch moved to withdraw LB 735.

Motion pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 824. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman; E. Dvorak, 8th District; Fitzgerald, 14th District; Reutzel, 15th District; Barnett, 26th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 24, of the Constitution of Nebraska, relating to the Legislature; to prohibit gambling, games of chance, and lotteries except as authorized by the Legislature; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 825. By Appropriations Committee: Warner, 25th District, Chairman; Marsh, 29th District; Rumery, 42nd District; Goodrich, 20th District; Cope, 36th District; Savage, 10th District.

A BILL FOR AN ACT to amend Laws 1977, LB 532, Section 34, relating to appropriations to reduce a certain appropriation as

prescribed; to repeal the original section, and also sections 81-1204.01 and 81-1204.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 826. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Murphy, 17th District; Merz, 1st District; Labedz, 5th District; Brennan, 9th District.

A BILL FOR AN ACT to amend sections 21-1317 and 21-1327, Reissue Revised Statutes of Nebraska, 1943, relating to cooperative credit associations; to increase the amount allowed for certain loans as prescribed; to authorize delegation of certain powers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 827. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman; E. Dvorak, 8th District; Labedz, 5th District; Carsten, 2nd District, Reutzel, 15th District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to game and fish; to provide that ownership be shown on traps; and to provide a penalty.

LEGISLATIVE BILL 828. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman; E. Dvorak, 8th District; Fitzgerald, 14th District; Labedz, 5th District; Carsten, 2nd District; Reutzel, 15th District.

A BILL FOR AN ACT relating to game animals; to prohibit certain acts; and to provide penalties.

UNANIMOUS CONSENT - Bracket LB 99

Mr. F. Lewis asked unanimous consent to bracket LB 99 until February 9, 1978. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 75. E & R amendments found in the Journal on page 249 for the Fifth Day were adopted.

Mrs. Marsh offered the following amendment:

1. Strike sections 1 to 4 and any amendments thereto, and insert:

"Section 1. That section 37-213, Revised Statutes Supplement, 1977, be amended to read as follows:

37-213. Unless holding a permit as in this act

required, it shall be unlawful (1) for any person to trap or otherwise take or attempt to take, or have in possession any fur-bearing animal or raw fur, (2) for any person who is a resident of the State of Nebraska and is sixteen years old or older or who is a nonresident of this state to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds, game animals, or crows, (3) for any person of the age of sixteen years or older to hunt or take or attempt to hunt or take any migratory waterfowl without first obtaining and affixing to his hunting permit a federal migratory bird hunting stamp. All such stamps affixed to hunting permits must be signed by the holder of the hunting permit. The term migratory waterfowl shall mean any ducks, geese, coots, or brant upon which an open season has been established by the Game and Parks Commission, or (4) for any person who is sixteen years of age or older to take, angle for, or attempt to take any kind of fish, bullfrog, snapping turtle, tiger salamander, mussel, or minnow from the waters of this state or possess the same except that the owner or invitee of the owner of any body of water (a) located entirely upon privately-owned land, (b) which is entirely privately stocked, (c) which does not connect by inflow or outflow with other water outside said land, and (d) when such owner does not operate such body of water on a commercial basis for profit shall not be required to hold a permit before fishing from or possessing fish or minnows taken from such waters; Provided, that no fishing permit shall be required for fishing in any duly licensed commercial put and take fishery operating under rules and regulations prescribed by the Game and Parks Commission. The fee for licensing such put and take commercial fishery shall be fifty dollars per year, payable in advance, and no person shall operate such an establishment without first obtaining such permit from the comission. Before issuing such permit the commission shall investigate each such establishment annually and be satisfied that the same is a bona fide commercial put and take fishery operating within all applicable state and federal laws. It shall be unlawful for a nonresident to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds or game animals, mussel, turtle, or amphibian or to angle for or take or attempt to angle for or take any kind of fish while in the possession of a resident permit illegally obtained. It shall also be unlawful for anyone to do or attempt to do any other thing for which a permit is herein provided

without first obtaining such permit and paying the fee required. Any violation of the provisions of this section shall constitute a Class II misdemeanor and the offender shall be fined at least forty dollars.

If the offense shall be failure to hold a hunting, fishing, deer, turkey, or antelope permit as required, unless issuance of the required permit is restricted so that permits are not available, the court shall require the offender to purchase the required permit and exhibit the same to the court.

Sec. 2. That section 37-519, Revised Statutes Suplement, 1977, be amended to read as follows:

37-519. Anyone violating any of the provisions of sections 37-501 to 37-518, where penalties are not otherwise fixed therein, shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 3. That original sections 37-213 and 37-519, Revised Statutes Supplement, 1977, are repealed.".

2. In the title strike lines 2 to 8 and insert the following:

"FOR AN ACT to amend sections 37-213 and 37-519, Revised Statutes Supplement, 1977, relating to game and fish; to provide penalties as prescribed; and to repeal the original sections.".

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 372. E & R amendments found in the Journal on page 284 for the Sixth Day were adopted.

Mr. Kelly offered the following amendment:

1. On page 2, line 13, strike "care" and insert "noncasual care at regular intervals".

Amendment pending. Laid over.

VISITORS

The President introduced 80 seniors from Gross High, Omaha; and City Councilman Richard Takechi from Omaha.

ADJOURNMENT

At 4:17 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, January 13, 1978.

Patrick J. O'Donnell
Clerk of the Legislature.

EIGHTH DAY - JANUARY 13, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 13, 1978

Pursuant to adjournment, the Legislature met at 9:10 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> With all the resources of an Infinite God available to them that ask Thee, forgive us, O Lord, for our lack of faith that begs for pennies when we could write checks for millions; that strikes a match when we could have the sun. Give to us the faith to believe that there is no problem before us that Thy wisdom cannot solve. As Thou guided men in the past, so guide these men and women today. At every desk may there be the whisper of Thy counsel. Help our leaders to weigh their words, that their words may carry weight and, what is more, the echo of Thy will; for Jesus' sake. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel and Nichol who were excused; and Messrs. Carsten, Newell, and Reutzel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 334, last line; add:

LB	Committee
763	Banking, Commerce and Insurance
764	Banking, Commerce and Insurance
765	Appropriations

766 Banking, Commerce and Insurance
767 Banking, Commerce and Insurance
768 Banking, Commerce and Insurance
769 Banking, Commerce and Insurance
770 Banking, Commerce and Insurance

The Journal for the Seventh Day was approved as corrected.

STANDING COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 217. Placed on Select File as amended.
E & R amendments to LB 217:

1. Add a new section to read:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 2, strike "section 46-664" and insert "sections 46-664 and 46-666"; in line 5 strike "and" and insert "to provide for variances within control areas;" and strike "section" and insert "sections; and to declare an emergency.".

LEGISLATIVE BILL 529. Placed on Select File as amended.
E & R amendments to LB 529:

1. Renumber original sections 1 and 2 as sections 2 and 3.

2. In committee amendments, line 13, insert an underscored comma after "appliances".

3. On page 2, line 13, insert an underscored comma after "aids".

LEGISLATIVE BILL 519. Placed on Select File as amended.
E & R amendments to LB 519:

1. Renumber original section 1 as section 2 and the new section added by committee amendment as section 1.

2. In committee amendments, page 1, lines 11 and 12, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

3. In lieu of committee amendment 3, on page 2, line 25, strike "section" and insert "sections 18-1735 and"; and in line 26 strike "is" and insert "are".

4. In the title, line 2, strike "section" and insert "sections 18-1735 and"; in lines 3 and 4 strike "local governments"; in line 5 insert "to provide authorized expenditures;" after the semicolon; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 534. Placed on Select File as amended.
E & R amendments to LB 534:

1. On page 2, line 12, strike the comma; and in line 18, strike "device, or display" and insert "display, or device".

2. In lieu of the Lamb amendment, on page 2, line 21, insert "ranch or farm locations," after the third comma.

3. In committee amendments, line 9, strike the first period.

LEGISLATIVE BILL 526. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 635	Tuesday, January 24, 1978(Cancelled)	9:00 a.m.
LB 635	Tuesday, January 24, 1978(Reset)	1:30 p.m.
LB 736	Tuesday, January 24, 1978(Cancelled)	9:00 a.m.
LB 736	Tuesday, January 24, 1978(Reset)	1:30 p.m.

(Signed) Orval Keyes, Chairman

REPORT OF DEPARTMENT OF ROADS

January 10, 1978

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 1977 for submittal to the Legislature, pursuant to Section 39-1320.01, (.02), (.03) R.R.S. 1943.

Sincerely,
DEPARTMENT OF ROADS
(Signed) David O. Coolidge
Director-State Engineer

DOC/jp
Enclosure

ADVERTISING CONTROL DATA 1977

Approximately 3,230 signs were removed in 1977 icluding those purchased on Right of Way projects, from individuals and sign companies, plus abandoned, illegal, nominal value and wind damaged signs.

The total cost of the above signs, including State and Federal funds is: $171,300.00

This figure includes appraisals, review of appraisals, advertising control, sign removal, condemnation proceedings, equipment, supplies and miscellaneous overhead. Where applicable, this includes payment to the sign owner and site owner.

ANTICIPATED SIGN REMOVAL FOR 1978

This data would depend entirely on Legislative action.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 12, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick O'Donnell
Clerk of the Legislature

Boswell, Hobart - Lincoln, Lincoln Firefighters Association Local #644; Nebraska State Association of Firefighters
Bosworth, Donald A. - Omaha, Blue Cross & Blue Shield of Nebraska
Fiedler, Donald Bruce - Omaha, National Organization For Reform of Marijuana Law
Houser, Ronald W. - Lincoln, Lincoln Education Association
Meyer, Jane Ann - Lincoln, Coalition of Labor Union Women
Moulton, William S. - Omaha, Nebraska and Omaha Food Retailers Association, Inc.

Nielson, Edwin J. - Colorado, United Airlines and Air Transport Association

Noren, Charles F. - Lincoln, Name change to: Noren & Burns (Noren, Charles F.) effective 1/1/78

Noren & Burns:

Burns, Steven D. - Lincoln, Nebraska Association of Public Employees

Noren, Charles F. - Lincoln, Lincoln Firefighters Association Local #644

Peterson, Robert F. - Lincoln, Lincoln Education Association

Ryan, James E. - Lincoln, Coin Operated Industries of Nebraska

Schlitt, Marge H. - Lincoln (withdrawn 1/9/78), Common Cause/Nebraska

Wylie, Bill - Elgin (withdrawn 1/12/78), Walter Epke

Wylie, Bill - Elgin (withdrawn 1/12/78), Fraizer and Fraizer

Andrews, Donald Dr. - Valley, Omaha Board of Education

Berkebile, Philip A. - Lincoln, Nebraska Press Advertising Service, Inc.

Brakenhoff, Loren - Lincoln, Nebraska Council School Administrators

Cariotto, Joseph J. - Lincoln, Nebraska Pharmaceutical Association; Nebraska Podiatry Association

Corkle, Margaret A. - Omaha, Millard Public Schools

Crowl, Ralph E. - Omaha, Nebraska State Council of Electrical Workers

Epke, Walter H. - York, Nebraska Co-op Council

Finigan, Edwin J. - Lincoln, Nebraska Telephone Association

Frandsen, Gary G. - Dallas, Texas, Associates Corporation of North America (A Texas Corporation)

Frazier, Lawrence A. - Lincoln, Farmers Mutual Insurance Company of Nebraska

Goodding, Richard D. - Lincoln, Nebraska Farm Bureau Federation

Humpal, John E. - Omaha, Nebraska Medical Association

Leitner, Ronald E. - McCook, Brotherhood of Locomotive Engineers, Nebraska State Legislative Board

Merwick, Michael L. - Lincoln, City of Lincoln

Neff, Kenneth E. - Lincoln, Nebraska Medical Association

Pace, Jack M. - Lincoln, Farmers Mutual Insurance Company of Nebraska

Perkins, Dwight C. - Lincoln, Farmers Mutual Insurance Company of Nebraska

Pettett, Deane H. - Lincoln, Farmers Mutual Insurance Company of Nebraska
Pierson, David C. - Lincoln, Insurance Federation of Nebraska; Nebraska Realtors Association
Rasmussen, Ross H. - Lincoln, Nebraska State School Boards Association
Ryan, James E. - Lincoln, White Advertising International
Wunderlich, LaRue - Roca, Nebraska Lutheran Legislative Caucus
Wylie, Wm. M. - Elgin, Nebraska Insurance Information Service

ATTORNEY GENERAL'S OPINION

Opinion No. 166
January 12, 1978

Re: Req. 1187

Dear Senator DeCamp:

We have reviewed the above proposal as requested by you and are of the opinion that it would effectively give the Director of the Department of Insurance the authority to cause a refund of taxes on premiums collected on a regular or retaliatory basis paid when not required by law or paid in excess of the amount legally chargeable. The refund would come from the special fund set up by said bill after certification by the Director to the State Treasurer, subject to appropriation.

It is further our opinion that such refund could be made for erroneously paid taxes retroactively up to six years immediately preceding the effective date of the act.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:pjs
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

BILL ON FIRST READING

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

LEGISLATIVE BILL 829. By Stoney, 4th District.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to provide an offense relating to morals; and to provide a penalty.

MOTION - Withdraw LB 735 Motion

Mr. Koch withdrew his pending motion found in the Journal on page 336 to withdraw LB 735.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 757

1. On page 3, in line 1 reinstate "56,901,166";
in line 2 strike "60,401,166"; in line 4 reinstate
"60,034,538"; and in line 6 strike "71,534,000".
2. On page 7, line 27 reinstate "76,536,156".
3. On page 8, line 1 strike "80,036,156"; line
5 reinstate "122,501,283"; and in line 6 strike "126,001,283".

SELECT FILE

LEGISLATIVE BILL 394. Laid over until Monday, January 16, 1978 at the request of Mr. Lamb.

LEGISLATIVE BILL 372. Mr. Kelly renewed his pending amendment found in the Journal on page 339.

Mr. Barnett offered the following amendment to the Kelly amendment:
To amend LB 372 - (Kelly amendment) line 14 (e) after "children" add "including their own under 6 years of age"

The amendment lost with 12 ayes, 18 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit offered the following amendment to the Kelly amendment:

To amend LB 372 (Kelly amendment) line 14 (e) after "children" add "except for their own children"

Mr. Schmit moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Schmit moved the Call be raised. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Schmit amendment was adopted with 26 ayes, 9 nays, 11 present and not voting, and 3 excused.

Mr. Kelly offered the following amendment to his amendment:

1. On page 2, line 8 strike "care" and show as stricken and in line 13, strike "care" and insert in both lines "noncasual care at regular intervals", and in line 12, strike "such" and insert "the".

Mrs. Marsh moved to bracket LB 372 until February 3, 1978. The motion lost with 7 ayes, 21 nays, 18 present and not voting, 3 excused and 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, 1 nay, and 23 not voting.

The Kelly amendment to his amendment was adopted with 28 ayes, 8 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Kelly moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mrs. Marsh moved the Call be raised. The motion lost with 6 ayes, 23 nays, and 20 not voting.

Mr. Kelly moved the Call be raised. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Kelly amendment, as amended, was adopted with 26 ayes, 14 nays, 6 present and not voting, and 3 excused and not voting.

Mr. R. Lewis asked unanimous consent to be excused. No objections. So ordered.

MR. F. LEWIS PRESIDING

Mr. Koch offered the following amendment:
Add new sec 2 insert following language provisions of this act apply to all counties with exception of Douglas, Lancaster and Sarpy Counties.
Renumber original section 2

Mr. Cullan asked unanimous consent to be excused for a short time. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Koch amendment was adopted with 26 ayes, 12 nays, 6 present and not voting, and 5 excused and not voting.

Mrs. Maxey and Mr. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

SPEAKER LUEDTKE PRESIDING

Mr. DeCamp offered the following amendment:
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.

The amendment was adopted with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Simon asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch offered the following amendment:
1. Strike the Koch amendment.
2. On page 2 after line 18, insert new subsection (4) as follows: "(4) The provisions of this act shall not have application in counties containing a city of the metropolitan, primary, or first class."

Mr. DeCamp offered the following amendment to the Koch amendment to LB 372:
strike "first class".

The DeCamp amendment was adopted with 25 ayes, 6 nays, 11 present and not voting, and 7 excused and not voting.

Mrs. Marsh offered the following amendment to the Koch amendment:
Strike the Koch amendment and insert "counties having a population of over 55,000".

Mrs. Marsh moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting

Mrs. Marsh requested a roll call vote on her amendment and start at the end of the roll call.

Voting in the affirmative, 26:

Bereuter	E. Dvorak	Koch	Moylan	Venditte
Brennan	Fitzgerald	Labedz	Newell	Warner
Burrows	Fowler	Luedtke	Rumery	
Cullan	George	Marsh	Savage	
DeCamp	Goodrich	Merz	Schmit	
Duis	Hasebroock	Mills	Stoney	

Voting in the negative, 16:

Barnett	Cope	Kelly	Maresh
Carsten	Dworak, D.	Keyes	Murphy
Chambers	Hefner	Kremer	Rasmussen
Clark	Kahle	Lamb	Reutzel

Excused and not voting, 7:

Kennedy	Lewis, R.	Maxey	Simon
Lewis, F.	Marvel	Nichol	

The Marsh amendment was adopted with 26 ayes, 16 nays, and 7 excused and not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Koch amendment, as amended, was adopted with 27 ayes, 12 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Kelly moved to advance LB 372 to E & R for Engrossment.

Mrs. Marsh requested a machine vote to advance LB 372.

Advanced to E & R for Engrossment with 26 ayes, 6 nays, 10 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 830. By Savage, 10th District.

A BILL FOR AN ACT to amend section 18-1724, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to change provisions relating to discrimination ordinances as prescribed; and to repeal the original section.

LEGISLATIVE BILL 831. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 60-2207, Reissue Revised Statutes of Nebraska, 1943, relating to control of noise; to change restrictions as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 832. By Urban Affairs Committee: George, 16th District, Chairman; Labedz, 5th District; Kahle, 37th District; Maxey, 46th District; Duis, 39th District; Schmit, 23rd District; Koch, 12th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 17-510, 17-511, and 18-2002, Reissue Revised Statutes of Nebraska, 1943, relating to improvements; to provide for creating improvement districts as prescribed; to provide for objections; to provide for notice; to provide for certain levies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 833. By Appropriations Committee: Warner, 25th District, Chairman; Hasebroock, 18th District; Cope, 36th District; Fowler, 27th District; Savage, 10th District; Marsh, 29th District; Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 81-589 and 81-5,105, Reissue Revised Statutes of Nebraska, 1943, relating to the State Electrical Act; to change fees for licenses and inspection; and to repeal the original sections.

LEGISLATIVE BILL 834. By Schmit, 23rd District.

A BILL FOR AN ACT relating to liquors; to provide a limitation on the number of liquor licenses issued; and to provide exceptions.

NOTICE OF COMMITTEE HEARINGS

Public Health

LB 572	Tuesday, January 24, 1978(Cancelled)	10:00 a.m.

(Signed) R. Lewis, Chairman

Miscellaneous Subjects

LB 746	Thursday, January 19, 1978	9:30 a.m.
LB 713	Friday, January 20, 1978	9:30 a.m.
LB 738	Friday, January 20, 1978	9:30 a.m.
LB 706	Thursday, January 26, 1978	9:30 a.m.
LB 777	Thursday, January 26, 1978	9:30 a.m.
LB 789	Thursday, January 26, 1978	9:30 a.m.
LB 752	Thursday, January 26, 1978	2:00 p.m.
LB 796	Thursday, January 26, 1978	2:00 p.m.
LB 780	Thursday, January 26, 1978	2:00 p.m.
LB 774	Friday, January 27, 1978	9:30 a.m.

(Signed) Donald N. Dworak, Chairman

MOTION - Reconsider Action on LB 394

Mr. Warner moved to reconsider the motion to advance LB 394 from Select File to E & R Engrossing.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Maresh asked unanimous consent to print the following amendments in the Journal. No objections. So ordered.

AMENDMENTS TO LB 109

1. Insert a new section 9 as follows:
"Sec. 9. The Legislature finds that there are many potential recreational areas presently acquired by the various natural resource districts. Such areas have not been developed to their potential. On or before January 1, 1980, a study shall be conducted by the Game and Parks Commission to determine which recreational areas could be developed by the commission using the funds provided by this act for public use at a reasonable cost. The natural resource districts shall provide information about such development to the Game and Parks Commission. A report of the study shall be made to the Second Session of the Eighty-sixth Legislature.".
2. Renumber original sections 9 to 12 as new sections 10 to 13 respectively.

SELECT FILE

LEGISLATIVE BILL 233. Mr. Cullan offered the following amendment to the E & R amendments found in the Journal on page 284 for the Sixth Day.

AMENDMENTS TO LB 233

1. In lieu of E and R amendments 1 and 3 insert:
"1. On page 7, line 1 strike the comma and insert '~~,~~ and'; and in line 12, strike 'January' and insert 'August'.
3. On page 10, line 8, strike 'January' and insert 'August'."

The amendment was adopted with 25 ayes, 0 nays, 17 present and 7 excused and not voting.

The E & R amendments, as amended, were adopted.

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Mr. Keyes offered the following amendment:

AMENDMENT TO LB 233

1. Strike original section 1.
2. Renumber remaining sections accordingly.
3. On page 12, line 21 strike "sections 32-210.01 and" and insert "section".
4. In the title line 4 strike "sections 32-210.01 and" and insert "section"; and in the E & R amendment 5, line 2 strike "to reduce compensation;".

The Keyes amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Mr. Murphy offered the following amendment:
Section 5 Line 18 After the period insert
"A pauper, for this purpose, is defined as one (W)hose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his requirements; and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own.
The term 'available resources' includes every type of property or interest in property that an individual owns and may convert into cash, with the exception of
(a) real property used as a home,
(b) household goods of a moderate value used in the home,
(c) and assets to a maximum value of $3,000.00 used by a recipient in a planned effort directed towards self support."

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 156.

Introduced by DeCamp and F. Lewis

WHEREAS, responsible individuals in key positions on all sides of the issues of state aid to education and the financing of education in Nebraska have unanimously concluded that equalization of property throughout the State of Nebraska is one of the biggest, if not the biggest, stumbling block to a resolution of both the state aid question in general and the question of how to finance education in Nebraska; and

WHEREAS, the efficiency of the equalization system has deteriorated radically in the last seven years; and

WHEREAS, questions have arisen as to whether public officials are performing their jobs as dictated by the statutes of this state in regard to accomplishing equalization; and

WHEREAS, any resolution of the questions of state aid and the financing of public education involves a resolution, first, of the equalization problem; and

WHEREAS, the Legislature has in 1977 passed legislation including but not limited to LB 131 designed to begin to resolve the problem of equalization and which legislation properly deserves close Legislative oversight; and

WHEREAS, the integrity of the entire property tax system at all levels of government is predicated upon a just and efficient equalization system in which like items are treated in a like manner; and

WHEREAS, it is the duty of the Legislature to insure integrity of this system.

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

1. That a special legislative "OVERSIGHT" committee staffed by the Executive Board with whatever aid and assistance and legislative authority is LEGAL and REASONABLY NECESSARY to accomplish its task, be set up immediately by the Executive Board to accomplish the following:

(a) ANALYSIS and STUDY of what the equalization situation in Nebraska is now;

(b) Determine the effects of the present system of equalization upon public education, the financing of education, and our property tax system in general;

(c) Determine the effects of the present system of equalization upon the state aid question;

(d) Determine whether existing problems are being addressed and whether equalization laws are being complied with and whether officials are performing their duties under such laws.

2. That this special committee should begin work immediately and should conclude and report back to the Legislature its findings on a continuing basis including any legislative recommendations and a final report of this committee should be presented to the Legislature prior to April 15, 1978, unless such deadline is extended by this Legislature.

3. That this special committee SHALL CONSIST OF THE CHAIRMAN OF ALL COMMITTEES OF THE NEBRASKA LEGISLATURE who shall among themselves elect a chairman for this special committee.

4. That this special committee shall in addition to issuing a Legislative report make specific recommendations as to whether special legislation or other affirmative action is necessary to accomplish the goals of equity in equalization and equity in the property tax system.

LR 156 laid over.

UNANIMOUS CONSENT - Members Excused

Mr. Chambers asked unanimous consent to be excused until he returns this afternoon. No objections. So ordered.

Messrs. E. Dvorak and Merz asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

The President introduced 36 seniors and teacher from Raymond Central High School, Raymond, Nebraska; and Mr. Ed Johanneson of North Platte, Nebraska.

RECESS

At 12:03 p.m., on a motion by Mr. Savage, 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. Clark, Duis, Kelly, Marvel, Merz, and Nichol who were excused; Messrs. E. Dvorak, Brennan, Bereuter, Chambers, R. Lewis, Kennedy, Simon, Warner, Schmit, Venditte, and Mrs. Maxey who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 436. E & R amendment found in the Journal on page 313 for the Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 315. E & R amendments found in the Journal on page 313 for the Seventh Day were adopted.

Mrs. Marsh requested a machine vote to advance LB 315.

Mr. Cullan moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for Engrossment with 25 ayes, 5 nays, 3 present and not voting, and 16 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 92. Title read. Considered.

Mr. Goodrich withdrew his amendment found in the Journal on page 652, First Session.

Mr. Goodrich renewed his pending amendment found in the Journal on page 274.

Mr. Reutzel moved to bracket LB 92 until February 3, 1978.

The motion prevailed with 27 ayes, 4 nays, 4 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 446. Mr. Brennan asked unanimous consent to bracket until February 2, 1978. No objections. So ordered.

LEGISLATIVE BILL 216. Title read. Considered.

Standing Committee amendments found in the Journal on page 788 for the Fortieth Day, First Session, were adopted with 26 nays, 1 nay, 8 present and not voting, and 14 excused and not voting.

Mr. Barnett offered the following amendment:

1. In the Standing Committee amendment 1, page 2 insert a period after the quotation mark in line 6 and strike the balance of the amendment 1.

2. On page 2, line 24 after "a" insert "Class II misdemeanor.".

3. On page 2, strike lines 25, 26, and 27 and show the old matter as stricken.

4. On page 3, strike lines 1 and 2 and show the period as stricken.

Mr. Barnett moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

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

Mr. Barnett moved the Call be raised. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Maresh 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. Schmit offered the following amendment:

Insert a new section stating "The use of any aircraft for purposes of hunting coyotes is prohibited."

Mr. D. Dworak offered the following amendment to the Schmit amendment:

To amend the Schmit amendment strike the word "hunting" and insert: "to shoot, or attempt to shoot"

Mr. F. Lewis 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. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

The D. Dworak amendment was adopted with 16 ayes, 6 nays, 15 present and not voting, and 12 excused and not voting.

The Schmit amendment, as amended, lost with 3 ayes, 21 nays, 12 present and not voting, and 13 excused and not voting.

Mr. D. Dworak offered the following amendment:
Line 14 after permit insert written

Mr. D. Dworak moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. D. Dworak requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Barnett	D. Dworak	Hefner	Luedtke	Savage
Bereuter	Fitzgerald	Keyes	Maresh	
Brennan	Fowler	Koch	Marsh	
Burrows	George	Labedz	Newell	
DeCamp	Hasebroock	R. Lewis	Reutzel	

Voting in the negative, 13:

Carsten	Goodrich	Maxey	Murphy	Stoney
Cope	Kahle	Mills	Rasmussen	
Cullan	Lamb	Moylan	Rumery	

Present and not voting, 1:

Kremer

Excused and not voting, 13:

Chambers	E. Dvorak	F. Lewis	Nichol	Warner
Clark	Kelly	Marvel	Simon	
Duis	Kennedy	Merz	Venditte	

Absent and not voting, 1:

Schmit

Mr. D. Dworak moved the Call be raised. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

The D. Dworak amendment lost with 21 ayes, 13 nays, 1 present and not voting, 12 excused and not voting, and 1 absent and not voting.

Mr. D. Dworak requested a record vote to advance LB 216 to E & R for Review.

Mr. D. Dworak moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Voting in the affirmative, 26:

Barnett	Fitzgerald	Kahle	Luedtke	Rumery
Bereuter	Fowler	Keyes	Maresh	Savage
Carsten	George	Koch	Maxey	
Cope	Goodrich	Kremer	Moylan	
DeCamp	Hasebroock	Labedz	Newell	
D. Dworak	Hefner	Lamb	Reutzel	

Voting in the negative, 8:

Brennan	Cullan	Marsh	Rasmussen
Burrows	R. Lewis	Mills	Stoney

Present and not voting, 1:

Murphy

Excused and not voting, 13:

Chambers	E. Dvorak	F. Lewis	Nichol	Warner
Clark	Kelly	Marvel	Simon	
Duis	Kennedy	Merz	Venditte	

Absent and not voting, 1:

Schmit

Advanced to E & R for Review with 26 ayes, 8 nays, 1 present and not voting, 13 excused and not voting, and 1 absent and not voting.

Mr. D. Dworak moved the Call be raised. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 835. By Lamb, 43rd District.

A BILL FOR AN ACT to amend sections 16-310, 17-108, and 17-209, Reissue Revised Statutes of Nebraska, 1943, relating to first

and second class cities and villages; to change the method of fixing compensation for certain officers, officials, and employees; and to repeal the original sections.

LEGISLATIVE BILL 836. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Mills, 44th District; Merz, 1st District; Schmit, 23rd District; Labedz, 5th District.

A BILL FOR AN ACT to amend sections 44-139 to 44-142, and 44-145, Reissue Revised Statutes of Nebraska, 1943, and section 44-147, Revised Statutes Supplement, 1977, relating to insurance; to change provisions relating to surplus lines insurance as prescribed; and to repeal the original sections, and also section 44-143, 44-144, and 44-146, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 837. By Urban Affairs Committee: Labedz, 5th District, Vice Chairman; Maxey, 46th District; Schmit, 23rd District; DeCamp, 40th District; Koch, 12th District.

A BILL FOR AN ACT to amend section 70-624.02, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to increase compensation limits; and to repeal the original section.

LEGISLATIVE BILL 838. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 14-2002 and 14-2004, Reissue Revised Statutes of Nebraska, 1943, relating to landmark heritage preservation districts; to change the membership of the commission; to provide a duty; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 818	Friday, January 20, 1978	2:00 p.m.
LB 821	Friday, January 20, 1978	2:00 p.m.
LB 646	Thursday, January 26, 1978	10:00 a.m.
LB 759	Thursday, January 26, 1978	10:00 a.m.
LB 790	Thursday, January 26, 1978	10:00 a.m.

(Signed) Loran Schmit, Chairman

Banking, Commerce and Insurance

LB 600	Tuesday, January 24, 1978	9:00 a.m.
LB 698	Tuesday, January 24, 1978	9:30 a.m.
LB 763	Tuesday, January 24, 1978	10:15 a.m.
LB 766	Tuesday, January 24, 1978	10:30 a.m.
LB 767	Tuesday, January 24, 1978	10:30 a.m.
LB 768	Tuesday, January 24, 1978	10:30 a.m.
LB 769	Tuesday, January 24, 1978	10:30 a.m.
LB 770	Tuesday, January 24, 1978	10:30 a.m.
LB 771	Tuesday, January 24, 1978	10:30 a.m.
LB 645	Tuesday, January 24, 1978	1:30 p.m.
LB 815	Monday, January 30, 1978	9:00 a.m.
LB 754	Monday, January 30, 1978	9:30 a.m.
LB 758	Monday, January 30, 1978	9:45 a.m.
LB 760	Monday, January 30, 1978	10:30 a.m.
LB 764	Monday, January 30, 1978	10:45 a.m.
LB 786	Monday, January 30, 1978	1:30 p.m.

(Signed) John W. DeCamp, Chairman

Education

LB 802	Monday, January 23, 1978	1:30 p.m.
LB 806	Monday, January 30, 1978	1:30 p.m.
LB 793	Tuesday, January 24, 1978	2:00 p.m.
LB 803	Tuesday, January 24, 1978	2:00 p.m.

(Signed) Frank Lewis, Chairman

Government, Military and Veterans Affairs

LB 686	Friday, January 20, 1978	1:30 p.m.
LB 817	Friday, January 20, 1978	9:00 a.m.

(Signed) Dennis L. Rasmussen, Chairman

REFERENCE COMMITTEE REPORT

Bill	Committee
823	Constitutional Revision and Recreation
824	Constitutional Revision and Recreation
825	Appropriations
826	Banking, Commerce and Insurance
827	Constitutional Revision and Recreation
828	Constitutional Revision and Recreation
829	Judiciary
830	Urban Affairs
831	Public Works
832	Urban Affairs
833	Miscellaneous Subjects
834	Miscellaneous Subjects

(Signed) Jack Mills; R. Lewis; Steve Fowler; Douglas Bereuter; Larry Stoney; John S. Savage; Roland Luedtke.

APPRECIATION

Speaker Luedtke asked Mr. Vincent Brown to come to the rostrum for appreciation from the body for his service as Clerk of the Legislature.

Mr. Brown thanked the members.

MOTION - Withdraw LB 33A

Mr. Koch moved to withdraw LB 33A.

Motion pending.

VISITORS

The President introduced Mr. Wendell Wood from North Platte, Nebraska.

ADJOURNMENT

Mr. Savage moved to adjourn. The motion prevailed with 25 ayes, 5 nays and 19 not voting. At 3:42 p.m., the Legislature adjourned until 9:30 a.m., Monday, January 16, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY – JANUARY 16, 1978

LEGISLATIVE JOURNAL

NINTH DAY - JANUARY 16, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 16, 1978

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The members stood for a moment of silence in memory of Senator Hubert Humphrey.

The prayer was offered by Dr. Leech from First Presbyterian Church, Lincoln.

ROLL CALL

The roll was called and all members were present except Messrs. F. Lewis and Nichol who were excused; and Messrs. Kelly, Newell, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 321, after last line insert:

LB 555	Wednesday, January 25, 1978	1:30 p.m.
LB 556	Wednesday, January 25, 1978	1:30 p.m.
LB 701	Wednesday, January 25, 1978	1:30 p.m.

The Journal for the Seventh Day was approved as corrected.
The Journal for the Eighth Day was approved.

COMMUNICATIONS

Acknowledge receipt of report from Paul A. Olson, Director of Center for Great Plains Studies, UNL on Study of Nebraska Folklore, directed by LB 539 of 1977. (Report on file in the Clerk's office)

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 566 Tuesday, January 24, 1978 9:00 a.m.

(Signed) Wally Barnett, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 469. Placed on Select File as amended.
E & R amendments to LB 469:

1. In committee amendments, line 4, strike the first comma; in line 13 strike "has" and insert "have"; in line 14 strike "then" and insert a comma; in line 15 strike "jurisdiction" and insert "jurisdictions"; and in line 16 strike "body" and insert "bodies".

2. In committee amendments, line 19, insert "or other evidence of indebtedness" after "bonds".

LEGISLATIVE BILL 223. Placed on Select File as amended.
E & R amendments to LB 223:

1. In committee amendments, page 1, line 13, insert "be" after "or"; and insert a comma at the end of line 21.

2. In lieu of the Barnett amendment, in committee amendments, page 1, line 8, strike "personal injury accident," and insert "accident resulting in serious bodily injury as defined in section 28-109, Revised Statutes Supplement, 1977,".

3. In the Rentzel amendment, lines 3 and 4, strike "after conviction as a condition of that probation" and insert a comma; in line 5 insert ", as a condition thereof," after "shall"; and in line 8 strike "that" and insert "the".

4. In the title, strike lines 2 to 8 and insert:
"FOR AN ACT relating to rules of the road; to provide penalties for being under the influence of alcoholic liquor while operating a motor vehicle involved in any accident resulting in serious bodily injury; and to provide a condition of probation.".

LEGISLATIVE BILL 259. Placed on Select File as amended.
E & R amendments to LB 259:

1. In lieu of the DeCamp amendment thereto, in the Burrows amendment, strike "pages 6 and 7 and insert "page 6".

2. The Burrows amendment having removed all amendatory matter therefrom, strike section 4 and renumber original sections 5 to 8 as sections 4 to 7.

3. On page 8, line 25, strike "8-435,".

4. In the title, line 3, strike "8-435,"; and strike beginning with "to" in line 7 through the semicolon in line 8 and insert "to correct internal references;".

LEGISLATIVE BILL 441. Placed on Select File as amended.
E & R amendment to LB 441:

1. On page 2, lines 1 and 2, and in the title, lines 2 and 3, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 168. Placed on Select File as amended.
E & R amendment to LB 168:

1. Pursuant to the Newell amendment, on page 4, line 11, after "volumes" insert ", but each member of the Legislature shall be entitled, on request, to a third complete set".

LEGISLATIVE BILL 244. Placed on Select File as amended.
E & R amendments to LB 244:

1. On page 2, lines 1 and 2, page 3, line 4, and in the title, lines 2 and 3, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. In the title, line 4, strike "provide for a" and insert "change provisions for the".

(Signed) Samuel K. Cullan, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 839. By D. Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 71-1, 132.11 and 71-1,132.34, Reissue Revised Statutes of Nebraka, 1943, relating to the practice of nursing; to give the Department of Health certain review authority as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 840. By Carsten, 2nd District.

A BILL FOR AN ACT relating to research; to state findings; to provide for appropriations for research in biomass, especially in the use of agricultural by-products; to make an appropriation; and to declare an emergency.

MOTION - Reconsider Action

Mr. Warner renewed his pending motion found in the Journal on page 352 to reconsider action on the motion to advance LB 394 to E & R for Engrossment.

The motion prevailed with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 394. Advanced to E & R for Engrossment with 30 ayes, 3 nays, 11 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 276. Title read. Considered.

Mr. Carsten and Mr. Kahle asked unanimous consent to be excused at 10:00 a.m. until they return. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 841. By D. Dworak, 22nd District.

A BILL FOR AN ACT to amend section 83-184, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to revise the procedures for the release of committed persons; and to repeal the original section.

LEGISLATIVE BILL 842. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1977, relating to taxation; to provide an exemption from the sales and use tax; and to repeal the original section.

LEGISLATIVE BILL 843. By Chambers, 11th District.

A BILL FOR AN ACT relating to law enforcement; to prohibit certain acts as prescribed; to provide a penalty; and to provide a civil action.

LEGISLATIVE BILL 844. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 71-139.01, Reissue Revised Statutes of Nebraska, 1943, relating to professional licenses; to allow additional credentials for purposes of reciprocity; and to repeal the original section.

LEGISLATIVE BILL 845. By Warner, 25th District.

A BILL FOR AN ACT relating to the Public Service Commission; to authorize the review of operating conditions of motor carriers permitted to transport people or property under commission approved tariffs; to allow the employment of necessary technical assistance; to prepare and file applications necessary to change effected tariffs; and to declare an emergency.

LEGISLATIVE BILL 846. By Nebraska Postsecondary Education Advisory Committee: F. Lewis, 45th District and Warner, 25th District, Chairmen; Koch, 12th District; Bereuter, 24th District; Murphy, 17th District; Cullan, 49th District; Fitzgerald, 14th District; Marvel, 33rd District.

A BILL FOR AN ACT relating to postsecondary education; to provide legislative intent; to define terms; to provide role and mission assignments for the University of Nebraska, state colleges, and technical community colleges as prescribed; to provide duties of the Legislature; to amend sections 79-4,154, 79-1422, 79-1429, 85-194, 85-195, and 85-308, Reissue Revised Statutes of Nebraska, 1943, and section 79-2644, Revised Statutes Supplement, 1977; to provide for severability; to repeal the original sections, and also Chapter 14, article 13, and section 71-1,132.43, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 847. By Bereuter, 24th District.

A BILL FOR AN ACT to amend section 23-1601, Reissue Revised Statutes of Nebraska, 1943, relating to county treasurers; to impose certain duties on county treasurers as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 848. By Newell, 13th District.

A BILL FOR AN ACT to amend section 48-812, Reissue Revised Statutes of Nebraska, 1943, relating to the Court of Industrial Relations; to provide for additional proceedings; to provide for the payment of attorney's fees and court costs; to provide duties of the court in issuing final orders; and to repeal the original section.

LEGISLATIVE BILL 849. By. R. Lewis, 38th District.

A BILL FOR AN ACT to provide emergency relief; to grant and declare a moratorium in the enforcement of certain actions; to provide an expiration date; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 850. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 83-939 and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Correctional Services; to provide for employment of confined persons; to provide for disposal of earnings; to provide duties; to provide for visitation; to provide for reduction of sentences; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 64. Title read. Considered.

Mr. Chambers asked unanimous consent to withdraw his pending amendments found in the Journal on page 148 for the First Day. No objections. So ordered.

Mr. Chambers asked unanimous consent to bracket LB 64 until he receives an Attorney General's opinion. No objections. So ordered.

LEGISLATIVE BILL 282. Title read. Considered.

Mr. Koch asked unanimous consent to bracket LB 282 until February 7, 1978.

LEGISLATIVE BILL 323. Laid over temporarily.

LEGISLATIVE BILL 395. Mr. Rasmussen asked unanimous consent to bracket until February 15, 1978. No objections. So ordered.

LEGISLATIVE BILL 210. Mr. Warner asked unanimous consent to lay over LB 210. No objections. So ordered.

LEGISLATIVE BILL 271. Laid over.

LEGISLATIVE BILL 501. Title read. Considered.

Mr. Simon asked unanimous consent to bracket until tomorrow.

Mr. R. Lewis objected.

Mr. Simon moved to bracket until January 17, 1978. The motion lost with 5 ayes, 17 nays, 21 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 323. Title read. Considered.

Standing Committee amendment found in the Journal on page 789 for the Fortieth Day, First Session, was adopted with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Mills offered the following amendment:

1. In the Standing Committee amendments, line 4 strike "and" and insert "energy system,", strike "wind" and insert "wind-generated" and after the comma insert "solid waste conversion systems, and water powered systems"; in line 5 after "designed" insert "primarily for" and strike "for the production of" and insert "on either residential, commercial, or industrial buildings by the collection, conversion, transfer, and use of alternate energy for providing".

2. On page 3, line 26 strike "solar" and insert "direct alternate".

The amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Keyes offered the following amendment:
Amendment to LB 323

Following the word "period" on line 27 of page two add the following:
; Provided, the taxes lost to local subdivisions of government as a result of the exemption or credit are reimbursed by the State of Nebraska from the State's General Fund.

The amendment lost with 7 ayes, 18 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Burrows offered the following amendment:
To amend LB 323 Committee Amendment strike after the word "including" the words (but not limited to)

Mr. Burrows moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Burrows amendment was adopted with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 157.

Introduced by Barnett, 26th District; Bereuter, 24th District; Brennan, 9th District; Burrows, 30th District; Carsten, 2nd District; Chambers, 11th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Duis, 39th District; E. Dvorak, 8th District; D. Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Hasebroock, 18th District; Hefner, 19th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; R. Lewis, 38th District; Luedtke, 28th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Maxey, 46th District; Merz, 1st District; Mills, 44th District; Moylan, 6th District; Murphy, 17th District; Newell, 13th District; Rasmussen, 41st District; Reutzel, 15th District; Rumery, 42nd District; Savage, 10th District; Schmit, 23rd District; Simon, 31st District; Stoney, 4th District.

WHEREAS, Hubert Humphrey has been a pervasive and postive force upon American politics, and

WHEREAS, he has generously shared his strength to defend the weak, and

WHEREAS, he has been forthright in advancing and protecting our most cherished civil and human rights, and

WHEREAS, he has singly exemplified the honor and hope that we can have in our people and our government,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, that at this hour of his death, an expression of sympathy and gratitude be forwarded to the family of the late Vice-President.

Mr. Newell moved to suspend the rules, Rule 4, Sec. 6, to consider LR 157 today.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

LR 157 was adopted with 39 ayes, 0 nays and 10 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 167
January 13, 1978

Dear Senator Koch:

In your letter of January 5, 1978, you inform us of the introduction of Legislative Bill 105 generally providing for the submission to the voters the question of altering the method of selecting our legislators from a nonpartisan basis to a partisan basis.

You specifically inquire whether this would thereby unconstitutionally disenfranchise voters registered as Independents from voting and/or whether this would deprive independent, nonpartisan candidates from running for a seat in the Legislature. We do not believe that either would result.

As you may know, independent voters do not presently participate in the partisan primary races and we are of the opinion that they constitutionally need not in that they may vote for the partisan candidate of their choice or an independent petition candidate of their choice in the general election. Therefore, the Nebraska independent voter would be no more disenfranchised by this change

than a voter of any other state electing its legislators on a partisan basis.

As to independent candidates running for a seat in the Legislature under a partisan selection system, such a change would not prohibit them from running as petition candidates as presently provided for in section 32-504, R.R.S. 1943.

Enclosed for your added information is a copy of Opinion of the Attorney General, No. 157, dated March 18, 1974, found on page 209 of the Report of the Attorney General, 1973-1974. This opinion also dealt with a change such as is proposed in Legislative Bill 105 and may be of use to you in your consideration of this proposal.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:ejg
enc.
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature
(Attachment on file)

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 807	Thursday, January 26, 1978	9:00 a.m.
LB 809	Thursday, January 26, 1978	9:00 a.m.
LB 798	Friday, January 27, 1978	9:00 a.m.
LB 799	Friday, January 27, 1978	9:00 a.m.
LB 792	Friday, January 27, 1978	9:00 a.m.
LB 753	Friday, January 27, 1978	9:00 a.m.
LB 822	Friday, January 27, 1978	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

Public Works

LB 791	Wednesday, January 25, 1978	2:00 p.m.
LB 816	Wednesday, January 25, 1978	2:00 p.m.
LB 831	Wednesday, January 25, 1978	2:00 p.m.

LB 783	Thursday, January 26, 1978	2:00 p.m.
LB 776	Friday, January 27, 1978	10:00 a.m.
LB 782	Friday, January 27, 1978	10:00 a.m.
LB 721	Wednesday, February 1, 1978	10:00 a.m.
LB 750	Thursday, February 2, 1978	1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

ANNOUNCEMENT

Mr. Warner announced the Nebraska Postsecondary Education Advisory Committee will meet today (January 16th) at 4:30 p.m. in Room 1003.

Mr. Kremer announced the Public Works Committee will meet for an executive session under the North Balcony immediately upon adjournment this afternoon.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 851. By Goodrich, 20th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 2, of the Constitution of Nebraska, relating to state, county, and municipal indebtedness; to provide that counties and municipalities may sell or finance real and personal property as prescribed; to provide that governmental subdivisions may issue revenue bonds to acquire and develop property for commercial or business enterprises; to provide exceptions; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 852. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Labedz, 5th District; Schmit, 23rd District; Merz, 1st District; Mills, 44th 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 853. By Schmit, 23rd District.

A BILL FOR AN ACT relating to medicine; to require referral of patients as prescribed.

LEGISLATIVE BILL 854. By Fowler, 27th District; Marvel, 33rd District.

A BILL FOR AN ACT to amend sections 13-105, 13-108, 15-1003 to 15-1009, 16-302.01, 16-304, 16-306, 16-307, 16-323, 16-327, 16-330 to 16-336, 16-336.01, 16-337, 19-1824, 20-107 to 20-110, 23-408, 24-315, 35-202, 35-204, 35-205, 35-207 to 35-210, 35-212.01, 35-213 to 35-216, 35-302, 35-518, 40-115, 42-7,101, 44-407.04, 44-407.08, 55-134, 71-1536, 71-2201, 71-2202, 71-2205, 71-2207, 77-1201, 77-1605, 80-301, 80-403, 80-411, 83-302, and 83-482, Reissue Revised Statutes of Nebraska, 1943, sections 35-203, 35-203.01, 35-206, 35-211, and 35-212, Revised Statutes Supplement, 1976, and 35-201 and 48-512, Revised Statutes Supplement, 1977, relating to sex discrimination; to provide for child support as prescribed; to change terms; to make certain acts unlawful; to permit adjustments in insurance policies as prescribed; to eliminate a preference based on sex for listing personal property; to provide a condition of parole; to repeal the original sections, and also sections 23-123, 25-1601.01, and 77-1604, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 855. By Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 25-2221 and 62-301, Reissue Revised Statutes of Nebraska, 1943; relating to holidays; to change the holiday schedule as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 856. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Rasmussen, 41st District; Moylan, 6th District; Kennedy, 21st District; Maresh, 32nd District; Kelly, 35th District; Cullan, 49th District.

A BILL FOR AN ACT relating to certain patients' funds; to provide funds be held in trust; to require a bond; to provide for an audit; to require records as prescribed; and to declare an emergency.

LEGISLATIVE BILL 857. By Burrows, 30th District.

A BILL FOR AN ACT relating to real property; to place certain restrictions on tax exempt pension, profit-sharing, or stock bonus trusts as prescribed.

VISITORS

The President introduced 3 senior Government class students and teacher from Boys Town.

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 1:35 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bereuter, F. Lewis, and Nichol who were excused; and Messrs. Barnett, Cullan, Kahle, Kelly, Kennedy, Kremer, Lamb, Marvel, Mills, Murphy, Rasmussen, Rumery, Savage, and Schmit who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

January 16, 1978

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

Dear Mr. President and Senators:

Last Friday, needless confusion was generated by a few on the floor of the Legislature regarding my talk to the County Officials convention on December 1, 1977. Clarification of my position was requested, and I am please to furnish the same herewith.

My address to the county officials was given completely in the open with many members of the Legislature present, as opposed to any clandestine setting implied by some. My suggestions to the county officials had to do essentially with seeking cooperation to simultaneously resolve matters of joint concern.

A key issue in my address was the possible gradual state assumption of county medicaid obligations, coupled with a meaningful property tax spending lid bill.

I proposed this action to help provide possible relief for hard-pressed property taxpayers by shackling the property tax spenders.

Unless a sound spending lid bill is introduced by legislative initiative, it will be introduced by gubernatorial initiative.

The critical point is that it is political buffoonery and the highest level of fiscal irresponsibility to pump any more millions of State dollars to local political subdivisions without any property tax spending controls, because such action will merely fuel increased spending rather than provide any real property tax relief. Since 1967 we should have learned this lesson well.

I believe most concerned elected local officials agree with this position, and are asking our assistance in coupling any additional state aid with spending limitations in hopes of providing property tax relief.

This was simply the basis of my address to the County Officials Association, and it was made without any secret understanding with any one or any group.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:ah2

SPEAKER LUEDTKE PRESIDING

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 496. Indefinitely postponed.
LEGISLATIVE BILL 325. Indefinitely postponed.

(Signed) Richard Lewis, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 858. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Hefner, 19th District; Maresh, 32nd District; Burrows, 30th District; Lamb, 43rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to the Department of Environmental Control; to provide duties.

LEGISLATIVE BILL 859. By Maxey, 46th District.

A BILL FOR AN ACT to amend section 69-1326, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Disposition of Unclaimed Property Act; to change that property exempt from this act as prescribed; and to repeal the original section.

LEGISLATIVE BILL 860. By Maxey, 46th District.

A BILL FOR AN ACT to amend section 24-563, Reissue Revised Statutes of Nebraska, 1943, relating to unclaimed fees, legacies, devises, and distributive shares; to change the fund in which certain deposits are placed; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 351. Title read and considered.

The Standing Committee amendments found in the Journal on page 838, First Session, were considered.

PRESIDENT WHELAN PRESIDING

The Standing Committee amendments were adopted with 25 ayes, 2 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Duis moved to reconsider action on the adoption of the Standing Committee amendments.

Mr. Duis moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 and not voting.

The Duis motion to reconsider action of Standing Committee amendments prevailed with 25 ayes, 5 nays, 5 present and not voting, and 14 excused and not voting.

Mrs. Labedz moved to bracket LB 351 until February 13, 1978.

The motion prevailed with 30 ayes, 0 nays, 16 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 861. By Warner, 25th District.

A BILL FOR AN ACT to amend section 15-901, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to provide for an exception from subdivision regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 862. By Warner, 25th District.

A BILL FOR AN ACT to amend section 60-315, Revised Statutes Supplement, 1976, and section 60-305.09, Revised Statutes Supplement, 1977, relating to motor vehicle registration; to provide for cancellation of registration and refund a portion of unused fees for certain disabled vehicles; to provide for reregistration; and to repeal the original sections.

LEGISLATIVE BILL 863. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Stoney, 4th District; Venditte, 7th District; Carsten, 2nd District.

A BILL FOR AN ACT relating to decedent's estates; to provide notice to the Attorney General of the administration of certain estates.

LEGISLATIVE BILL 864. By Committee on Committees: Savage, 10th District, Chairman; Marsh, 29th District; Moylan, 6th District; D. Dworak, 22nd District; Rasmussen, 41st District; DeCamp, 40th District; Koch, 12th District; Cope, 36th District; Mills, 44th District; Labedz, 5th District.

A BILL FOR AN ACT to amend section 81-1503, Reissue Revised Statutes of Nebraska, 1943, relating to the Environmental Protection Act; to eliminate a reconfirmation requirement; to provide the director shall serve as executive secretary; to eliminate a provision relating to quorum; and to repeal the original section.

MOTION - Return LB 406 to Select File

Mr. Maresh moved to return LB-406 to Select File for the folowing specific amendment:

AMENDMENTS TO LB 406

1. Insert a new section 24 as follows:

"Sec. 24. The Board of Examiners in Audiology and Speech Pathology shall terminate July 1, 1984, unless revived pursuant to sections 81-199 to 81-1,105.".

2. Renumber original section 24 and 25 as sections 25 and 26 respectively.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 128. Title read. Considered.

Standing Committee amendments found in the Journal on page 869, First Session, were considered.

Mr. Brennan moved to bracket LB 128 until February 3, 1978.

Mr. Brennan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 11 nays, and 22 not voting.

Mr. Brennan withdrew his motion to bracket.

MR. DWORAK PRESIDING

Standing Committee amendments lost with 0 nays, 25 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Brennan asked unanimous consent to bracket LB 128 until February 3, 1978. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 865. By Hefner, 19th District.

A BILL FOR AN ACT relating to schools; to provide a limitaiton on a school tax levy as prescribed.

LEGISLATIVE BILL 866. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 39-693, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to prohibit the carrying of certain passengers on a motorcycle; to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 755	Monday, January 23, 1978	1:30 p.m.
LB 756	Monday, January 23, 1978	2:30 p.m.
LB 765	Monday, January 23, 1978	3:00 p.m.
LB 797	Monday, January 23, 1978	2:00 p.m.

(Signed) Jerome Warner, Chairman

GENERAL FILE

LEGISLATIVE BILL 424. Title read. Considered.

Mr. Brennan asked unanimous consent to bracket LB 424 until February 3, 1978. No objections. So ordered.

Mrs. Maxey asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 48. Title read. Considered.

Mr. DeCamp moved to indefinitely postpone.

The motion to indefinitely postpone prevailed with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Maresh asked unanimous consent to be excused. No objections. So ordered.

The Clerk announced the Reference Committee will meet under the South Balcony immediately for the referral of bills.

LEGISLATIVE BILL 502. Title read. Considered.

Standing Committee amendment found in the Journal on page 897, First Session, was considered.

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

Mr. DeCamp moved for a Call of the House. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 21 ayes, 6 nays, and 22 not voting.

The Standing Committee amendment was adopted with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

Mr. Keyes moved to indefinitely postpone.

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

The motion to indefinitely postpone lost with 10 ayes, 16 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 9 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 502A. Title read. Considered.

Mr. Chambers moved to bracket LB 502A.

Motion pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 867. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 2-1213, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to allow racing on Sunday as prescribed; and to repeal the original section.

LEGISLATIVE BILL 868. By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 3-506, Reissue Revised Statutes of Nebraska, 1943, relating to city airport authorities; to provide that an authority may hire a treasurer; and to repeal the original section.

LEGISLATIVE BILL 869. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 84-306.03, Reissue Revised Statutes of Nebraska, 1943, and section 84-306.01, Revised Statutes Supplement, 1977, relating to claims against the state; to provide provisions relating to reimbursement for certain airplane travel; and to repeal the original sections.

LEGISLATIVE BILL 870. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Mills, 44th District; Schmit, 23rd District; Merz, 1st District; Murphy, 17th District; Labedz, 5th District.

A BILL FOR AN ACT to amend section 31-755, Revised Statutes Supplement, 1976, relating to sanitary and improvement districts; to provide provisions relating to interest on capital outlay warrants as prescribed; and to repeal the original section.

LEGISLATIVE BILL 871. By Education Committee: George, 16th District, Vice Chairman; Koch, 12th District; Fitzgerald, 14th District; Maxey, 46th District; Kahle, 16th District.

A BILL FOR AN ACT to amend section 43-645, Revised Statutes Supplement, 1977, relating to care and education of handicapped children; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 872. By Education Committee: George, 16th District, Vice Chairman; Koch, 12th Dstirct; Fitzgerald, 14th District; Maxey, 46th District; Kahle, 37th District.

A BILL FOR AN ACT to amend section 79-701, Revised Statutes Supplement, 1977, relating to schools; to provide when a Class II school district shall become a Class I district; and to repeal the original section.

LEGISLATIVE BILL 873. By Education Committee: George, 16th District, Vice Chairman; Koch, 12th District; Fitzgerald, 14th District; Maxey, 46th District; Kahle, 37th District.

A BILL FOR AN ACT to amend section 79-201, Reissue Revised Statutes of Nebraska, 1943, relating to compulsory education; to provide that attendance shall be at a legally approved school; and to repeal the original section.

LEGISLATIVE BILL 874. By Education Committee: George, 16th District, Vice Chairman; Koch, 12th District; Fitzgerald, 14th District; Maxey, 46th District; Kahle, 37th District.

A BILL FOR AN ACT to amend sections 79-458, 79-501, and 79-1333, Reissue Revised Statutes of Nebraska, 1943, and section 79-451, Revised Statutes Supplement, 1977, relating to education; to change the time and contents of certain reports; to change the time for annual school meetings; and to repeal the original sections.

LEGISLATIVE BILL 875. By Education Committee: George, 16th District, Vice Chairman; Koch, 12th District; Fitzgerald, 14th District; Maxey, 46th District; Kahle, 37th District.

A BILL FOR AN ACT to amend section 79-4,157, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for official access to confidential files or records; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 876. By Education Committee: George, 16th District, Vice Chairman; Koch, 12th District; Fitzgerald, 14th District; Maxey, 46th District; Kahle, 37th District.

A BILL FOR AN ACT to amend section 79-1103.05, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the payment of tuition of certain high school students attending school outside their school district; to eliminate appeal provisions; and to repeal the original section.

LEGISLATIVE BILL 877. By Kelly, 35th District.

A BILL FOR AN ACT to provide for the construction of the Nebraska Public Safety Academy; to provide duties; to create a fund; to provide for funding; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 719	Thursday, January 26, 1978 (Cancel)	1:30 p.m.
LB 719	Friday, January 27, 1978 (Reset)	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
835	Urban Affairs
836	Banking, Commerce and Insurance
837	Public Works
838	Urban Affairs
839	Public Health and Welfare
840	Appropriations
841	Judiciary
842	Revenue
843	Judiciary
844	Public Health and Welfare
845	Public Works
846	Education
847	Government, Military and Veterans Affairs
848	Business and Labor
849	Judiciary
850	Judiciary
851	Constitutional Revision and Recreation
852	Judiciary
853	Public Health and Welfare
854	Judiciary
855	Government, Military and Veterans Affairs
856	Public Health and Welfare
857	Agriculture and Environment
858	Agriculture and Environment
859	Banking, Commerce and Insurance
860	Judiciary

(Signed) Richard D. Marvel, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 158.

Introduced by Chambers, 11th District; DeCamp, 40th District; Schmit, 23rd District; D. Dworak, 22nd District; Reutzel, 15th District; Fowler, 27th District.

WHEREAS, work initiated under the provisions of LR 141 of 1977, a copy of which is attached and hereby made a part hereof, has not been completed, and

WHEREAS, the best interest of law enforcement require a complete resolution of many issues raised in the work done thus far under the authority of LR 141, and

WHEREAS, certain matters involving the operation of the Nebraska Department of Correctional Services needs continued study.

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

1. That the committee and work initiated and authorized under the authority of LR 141 hereby be continued and authorized by this Legislature including but not limited to the continued study of the operations of the Nebraska Department of Correctional Services.

Laid over.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 169
January 16, 1978

Dear Senator Barnett:

In a letter dated January 9, 1978, you ask this office whether or not the Chambers' amendment to LB 64, found on pages 193 and 194 of the Legislative Journal, are constitutional and secondly, whether or not the language in that amendment insures that one convicted of a Class I felony would serve at least a minimum of thirty years. In a letter addressed to Senator Chambers this day, we have opined that his amendment would accomplish the goal of insuring that one convicted of a Class I felony would serve at least a minimum of thirty years, subject to the power of the Pardon Board to pardon or commute. A copy of that opinion is attached hereto.

Your second question is whether or not the language of the amendment to LB 64, found on page 194 and relating to the restrictions on parole and mandatory discharge from custody, is constitutional. We believe that that amendment and its language is constitutional. In Official Opinion No. 65, dated April 11, 1977, this office indicated in an opinion addressed to Senator Ernest Chambers that a substantially similar amendment to that which you now question was constitutionally defensible. We indicated in that letter, as we do now, that while we cannot reach the categorical conclusion, we do feel that such a condition prescribed by the Legislature would be constitutionally defensible and would not violate Article IV, Section 13, of the Constitution of Nebraska.

To sum up the above, we believe that if the purpose and intent of Senator Chambers' amendment to LB 64, found on pages 193 and 194 of the Legislative Journal, is to guarantee that a person convicted of a Class I felony serve a minimum of thirty years in prison that that purpose and intent is accomplished by that amendment. Secondly, we believe that an attempt by the Legislature to restrict eligibility for parole and final discharge in the case of persons convicted of a Class I felony would be constitutionally defensible.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Paul W. Snyder
Assistant Attorney General

PWS:ejg
attach.
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

Opinion No. 170
January 16, 1978

Dear Senator Chambers:

In a letter dated January 9, 1978, you ask this office to review your amendment to LB 64, which is printed on pages 193 and 194 of the 1978 Legislative Journal, and indicate to you whether or not this amendment makes certain that a person convicted of first degree murder will serve at least a minimum of a thirty year sentence. It is our opinon that your amendment would accomplish that intent.

On April 15, 1977, this office, in an official opinion addressed to Senator Neil Simon, discussed a nearly identical amendment to LB 64. In that opinion we said:

> 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 that same opinion (No. 74) several hypothetical situations were discussed to more clearly demonstrate the effect of the amendment proposed at that time. Those same hypotheticals would apply with equal effect if your amendment to LB 64 was adopted.

In sum, we believe that your amendment to LB 64 would provide that a person convicted of first degree murder would serve at least a minimum of thirty years. We have, this date, in a letter to Senator Wally Barnett, opined that your amendment to LB 64 is constitutional. A copy of that opinion is attached hereto.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Paul W. Snyder
Assistant Attorney General

PWS:ejg
attach.
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

VISITORS

The President introduced eight Senior High School students from the Lincoln Public Schools and Mrs. Marsh's secretary, Kim Godberson.

ADJOURNMENT

At 4:38 p.m, on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, January 17, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 17, 1978

LEGISLATIVE JOURNAL

EIGHTH-FIFTH LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 17, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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, but when missed, leaves us in the shallows of defeat. 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. Fowler and Nichol who were excused; and Mrs. Marsh, Messrs. Burrows, George, Kelly, Kremer, Mills, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 16, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick O'Donnell
Clerk of the Legislature

Ackerman, James N. - Lincoln (withdrawn 1/11/78), Bankers Life Insurance Company of Nebraska
Epke, Walter H. - York (withdrawn 1/1/78), Association of Nebraska Schools
Epke, Walter H. - York (withdrawn 1/1/78), Nebraska School Improvement Association
Epke, Walter H. - York (withdrawn 1/1/78), Thoroughbred Racing Association of Nebraska
Kushner, Marcia - Lincoln, Nebraska Speech and Hearing Association
Lott, Roger C. - Lincoln, Common Cause/Nebraska
Pierson, David C. - Lincoln, Nebraska Dental Association
Rasmussen, Delmar - Omaha, Nebraskans For Better Communities
Rebensdorf, Martha M. - Lincoln, Lincoln Chamber of Commerce

Reregistrations from Jan. 13 thru Jan. 16, 1978

Brauer, S. H. Jr. - Lincoln, Nebraska School Improvement Association
Clarence, Richard E. - Lincoln, Nebraska State Utility Workers
Dickinson, James - Omaha, Nebraskans for Progressive Agriculture

Epke, Walter H. - York, Nebraska Soft Drink Association
Fraizer, T. J. - Lincoln, American Insurance Association; American Reciprocal Insurance Association; Mutual of Omaha Insurance Company; United Benefit Life Insurance Company
Hansen, Christian C. - Omaha, ConAgra, Inc.
Johnston, Paul R. - Schuyler, Nebraska Livestock Feeders Association
Knudsen, Berkheimer, Endacott & Beam: Ruth, Larry L. - Lincoln, NBC Co.

Rasmussen, Delmar - Lincoln, E. F. Hutton Company, Inc.; Kutak Rock Cohen Campbell Garfinkle & Woodward; Life Insurers' Temporary Corp; Metropolitan Arts Council
Robinson, C. N. - Omaha, Westside Community Schools

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 826	Tuesday, January 31, 1978	1:30 p.m.
LB 836	Tuesday, January 31, 1978	2:00 p.m.
LB 859	Tuesday, January 31, 1978	2:30 p.m.

(Signed) John DeCamp, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 878. By Public Works Committee: Kremer, 34th District, Chairman; Kennedy, 21st District; R. Lewis, 38th District; Cullan, 49th District; Mills, 44th District; Moylan, 6th District; Kelly, 35th District; Merz, 1st District.

A BILL FOR AN ACT to amend section 60-406.04, Revised Statutes Supplement, 1977, relating to motor vehicle operators' licenses; to change provisions relating to the issuance of a temporary license without a color photograph; to provide for fees; and to repeal the original section.

LEGISLATIVE BILL 879. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Moylan, 6th District; Kelly, 35th District; Merz, 1st District; Kennedy, 21st District; R. Lewis, 38th District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 46-673, Revised Statutes Supplement, 1976, relating to ground water; to change an authorized mill levy; to provide for a water use tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 880. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Moylan, 6th District; Cullan, 49th District; Kennedy, 21st District.

A BILL FOR AN ACT relating to irrigation; to provide for interim regulations of a natural resources district as prescribed; and to provide for notice.

LEGISLATIVE BILL 881. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Moylan, 6th District; Kelly, 35th District; Merz, 1st District; Kennedy, 21st District; R. Lewis, 38th District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 46-651, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to limit the spacing of wells as prescribed; and to repeal the original section.

LEGISLATIVE BILL 882. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Moylan, 6th District; Kelly, 35th District; Merz, 1st District; Kennedy, 21st District; R. Lewis, 38th District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 46-261, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to remove the requirement that certain lists furnished the Department of Water Resources be verified; and to repeal the original section.

LEGISLATIVE BILL 883. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Moylan, 6th District; Kelly, 35th District; Merz, 1st District.

A BILL FOR AN ACT to amend section 33-105, Reissue Revised Statutes of Nebraska, 1943, relating to fees and salaries; to change certain fees paid to the Department of Water Resources as prescribed; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 156. Read and considered.

Mr. DeCamp offered the following amendment to LR 156:
On page 2 paragraph "3" after the word "Legislature" strike the balance of the paragraph and insert "and shall be chaired by Senator Cal Carsten"

The amendment was adopted with 32 ayes, 0 nays, and 17 not voting.

LR 156 was adopted with 31 ayes, 2 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 149. Mr. DeCamp moved to withdraw LR 149. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 158. Read and considered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Bereuter asked unanimous consent to add his name to LR 158. No objections. So ordered.

Mr. Bereuter requested a record vote on the adoption of LR 158.

Voting in the affirmative, 36:

Barnett	Duis	Kelly	Maxey	Schmit
Bereuter	E. Dvorak	Keyes	Merz	Simon
Brennan	D. Dworak	Koch	Murphy	Stoney
Burrows	Fitzgerald	Labedz	Newell	Warner
Chambers	George	Lamb	Rasmussen	
Clark	Goodrich	R. Lewis	Reutzel	
Cope	Hefner	Luedtke	Rumery	
DeCamp	Kahle	Maresh	Savage	

Voting in the negative, 0.

Not voting, 13:

Carsten	Hasebroock	F. Lewis	Mills	Venditte
Cullan	Kennedy	Marsh	Moylan	
Fowler	Kremer	Marvel	Nichol	

LR 158 was adopted with 36 ayes, 0 nays, and 13 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendments to LB 210 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 210

1. Insert a new section as follows:

"Section 1. That section 49-1493, Revised Statutes Supplement, 1976, be amended to read as follows:

49-1493. The individuals listed in subdivisions (1) to (10) of this section shall file with the commission a statement of financial interests as provided in sections 49-1496 and 49-1497 for the preceding calendar year on or before April 1 of each year in which such individual holds such a position. An individual who leaves office shall, within thirty days after leaving office, file a statement covering the period since the previous statement was filed. Disclosure of the interest named in sections 49-1496 to 49-1498 shall be made by:

(1) An individual holding a state executive office as provided in Article IV, Constitution of Nebraka, including the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, and the heads of such other executive departments as set forth in the Constitution or as may be established by law;

(2) An individual holding the office of Commissioner of Education, member of the State Board of Education, or member of the Board of Regents of the University of Nebraska;

(3) A member of the Board of Parole;

(4) A member of the Public Service Commission;

(5) A member of the Legislature;

(6) A member of the board of directors or an office of a district organized under the provisions of Chapter 70;

(7) A member of any board or commission of the state or any county which examines or licenses a business, trade, or profession, or which determines rates for or otherwise regulates a business;

~~(8) A member of a land use planning commission, zoning commission, or authority of the state or any county;~~

~~(9)~~ (8) An elected county official; and

~~(10)~~ (9) An official or employee of the state designated by rules and regulations of the commission, who is responsible for taking or recommending official action of a nonministerial nature with regard to:

(a) Contracting or procurement;

(b) Administering or monitoring grants or subsidies;

(c) Land-use planning or zoning;

(d) Inspecting, licensing, regulating, or au-

diting any person; or

(e) Any similar action.".

2. On page 4, line 3 after "county" insert "or minicipality"; in line 8 strike "land-use planning" and insert "subdivisions"; in line 9 after "employee," insert "whichever is more extensive,"; in line 10 after "." insert "Such descriptions may be filed by a county or municipal planning commission for all members of such commission when authorized by its members,".

3. On page 4, line 11 strike "section" and insert "sections 49-1493 and"; and in line 12 strike "is" and insert "are".

4. Renumber original sections 1 and 2 as sections 2 and 3.

EXPLANATION OF VOTE

Had I been present, I would have voted yes for LR 157.

(Signed) Frank Lewis

BILLS ON FIRST READING

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

LEGISLATIVE BILL 884. By Maresh, 32nd District.

A BILL FOR AN ACT relating to medical education; to establish a medical student loan program; to define terms; to create a commission; to provide duties; and to provide funding.

LEGISLATIVE BILL 885. By Warner, 25th District.

A BILL FOR AN ACT relating to specific conveyances; to provide for the acceptance of certain real property by the Game and Parks Commission; and to provide conditions.

LEGISLATIVE BILL 886. By Keyes, 3rd 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 taxation; to provide that the Legislature may classify all property within the state and may exempt any class from taxation in whole or in part; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 887. By Telecommunications Committee: Clark, 47th District, Chairman; Rasmussen, 41st District; Kelly, 35th District; Goodrich, 20th District; Brennan, 9th District; and Marvel, 33rd District and R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 70-626, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to provide guidelines for the lease or purchase of certain facilities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 888. By Education Committee: F. Lewis, 45th District, Chairman; Koch, 12th District; Fitzgerald, 14th District; Kahle, 37th District; Maxey, 46th Distirct.

A BILL FOR AN ACT to amend section 79-490, Revised Statutes Supplement, 1977, relating to schools; to remove an exception; and to repeal the original section.

LEGISLATIVE BILL 889. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 43-646 and 43-646.01, Revised Statutes Supplement, 1976, relating to the care and education of handicapped children; to provide for reimbursement of certain costs; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 890. By Cope, 36th District.

A BILL FOR AN ACT to adopt the Nebraska Jobs Creation Act.

LEGISLATIVE BILL 891. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 25-1143, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide for application of a new trial as prescribed; and to repeal the original section.

LEGISLATIVE BILL 892. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Murphy, 17th District; Mills, 44th District; Labedz, 5th District.

A BILL FOR AN ACT relating to insurance; to provide for certain insurance coverage after involuntary termination of employment as prescribed.

LEGISLATIVE BILL 893. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 49-1493, Revised Statutes Supplement, 1976, relating to the Political Accountability and Disclosure Act; to exempt certain persons from the statement of financial interests filing requirement; and to repeal the original section.

LEGISLATIVE BILL 894. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Lamb, 43rd District; Hefner, 19th District; Kahle, 37th District; Venditte, 7th District; Burrows, 30th District.

A BILL FOR AN ACT to municipal water suppliers; to require permits in certain instances; to prescribe guidelines for the issuance of such permits by the Director of Water Resources; and to provide penalties.

LEGISLATIVE BILL 895. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Lamb, 43rd District; Hefner, 19th District; Kahle, 37th District; Venditte, 7th District; Burrows, 30th District.

A BILL FOR AN ACT relating to metropolitan utilities districts; to require voter approval before a district shall withdraw ground water outside its territorial limits; and to provide penalties.

MOTION - Withdraw LB 674

Mr. R. Lewis moved to suspend the rules, Rule 5, Sec. 11, to vote to withdraw LB 674 today. The motion prevailed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LB 674 was withdrawn with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

MOTION - Return LB 406 to Select File

Mr. Maresh renewed his pending motion found in the Journal on page 380 to return LB 406 to Select File for the specific amendment.

The motion prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 406. The Maresh specific amendment found in the Journal on page 380 was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 394 to Select File

Mr. Koch moved to return LB 394 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 7 nays, and 21 not voting.

Mr. Newell 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 motion to return LB 394 lost with 10 ayes, 25 nays, 11 present and not voting, and 3 excused and not voting.

MOTION - Withdraw LB 33A

Mr. Koch renewed his pending motion found in the Journal on page 363 to withdraw LB 33A. The motion prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

MOTION - Return LB 394 to Select File

Mr. Newell moved to return LB 394 to Select File for the following specific amendment:
To exclude first class cities.

The motion lost with 6 ayes, 21 nays, 19 present and not voting, and 3 excused and not voting.

MOTION - Return LB 372 to Select File

Mr. Koch moved to return LB 372 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 5 nays, and 25 not voting.

The Koch motion to return LB 372 lost with 10 ayes, 21 nays, 15 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. F. Lewis asked unanimous consent to print the following news article in the Journal. No objections. So ordered.

Omaha World-Herald, Saturday, December 3, 1977
Exon to Counties: Let's Make a Deal
By David Thompson

Gov. J. J. Exon offered Thursday night to help phase out Nebraska counties' 20 percent share of Medicaid payments, something he has opposed in the past.

In return, he asked the Nebraska Association of County Officials to support a tax spending lid bill and to follow through on countywide real estate revaluations.

County Medicaid payments - $15 million this year - have been a burden to local governments, according to county officials. In Douglas County, payments of $5.3 million were cited as one of the big reasons for the county's financial crisis in 1975-76.

"Your proposals previously for state takeover (of Medicaid payments) have not met with my approval because of state budget restraints," Exon told the association banquet crowd of about 500 at the Holiday Inn, 72nd and Grover streets.

'Still Tight'

"We are still tight, but a plan might be developed as part of a joint solution to a number of issues by phasing out this historical county obligation on a six-or seven-year phased basis."

Exon suggested that the county share might be reduced to 17 percent for 1978-79 and similar reductions made in subsequent years. The payment would cost the state $2.2 million the first year, he said. The change would require approval of the Legislature.

Several bills shifting county Medicaid payments to the state have been introduced in the Legislature during Exon's two terms as governor, but none has passed. The Exon administration has made no secret of its opposition to the bills.

The state now pays 25 percent of the Medicaid payments, and the federal government pays 55 percent.

For supporting the Medicaid change, Exon asked that county officials back a bill setting a firm limit on increases that property-taxing bodies could make from year to year.

Property Revaluation

The present spending limit contained in a real estate revaluation bill is "meaningless," the governor said in an interview after his talk. The law limits spending increases to 7 percent more from one year to the next but it provides that the limit may be exceeded if the taxing body holds a public hearing on the budget.

Under Exon's proposal a taxing body, such as a county board, city council or school board, would have to get voter approval to exceed the spending limit.

The governor said he has not determined what the limit should be.

Exon also asked county officials to stick with their real estate revaluation efforts. A majority of counties already have revalued property and are ready to put those values on the tax books next year, he said.

"But a few are balking at the last minute for a number of reasons," he said.

If counties do not follow through with the revaluation, he hinted that the state might take over assessment work from the counties. He said he does not favor state takeover but it may occur with the passage of LB 170, which is pending in the Legislature.

On another subject, Exon urged county officials to join in fighting "an unreasonable federal proposal to institute national health insurance which will certainly escalate already high medical cost."

UNANIMOUS CONSENT - Bracket LB 406

Mr. Marvel asked unanimous consent to bracket LB 406 on E & R final until February 4, 1978.

Mr. Moylan objected.

Mr. Marvel moved to bracket LB 406 on E & R Final until February 4, 1978.

Speaker Luedtke moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 8 nays, and 22 not voting.

The motion to bracket lost with 17 ayes, 15 nays, 14 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 217. E & R amendments found in the Journal on page 342 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 529. E & R amendments found in the Journal on page 342 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 519. E & R amendments found in the Journal on page 342 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 223. E & R amendments found in the Journal on page 365 for the Ninth Day were adopted.

Laid over.

LEGISLATIVE BILL 109. Laid over until this afternoon at the request of Mr. Reutzel.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 896. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend Laws 1977, LB 532, section 10; to change appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 897. Nebraska Postsecondary Education Advisory Committee: F. Lewis, 45th District and Warner, 25th District, Chairmen; Cullan, 49th District; Marvel, 33rd District; Bereuter, 24th District; Murphy, 17th District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to information systems for postsecondary education; to provide for a state level uniform information system as prescribed; to provide powers and duties; to establish an advisory committee; to provide for severability; and to declare an emergency.

LEGISLATIVE BILL 898. By ISC on LR 62: D. Dworak, 22nd District; Savage, 10th District; Rumery, 42nd District; Rasmussen, 41st District; Cope, 36th District; Marsh, 29th District; Kelly, 35th District; Maresh, 32nd District; Moylan, 6th District; Warner, 25th District; R. Lewis, 38th District.

A BILL FOR AN ACT to repeal section 83-1,143.03, Reissue Revised Statutes of Nebraska, 1943, relating to the office of mental retardation.

LEGISLATIVE BILL 899. By D. Dworak, 22nd District; Keyes, 3rd District; at the request of the Governor.

A BILL FOR AN ACT to amend sections 77-1355 and 77-1356, Revised Statutes Supplement, 1977, relating to revenue and taxation; to change provisions relating to political subdivision budget adjustments as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 900. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 28-1101 and 28-1107, Revised Statutes Supplement, 1977, relating to crimes and punishments; to redefine a term; to provide an exclusion for possession of a device; to repeal the original sections; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 901. By Chambers, 11 District.

A BILL FOR AN ACT to amend section 25-222, Reissue Revised Statutes of Nebraska, 1943, relating to commencement of actions; to provide a statute of limitations for professional negligence actions against attorneys; and to repeal the original section.

LEGISLATIVE BILL 902. By Merz, 1st District.

A BILL FOR AN ACT to amend section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide

an additional sales and use tax rate; to provide for automatic expiration; to exempt a certain increase from being voted on; and to repeal the original section.

LEGISLATIVE BILL 903. By Mills, 44th District.

A BILL FOR AN ACT relating to operation of aircraft; to prohibit such operation while under the influence of alcoholic liquor or drugs as prescribed; to provide for implied consent of operator to chemical testing; and to provide penalties.

LEGISLATIVE BILL 904. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 79-328, Revised Statutes Supplement, 1977, relating to schools; to provide that the State Board of Education give a general education test; and to repeal the original section.

LEGISLATIVE BILL 905. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1977, relating to taxation; to allow a certain credit in the computation of adjusted federal income tax; and to repeal the original section.

LEGISLATIVE BILL 906. By Labedz, 5th District.

A BILL FOR AN ACT to amend section 81-575, Reissue Revised Statutes of Nebraska, 1943, relating to the State Electrical Act; to change standards under which rules and regulations are adopted; and to repeal the original section.

LEGISLATIVE BILL 907. By Carsten, 2nd District.

A BILL FOR AN ACT relating to fire companies and firemen; to provide for the merger of a village volunteer fire department and a rural fire district as prescribed.

LEGISLATIVE BILL 908. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Fitzgerald, 14th District; Lamb, 43rd District; Koch, 12th District; Maxey, 46th District; Kahle, 37th District.

A BILL FOR AN ACT to amend section 79-1254.02, Revised Statutes Supplement, 1977, relating to schools; to provide for school nurse's contracts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 909. By Public Works Committee: Kremer, 34th District, Chairman; Moylan, 6th District; Cullan, 49th District; Mills, 44th District; Kennedy, 21st District; Kelly, 35th District; Merz, 1st District.

A BILL FOR AN ACT to amend sections 46-230, Reissue Revised Statutes of Nebraska, 1943, and section 46-602, Revised Statutes Supplement, 1976, relating to irrigation; to provide for notification of ownership of appropriations and wells; and the repeal the original sections.

LEGISLATIVE BILL 910. By Schmit, 23rd District.

A BILL FOR AN ACT to adopt the Nebraska Crime Victim's Reparations Act; and to provide an operative date.

LEGISLATIVE BILL 911. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Hefner, 19th District; Venditte, 7th District; Maresh, 32nd District; Kahle, 37th District; Lamb, 43rd District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 81-2,162.05, Reissue Revised Statutes of Nebraska, 1943, and section 81-2,162.02, Revised Statutes Supplement, 1977, relating to the Department of Agriculture; to change a definition; to provide labeling requirements; and to repeal the original sections.

LEGISLATIVE BILL 912. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 81-572, 81-584, and 81-592, Reissue Revised Statutes of Nebraska, 1943, relating to the State Electrical Act; to define a term; to provide for registration of apprentice electricians; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 630	Wednesday, January 25, 1978	1:30 p.m.

LB 631	Wednesday, January 25, 1978	10:00 a.m.
LB 712	Wednesday, January 25, 1978	10:00 a.m.
LB 787	Wednesday, February 1, 1978	1:30 p.m.
LB 848	Wednesday, February 1, 1978	10:00 a.m.

(Signed) Richard Maresh, Chairman

Public Health and Welfare

LB 761	Monday, January 23, 1978	10:00 a.m.
LB 732	Tuesday, January 24, 1978	10:00 a.m.
LB 812	Monday, January 30, 1978	3:30 p.m.
LB 795	Tuesday, January 31, 1978	10:00 p.m.
LB 778	Monday, February 6, 1978	1:30 p.m.
LB 814	Monday, February 6, 1978	3:30 p.m.
LB 737	Tuesday, February 7, 1978	1:30 p.m.
LB 740	Tuesday, February 7, 1978	1:30 p.m.
LB 794	Monday, February 13, 1978	1:30 p.m.
LB 813	Monday, February 13, 1978	1:30 p.m.
LB 820	Monday, February 13, 1978	1:30 p.m.
LR 152	Tuesday, February 14, 1978	1:30 p.m.

(Signed) Richard Lewis, Chairman

Revenue

LB 842	Tuesday, January 31, 1978	1:30 p.m.
LB 804	Tuesday, January 31, 1978	2:00 p.m.

(Signed) Orval Keyes, Chairman

UNANIMOUS CONSENT - Print Amendments in the Journal

Mr. Stoney asked unanimous consent to print the following amendment to LB 21 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 21

1. On page 20, line 20, after "thereon" insert "except the provisions of this act shall not apply to vessels other than motorboats when operated on private property,".

UNANIMOUS CONSENT - Add Co-Introducer to LB 843

Mr. Murphy asked unanimous consent to add his name to LB 843. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mrs. Maxey asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 186. Mr. Bereuter offered the following amendment:

Amend LB 186 on Select File by deleting the Barnett amendment of January 12, 1978.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Bereuter offered the following amendment:

Amend LB 186 on Select File by deleting the original Section 13 as now amended.

The amendment was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 733	Tuesday, January 24, 1978	3:00 p.m.
LB 735	Tuesday, January 24, 1978	3:30 p.m.
LB 825	Tuesday, January 24, 1978	2:00 p.m.
LB 840	Tuesday, January 24, 1978	11:30 a.m.

LB 747	Wednesday, January 25, 1978	2:30 p.m.
LB 762	Thursday, January 26, 1978	3:00 p.m.

(Signed) Jerome Warner, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 913. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 23-1732, 81-1401 to 81-1405, 81-1410 to 81-1414, 81-1427, 81-1429, and 81-1439, Reissue Revised Statutes of Nebraska, 1943, relating to law enforcement; to change the name of the Nebraska Law Enforcement Training Center; to change a fee; and to repeal the original sections.

LEGISLATIVE BILL 914. By Keyes, 3rd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 11, of the Constitution of Nebraska, relating to revenue; to change the manner payments in lieu of taxes are made by 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.

VISITORS

The President introduced 4 high school students and instructor from Ralston High School, Ralston, Nebraska; officials from Metropolitan Utilities District, Mr. Bob Bell and Mr. Ross Cavileri from Omaha, Nebraska; Mr. R. E. Reutzel, father of Senator Barry Reutzel.

RECESS

At 11:56 a.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, Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler, Kahle and Nichol who were excused; Messrs. Cullan, Kremer, F. Lewis, and Marvel who were excused until they arrive.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 859	Tuesday, January 31, 1978 (Cancelled)	2:30 p.m.
LB 859	Monday, January 30, 1978 (Reset)	2:00 p.m.

(Signed) John W. DeCamp, Chairman

Committee on Committees

January 17, 1978

The confirmation hearing of Mr. Richard S. Westin to the Nebraska Arts Council scheduled for Tuesday, January 26, 1978 has been cancelled.
All other appointees previously scheduled for this date will be considered. Please see the listing in the Legislative Journal of January 11, 1978.

January 17, 1978

The Committee on Committees will meet at 12:00 Noon on Tuesday, February 7, 1978, in Room 2102 of the State Capitol for the purpose of hearing appointments and reappointments submitted by Governor J. James Exon, as follows:

Burnham Yates - Economic Development Advisory Committee
Robert G. Lueder - Economic Development Advisory Committee
Charles Davey - Economic Development Advisory Committee
Neil Colerick - Economic Development Advisory Committee
Herbert H. Davis - Economic Development Advisory Committee
Donald F. McGinley - Court of Industrial Relations
Charles L. Thomsen - Manufactured Housing Advisory Board
Jack M. Quackenbush
Agricultural Products Industrial Utilization Committee

January 17, 1978

The Committee on Committees will meet at 12:00 Noon on Tuesday, February 21, 1978, in Room 2102 of the State Capitol for the purpose of hearing appointments and reappointments submitted by Governor J. James Exon, as follows:

Charles O. Morehouse - Public Retirement Board
Margaret Sullivan - Public Employees Retirement Board

These two persons will be considered in addition to those previously listed in the Legislative Journal on January 10, 1978.

(Signed) John S. Savage, Chairman

SELECT FILE

LEGISLATIVE BILL 109. Mr. Maresh renewed his pending amendment found in the Journal on page 353.

Mr. Maresh moved for a Call of the House. The motion prevailed with 15 ayes, 10 nays, and 24 not voting.

PRESIDENT WHELAN PRESIDING

Mr. Maresh requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Barnett	Cope	Hefner	Moylan	Savage
Bereuter	D. Dworak	Keyes	Murphy	Warner
Brennan	Goodrich	Maresh	Newell	
Burrows	Hasebroock	Mills	Rumery	

Voting in the negative, 22:

Carsten	George	Lamb	Merz	Stoney
Clark	Kelly	R. Lewis	Rasmussen	Venditte
DeCamp	Kennedy	Luedtke	Reutzel	
E. Dvorak	Koch	Marsh	Schmit	
Fitzgerald	Labedz	Maxey	Simon	

Present and not voting, 3:

Chambers	Cullan	Duis

Excused and not voting, 6:

Fowler	Kremer	Marvel
Kahle	F. Lewis	Nichol

Mr. Reutzel moved the Call be raised. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

The Maresh amendment lost with 18 ayes, 22 nays, 3 present and not voting, and 6 excused and not voting.

Mr. Barnett offered the following amendment:

(Amendments printed separate from the Journal and on file in the Clerk's Office. Req. No. 2680)

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.

Mr. Barnett moved for a Call of the House. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Bereuter announced tomorrow is Frank Lewis' birthday.

Mr. Barnett moved the Call be raised. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Mr. Mills requested a record vote on the Barnett amendment:

Voting in the affirmative, 28:

Barnett	Chambers	Hasebroock	Koch	Maresh
Bereuter	Clark	Kelly	Lamb	Marsh
Brennan	Cope	Kennedy	F. Lewis	Marvel
Carsten	D. Dworak	Keyes	Luedtke	Maxey

Merz	Newell	Rumery	Stoney
Moylan	Rasmussen	Savage	Warner

Voting in the negative, 12:

Burrows	E. Dvorak	Hefner	Mills
Cullan	Fitzgerald	Labedz	Reutzel
Duis	George	R. Lewis	Simon

Present and not voting, 5:

DeCamp	Goodrich	Murphy	Schmit	Venditte

Excused and not voting, 4:

Fowler	Kahle	Kremer	Nichol

The Barnett amendment was adopted with 28 ayes, 12 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Mills requested a machine vote to advance LB 109 to E & R for Engrossment.

Advanced to E & R for Engrossment with 28 ayes, 7 nays, 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 915. By Judiciary Committee: Barnett, 26th District, Chairman; E. Dvorak, 8th District; Venditte, 7th District; Reutzel, 15th District; Stoney, 4th District.

A BILL FOR AN ACT to amend section 25-1267.19, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide for the manner of taking depositions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 916. By R. Lewis, 38th District; Maxey, 46th District.

A BILL FOR AN ACT relating to state institutions; to create the Nebraska Correctional Services Commission; to provide for appointment, removal, and reimbursement of members; to amend

sections 83-172 and 83-173, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 742	Thursday, January 26, 1978 (Cancelled)	10:00 a.m.
LB 742	Friday, January 27, 1978 (Reset)	10:00 a.m.
LB 823	Thursday, January 26, 1978	10:00 a.m.
LB 827	Friday, January 27, 1978	10:00 a.m.
LB 828	Friday, January 27, 1978	10:00 a.m.
LB 851	Thursday, February 2, 1978	10:00 a.m.

(Signed) Gerald Koch, Chairman

Government

LB 847	Thursday, January 26, 1978	1:30 p.m.
LB 855	Friday, January 27, 1978	1:30 p.m.

(Signed) Dennis L. Ramussen, Chairman

ANNOUNCEMENT

Mr. Koch announced an Executive Session of the Constitutional Revision and Recreation Committee, Friday, January 27, 1978, at 2:00 p.m. in the Supreme Court Hearing Room.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 157.

SELECT FILE

LEGISLATIVE BILL 109A. Mr. Cullan asked unanimous consent to bracket. No objections. So ordered.

MOTION - Suspend Rules

Mr. R. Lewis moved to suspend the rules, Rule 5, Sec. 4, to allow more than three signatures on a new bill (Req. 1364).

The motion prevailed with 33 ayes, 0 nays, 14 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 917. By R. Lewis, 38th District; Schmit, 23rd District; Rasmussen, 41st District; Rumery, 42nd District; Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 25-2501, 25-2503, 76-711, 76-719.01, and 81-8,276, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain; to provide for notice as prescribed; to increase interest payments on awards; to provide for routes as prescribed; to provide for additional information in the petition; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 918. By Maresh, 32nd District.

A BILL FOR AN ACT relating to motor vehicles; to provide an exemption from stopping at state scales.

SELECT FILE

LEGISLATIVE BILL 258. E & R amendments found in the Journal on page 311 for the Seventh Day were adopted.

Mr. Cullan asked unanimous consent to bracket LB 258 and LB 258A until February 2, 1978. No objections. So ordered.

Mr. Mills asked unanimous consent to be excused. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Revenue

LB 902	Monday, January 30, 1978	9:00 a.m.
LB 899	Monday, January 30, 1978	1:30 p.m.

(Signed) Orval A. Keyes, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 158.

SELECT FILE

LEGISLATIVE BILL 21. E & R amendments found in the Journal on page 312 for the Seventh Day were adopted.

Mr. Murphy offered the following amendment:
(1) To amend page 6, Section 21, line 23 of L.B. 21, striking "pocket size" - insert "at least three inches high, of block characteristics, contrasting in color with the boat, and clearly visible from a distance of one-hundred feet."

The amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Murphy offered the following amendment:
(2) To strike on page 6, line 11 of L.B. 21 the words "fifteenth and"

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Savage renewed the Stoney pending amendment found in the Journal on page 234.

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Murphy offered the following amendment:
(3) Page 23, starting at line 20 strike "the propagation, importation, protection, preservation, and distribution of game and fish and necessary equipment therefore and all things pertaining thereto and for"

The amendment lost with 11 ayes, 16 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Savage offered the following amendment:
1. Strike Barnett amendments 1 and 2 adopted March 25, 1977.
2. On page 3, line 13, strike "vessel", and insert "motorboat".
3. On page 4, line 18, strike "vessel", and insert "motorboat".

Mr. Lamb 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 Savage amendment was adopted with 28 ayes, 8 nays, 10 present and not voting, 3 excused and not voting.

Mr. Stoney moved to reconsider action on the adoption of his amendment on page 234. The motion prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Stoney asked unanimous consent to withdraw his amendment on page 234. No objections. So ordered.

Mr. Murphy offered the following amendment:
(4) To amend LB 21, Sec 18 line 5 - strike "fifteenth and"

The amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 21A. E & R amendment found in the Journal on page 313 for the Seventh Day was adopted.

Advanced to E & R for Engrossment.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 919. By Brennan, 9th District.

A BILL FOR AN ACT to amend sections 48-634 and 48-638, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to extend the time for appeals as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 920. By Judiciary Committee: Barnett, 26th District, Chairman; Carsten, 2nd District; Nichol, 48th District; Stoney, 4th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend section 28-417, Revised Statutes Supplement, 1977, relating to drugs and narcotics; to change intent provisions of a certain unlawful act; and to repeal the original section.

REFERENCE COMMITTEE REPORT

LB	Committee
861	Urban Affairs
862	Public Works
863	General File
864	Agriculture and Environment
865	Education
866	Public Works
867	Miscellaneous Subjects
868	Urban Affairs
869	Appropriations
870	Urban Affairs
871	Education
872	Education
873	Education
874	Education
875	Education
876	Education
877	Judiciary
878	Public Works
879	Public Works
880	Public Works
881	Public Works
882	Public Works
883	Public Works
884	Public Health and Welfare
885	Constitutional Revision and Recreation
886	Constitutional Revision and Recreation
887	Public Works
888	Education
889	Education
890	Business and Labor
891	Judiciary

892 Banking, Commerce and Insurance
893 Miscellaneous Subjects
894 Public Works
895 Public Works
896 General File
897 Appropriations
898 Appropriations
899 Revenue
900 Judiciary
901 Jidiciary
902 Revenue
903 Miscellaneous Subjects
904 Education
905 Revenue
906 Miscellaneous Subjects
907 Government, Military and Veterans Affairs
908 Education
909 Public Works
910 Judiciary
911 Agriculture and Environment
912 Miscellaneous Subjects
913 Judiciary
914 Constitutional Revision and Recreation
915 Judiciary
916 Judiciary
917 Agriculture and Environment
918 Public Works
919 Business and Labor
920 Judiciary

(Signed) Richard Marvel, Chairman

GENERAL FILE

LEGISLATIVE BILL 574. Title read. Considered.

Mr. Maresh offered the following amendment:
To amend LB 574 by adding the "Emergency Clause".

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Maresh asked unanimous consent to expedite LB 574. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 773	Friday, January 27, 1978	2:00 p.m.
LB 800	Friday, January 27, 1978	2:00 p.m.
LB 845	Friday, January 27, 1978	2:00 p.m.
LB 862	Friday, January 27, 1978	2:00 p.m.
LB 837	Wednesday, February 1, 1978	10:00 a.m.
LB 880	Wednesday, February 1, 1978	10:00 a.m.
LB 784	Wednesday, February 1, 1978	2:00 p.m.
LB 785	Wednesday, February 1, 1978	2:00 p.m.
LB 576	Thursday, February 2, 1978	1:30 p.m.
LB 579	Thursday, February 2, 1978	1:30 p.m.
LB 581	Thursday, February 2, 1978	1:30 p.m.
LB 879	Friday, February 3, 1978	1:30 p.m.
LB 882	Friday, February 3, 1978	1:30 p.m.
LB 883	Friday, February 3, 1978	1:30 p.m.
LB 598	Wednesday, February 8, 1978	1:30 p.m.
LB 881	Wednesday, February 8, 1978	1:30 p.m.
LB 909	Wednesday, February 8, 1978	1:30 p.m.

(Signed) Jack Mills, Vice Chairman

EASE

The Legislature was at ease from 4:21 p.m. until 4:50 p.m.

NOTICE OF COMMITTEE HEARINGS
Appropriations

Wednesday, January 18, 1978

8:45 - Discussion of Omaha Correctional Facility
11:00 - Public Hearing LB 697
2:00 - Public Hearing LB 664

Budget Hearings:
2:30 - Agency 43 - State Athletic Commissioner
3:00 - Agency 44 - Board of Nursing
3:30 - Agency 45 - Board of Barber Examiners
4:00 - Agency 63 - State Board of Public Accountancy

Thursday, January 19, 1978

Budget Hearings:
9:00 - Agency 41 - Real Estate Commission
9:30 - Agency 62 - Board of Examiners for Land Surveyors
10:00 - Agency 58 - Board of Examiners for Professional Engineers and Architects
10:30 - Agency 73 - Board of Landscape Architects
11:00 - Agency 66 - Board of Examiners of Abstractors
2:00 - Agency 39 - Brand Committee
2:30 - Agency 53 - Agricultural Activities
3:00 - Agency 57 - Oil and Gas Conservation Commission
3:30 - Agency 19 - Department of Banking and Finance
4:00 - Agency 22 - Department of Insurance

Friday, January 20, 1978

10:00 - Presentation of salary policy proposals

Budget Hearings:
2:00 - Agency 76 - Board of Examiners of Psychologists
2:30 - Agency 40 - Motor Vehicles Dealers Licensing Board
3:00 - Agency 36 - Racing Commission
3:30 - Agency 52 - Board of Agriculture (State Fair Board)
4:00 - Agency 17 - Department of Aeronautics

Monday, January 23, 1978

9:00 - Agency 13 - Department of Education Operations Budget
1:30 - Public Hearing LB 755
2:00 - Public Hearing LB 797
2:30 - Public Hearing LB 756
3:00 - Public Hearing LB 765

Tuesday, January 24, 1978

9:00 - Agency 51 - University of Nebraska Operations Budget
11:30 - Public Hearing LB 840
1:30 - Public Hearing LB 869
2:00 - Public Hearing LB 825

3:00 - Public Hearing LB 733
3:30 - Public Hearing LB 735

Wednesday, January 25, 1978

9:00 - Agency 83 - State Aid to Technical Community Colleges
11:30 - Public Hearing on LB 897
2:00 - Agency 89 - State Claims Board Operations Budget
2:30 - Public Hearing LB 747
3:00 - Agency 07 - Governor Operations Budget
3:30 - Agency 08 - Lt. Governor Operations Budget

Thursday, January 26, 1978

9:00 - Agency 49 - Board of Trustees of the Nebraska State Colleges
9:00 - Agency 50 - State Colleges Operations Budget
1:30 - Agency 47 - Educational Television Commission Operations Budget
2:30 - Agency 48 - Coordinating Commission for Postsecondary Education Operations Budget
3:00 - Public Hearing LB 762
4:00 - Public Hearing LB 898

Friday, January 27, 1978

9:00 - Agency 03 - Legislative Council Operations Budget
10:00 - Correctional Improvement Program
1:30 - Correctional Improvement Program

(Signed) Jerome Warner, Chairman

Government, Military and Veterans Affairs

LB 907	Friday, January 27, 1978	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

Miscellaneous Subjects

LB 893	Friday, January 27, 1978	9:30 a.m.
LB 867	Friday, January 27, 1978	9:30 a.m.
LB 833	Friday, January 27, 1978	2:00 p.m.
LB 906	Friday, January 27, 1978	2:00 p.m.
LB 912	Friday, January 27, 1978	2:00 p.m.

LB 834	Friday, February 3, 1978	Noon
LB 903	Friday, February 3, 1978	Noon

(Signed) Donald N. Dworak, Chairman

Nebraska Retirement Systems

LB 592	Monday, February 6, 1978	12:00 Noon
LB 808	Monday, February 13, 1978	12:00 Noon
LB 809	Monday, February 13, 1978	12:00 Noon

(Signed) William H. Hasebroock, Chairman

Urban Affairs

LB 781	Wednesday, January 25, 1978	10:00 a.m.
LB 805	Wednesday, January 25, 1978	10:00 a.m.
LB 838	Wednesday, January 25, 1978	10:00 a.m.
LB 868	Wednesday, January 25, 1978	10:00 a.m.
LB 788	Wednesday, January 25, 1978	2:00 p.m.
LB 830	Wednesday, January 25, 1978	2:00 p.m.
LB 835	Wednesday, January 25, 1978	2:00 p.m.
LB 577	Wednesday, January 25, 1978	2:00 p.m.
LB 861	Wednesday, January 25, 1978	2:00 p.m.
LB 634	Wednesday, February 1, 1978	10:00 a.m.
LB 708	Wednesday, February 1, 1978	10:00 a.m.
LB 801	Wednesday, February 1, 1978	10:00 a.m.
LB 870	Wednesday, February 1, 1978	10:00 a.m.
LB 559	Wednesday, February 1, 1978	2:00 p.m.
LB 602	Wednesday, February 1, 1978	2:00 p.m.
LB 681	Wednesday, February 1, 1978	2:00 p.m.
LB 832	Wednesday, February 1, 1978	2:00 p.m.

(Signed) Walter George, Chairman

Judiciary

LB 649	Monday, January 30, 1978	9:00 a.m.
LB 670	Monday, January 30, 1978	9:00 a.m.
LB 775	Monday, January 30, 1978	9:00 a.m.
LB 901	Monday, January 30, 1978	9:00 a.m.

LB 593	Monday, January 30, 1978	1:30 p.m.
LB 695	Monday, January 30, 1978	1:30 p.m.
LB 900	Monday, January 30, 1978	1:30 p.m.
LB 910	Monday, January 30, 1978	1:30 p.m.
LB 690	Tuesday, January 31, 1978	9:00 a.m.
LB 731	Tuesday, January 31, 1978	9:00 a.m.
LB 729	Tuesday, January 31, 1978	9:00 a.m.
LB 915	Tuesday, January 31, 1978	9:00 a.m.
LB 597	Tuesday, January 31, 1978	1:30 p.m.
LB 616	Tuesday, January 31, 1978	1:30 p.m.
LB 618	Tuesday, Janaury 31, 1978	1:30 p.m.
LB 829	Tuesday, January 31, 1978	1:30 p.m.
LB 680	Wednesday, February 1, 1978	9:00 a.m.
LB 819	Wednesday, February 1, 1978	9:00 a.m.
LB 877	Wednesday, February 1, 1978	9:00 a.m.
LB 913	Wednesday, February 1, 1978	9:00 a.m.
LB 808	Wednesday, February 1, 1978	1:30 p.m.
LB 891	Wednesday, February 1, 1978	1:30 p.m.
LB 916	Wednesday, February 1, 1978	1:30 p.m.
LB 920	Wednesday, February 1, 1978	1:30 p.m.

(Signed) Wally Barnett, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 187 in the Journal. No objections. So ordered.

1. Strike section 1 and insert the following:

"Section 1. That section 28-416, Revised Statutes Supplement, 1977, be amended to read as follows:

28-416. (1) Except as authorized by this article, 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 counterfiet 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 28-405 which is a narcotic drug shall be guilty of a Class III felony;

(b) any other controlled substance classified in Schedule I, II, or III of section 28-405, shall be guilty of a Class IV felony; or (c) a controlled substance classified in Schedule IV or V of section 28-405, shall be guilty of a Class IV felony.

(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 form a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this article, shall be guilty of a Class IV felony.

(4) (a) Any person knowingly or intentionally possessing marijuana weighing one pound or less shall be guilty of a Class IIIA misdemeanor.

(b) Any person knowingly and unlawfully possessing marijuana weighing one ounce or less shall be guilty of a civil offense and shall be issued a citation pursuant to subdivision (c) of this subsection and be fined not more than one hundred dollars.

(c) Whenever a person is cited for a violation of subdivision (4) (b) of this section, the citing officer shall prepare a written summons to appear in court. Such summons shall contain the name and address of the cited 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 cited, one copy shall be sent to the court where the cited 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 citation unless the person cited 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 alledged to have been committed and who has jurisdiction of such violation. The cited person must give his written promise to appear in court by signing the summons prepared by the citing 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 or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.

(6) 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) Any person who knowingly or intentionally delivers, distributes, or dispenses a substance that he expressly or implicitly represents to be a controlled substance which is not in fact such a substance and which endangers the life of the person using the substance or which may cause bodily injury is guilty of a Class IV felony.".

2. On page 7, line 17, strike "September 1, 1977" and insert "July 1, 1978".

3. On page 7, strike section 4 and insert the following:

"Sec. 4. That original section 28-416, Revised Statutes Supplement, 1977, is repealed.".

4. Add a new section as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 921. By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 39-703, Revised Statutes Supplement, 1976, relating to highways; to change a penalty; and to repeal the original section.

ADJOURNMENT

At 4:53 p.m., on a motion by Mr. Barnett, the Legislature adjourned until 9:00 a.m., Thursday, February 2, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - FEBRUARY 2, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 2, 1978

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: 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 our course, we pray.
>
> Save us from the sin of over-familiarity with public trust.
>
> May our accomplishment for Nebraska be so significant that even we, when we describe it, may not be guilty of bragging nor when we accept our checks, of sponging. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett, Bereuter, DeCamp, and Murphy who were excused; Messrs. Brennan, Burrows, and Newell who were excused until they arrive; and Mr. Chambers who was absent until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

UNANIMOUS CONSENT - Members Excused

Messrs. Barnett, Bereuter, DeCamp, and Murphy asked unanimous consent to be excused today and tomorrow. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

January 25, 1978

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 Public Employees Retirement Board requiring legislative confirmation:

Robert B. Baburek, 1461 South 12th St., Omaha 68108 - succeeds Howard Burdick, resigned - term expires January 1, 1980

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Robert B. Baburek
Committee on Committees
Public Employees Retirement Board

COMMUNICATION

Received letter from U. S. Department of Agriculture acknowledging receipt of LR 147 (support of farm strike).

Acknowledged receipt of salary distribution report from Board of Trustees of Nebraska State Colleges in compliance with LB 543, 1977. (Report on file in the Clerk's office).

Acknowledged receipt of salary distribution report from University of Nebraska office of Budget and Planning in compliance with LB 533, 1977. (Report on file in the Clerk's office).

ATTORNEY GENERAL'S OPINIONS

Opinion No. 172
January 20, 1978

Dear Senator Schmit:

In your letter of January 19, 1978, you requested our opinion on LB 728, a bill which generally provides that no corporations shall engage in farming operations in this state except as specifically provided by law. We are assuming that you are requesting our opinion as to the constitutionality of this proposed legislation, as you mention that this bill is similar to ones previously reviewed by this office.

LB 728 would prohibit any corporation to engage in farming or ranching in this state, or to acquire any interest in Nebraska real estate used for farming or ranching except as specifically provided in the bill. The only corporations allowed to engage in farming or to own farm property under this legislation are denominated as "family farm or ranch corporations," which are limited to corporations where the majority of the voting stock is held by members of a family related one to another within the third degree of kindred, and where at least one of the stockholders is a person residing on, or actively engaged in the day-to-day management of a farm or ranch. The bill provides other exceptions allowing for corporate farming or corporate ownership of farm property which are not pertinent to this particular discussion.

Our office has previously discussed this type of legislation in light of certain Nebraska constitutional provisions. We issued an opinion on January 23, 1975, which dealt with legislation nearly identical to LB 728. See Report of the Attorney General, 1975-1976, No. 5 at p. 5, a copy of which is attached hereto. We must adhere to the constitutional concerns which we expressed in our previous opinion. We believe LB 728 grants special privileges to select corporations, and, consequently, would be found to contravene certain provisions of the Nebraska Constitution.

At Article XII, section 1, our Constitution provides, in pertinent part:

"The Legislature shall provide by general law for the organization, regulation, supervision, and general control of all corporation, ... No corporation shall be created by special law,. . . "

The Nebraska Constitution further provides, at Article III, section 18, that the Legislature should not pass local or special laws which grant ". . . to any corporation, association, or individual any special or exclusive privileges."

The legislation under consideration, LB 728, expressly distinguishes between farm corporations which are controlled by members of a family, or related individuals, and farm corporations which are controlled by unrelated stockholders. Taking this single example of the classifications made by this bill, we are unable to discern any legitimate legislative purpose in granting a special privilege to family members which cannot be enjoyed by unrelated individuals.

We certainly appreciate that agriculture is a vital Nebraska industry, and we are not oblivious to the underlying concerns implicit in this legislation. Nevertheless, we cannot ignore the clear constitutional provisions which prohibit the Legislature from granting a special privilege to one group at the expense of another group which is similarly situated.

For the reasons stated above, we believe that the Nebraska Supreme Court would find the classifications involved in this legislation unreasonable.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Robert F. Bartle
Assistant Attorney General

RFB:cjb
Enc.
cc: Patrick O'Donnell
Acting Clerk of the Legislature

Opinion No. 173
January 18, 1978

Dear Senator F. Lewis:

In your letter of January 10, 1978, you asked whether the State Board of Equalization and Assessment is following the statutes in the performance of its duties, and if not, what recourses are available to bring it into full compliance.

Ordinarily we would not be able to respond to such a question, since we can only give opinions to senators which pertain to their legislative duties, and enforcement of state statutes is not a legislative function. However, Legislative Resolution 156 was introduced on January 13, 1978, and adopted on January 17, 1978. This resolution creates a special Legislative Committee to study the present system of equalization, and, among other things, determine whether equalization laws are being complied with and whether officials are performing their duties under such laws. You are a member of this Committee. We will therefore attempt to answer your questions, as an aid to the investigative function of the Committee.

While your letter does not spell out exactly what function of the State Board you are inquiring about, we gather that what you are asking is whether the Board has complied with the law in its equalization function, which is imposed upon it by Article III, section 28 of the Constitution and by Chapter 77, article 5 of the Nebraska Statutes.

We can answer your question only in a strictly legal sense. In other words, we must look at the statutes to see what duties are imposed upon the Board, and determine whether they have followed procedures mandated therein. As to the actions the Board takes, in the exercise of its quasi-judicial function, those actions are dictated by the evidence adduced at the hearings held by the Board, and there is no way that we can evaluate that evidence and conclude that the Board did or did not act correctly.

On this basis, we cannot say that the Board has not complied with the law. Section 77-505, R.R.S. 1943, requires the Board to meet for the purpose of equalizing real and personal property as soon as the abstracts of assessment have been received from the county assessors. The minutes of the Board show that the Board met for that purpose on July 19, 1977. The minutes show that following a lengthy discussion, the Board voted 3 to 2 to accept the abstracts of assessment submitted by the County Assessors for 1977. There is no basis upon which we could say that that action was unlawful, or even erroneous.

Certainly some members of the Legislature, private citizens, or taxpayers may feel that even approximate equalization has not been achieved, and that the Board should have taken some other action. This, however, is a question of evidence which could only be resolved by a court in a proper action (in this case, a direct appeal from the State Board of Equalization and Assessment to the Supreme Court), and which we cannot resolve by concluding that the Board's action was or was not proper.

Section 77-507, R.R.S. 1943, provides that the Board shall direct the Tax Commissioner to hold such hearings as are necessary to enable him to advise and assist the Board in its equalization function. We are informed that no such hearings were held before the 1977 meeting. Again, however, we are not in a position to say that any such hearings were "necessary" so we cannot say that the Board acted unlawfully in failing to instruct the Tax Commissioner to hold them.

As you probably know, in 1969 the Board attempted to equalize assessments by increasing the valuations of a number of counties. Twenty-eight of the counties appealed. With only minor exceptions, the actions of the Board were reversed, and the valuations in the abstracts of assessment restored. The Board had attempted that year to use a sales assessment ratio to support its actions, but the court held that an insufficient record had been made to sustain the Board's orders. See, cases against the State Board of Equalization and Assessment in 185 Neb. pp. 741 to 775.

In Carpenter v. State Board of Equalization and Assessment, 178 Neb. 611, 134 N.W.2d 272 (1965), the Board called in all 93 counties for the hearing. A sales assessment ratio study had been prepared. After hearing all the counties, the Board accepted the abstracts of assessment submitted by the counties. Terry Carpenter, as a taxpayer, appealed. The Supreme Court affirmed the action of the Board, saying:

> ". . . The original determination as to actual value under the statutory standard is the function of a county board of equalization. The determination of each individual county as to actual value within its county is clothed with a presumption of validity and, in the absence of evidence to the countrary, may be accepted by the Board as conforming to the law. . . ."

The court further observed that the primary function of the Board was to equalize valuations among counties, even if that required a departure from a statutorily required standard of true value, and said that the court would not pass upon the probative force of the evidence before the Board, but reviewed the record only to see if the Board had complied with the statutes in exercising its powers. It was only where the action of the Board was illegal, contrary to law, arbitrary and capricious that the court had authority to review the finding and order of the Board. The court then analyzed the sales assessment ratio relied upon by the appellants, and held that in that case the ratios were nothing more than the application of a statistical method to a mass of raw, unchecked and uncertain information, that they did not reflect the truth, and that they could not be used as a basis for any calculation as to disproportionate valuations between counties.

At the hearing last July the Board had before it the abstracts of assessment and a sales assessment study. No oral testimony was adduced. In the state of the record made at that hearing, there is no way, in view of the Carpenter case, that the Supreme Court could have reversed the Board, had an appeal been taken from its action. Obviously, no legal action is now possible with respect to that action. Section 77-510, R.R.S. 1943, provides for appeal from any final decision of the Board by filing notice of appeal within ten days from the date of entry of the decision. No such appeal was taken, and the decision is not subject to collateral attack.

It is not for us to say whether or not the decision reached by the Board was the correct one. In order for it to have taken any affirmative action which could have been sustained in the court, it would, of course, have been necessary to have developed a very extensive record which would have required months of work, study, and investigation before the formal hearing of the Board. If affirmative action is to be taken on the 1978 valuations, obviously such a record must be developed before the next equalization meeting of the Board. What should have been done, or what should be done in the future, are policy decisions for the Board, and we express no opinion about them.

All we are saying in this opinion is that, so far as we can see, there has been no violation of the law by the Board, and, in answer to your question about what recourses are available to bring it into compliance, certainly nothing can be done about the action taken in July of last year.

As to the future, an interested county or taxpayer could, theoretically, appear before the Board and present evidence that the assessments of the various counties were not equalized. If the Board failed to take corrective action, an appeal could be taken. As a practical matter, to make a record dealing, as it must, with all or a large portion of all of the counties of the state, would be a monumental task beyond the capabilities and resources of any taxpayer or county, since it would have to be so conclusive as to cause the Supreme Court to hold a refusal by the Board to accept it to be arbitrary and capricious.

If the Board refuses to order the Tax Commissioner to hold hearings as contemplated by section 77-507, or to take other preliminary actions contemplated by sections 77-507.01, 77-508, 77-508.01 and 77-509, the only recourse the Legislature has, if it feels equalization ;has not and will not be achieved, is to make such actions by the Tax Commissioner mandatory, or to make provision for some

other method of accumulating the necessary evidence. As the Supreme Court said in Carpenter v. State Board of Equalization and Assessment, the county abstracts of assessment are presumed to be correct, and the court will not reverse a decision of the Board accepting such abstracts in the absence of a very convincing evidentiary record.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

Opinion No. 174
January 20, 1978

Dear Senator DeCamp:

You have submitted to us a copy of LB 192, and have asked our opinion as to its constitutionality. You have not pinpointed any particular areas or provisions which you want us to examine, but ask for a general opinion as to the entire bill. Since this bill, while not very lengthy, is quite complex, we cannot, under the circumstances, focus very clearly on the subjects which may be troubling you.

The general purpose of the bill is to provide for a separate income tax to finance public education. We believe it is constitutionally permissible to have such a tax for such purpose. In Nebraska Mid-State Reclamation District v. Hall County, 152 Neb. 410, 41 N.W.2d 397 (1950), the court said:

> "The court has affirmed that the power of taxation for public purposes is an attribute of sovereignty, having its source in the necessities of organized society, and the limits of its exercise depend, in the absence of express constitutional limitations, upon the exigencies of the public. . . ."

We are aware of no constitutional provision prohibiting a special income tax to finance public education, and in the absence of such provision we conclude that the Legislature could, in its discretion, provide for such a tax.

LB 192 bases the tax therein provided for on adjusted gross income, as defined in the Internal Revenue Code of 1954, as amended. We

believe this is authorized by Article VIII, Section 1B of the Constitution, which provides that the Legislature may adopt an income tax law based upon the laws of the United States. There is nothing to indicate that this authorization is limited to the general state income tax.

Section 3 of the bill uses "adjusted gross income," as defined by section 62 of the Internal Revenue Code of 1954, as amended, as the starting point for the computation of the tax. It then provides for exemptions for the taxpayer and his spouse (but none for dependents), with additional exemptions for blind or disabled persons. The section then provides that to "this figure" shall be added the amount of certain deductions taken. Although it is not entirely clear, we take "this figure" to mean adjusted gross income less allowable exemptions. The deductions itemized, which are added to "this figure" include charitable contributions and gifts. As we read the bill, together with section 62 of the Internal Revenue Code, this appears to be clearly unconstitutional.

The problem is that "adjusted gross income" as defined by section 62 of the Internal Revenue Code is computed prior to the taking of regular deductions, including charitable contributions and gifts. Therefore, a taxpayer who itemizes his deductions for federal income tax purposes, and who made charitable contributions, not only does not have his tax liability under this income tax decreased, but has it increased. In other words, by adding the charitable contribution to adjusted gross income, from which it had not been previously deducted, the taxpayer would be paying a tax on a contribution, rather than on income. Obviously this is not what the introducer of the bill intended, and it is clearly unreasonable and arbitrary classification.

The other deductions mentioned in section 3 which are to be added back in have, we believe, already been deducted in the federal return for determination of adjusted gross income, so requiring them to be added back does not present the constitutional problem that charitable contributions do.

Section 3(4) provides that adjusted gross income for non-residents shall be limited to income derived from sources within the State of Nebraska. We assume, therefore, that deductions to be added back in under section 3(1) should not, for a non-resident, include deductions taken in connection with income derived outside the state. We find nothing in the bill, however, which clearly expresses this idea.

Section 5 establishes the Corporate and Nonresident School District Income Tax Fund, into which goes all of the tax collected from

nonresident individuals, corporations, trusts, estates, and any resident individuals who fail to designate the school district in which they reside. If the taxpayer designates the school district he lives in, his tax is collected by the Revenue Department and paid to the school district. See section 9. Section 8(5) provides that the rate for a resident taxpayer who fails to designate the school district he resides in shall be the highest rate computed for any school district under the act.

While it would seldom be to the advantage of a taxpayer to deliberately fail to designate his school district, we question the propriety of permitting a taxpayer, by any means, to control where his tax money shall go, and divert it from the school district which should receive it. Furthermore, there might be situations where it was to the taxpayer's advantage to fail to designate his school district, if he happens to reside in more than one district, and the combined tax of both districts exceeded the highest rate for any single district. In any event, it would operate to divert tax revenues from a school district into a separate fund, to the disadvantage of the school district and the taxpayers therein. We think it is improper.

Section 13 of the bill requires the treasurer or the county clerk to report to the Department of Revenue the names and addresses of all persons residing in the county who are or may be subject to the provisions of the act. This seems to be unconstitutionally vague and uncertain, because it fails to specify who has the ultimate responsibility. Each may fail to comply, saying the other should do it. One or the other, or both, should be required to comply.

Further, the bill is unclear as to how the list shall be compiled. Neither the treasurer nor the clerk has any comprehensive list of residents of the county. The names of persons filing personal property tax returns might be furnished, and perhaps those paying real estate taxes. The two officials involved might have some other lists, also, but we believe that the bill should specify what sources are to be used, so as not to leave an impression that the treasurer and clerk are to make an annual census of the county.

Section 18 of the bill provides that the act shall become operative on January 1, 1978. This, we suppose, is a way of saying that it shall be retroactive to that date. It obviously cannot be in effect before it passes. The bill contains no emergency clause, so, as it presently reads, cannot become effective until three months after the adjournment of the Legislature. However, section 13 requires the treasurer or county clerk to report the names and addresses of potential taxpayers by March 30, 1978, long before the bill will be effective.

Section 14 requires the first payment of tax be made on October 15, 1978. As we understand sections 3 and 4 of the bill, the tax is to be calculated on the basis of income received during a calendar year, or perhaps a fiscal year, although we find no mention of fiscal year in the act. If the tax is to be calculated on 1977 income, we find no provision so informing us. If it is calculated on 1978 income, how can a return be prepared and filed in October 1978? There is no indication that the required October 15 filing is to be for an estimated tax. We are unable to tell what is intended and required.

Section 13(2) provides that all persons or legal entities shall file a return, including those who do not file an income tax return under other provisions of law. Since the tax is calculated on the basis of federal law, and adjusted gross income is the starting point for completion of the tax, it will be difficult, at least, for persons who do not file federal income tax returns to prepare a return under the bill. At the very least, the Revenue Department will have to furnish all of the preliminary schedules, comparable to schedules B, C, D, E, etc. of the federal return, in order to enable such a person to determine his adjusted gross income.

Furthermore, "all persons" would include those with no income at all, and even children. Children with incomes are required to file income tax returns, and presumably, under the literal language of the bill, those without incomes would also be required to do so.

We have made only a somewhat cursory examination of the bill. The method of determining tax rates, the distributiion of the Corporate and Nonresident School District Income Tax Fund, and other provisions of the bill are complex, and will require detailed study by budgetary and accounting experts. We have not attempted to fully analyze these fields to determine whether there are problems of uncertainty or inconsistency therein.

There are, in any event, numerous areas of uncertainty and inconsistency in the bill, and some provisions which would be difficult to sustain against constitutional attack.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc: Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

Opinion No. 175
January 20, 1978

Re: Effect of LB 325 on drug counselors for state agencies.

Dear Senator DeCamp:

You have asked whether drug counselors employed by a state agency to give psychological treatment come within the exceptions from licensing as a psychologist in subsections (1), (2) or (8) of the proposed amendments to section 71-3802 in LB 325. You have indicated that you are considering legislation, if needed, to clarify whether such counselors need to be licensed psychologists.

In LB 325 section 71-3802 sets out the general rule that no person may represent himself to be a psychologist or engage in the practice of psychology unless he is licensed to do so. It then sets out the exceptions, including:

> "(1) Qualified members of other professions such as, but not limited to, physicians, social workers, or pastoral counselors, . . .
>
> "(2) The activities, services, and use of an official title incorporating the words psychologist, psychological, or psychology on the part of a person in the employ of an accredited institution of higher education within the confines of such an institution and provided such persons are performing those duties for which they are employed by such an institution;
>
> ". . . .
>
> "(8) Until July 1, 1978, the activities, services, and use of an official title on the part of a person in the employ of a . . . state . . . agency . . . when such activities and services are a part of the duties of such person's office or position with such agency or institution."

The dividing line between those who must be licensed and those who are exempt from licensing should be clearly drawn by the Legislature. See Seignious v. Rice, 273 N.Y. 44, 6 N.E.2d 91, 92, 93 (1936). In the proposed subsection (1) it is not clear whether drug counselors are exempted because it is not clear what is a profession. Drug counselors are not among the examples listed. Physicians and pastoral counselors are, but they are members of the traditional professions. Drug counselors and psychologists are not. Neither are social workers which are listed. See Ocean Accident & Guarantee

Corp., Inc. v. Herberg's, 100 F.2d 171 (8th Cir. 1938), cert. denied, 306 U.S. 645, 83 L.Ed. 1044, 59 S.Ct. 584 (1939).

Physicians are also designated a profession by statute. See section 71-101, R.R.S. 1943. Drug counselors, pastoral counselors and social workers are not. Neither are psychologists although there is a reference in proposed subsection (1) above to "other professions," implying that psychologists are a professional group. Also the Board of Examiners of Psychologists is to formulate a "code of professional conduct for the practice of psychology." See section 71-3807, R.R.S. 1943.

Physicians are required by law to be licensed. See section 71-101, et seq., R.R.S. 1943. So are psychologists. Section 71-3802, R.R.S. 1943. Pastoral counselors and social workers may practice their occupations without a license from the state.

From such varied facts we can infer that a broader definition of profession is intended that the traditional professions or those designated as professions by statute or those for which a license is required. A broader definiton(sic) was given by the court in Marx v. Hartford Accident & Indemnity Co., 183 Neb. 12, 157 N.W.2d 870 (1968):

> ". . . A 'professional' act or service is one arising out of a vocation, calling, occupation, or employment involving specialized knowledge, labor, or skill, and the labor or skill involved is predominantly mental or intellectual, rather than physical or manual. [Citations omitted.] In determining whether a particular act is of a professional nature or a 'professional service' we must look not to the title or character of the party performing the act, but to the act itself. [Citations omitted.]" Supra at 14.

If the above definition of a profession were applied to drug counselors for a state agency, they might come within the exception from licensing as a psychologist under proposed subsection (1). However, it is not clear from the statute that such a definition should be applied. A drug counselor would come within the exception in proposed subsection (2) if he or she was employed to do drug counseling by a state institution of higher learning which was accredited.

A drug counselor for a state agency would come within the exception in proposed subsection (8). However, that exception applies only until July 1, 1978. Also proposed subsection (8) is essentially the text to be deleted from the present law by proposed subsection (2). We have previously questioned the constitutionality of that exception.

See the copies of our letters to the Board of Examiners of Psychologists which are attached.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
attach.
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

Opinion No. 176
January 23, 1978

Dear Senator Maresh:

In your letter of December 20, 1977, you have referred to a recent change in the method of taxing mobile homes, and have inquired as to the constitutionality of such change. Your inquiry is based upon the fact that you now have a bill dealing with this matter which is being held in committee. We believe there has been no such change in the method of taxing mobile homes, but only a change in the method used by the Tax Commissioner in determining actual value of such homes. So far as we can determine, it presents no constitutional problems.

The change was not the result of any recent statutory amendment. Cabin trailers and mobile homes have been included in the definition of motor vehicles, and taxed as such, since the amendment of section 77-1238, R.R.S. 1943, by LB 1100 in 1972. Section 77-1239, R.R.S. 1943, which requires the Tax Commission to prepare a schedule of values of motor vehicles, has not been amended since 1972. The change in the method of valuing mobile homes came about as a result of new procedures adopted by the Tax Commissioner.

Before he instituted this change the Tax Commissioner had received a number of complaints that mobile homes were grossly undervalued, and that their owners were not paying their fair share of taxes. On investigation of these complaints, he concluded that they were well founded.

As a consequence, at the last hearing he held to fix the value of motor vehicles, he adopted a new method of determining actual values of mobile homes. He determined that there were different classes of mobile homes, in terms of quality. He therefore established four

classes, denominated A, B, C, and D, with Class A being below average quality, Class B average quality, Class C above average quality, and Class D top grade quality. Each model by each manufacturer was assigned to a certain class, pursuant to evidence adduced, and was valued at a certain amount per square foot. We assume that the evidence adduced at the hearing supported the Tax Commissioner's findings, since no appeal has been taken from his action, as authorized by section 77-1239.01, R.R.S. 1943.

The schedules, showing the classification of the various models, and the value per square foot of such models for year of manufacture are then sent to the county assessors, who get the value of the particular model home by determining the model (and hence, the class), the year of manufacture, and the square footage, and then multiplying the square footage by the appropriate figure furnished by the Tax Commissioner.

Section 77-1239 requires motor vehicles to be valued in accordance with section 77-201, which in turn requires all taxable property to be valued at its actual value. No particular procedure for determining actual value is prescribed in section 77-1239, and any procedure calculated to arrive at actual value would be acceptable, in the absence of constitutional or statutory provisions to the contrary. We are aware of none, and we can see no reason why the method used by the Tax Commissioner should not arrive at correct values. If it did not, injured taxpayers had a remedy in the form of appeal, which was not utilized. Article VIII, Section 1 requires taxes to be levied by valuation uniformly and proportionately, but there is no requirement of uniformity in the method of arriving at actual value.

You also inquire whether a distinction could constitutionally be made between the method of taxing permanent family dwellings and that of taxing mobile homes. The answer is that there could constitutionally be such a difference. Mobile homes are classified as motor vehicles. Article VIII, Section 1 specifically authorizes the Legislature to provide a different method of taxing motor vehicles. While we do not think the practice of the Tax Commissioner in fixing value constitutes a difference in treatment of mobile homes and real estate, since actual value is to be arrived at for both, the Legislature could, if it chose, provide for different treatment in that respect.

Your last question is whether a distinction can constitutionally be made in the method of taxing mobile homes affixed to a foundation and the method of taxing those not so affixed. If you are speaking about a mobile home on a foundation on real extate owned by the owner of the mobile home, such a home might become a part of the

real estate, and lose its character as a mobile home. The discussion in the previous paragraph would then answer your question.

If, on the other hand, the mobile home is placed on a foundation on leased ground, with no intention that it become permanently affixed to the real estate, it would retain its character as personal property, and would remain a mobile home, and a motor vehicle, as contemplated by section 77-1238. In that situation it is doubtful that a distinction could properly be made between the mobile home so affixed and one not so affixed.

In State ex rel. Meyer v. Story, 173 Neb. 741, 114 N.W. 2d 769 (1962), the court struck down a statute which attempted to treat automobile dealers differently from other owners of motor vehicles in the taxation of their motor vehicles. The court said that the amendment of Article VIII, Section 1 authorizing a different method of taxing motor vehicles did not authorize a different method of taxing motor vehicle dealers. Although the Constitution has now been amended to authorize different treatment in the taxation of motor vehicles owned by motor vehicle dealers, the reasoning of State ex rel. Meyer v. Story still applies. So long as a mobile home has not become attached to real estate, we would assume that it remains a mobile home. It would probably be unreasonable classification, in violation of Article III, Section 18 of the Constitution, and a violation of the uniformity requirements of Article VIII, Section 1, to classify mobile homes on the basis of whether they were, or were not, sitting on a foundation, so long as they were not so affixed as to become a part of the real estate.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 177
January 24, 1978

Dear Senator DeCamp:

You have requested this office to review LB 654 for possible constitutional defects. Essentially, that bill directs the Director of

Personnel to create two new classes of bank examiners within the Department of Banking, and set specified pay grades for all classes of bank examiners.

It appears to this office that one constitutional question is presented by the proposed legislation, that being a question involving the separation of powers among the three branches of government, Article II, section 1. That section provides as follows:

> "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."

Perhaps the best discussion of the problem involved is found in State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N.W.2d 920 (1970). In that case, the question was whether, when the Legislature was meeting only biennially, an annual limitation on spending for personnel services could be utilized by the Legislature. The court stated as follows beginning on page 499:

> "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 then continued by stating that it is "impossible to fix exact limits in the area of constitutional separation of powers," and further stating that the problem can only be approached on a case-by-case basis. The court then held that in that particular case, the restriction was reasonable and did not violate the constitutional separation of powers.

The situation presented by LB 654 involves a more substantial restriction upon the executive department of government in an area more often considered as being within the inherent powers of the executive branch — that of classifying and paying their employees within the appropriation made by the Legislature. It is difficult to

predict, however, where a court, if presented with this problem, would draw the line as to when such a restriction becomes an invasion of the constitutional rights and powers of the executive branch of government.

Some direction may be found in Board of Regents v. Exon, 199 Neb. 146, ___N.W.2d___ (1977), which was recently decided by the Supreme Court. Although dealing with the University of Nebraska as opposed to the executive branch of government, and with Article VII, section 10 of the Constitution as opposed to Article II, section 1, many of the same considerations are applicable. In that case, the court stated as follows on page 153:

> "We believe the finding by the trial court that the Legislature may fix and determine the manner in which raises are to be given to employees of the Board of Regents was erroneous. The determination of salary schedules and the compensation to be paid to the employees of the Board of Regents is an integral part of the general government of the University. . . ."

Since a court only approaches a problem such as the one presented herein on a case-by-case basis, it is very difficult for this office to make a determination as to constitutionality. However, a strong argument could be made that LB 654 is unconstitutional as violative of the separation of powers required by Article II, section 1 of the Constitution. Therefore, we cannot say that LB 654 is definitely constitutional nor can we say that it is definitely unconstitutional. We feel, however, that you should be made aware of the problem involved and should further be advised that it could be held unconstitutional if passed in its present form.

Yours very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gary B. Schneider
Assistant Attorney General

GBS:smb
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

Opinion No. 178
January 30, 1978

Dear Mr. O'Donnell:

In your letter of January 27, 1978, you ask the following question:

> "May a member of the Legislature be reimbursed for his/her actual expenses incurred as a member of the Legislative Council while engaged on official business of the committee, the purpose of which was approved in writing prior to the incurring of such actual expenses, and whether or not such actual expenses are incurred during a regular or special session of the Legislature, or during interim period between sessions?"

In this regard we have previously been of the opinion that the members of the Legislature may not be compensated for personal expenses incurred during regular or special sessions of the Legislature. (Opinion no. 60, dated April 13, 1959.) Additionally, we have recently been of the opinion that during a two week recess of a regular session of the Legislature, senators may not be compensated for their personal expenses incurred traveling to and from their residences for the purpose of attending legislative committee meetings held during this recess. (Opinion no. 164, dated January 12, 1978.)

However, we have been of the opinion that senators who are members of the Legislative Council may be compensated for expenses incurred while attending meetings of that council held between sessions of the Legislature. (Opinion no. 60, dated April 8, 1977.)

It does not appear that we have previously been called upon to answer the direct question raised here—that is whether or not a legislator, during a session of the Legislature, may be reimbursed for his actual expenses while traveling at the express direction of the Legislative Council and on purely legislative business.

In our opinion of October 11, 1937, wherein we held that members of the Legislature might constitutionally be compensated for actual expenses incurred while attending sessions of the Legislative Council held between sessions of the Legislature, we stated after reviewing the Applicable Case Law:

> ". . . The general rule followed is that legislative or official expenses may be paid but that personal expenses may not. . . ."

It would appear that the expenses referred to in your question which have been incurred are most certainly official expenses and are legislative expenses rather than personal, in that the senator is incurring these expenses at the express direction of the Legislative Council and on behalf of the Legislature as a whole.

Section 7 of Article III of the Constitution of the State of Nebraska states in pertinent part that:

". . . Members of the Legislature shall receive no pay nor perquisites other than [salary] and expenses [of traveling to and from the Legislature],. . ."

This prohibition does not concern "expenses" of the Legislature itself. Of course, the Legislature being an inanimate legal entity is not capable itself of traveling on official business and, therefore, this function must be accomplished by one or more of its members.

We are of the opinion that where a senator is traveling on official legislative business, such travel having been expressly authorized by the Legislature or the Legislative Council and such travel being at the direction of the Legislature, the expenses incurred, while incurred by an individual, are in actuality expenses of the Legislature and reimbursement of the expenses to the particular senator does not violate Section 7 of Article III of the Constitution of the State of Nebraska. Copies of the previous Attorney General's Opinions referred to above are enclosed for your information.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:sjr
Enclosures
(Attachments on file in the Clerk's Office).

REFERENCE COMMITTEE REPORT

LB	Committee
921	Public Works

(Signed) Richard D. Marvel, John S. Savage, Steve Fowler, Douglas Bereuter, William E. Nichol, R. Lewis, Jack Mills, Roland Luedtke, Larry Stoney.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 890	Wednesday, February 8, 1978	1:30 p.m.
LB 919	Wednesday, February 8, 1978	1:30 p.m.

(Signed) Richard Maresh, Chairman

Constitutional Revision and Recreation

LB 886	Thursday, February 9, 1978	2:00 p.m.
LB 824	Thursday, February 9, 1978	2:00 p.m.
LB 914	Friday, February 10, 1978	2:00 p.m.
LB 885	Friday, February 10, 1978	2:00 p.m.

(Signed) Jerry Koch, Chairman

Judiciary

LB 841	Tuesday, February 7, 1978	1:30 p.m.
LB 843	Tuesday, February 7, 1978	1:30 p.m.
LB 850	Tuesday, February 7, 1978	1:30 p.m.
LB 849	Wednesday, February 8, 1978	1:30 p.m.
LB 852	Wednesday, February 8, 1978	1:30 p.m.
LB 854	Wednesday, February 8, 1978	1:30 p.m.
LB 860	Wednesday, February 8, 1978	1:30 p.m.

(Signed) Wally Barnett, Chairman

Public Works

LB 598	Wednesday, February 8, 1978 (Cancel)	1:30 p.m.
LB 598	Friday, February 10, 1978 (Reset)	1:30 p.m.
LB 881	Wednesday, February 8, 1978 (Cancel)	1:30 p.m.
LB 881	Friday, February 10, 1978 (Reset)	1:30 p.m.
LB 909	Wednesday, February 8, 1978 (Cancel)	1:30 p.m.
LB 909	Friday, February 10, 1978 (Reset)	1:30 p.m.
LB 894	Wednesday, February 8, 1978	1:30 p.m.
LB 895	Wednesday, February 8, 1978	1:30 p.m.
LB 866	Thursday, February 9, 1978	1:30 p.m.
LB 918	Thursday, February 9, 1978	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Nebraska Retirement Systems

LB 810	Monday, February 13, 1978	12:00 noon
LB 811	Monday, February 13, 1978	12:00 noon
LB 808	Monday, Febraury 13, 1978 (Cancelled)	12:00 noon
LB 809	Monday, February 13, 1978 (Cancelled)	12:00 noon

(Signed) William H. Hasebroock, Chairman

ANNOUNCEMENT

Mr. Koch announced an executive session of the Committee on Constitutional Revision and Recreation on Friday, February 10, 1978 after the public hearing.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 380. Replaced on Select File as amended.
E & R amendments to LB 380:

1. On page 5, lines 7 and 8, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".
2. On page 6, line 4, strike "or registration".
3. On page 7, line 5 as amended, strike "section" and insert "sections 71-3818 and"; and strike line 7 through the third comma.
4. In E & R 8, line 4, insert a comma after "1977".
5. In the title, line 2 as amended, strike "section" and insert "sections 71-3818 and"; and strike line 4 and "1976," in line 5.
6. In lieu of E & R 6 adopted 1/12, on page 6, line 27, insert "Class II" after "a" and a period after "misdemeanor" and strike the remainder of the sentence.
7. In the Koch amendments, line 8, strike "of invalidity" and at the end of the line insert "or constitutionality".

LEGISLATIVE BILL 406. Replaced on Select File as amended.
E & R amendment to LB 406:

1. In the title, line 12, insert "to provide for termination;" after the second semicolon.

LEGISLATIVE BILL 372. Replaced on Select File as amended.
E & R amendments to LB 372:

1. In lieu of the Schmit amendment, to page 2, in committee amendments, line 4, insert "except for their own children" after "children".

2. Pursuant to the Koch amendment found on page 349 of the Journal, as amended by the Marsh amendment found on page 350 of the Journal, on page 2, after line 18, insert:

"The provisions of sections 71-1901 to 71-1905 shall have no application in counties having a population of more than fifty-five thousand.".

3. Insert the new section added by the DeCamp amendment as section 2; in lines 2 and 3 thereof strike "of invalidity"; and in line 3 insert "or constitutionality" after "validity".

4. Renumber original section 2 as section 3.

5. In the title, insert "to provide applicability; to provide severability;" at the end of line 4.

LEGISLATIVE BILL 233. Replaced on Select File as amended.
E & R amendments to LB 233:

1. In lieu of the Keyes amendment thereto, in E & R 5, strike the amendment to line 6.

2. In the matter added by the Murphy amendment, line 1, strike "this purpose" and insert "purposes of this section" and strike "(W)hose" and insert "whose"; in line 3 strike the semicolon and insert a comma; in line 7 strike the quotation marks; insert a colon at the end of line 9; redesignate subdivisions as "(1)" to "(3)"; in line 10 strike the comma and insert a semicolon; in line 11 strike the comma and insert "; and"; and in line 12 strike "and".

LEGISLATIVE BILL 186. Replaced on Select File as amended.
E & R amendments to LB 186:

1. Because of select file amendments, strike E & R 7 and 8 adopted 1/12.

2. On page 26, line 3, strike "49-1493,".

3. Strike the Barnett amendments 2 to 4.

4. In the title, line 6, strike "49-1493,"; strike beginning with the first "to" in line 20 through the semicolon in line 22.

5. Renumber original section 14 as section 13, the section added by committee amendment as section 14, and original section 15 as section 15.

LEGISLATIVE BILL 109. Replaced on Select File as amended.
E & R amendments to LB 109:

1. In the Mills amendments, on page 1, line 8, strike "is" and insert "are".

2. In the Mills amendments, on page 4, line 11, strike "of such plan".

3. In line 1 of the Mills amendment to the Mills amendments, strike "Except" and insert ", except".

4. In the Barnett amendments, page 1, line 23, insert an underscored comma after "consumer".

5. In the Barnett amendments, page 3, line 13, insert "sections 7 to 35 of" after "by"; in lines 22 and 25, strike "return" and insert "report"; and in line 27 insert "sections 7 to 35 of" after "of".

6. In the Barnett amendments, page 4, insert an underscored comma after "If" in line 5 and "dealer" in line 8.

7. In the Barnett amendments, page 5, line 16, strike "inserted" and insert "asserted"; in line 18 strike "insertion" and insert "assertion"; in line 24 strike "upon a" and insert "thereof upon the"; and in line 25 strike "of such notice".

8. In the Barnett amendments, page 6, insert "sections 7 to 35 of" after "under" in line 2, and after "by" in lines 13, 16, and 24; strike the comma in line 5 and line 10; and in line 25 strike the first "of" and insert "in".

9. In the Barnett amendments, page 7, insert "sections 7 to 35 of" after "of" in line 4 and 17 and at the end of line 19; in lines 6 and 7 strike "by the wholesale dealer"; and in line 25 strike the comma.

10. In the Barnett amendments, page 8, insert an underscored comma after "department" in line 17; in line 21 insert "section 21 of" after "to"; in line 27 insert "or use" after "sale"; and strike beginning with "as" in line 27 through "act" on page 9, line 1.

11. On page 9, line 3, strike "State of"; in lines 6 and 12 insert "sections 7 to 35 of" after "of"; in line 12 strike "same" and "as is"; and insert an underscored period after "9" in line 13 and strike the remainder of the sentence.

12. Strike the Barnett amendment to the Mills amendment, page 4, line 4.

13. In the title, strike lines 2 to 6 and amendments thereto and insert:

"FOR AN ACT relating to outdoor recreation; to provide for a program of outdoor recreational development; to provide a fund and specify the source and use thereof; to impose a tax on tobacco products

and provide for its administration; to provide penalties; to amend section 77-2602, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 21. Replaced on Select File as amended.
E & R amendments to LB 21:

1. In line 2 of the Savage amendments adopted 1/17/78, strike "March 25" and insert "March 24".

2. Because of the Murphy amendments thereto adopted 1/17/78, on page 6, lines 5 and 11, reinstate "thirtieth".

3. Insert the new matter added by the first Murphy amendment found on page 414 of the Journal after "condition" on page 6, line 22; in line 1 thereof insert ", shall be" before "at"; and in the last line strike the period; and on page 6, line 23, reinstate "pocket size".

LEGISLATIVE BILL 361. Placed on Select File as amended.
E & R amendments to LB 361:

1. On page 2, lines 1 and 2, page 4, lines 16 and 17, page 5, lines 7 and 8, page 7, lines 23 and 24, page 8, lines 15 and 16, page 9, lines 23 and 24, page 11, lines 10 and 11, page 13, lines 20 and 21, page 15, lines 1 and 2, page 16, lines 7 and 8, page 20, lines 26 and 27, page 24, lines 6 and 7 and line 8, and in the title, line 5 and line 12, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. On page 3, line 8, strike "; (d)" and insert "~~; (d)~~", and in line 9 strike "(e)" and insert "~~(e)~~ (d)".

3. In lieu of the Maresh amendment thereto, on page 5, line 12, strike "five" and insert "~~five~~ six"; in line 20 strike "member" and insert "~~member~~ members", and strike "and" and insert ", ~~and~~ one of whom"; in line 21 insert "and one of whom shall be a licensed real estate salesperson" after "public"; and after the period in line 27 insert "Within thirty days after the effective date of this act, the Governor shall appoint the salesperson member for a term of six years from the effective date of this act.".

4. On page 10, lines 6 and 7, strike "Real Estate Commission" and insert "commission".

5. In the Stoney amendment, line 2, insert an underscored comma after "courses".

6. On page 12, line 14, strike the comma and show stricken, and in line 21, strike the first comma and show stricken.

7. On page 13, line 4, strike the comma and show stricken; and in line 24, insert an underscored comma after

"business".

8. On page 23, line 13, strike "1976" and insert "1977"; in line 17 insert "Class II" after "a" and a period after "misdemeanor" and strike the remainder of the section.

9. On page 24, line 6, insert "and" after the second comma and strike "and 81-885.45,"; and in line 7 insert "and section 81-885.45, Revised Statutes Supplement, 1977," after the second comma.

10. Pursuant to the Marsh amendment:

(a) On page 3, line 15, strike "Salesman" and insert "~~Salesman~~ Salesperson";

(b) On page 7, line 26, page 8, line 20, page 10, lines 12 and 20 as reinstated, page 12, line 5, page 13, lines 2, 6, 11, and 27, page 16, line 12, page 17, line 18, page 19, line 4, page 20, lines 1, 19, and 23, and page 23, line 15, strike "salesman" and insert "~~salesman~~ salesperson";

(c) On page 4, line 24, and page 11, line 2, strike "salesmen" and insert "~~salesmen~~ salespersons";

(d) On page 9, lines 25 and 27, page 10, line 17 as reinstated, page 11, line 16, and page 12, line 1, strike "salesman's" and insert "~~salesman's~~ salesperson's";

(e) On page 10, line 4, strike "salesmen's" and insert "salesperson's"; and

(f) On page 12, line 24, strike "salesman" and insert "salesperson".

11. In the title, line 4, insert "and" after the second comma; in lines 4 and 5 strike "and 81-885.45,"; and at the end of line 5 insert "and section 81-885.45, Revised Statutes Supplement, 1977,".

LEGISLATIVE BILL 65. Placed on Select File as amended.
E & R amendments to LB 65:

1. In committee amendments, page 2, insert a comma at the end of line 6 and after "visibility" in line 8.

2. In committee amendments, page 3, lines 4 and 5, strike ", providing" and insert "when".

3. In committee amendments, page 4, line 15, strike the first comma; and in line 24 strike "where" and insert "when".

4. In committee amendments, page 5, line 15, insert a comma after "injury".

5. In committee amendments, page 6, line 26, strike the semicolon and insert "and".

6. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT relating to peace officers; to state finding; to define terms; to provide standards for officers engaging in high speed chases; and to provide for liability.".

LEGISLATIVE BILL 270. Placed on Select File as amended.
E & R amendment to LB 270:

1. In the title, line 5, insert ", projected receipts," after "Fund".

LEGISLATIVE BILL 420. Placed on Select File as amended.
E & R amendments to LB 420:

1. In lieu of the Kahle amendment, in the committee amendment, strike "twenty-five" and insert "forty".

2. On page 2, line 22, strike "twenty" and insert "forty".

3. In the title, line 6, strike "twenty" and insert "forty".

LEGISLATIVE BILL 165. Placed on Select File as amended.
E & R amendment to LB 165:

1. In lieu of the Barnett amendment, on page 2, reinstate the stricken matter and strike the new matter; and in the reinstated matter, line 5, strike "eighteen" and insert "~~eighteen~~ seventeen" and in line 7 strike "sixteen" and insert "~~sixteen~~ seventeen".

LEGISLATIVE BILL 216. Placed on Select File as amended.
E & R amendments to LB 216:

1. On page 2, lines 20 and 21, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1977".

2. In lieu of the Barnett amendment, on page 2, insert "Class ~~V~~ II misdemeanor." at the end of line 24 and strike the remainder of the section.

3. In lieu of committee amendment 2, on page 3, line 3, insert "37-232 and" after "sections"; in lines 3 and 4 strike "and 37-235"; and in line 4 insert ", and section 37-235, Revised Statutes Supplement, 1977" after "1943".

4. In the title, line 2, insert "37-232 and" after "sections" and strike "and 37-235"; and in line 3 insert ", and section 37-235, Revised Statutes Supplement, 1977" after "1943".

LEGISLATIVE BILL 501. Placed on Select File as amended.
E & R amendment to LB 501:

1. On page 2, line 25, and page 3, lines 11 and 16, strike "physician" and insert "physicians"; and on page 2, line 26, and page 3, lines 11 and 16, strike "psychologist" and insert "psychologists".

LEGISLATIVE BILL 276. Placed on Select File.

LEGISLATIVE BILL 323. Placed on Select File as amended.
E & R amendment to LB 323:

1. In the title, line 6, strike "solar" and insert "direct alternate".

LEGISLATIVE BILL 574. Placed on Select File as amended.
E & R amendments to LB 574:

1. On page 2, line 25, strike ", who" and insert "who,".

2. On page 3, line 6, insert an underscored comma after "form".

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 5, strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 502. Placed on Select File as amended.
E & R amendment to LB 502:

1. In the title, line 4, strike "increase" and insert "change the disposition of".

Correctly Engrossed

The following bills were correctly engrossed: 75, 217, 315, 329, 394, 436, 519 and 529.

(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 156.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 697. Placed on General File.

(Signed) Jerome Warner, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 661. Placed on General File.
LEGISLATIVE BILL 682. Placed on General File.
LEGISLATIVE BILL 713. Placed on General File.

(Signed) Donald N. Dworak, Chairman

Education

LEGISLATIVE BILL 693. Placed on General File.

(Signed) Frank Lewis, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 567. Placed on General File.
LEGISLATIVE BILL 723. Placed on General File.
LEGISLATIVE BILL 724. Placed on General File.
LEGISLATIVE BILL 725. Placed on General File.

LEGISLATIVE BILL 568. Placed on General File as amended.
Standing Committee amendments to LB 568:

1. Strike original section 2 and insert:

"Sec. 2. There is hereby created an executive department of state government to be known as the Department of Economic Development. The department shall have as its general purpose the planning, promotion, and development of the state's economy and the development of the state's human, natural, and physical resources. In order to accomplish the general purpose, the department shall endeavor to accomplish the following specific purposes:

(1) To stimulate, in collaboration with public and private agricultural, industrial, tourism, and educational groups, the growth and prosperity of commerce, agriculture, industry, and job opportunities in the state by devising ways and means to assist in the development of new and existing industry, and by providing research and informational services with respect to such matters as potential new products, processes, production techniques, and marketing;

(2) To coordinate the efforts of public and private bodies and groups whose purposes and goals are similar to those of the department as those efforts are identified through continuing contacts with the local, regional, state, and national associations and agencies

in the fields of agriculture, commerce, development, industry, tourism, housing, and labor; and

(3) To serve as the state agency primarily responsible for community and area development by encouraging and assisting in the preparation and implementation of community appraisal programs and the preparation and implementation of programs designed to solve the problems identified by the appraisal, and by providing for state technical and financial assistance.

Sec. 3. The chief executive officer of the Department of Economic Development shall be the Director of Economic Development, who shall be appointed by the Governor from a nominee of the Nebraska Economic Development Committee and with the advice and consent of the Legislature. The director shall administer the affairs of the department, and he or she shall serve at the pleasure of the Governor. The director shall have equal rank with the heads of other state departments, and his or her salary shall be fixed by the Governor. The director shall employ such assistants, professional staff, and other employees as may be deemed necessary to effectively carry out this act within such appropriations as the Legislature may provide.

Sec. 4. The Department of Economic Development shall have the following powers:

(1) To cooperate with and assist similar department, agencies, commissions, or councils of the federal governments and of other state governments;

(2) To utilize the facilities and services and direct the cooperation of the University of Nebraska and all other existing officers, offices, commissions, departments, boards, bureaus, institutions, and other agencies of the state and of the political subidivisions thereof in order to avoid duplication of such facilities and services, and all such other officers and agencies shall cooperate with and extend their services and facilities to the department;

(3) To adopt, amend, and repeal rules, regulations, and by-laws governing its procedures and activities;

(4) To create committees to aid in the discharge of its duties;

(5) To submit and adopt all necessary plans, enter into contracts, and accept gifts, grants, and federal funds; and

(6) To do all acts, not inconsistent with the law, necessary or conducive to the efficient utilization

of Nebraska's agricultural, community, commercial, tourism, and industrial resources and to the state's overall economic development.

Sec. 5. The Department of Economic Development shall perform the duties provided in sections 6 to 14 of this act.

Sec. 6. The department shall conduct continuing surveys, studies, and analyses with respect to community and economic development or constraints to community and economic development in the State of Nebraska. Such research shall include, but not be limited to:

a) Industrial materials and facilities;

(b) Production and manufacturing facilities;

(c) Agriculture, food supply, and land use;

(d) Labor supply and training, labor relations and human resources, professions, trades, and skills;

(e) Housing and related facilities;

(f) Finance;

(g) Tourism;

(h) Urban and rural affairs; and

(i) Existing statutes dealing with community and economic development.

The department shall report the findings of such research to the Governor with recommendations for legislative or administrative action whenever such action is, in the opinion of the Director of Economic Development, deemed appropriate.

Sec. 7. The department shall serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to the full development of the state's economy, which may be relevant with regard to the possibilities of future development in Nebraska, and which will be of use to local government officials in discharging their responsibilities.

Sec. 8. The department shall provide planning and technical assistance to local governments, county governments, organizations of elected, appointed, and professional officials, metropolitan, regional, local, and joint planning agencies, industrial development organizations, tourism promotion organizations, community development groups, and similar organizations upon request.

Sec. 9. The department shall provide technical assistance and serve as a clearinghouse for efforts to assist the growth of Nebraska industry, to counsel with industry on special problems and to provide liaison between Nebraska industry and research capabilities in

educational institutions and other government or private research agencies.

Sec. 10. The department shall provide staff services when, in the opinion of the Director of Economic Development, such services are necessary and appropriate in the areas of community and economic development to cities of the first class, second class, and villages on a contractual basis when the terms of such contracts can be mutually accepted.

Sec. 11. The department shall assist the Governor in coordinating the activities of state agencies which have an impact on the state's community and economic development.

Sec. 12. The department shall assist the efforts of local governments to develop mutual and cooperative solutions to their common problems.

Sec. 13. The department shall advertise and promote the natural, human, physical, and economic assets of Nebraska and do such other acts and things as will develop the state's economy and attract nonresident investment and trade to the state.

Sec. 14. The department shall develop and implement model or demonstration programs and projects or otherwise provide a program of practical research in the solution of community problems.

Sec. 15. There is hereby created an advisory committee to be known as the Nebraska Economic Development Committee to advise the Department of Economic Development in carrying out the provisions of this act. The committee shall consist of eleven members to be appointed by the Governor with the advice and consent of the Legislature.

Sec. 16. Members shall serve for terms of four years, except that of the members initially appointed, six shall serve for a term of two years and five for a term of four years. Appointments shall be made without reference to political affiliation and with reference to special knowledge of agriculture, commerce, planning, industry, tourism, labor, community development, and other activities pertinent to the future welfare and development of Nebraska. At least three members of this committee shall at the time of appointment reside in each congressional district.

Sec. 17. The committee shall serve without compensation but may be reimbursed for their actual and necessary traveling expenses on the same basis and subject to the same conditions as full-time state

employees.

Sec. 18. A chairperson shall be elected by and from the committee at its first meeting each calendar year. The committee shall meet at lease four times a year at the call of the chairperson, four members of the committee, or the Director of Economic Development.

Sec. 19. The purpose of the committee shall be to aid the department and the director in formulating the policy and determining methods of achieving the objectives of the department, to review committee recommendations, and to aid and advise the Governor in the selection of the Director of Economic Development.

Sec. 20. The Department of Economic Development shall prepare a biennial report of its activities for the Governor and Legislature.

Sec. 21. The Game and Parks Commission is authorized and directed to assign to the Department of Economic Development all its right, title, and interest in and to the following described real estate: The North Half of Lot Sixteen, of the subdivision of the Cody Land and Cattle Company Lands, Lincoln County, Nebraska, lying north of the north right-of-way line of Drainage District No. 1, Lincoln County, Nebraska, subject to all easements, benefits, and burdens of record, such tract of land being more particularly described as follows:

Commencing at the Northeast corner of Lot Sixteen, Cody Land and Cattle Company Subdivision, thence running west on the north line of lot sixteen a distance of one thousand three hundred thirty and eight-tenths feet to the northwest corner of lot sixteen, thence running south on the west line of lot sixteen a distance of one thousand three hundred and twenty feet to the southwest corner of the north one half of lot sixteen thence running east on the south line of the north one half of lot sixteen a distance of one thousand three hundred thirty-two feet to the southeast corner of the north one half of lot sixteen, thence running north on the east line of lot sixteen, a distance of one thousand three hundred twenty feet to the point of beginning, containing forty and thirty-four hundredths acres, more or less; commonly referred to as the Wild West Arena effective July 1, 1972.

The Game and Parks Commission is further authorized and directed to assign to the Department of Economic Development all its right, title, and interest in and to a certain lease for the Strategic Air Command Museum effective July 1, 1972.

Sec. 22. (1) The Director of Economic Development is hereby authorized to set and collect a fee from persons who attend any attraction under the control or supervision of the Department of Economic Development. All such funds shall be deposited in the appropriate department fund and used for the purposes set forth for that fund.

(2) The Director of Economic Development may contract for and lease any property under the control and supervision of the Department of Economic Development to any person or organization if such lease is in the best interest of the state. All Funds collected from such leases shall be deposited in the appropriate department fund and used for the purposes set forth for that fund.

Sec. 23. That original section 81-193, Revised Statutes Supplement, 1977, and also sections 81-1201 to 81-1204, 81-1205 to 81-1213, and 81-1220 to 81-1225, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 571. Placed on General File.

(Signed) Dennis L. Rasmussen, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 585. Placed on General File as amended.
Standing Committee amendment to LB 585:

1. On page 2, line 10 after the period insert "Draft copies or working copies of all rules to be adopted, amended, or repealed by any state agency shall be available to the public in the business office of such agency and the office of the Revisor of Regulations at the time of giving notice. The notice shall include a declaration of availability of such draft or work copies for public examination.".

(Signed) Donald N. Dworak, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 628. Placed on General File.

LEGISLATIVE BILL 570. Placed on General File as amended.
Standing Committee amendment to LB 570:

1. On page 2, on lines 11 and 25 after "regulations" insert "in force as of the effective date of this legislation".

(Signed) Dennis L. Rasmussen, Chairman

Judiciary

LEGISLATIVE BILL 623. Placed on General File as amended. (Standing Committee Amendments printed separately from the Journal and on file in the Clerk's office - Req. # 2698)

LEGISLATIVE BILL 561. Placed on General File.

(Signed) Wally Barnett, Chairman

Appropriations

LEGISLATIVE BILL 897. Placed on General File.

LEGISLATIVE BILL 756. Placed on General File as amended. Standing Committee amendments to LB 756:

1. On page 2, lines 17 and 18 strike "data processing administrator of the Department" and insert "Director".
2. On page 3, lines 18 and 19 strike "data processing administrator of the Department" and insert "Director".
3. On page 4, lines 12 and 13 strike "data processing administrator of the Department" and insert "Director".
4. On page 5, lines 16 and 17 strike "data processing administrator of the Department" and insert "Director".

LEGISLATIVE BILL 869. Placed on General File as amended. Standing Committee amendments to LB 869:

1. On page 3, line 18 after "travel," insert "the cost of operating the airplane at a rate per mile as established by the Department of Administrative Services,"; and in line 27 strike "Aeronautics" and insert "Administrative Services".

LEGISLATIVE BILL 664. Placed on General File.
LEGISLATIVE BILL 797. Placed on General File.
LEGISLATIVE BILL 765. Indefinitely postponed.
LEGISLATIVE BILL 755. Indefinitely postponed.
LEGISLATIVE BILL 381. Indefinitely postponed.
LEGISLATIVE BILL 171. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

Judiciary

LEGISLATIVE BILL 711. Placed on General File as amended.
Standing Committee amendment to LB 711:

1. On page 2 strike beginning with "six" in line 24 through "of" in line 25 and insert "within a reasonable time after".

LEGISLATIVE BILL 749. Placed on General File as amended.
Standing Committee amendments to LB 749:

1. On page 2, strike line 1 and insert "Section 1. Each county attorney".

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.".

LEGISLATIVE BILL 625. Placed on General File.
LEGISLATIVE BILL 624. Placed on General File.

LEGISLATIVE BILL 566. Placed on General File as amended.
Standing Committee amendment to LB 566:

1. On page 2, lines 7 and 8 strike "or approved" and show as stricken.

LEGISLATIVE BILL 700. Placed on General File as amended.
Standing Committee amendment to LB 700:

1. On page 2, line 5 strike "(3)" and insert "(4)".

LEGISLATIVE BILL 668. Placed on General File.
LEGISLATIVE BILL 727. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 632. Placed on General File as amended.
Standing Committee amendments to LB 632:
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office - Req. #2713).

LEGISLATIVE BILL 722. Placed on General File as amended.
Standing Committee amendments to LB 722:

(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office - Req. #2700).

LEGISLATIVE BILL 569. Placed on General File as amended.
Standing Committee amendments to LB 569:
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office - Req. #2701).

(Signed) Dennis L. Rasmussen, Chairman

Judiciary

LEGISLATIVE BILL 562. Placed on General File as amended.
Standing Committee amendment to LB 562:

1. On page 2, line 12 after "state" insert "as determined by the court".

(Signed) William E. Nichol, Vice-Chairman

Public Works

LEGISLATIVE BILL 816. Placed on General File as amended.
Standing Committee amendment to LB 816:

1. On page 2, line 12 strike "sixteen" and insert "twelve".

LEGISLATIVE BILL 707. Placed on General File.

LEGISLATIVE BILL 673. Placed on General File as amended.
Standing Committee amendment to LB 673:

1. On page 2, line 9 after the first "the" insert "court".

LEGISLATIVE BILL 621. Indefinitely postponed.
LEGISLATIVE BILL 647. Indefinitely postponed.
LEGISLATIVE BILL 702. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Urban Affairs

LEGISLATIVE BILL 558. Placed on General File.
LEGISLATIVE BILL 591. Placed on General File.

(Signed) Walter George, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 153. Placed on General File as amended.
Standing Committee amendment to LB 153:

1. Strike sections 1 and 2 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 III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

'Sec. 7. At the General Election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary ~~of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.~~ equal to the median family income for the State of Nebraska based upon the most current figures available from the Census Bureau for the United States Department of Health, Education, and Welfare."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to change the basis upon which the salary of each member of the Legislature shall be computed and to eliminate expense restrictions.
For
Against'."

LEGISLATIVE BILL 15. Indefinitely postponed.
LEGISLATIVE BILL 105. Indefinitely postponed.
LEGISLATIVE BILL 234. Indefinitely postponed.
LEGISLATIVE BILL 281. Indefinitely postponed.
LEGISLATIVE BILL 295. Indefinitely postponed.
LEGISLATIVE BILL 297. Indefinitely postponed.

(Signed) Jerry D. Koch, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 906. Placed on General File.
LEGISLATIVE BILL 867. Placed on General File.
LEGISLATIVE BILL 796. Placed on General File.
LEGISLATIVE BILL 777. Placed on General File.

LEGISLATIVE BILL 706. Indefinitely postponed.

(Signed) Donald N. Dworak, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 586. Placed on General File.
LEGISLATIVE BILL 582. Placed on General File.

LEGISLATIVE BILL 612. Placed on General File as amended.
Standing Committee amendment to LB 612:

1. Add a new section to read as follows:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 613. Placed on General File.

LEGISLATIVE BILL 734. Placed on General File as amended.
Standing Committee amendment to LB 734:

1. Strike original sections 1 and 2 and insert:

"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 III, sections 10 and 14, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

'Sec. 10. Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. ~~The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided.~~ A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers. ~~, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor.~~ No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law

shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed.' ~~The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.''~~

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that the Lieutenant Governor be removed as presiding officer of the Legislature.

For

Against' ".

LEGISLATIVE BILL 823. Placed on General File as amended.
Standing Committee amendments to LB 823:

1. On page 2, after line 16 insert a new section as follows:

"Sec. 2. This act shall become operative on January 1, 1979.".

2. Renumber original section 2 as section 3.

(Signed) Jerry D. Koch, Chairman

Revenue

LEGISLATIVE BILL 651. Placed on General File as amended.
Standing Committee amendment to LB 651:

1. On page 2, line 20 after "taxation" insert "if the insurance company can assure the Director of Insurance that an amount equal to the amount of the reduced tax liability of the insurance company because of this exemption will be directly credited to each respective pension, profit-sharing, or other employee benefit plan so exempted".

LEGISLATIVE BILL 652. Placed on General File.

(Signed) Orval A. Keyes, Chairman

Public Works

LEGISLATIVE BILL 688. Placed on General File as amended.
Standing Committee amendment to LB 688:

1. On page 2, line 4 after "misdemeanor" insert

"and shall be enjoined from further transporting such water for use in an adjoining state until a permit is obtained from the Department of Water Resources".

LEGISLATIVE BILL 666. Placed on General File as amended.
Standing Committee amendments to LB 666:

1. On page 2, line 25 after "orders" insert ", after notice and hearing,".
2. On page 3, line 2 after "orders" insert ", after notice and hearing,".

LEGISLATIVE BILL 606. Placed on General File as amended.
Standing Committee amendments to LB 606:

1. On page 2, line 8 strike "he" show as stricken and insert "the officer"; on line 26 strike "otherwise" and insert "a common law name change".
2. On page 3, lines 2 and 11 strike "without charge" and show as stricken and insert "upon payment of a fee of two dollars"; in line 8 strike "he" show as stricken and insert "the person"; on line 18 strike "he" show as stricken and insert "the county treasurer"; and in line 19 strike "one dollar" and show as stricken and insert "two dollars".

LEGISLATIVE BILL 51. Indefinitely postponed.
LEGISLATIVE BILL 667. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Appropriations

LEGISLATIVE BILL 825. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

SELECT COMMITTEE REPORTS
Committee on Committees

February 2, 1978

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body, and suggests a record vote.

W. D. Newberry - State Highway Commission
Joseph Lipton - State Highway Commission
David Flebbe - State Personnel Board
Shirley Meckel - Game and Parks Commission
Mrs. David (Breta) Dow - Nebraska Arts Council
Barbara Doyle - Nebraska Arts Council

Committee Vote: For: (9) Senators Savage, Marsh, F. Lewis, Koch, Labedz, Moylan, Murphy, Cope, Mills. Against: None. Excused: Burrows. Absent: DeCamp, D. Dworak, Rasmussen.

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body, and suggests a record vote.

Marlin O. Armbruster
Motor Vehicle Industry Licensing Board

Francis Hanna
Motor Vehicle Industry Licensing Board

Julius Novak
Motor Vehicle Industry Licensing Board

F. B. Thompson
Board of Public Roads Classifications and Standards

Marvin Athey
Board of Public Roads Classifications and Standards

Bruce C. Gillan
Board of Public Roads Classifications and Standards

D. J. Erington
Board of Public Roads Classifications and Standards

Blase J. Cupich
Board of Public Roads Classifications and Standards

Committee Vote: For: (9) Senators Savage, Marsh, Koch, Labedz, Moylan, D. Dworak, Murphy, Cope, Mills. Against: None. Excused: Burrows, Rasmussen. Absent: F. Lewis, DeCamp.

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body, and suggests a record vote.

E. K. Yanney - Nebraska Investment Council

Eugene E. Neal - Board of Parole

David O. Coolidge
Board of Public Road Classifications and Standards

John W. Neuberger, Director
Department of Water Resources

Roger Sandman, Director - Department of Agriculture

David O. Coolidge, Director - Department of Roads

Robert J. Keller - Board of Parole

Maurine Biegert - Environmental Control Council

Committee Vote: For: (7) Senators Savage, Marsh, Koch, Labedz, DeCamp, D. Dworak, Cope. Against: None. Excused: Burrows, F. Lewis, Moylan, Murphy, Mills, Rasmussen.

(Signed) John S. Savage, Chairman

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 629. Indefinitely postponed.
LEGISLATIVE BILL 630. Indefinitely postponed.
LEGISLATIVE BILL 705. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 902 in the Journal. No objections. So ordered.

AMENDMENT TO LB 902

On page 2, line 11, after "time.", add the following: Provided, however, that if there shall be any project of new construction, reconstruction, alteration, or improvement of any building commenced prior to any increase in the sales and use tax provided herein and on which bids for work were let out based upon the old sales and use tax rate and prior to any increase in such sales or use tax rate, the old rate of sales tax shall apply.

On page 1, in the title, in the 6th line, between ";" and "and", add: "to provide for the old tax rate on construction projects bid prior to the tax increase."

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 857	Thursday, February 9, 1978	1:30 p.m.
LB 858	Thursday, February 9, 1978	1:30 p.m.
LB 864	Thursday, February 9, 1978	1:30 p.m.
LB 911	Thursday, February 16, 1978	1:30 p.m.
LB 917	Thursday, February 16, 1978	1:30 p.m.

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Maxey asked unanimous consent to add her name to LB 642. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Name

Mr. Rasmussen asked unanimous consent to withdraw his name as co-introducer to LB 665. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 660

Mr. Koch asked unanimous consent to expedite LB 660. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 502A

Mr. Chambers renewed his pending request found in the Journal on page 382 to bracket LB 502A. No objections. So ordered.

UNANIMOUS CONSENT - Members Excused

Members of the Constitutional Revision and Recreation Committee asked unanimous consent to be excused at 10:00 a.m. until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 258. Mr. D. Dworak offered the following amendment:

1. Insert a new section 11 as follows:
"Sec. 11. Any Nebraska bank or building and loan association which has funds as defined in section 2 of this act on deposit which are not insured by either the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation shall secure the deposit of such funds by pledging investment securities in an amount equal to such uninsured funds with the Department of Banking and Finance.".

The amendment lost with 5 ayes, 21 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Mills offered the following amendment:

AMENDMENTS TO LB 258

1. In the DeCamp-Schmit amendments, page 1, line 21, strike "day-to-day".
2. On page 4, line 5, strike "on a day-to-day basis.", and after "investment" insert a period.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Fowler offered the following amendment:

AMENDMENTS TO LB 258

1. Insert new sections 6 and 7 as follows:
"Sec. 6. Each bank and building and loan association receiving deposits pursuant to this act shall publish a monthly statement which shall include:
(1) The number and total dollar amount of agricultural, business, and mortgage loans made by such bank or building and loan association within the county in which such bank or building and loan association has its main office;
(2) The number and total dollar amount of

agricultural loans, business loans, and mortgage loans made by such bank or building and loan association within the state;

(3) The number and total dollar amount of agricultural loans and business loans made by such bank or building and loan association to individuals or corporations which have business locations outside the state;

(4) The number and total dollar amount of mortgage loans made by such bank or building and loan association which are secured by property located outside the state;

(5) The number and total dollar amount of investments made by such bank or building and loan association in United States government securities, municipal bonds, and tax-exempt securities;

(6) The number and total dollar amount of loans made by such bank or building and loan association to the stockholders or directors of such bank or building and loan association; and

(7) The number and total dollar amount of any other loans or investments made by such bank or building and loan association.

Sec. 7. The report required by section 6 of this act shall be made available free of charge to the State Investment Council and any depositor or creditor of the bank or building and loan association. Copies of such report shall be made available to the public for a charge equal to the costs of copying the report.".

2. On page 5, line 12, strike "and (2)" and insert "implement the reporting requirements of section 6 of this act; and (3)".

3. Insert a new section 8 as follows:

"Sec. 8. (1) The Nebraska Investment Council shall develop and promulgate a minimum standard of performance relative to the legislative intent provided by section 1 of this act. Such standard of performance shall be used to determine if additional capital has been made available to Nebraska citizens as a result of funds deposited pursuant to this act. No bank or building and loan association shall be eligible to receive such funds for deposit until it has complied with the reporting requirements provided by section 6 of this act.

(2) The state investment officer shall examine the reports provided by section 6 of this act.

Those banks and building and loan associations failing to meet the minimum standard of performance shall not be eligible for state deposits until such time as the report required by section 6 of this act shows that the bank or savings and loan association has exceeded the minimum standard of performance, as established pursuant to subsection(1)of this section.".

4. Renumber renumbered sections 6 and 7 as sections 7 and 9 respectively, renumber sections 8 and 10 added by the DeCamp-Schmit amendment as sections 10 and 12 respectively and renumber original section 9 as section 11.

SPEAKER LUEDTKE PRESIDING

The Fowler amendment lost with 10 ayes, 18 nays, 9 present and not voting, and 12 excused and not voting.

Mrs. Marsh requested a machine vote on advancing LB 258.

Advanced to E & R for Engrossment with 27 ayes, 1 nay, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 258A. E & R amendment found in the Journal on page 312 for the Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 457. E & R amendments found in the Journal on page 313 for the Seventh Day were adopted.

Mr. Fowler asked unanimous consent to bracket LB 457. No objections. So ordered.

LEGISLATIVE BILL 327. E & R amendments found in the Journal on page 313 for the Seventh Day were adopted.

Laid over.

LEGISLATIVE BILL 534. E & R amendments found in the Journal on page 343 for the Eighth Day were adopted.

Laid over.

LEGISLATIVE BILL 469. E & R amendments found in the Journal on page 365 for the Ninth Day were adopted.

Laid over temporarily.

LEGISLATIVE BILL 244. E & R amendments found in the Journal on page 366 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 223. Mr. Reutzel offered the following amendment:
To amend LB223 to insert in line 24, a period after the word "years" and strike the remaining language to Sec. 3.

The amendment lost with 7 ayes, 14 nays, 17 present and not voting, and 11 excused and not voting.

Mr. Simon renewed his pending amendment found in the Journal on page 270.

Mr. Simon moved for a Call of the House. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

Mr. Merz moved the Call be raised. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

The Simon amendment lost with 16 ayes, 13 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

MR. MARVEL PRESIDING

ATTORNEY GENERAL'S OPINION

Opinion No. 179
January 31, 1978

Dear Senator Labedz:

You have asked our opinion as to the constitutional validity of LB 640, which alters somewhat the present homestead exemption given by section 77-202.13, R.R.S. 1943, to low-income homeowners over 65 years of age, and which gives a credit against income tax to renters of similar ages and incomes. We believe that the general concept and purpose of the bill can be sustained, but as presently drafted it contains some inconsistencies and vague provisions that

might be hard to defend against constitutional attack, as well as some failures to set standards for the exercise of administrative duties.

The bill provides for two separate and distinct types of relief. One is a homestead exemption for the designated class of homeowners. As we have said, this is simply a modification of the exemption now provided by section 77-202.13, and is authorized by Article VIII, Section 2, of the Nebraska Constitution, which provides in part:

> ". . . The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

This provision gives the Legislature broad discretion in providing for homestead exemptions, limited only by the requirement that the classifications made be rational and reasonably related to some legislative purpose. Surely no serious argument could be made that the class of homeowners created by the present law and by LB 640 is not a reasonable one to which to give tax relief.

The provisions relating to renters are of an entirely different nature from the exemption given to homeowners. Renters are not given an exemption, but a credit against income tax. This credit is not given by authority of Article VIII, Section 2, which does not apply to it. The question with respect to the credit given to renters is whether the classification of over-65, low income renters is a reasonable one to which to give such a credit. We conclude that it is.

The rationale for giving a tax credit to renters is that a lessor increases the amount of rent he charges to cover the amount of real estate taxes he must pay, and that therefore a renter is indirectly paying real estate taxes. Since relief is given to a homeowner of the required age and income, it is not unreasonable to give some relief to a renter of the same age and income. We therefore believe this provision could be successfully defended against a classification attack.

Although LB 640 provides for two distinctly different types of tax relief, the bill does not keep them separate as much as might be desirable, and as a consequence some of the provisions are confusing and unclear. The bill would, we believe, be much more comprehensible if the provisions dealing with each class were set out in separate divisions of the act. As it is, it is sometimes difficult to tell which type of "claimant" is involved in a particular section of the act.

Section 4 provides that when two or more persons in a household meet the definition of "claimant," they may determine among themselves who the claimant shall be. If they are unable to agree,

"the matter shall be referred to the Tax Commissioner whose decision shall be final." Several constitutional defects appear in this provision. First, there is no specific provision for notice, hearing, or judicial review, and the statement that the Tax Commissioner's decision shall be final seems to specifically exclude judicial review. There may be a denial of due process, in violation of the Fourteenth Amendment to the Federal Constitution and Article I, Section 3, of the Nebraska Constitution.

There is also a complete absence of standards by which the Tax Commissioner is to make this final decision. In Gillette Dairy, Inc. v. Nebraska Dairy Products Board, 192 Neb. 89, 219 N.W.2d 214 (1974), the court said that in a legislative grant of power to an administrative body, such power must be administered in accordance with standards described in the legislative act. Section 4 of the bill would authorize the Tax Commissioner to adjudicate the rights of contesting parties on any basis he chose. We believe this is prohibited by Gillette Dairy, Inc. and by a long line of other cases to the same effect.

In section 6 the Tax Commissioner is authorized to determine that the gross rent paid by a renter-claimant is excessive, in which case he shall determine a reasonable rent. We find no provision for notice and hearing, and if none is afforded, this may violate due process.

Section 8 defines a homestead. As to owned dwellings, it defines a homestead as one occupied as a residency on the levy date. This seems to conflict with section 39 (section 77-202.12, R.R.S. 1943), which defines a homestead as a residence occupied by a natural person who is the owner thereof as of January 1.

Section 11 defines income as the adjusted gross income under the Internal Revenue Code plus other enumerated items. We have not checked all of the enumerated items, but some of them, notably alimony and the taxable portions of pensions and annuities, are already included in the adjusted gross income under the Internal Revenue Code, so they appear to be counted twice. Furthermore, there seems to be some uncertainty as to the inclusion of gifts. Nowhere do we find any language which includes gifts as income, but the last sentence of section 11 says that income does not include gifts of $300 or less from nongovernmental sources, which seems to imply that gifts of over $300 are to be included as income. If so, we do not know whether the excess over $300 is to be included, or the entire gift, if it is over $300. Also we do not know whether the $300 limitation is for all gifts, or whether several people could give the claimant $300 each without having the gifts counted towards income. These matters should be clarified.

Section 12 says that for the purpose of that section, property taxes are levied when the tax roll is delivered to the county treasurer for collection. While a statute may define a term, for purposes of that statute, differently than it is used in other statutes, the term "levy date" is a very commonly used one, and it seems unnecessarily confusing to make it a different date from that contemplated by section 77-1601, which describes a levy of taxes as being an action taken by the county board of equalization.

Section 17 provides that if a claimant dies after having filed a timely claim, the amount of the claim shall be transferred to another member of the household as determined by the Tax Commissioner. We assume "claimant" here means a renter claimant, as the amount of the claim of an owner claimant simply results in a reduction or cancellation of the real estate taxes, which would not be subject to transfer. Also, if the Tax Commissioner is to determine to whom a renter claimant's claim is to be transferred, standards must be laid down to guide him in his determination.

Section 21 provides that the real estate taxes of a claimant under the act shall not become delinquent until the date set for the second half of real estate taxes as provided in section 77-202. It should be made clear that "claimant" as used in section 21 refers to an owner claimant, and not to a renter claimant, and that the taxes referred to are taxes on the homestead, and not all real estate owned by the claimant.

Section 30 provides that "every claimant" shall furnish proof of certain facts to the Tax Commissioner. Some of these matters are applicable to renter claimants, and some to owner claimants, and some are in doubt. For example, the claimant must make a statement that the property taxes accrued and used for purposes of the act have been or will be paid by the claimant and that there are no delinquent taxes on the homestead. This should not apply to a renter claimant, since he would not pay the taxes, and he should not be penalized by failure of his landlord to pay the real estate taxes, which can, if not paid, be collected by foreclosure. The section should differentiate between the two types of claimant, and state what is expected of each.

Section 37 provides that a person can claim relief under the act by filing an amended claim within two years of the date the property taxes were paid. This seems to be in conflict with section 27, which requires the claim to be filed with the Department of Revenue on or before April 15. Furthermore, section 37 seems to give the relief to owner claimants, but not to renter claimants, since the payment of the taxes seems to be an irrelevant event, so far as the renter claimant's claim is concerned.

Section 39 amends section 77-202.12, R.R.S. 1943, by, among other things, amending the definition of "owner." It strikes the language including one of the joint tenants or tenants in common or surviving spouse as an owner, for the purposes of the act. We are not sure exactly what the intention is in this respect, but if it is intended to make the homestead exemption unavailable to joint tenants or tenants in common who occupy the premises as their homestead, we suspect this constitutes unreasonable classification.

In summary, the general purpose of the bill could, we believe, be successfully defended, but the bill contains numerous areas of uncertainty or outright constitutional violations, the more obvious ones of which we have pointed out.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:sjr
cc: Patrick O'Donnell
Acting Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 526 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 526

1. Insert two new sections as follows:

"Sec. 3. That section 81-132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-132. It shall be the duty of all departments, offices and institutions of the state government requesting appropriations, to file in the office of the Director of Administrative Services on or before September 15 the ~~blanks~~ budget forms which were furnished them by the director under the provisions of section 81-1113 and section 4 of this act, which ~~blanks~~ forms shall show their total estimated requirements for the next biennium for each unit of their organization and activity, classified as to object of expenditure. With such ~~blanks~~ forms, each department, office, institution and expending agency shall file a report showing all money received by such department, office, institution or expending agency, together with the estimated receipts

for the coming biennium. Such estimates shall be accompanied by a statement in writing giving facts and explanations of reasons for each item of increased appropriation requested.

Sec. 4. The forms and procedures required pursuant to section 81-1113 shall only be prepared and distributed after:

(1) The final draft of the proposed budget forms and budget instructions have been provided to the Legislative Fiscal Analyst and an opportunity provided for recommendations from that office;

(2) The State Budget Administrator and Legislative Fiscal Analyst have met and discussed the recommended changes; and

(3) A revised final draft of all proposed forms and instructions has been provided to the Legislative Fiscal Analyst.

If the State Budget Administrator is unable to accommodate any recommended changes, the Legislative Fiscal Analyst shall be allowed to submit additional forms for the collection of information. Such forms shall be included as an attachment to the forms required by the Department of Administrative Services. All such forms shall be completed and submitted as a part of the budget submission process.".

2. Renumber original sections 3 to 5 as 5 to 7 respectively.

3. On page 3, lines 3 and 7, strike the new language and reinstate the stricken language.

4. On page 4, line 3, strike "section 81-125" and insert "sections 81-125 and 81-132".

Mr. Stoney asked unanimous consent to print the following amendments to LB 361 in the Journal. No objections. So ordered.

AMENDMENT TO LB 361

1. On page 11, after line 9, insert:

(4) Courses of study, referred to in subsections (2) and (3) of this section and subsection (1) of section 81-885.14, shall include courses offered by private proprietary real estate schools when such courses are prescribed by the commission and are taught by instructors approved by the commission. The commission shall monitor schools offering approved real estate courses and for good cause shall have authority to suspend or withdraw approval of such courses or instructors.

2. Strike the Stoney amendment on page 10, line 8.

Mr. Rumery asked unanimous consent to print the following amendments to LB 406 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 406

1. On page 17 strike beginning with "preparation" in line 11 through the underscored comma in line 12.

2. On page 18, line 21 after "employed" insert "in this state"; and line 22 strike "the federal government" and insert "any of the military forces of the United States or the United States Public Health Service when acting in the line of duty".

3. On page 19 strike lines 6 through 16; in line 17 strike "(5)" and insert "(4)"; in line 24 strike "and"; and in line 25 strike "(6)" and insert "(5)".

4. On page 20 strike lines 1 and 2 and insert: "persons under the direct supervision, control, and responsibility of a person licensed in this state to perform such activities and services; and

(6) The use of the title, Certified Hearing Aid Audiologist, by an individual when such individual has been certified and authorized by the National Hearing Aid Society.".

5. Strike original section 15.

6. On page 23, line 1 strike "may" and insert "shall"; and in line 2 strike "one year" and insert "two years".

7. Insert new sections 24 and 25 as follows:

"Sec. 24. The board shall, upon request filed within two years of the effective date of this act, waive the educational requirements and the examination required by the provisions of this act for an applicant for licensure who (1) holds the certified hearing aid audiologist certificate issued by the National Hearing Aid Society, (2) is licensed in this state as a hearing aid dealer and fitter, and (3) presents reasonable proof of having engaged in the private practice of selling and fitting hearing aids for two years or longer.

If an applicant for a license under this section receives a temporary license to practice audiology as provided by section 21 of this act, such temporary license shall only be valid for the practice of fitting and dealing in hearing aids as defined in subdivision (6) of section 71-4701.

Sec. 25. No person shall present himself to the public as a certified hearing aid audiologist unless such person is certified and authorized by the National Hearing Aid Society and holds a valid state license issued under the provisions of sections 71-4706 to 71-4711.".

8. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 159.

Introduced By Transportation Advisory Committee: Savage, 10th District, Chairman; Nichol, 48th District; Keyes, 3rd District; Maresh, 32nd District; Kremer, 34th District.

WHEREAS, eleven years have elapsed since this legislature received a comprehensive report from an independent consulting firm on the highway, road and street needs in Nebraska, and that report was based on 1965 conditions and costs; and

WHEREAS, the energy crisis, environmental legislation, the abandonment of many railroad lines and services, and other developments affecting motor vehicle transportation have occurred during the last eleven years; and

WHEREAS, a committee of this legislature, the Nebraska Transportation Advisory Committee, is established by statute and is charged with the duty of evaluating highway, road and street needs; and

WHEREAS, complaints are heard that highway and street improvements and repairs are being postponed, and hazardous driving conditions are increasing.

NOW, THEREFORE, BE IT RESOLVED that this legislature's Transportation Advisory Committee is hereby authorized to conduct public hearings, confer with officials responsible for highways, roads and streets, conduct such other investigations as may be deemed useful, and report to the next legislature on the status and needs of Nebraska's state, county and municipal roads and streets.

Referred to the Executive Board.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 656. Placed on General File as amended.
Standing Committee amendments to LB 656:

1. On page 2, strike lines 16, 17 and 18.
2. On page 3, line 18, after "not" insert "reasonably".

LEGISLATIVE BILL 665. Placed on General File as amended.
Standing Committee amendments to LB 665:

On page 3, line 8 strike "one year" and insert "two

years''; in line 23, after ''the'' insert ''specific'' and after ''product'' insert ''involved in the action''.

2. On page 4, in lines 13 and 16 after ''negligence'' insert '', breach of warranty, or act or omission giving rise to strict liability in tort; in line 21 after 'negligence' insert ', breach of warranty, acts or omission giving rise to strict liability in tort'; and strike lines 23 through 25.

LEGISLATIVE BILL 599. Placed on General File as amended.
Standing Committee amendment to LB 599:

1. On page 2, line 14 after ''surplus'' insert '', but no bonds or pledging of any kind shall be required for funds over which the state investment officer has investment jurisdiction except those funds which are eligible for long-term investment''.

LEGISLATIVE BILL 600. Placed on General File as amended.
Standing Committee amendment to LB 600:

1. On page 3, line 4 strike ''made'' and insert ''filed''.

LEGISLATIVE BILL 641. Placed on General File as amended.
Standing Committee amendments to LB 641:

1. Insert a new section as follows:

''Sec. 3. That section 8-826, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-826. The department shall:

~~(1) Publish annually a summary of the reports provided for in section 8-825, which shall be included in the annual report of the department;~~

~~(2)~~ (1) Be responsible for obtaining proper administration of sections 8-815 to 8-829 and take or cause to be taken such lawful steps as may be necessary and appropriate for the enforcement thereof;

~~(3)~~ (2) Have authority to make regulations, in addition to and not inconsistent with the provisions of sections 8-815 to 8-829, for the administration thereof and obtaining compliance therewith; and

~~(4)~~ (3) Arrange for investigation and examination of the papers and records, pertaining to loans made under section 8-820, for the purpose of discovering violations of sections 8-815 to 8-829 or securing information lawfully required under it.''.

2. On page 3, line 21 after ''8-131'' insert a comma and strike ''and''; in line 21 after ''8-167,'' insert ''and 8-826,''; in line 23 strike ''sections'' and insert ''section'' and strike ''and 8-826''.

3. Renumber original sections 3 and 4 as sections

4 and 5.

LEGISLATIVE BILL 659. Placed on General File as amended.
Standing Committee amendments to LB 659:

1. Insert a new section to read:

"Sec. 4. That section 81-8,285, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,285. (1) The commission may, upon its own motion, and shall, upon the written complaint of any aggrieved person, investigate the action of any licensed real estate appraiser and shall have the power to suspend or revoke any license issued under the provisions of sections 81-8,276 to 81-8,287 at any time when, after notice and hearing as provided for in this section, it finds that such licensee has made any false statement in his application for a real estate appraiser's license, knowingly violated any of the provisions of sections 81-8,276 to 81-8,287 or regulations of the commission, or has done any act which constitutes dishonest, fraudulent, or improper conduct.

(2) (a) If a public hearing is requested by an applicant in accordance with section 81-8,283, or if information brought to the attention of the commission is such that, in the commission's discretion, it would be proper to suspend or revoke the license of a licensee, the commission shall forthwith set the matter for hearing and, at least twenty days prior to the hearing date, it shall notify in writing the applicant or licensee of the reasons for the denial or of the charges made and shall afford such applicant or licensee an opportunity to be heard in person or through counsel in reference thereto. Such written notice shall be served by delivery of same personally to the applicant or license holder or by mailing the same by registered mail to the last-known business address of such applicant or license holder. The hearing on such charges shall be at such time and place as the commission shall prescribe; Provided, that in cases involving revocation of the license of a nonresident of this state licensed under sections 81-8,276 to 81-8,287 by the real estate commission of the state or district in which such nonresident licensee is a resident, or when there is a conviction by a court of competent jurisdiction of any licensee under sections 81-8,276 to 81-8,287 which constitutes a violation of sections 81-8,276 to 81-8,287 or similar act of another state and the order of such commission or court of

competent jurisdiction is certified to the commission, any nonresident real estate license may be revoked by the commission without hearing. Any member of the commission or its director shall have power to administer oaths and to subpoena and bring before the commission any person in this state or take testimony of any such person by deposition upon allowance of fees and mileage as in civil cases in district court. Any party to any hearing before the commission shall have the right to the attendance of witnesses in his behalf at such hearing upon making request therefor to the commission and designating the person or persons to be subpoenaed.

(b) Any subpoena so issued shall be served by the county sheriff or his deputies. Nonresidents may be served by registered mail. If any witness so subpoenaed shall refuse or neglect to attend, or attending, refuse to testify, such official issuing the subpoena shall report the fact to the appropriate court and such court shall proceed against such witness in all respects as if such neglect or refusal had been by a witness subpoenaed to appear in such court in a case pending before it.

(c) After such hearing, the commission shall state in writing, officially signed by the chairman and attested to by the director, its findings and determination and its order in the matter. If the commission shall determine that the license holder has been guilty of any violation of the provisions of sections 81-8,276 to 81-8,287, his license shall be revoked or suspended forthwith, or the commission may enter an order censoring the license holder. The execution of a penalty of suspension may be stayed by the commission and the licensee may be placed on probation for any portion of the suspension period, after satisfactory completion of which the license shall be fully reinstated.

Within ten days after an order of the commission has become final, the applicant for a license or a license holder may obtain judicial review thereof by serving upon the director a written notice of appeal and a demand in writing for certified transcript of all the papers on file in his office affecting or relating to such order, together with a transcript of the evidence and the payment of the fee therefor, and he shall, within thirty days from the entry of such order, file a petition for review in the district court for the county where the cause of action or some part thereof arose, together with a bond to the State of Nebraska in the sum of two hundred

dollars, with sufficient surety to be approved by the clerk of the district court to which such appeal is taken and conditioned that the applicant for a license or license holder shall pay all costs taxed against him which may accrue to the commission by reason of taking such appeal. In lieu of such bond, a cash deposit of two hundred dollars may be made with the clerk for the same purpose. The petition for review need not be verified but shall state the grounds upon which such review is sought. The commission shall be deemed to be a party to any such review proceedings. The petition for review shall be served upon the director by leaving with him a copy of the petition and the commission shall file its answer within ten days from the date of service of the petition for review.

In any judicial proceeding under sections 81-8,276 to 81-8,287, the court shall consider the matter de novo upon the record. The court may on its own motion order additional evidence to be taken before it. In addition, any party to such review may offer additional evidence before the court if such party shall have served written notice of such offer on the other parties at least ten days prior to the hearing. Such notice shall set out the nature of the evidence which he so desires to offer and the names of the witnesses whom he intends to call. In such event the other parties may without advance notice offer evidence in rebuttal. Such proceedings shall be heard in a summary manner.

(d) Whenever the commission revokes the license of any person, and no appeal to the proper court has been filed within the time specified for such appeals, the commission shall mail a written notice of such revocation to all real estate appraisers licensed under sections 81-8,276 to 81-8,287.

(e) When the license of a nonresident is so suspended or revoked, the commission shall also send written notice, stating the cause for such revocation or suspension, to the real estate commission or licensing authority in the state or district of which such nonresident licensee is a resident.

(3) Grounds for suspension or revocation shall be:

(a) Proof that the licensee is doing business in violation of sections 81-8,276 to 81-8,287;

(b) Proof that the license has been obtained by fraud or misrepresentation;

(c) Proof that the licensee is falsely

impersonating a practitioner or is practicing under an assumed, fictitious or corporate name;

(d) Proof that the licensee has been found guilty of a felony;

(e) Proof that the licensee is guilty of perjury, fraud, deceit, or of gross negligence, incompetency or misconduct in the practice of real property appraising;

(f) Proof that the licensee permitted his signature to be affixed to any appraisal report if such report was not prepared by him or under his personal supervision by his regularly employed subordinates;

(g) Proof that the licensee accepted an engagement to appraise a property where his employment or fee is contingent upon his reporting a predetermined or specified value, or is otherwise contingent upon a finding to be reported;

(h) In cases when monetary damages are involved, the licensee has made his compensation contingent upon the amount of or as a percentage of the damages which may be agreed upon or finally decreed; or

(i) For other causes that the commission may deem proper.''.

2. On page 6, line 5, strike ''and'' and after ''81-8,282,'' insert ''and 81-8,285''.

LEGISLATIVE BILL 717. Placed on General File.
LEGISLATIVE BILL 836. Placed on General File.
LEGISLATIVE BILL 826. Placed on General File.
LEGISLATIVE BILL 772. Placed on General File.
LEGISLATIVE BILL 662. Placed on General File.
LEGISLATIVE BILL 653. Placed on General File.
LEGISLATIVE BILL 626. Indefinitely postponed.

(Signed) John DeCamp, Chairman

Miscellanous Subjects

LEGISLATIVE BILL 833. Placed on General File as amended.
Standing Committee amendment to LB 833:

1. On page 4, line 5 strike ''forty'' and insert ''twenty''.

(Signed) Donald Dworak, Chairman

UNANIMOUS CONSENT - Bracket LB 202

Mr. Simon asked unanimous consent to bracket LB 202.

Mr. Hefner objected.

Mr. Simon moved to bracket LB 202 until February 28, 1978. The motion prevailed with 15 ayes, 1 nay, 21 present and not voting, and 12 excused and not voting.

MOTION - Suspend Rules

Mr. Luedtke moved to suspend Rule 3 Section 5 so as to allow the Education Committee to set bills for hearing on Monday, February 6, 1978.

The motion prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Education

LB 875	Monday, February 6, 1978	1:00 p.m.
LB 876	Monday, February 6, 1978	1:00 p.m.
LB 888	Monday, February 6, 1978	1:00 p.m.
LB 889	Monday, February 6, 1978	1:00 p.m.
LB 904	Monday, February 6, 1978	1:00 p.m.
LB 908	Monday, February 6, 1978	1:00 p.m.
LB 375	Tuesday, February 7, 1978	1:00 p.m.
LB 871	Tuesday, February 7, 1978	1:00 p.m.
LB 872	Tuesday, February 7, 1978	1:00 p.m.
LB 873	Tuesday, February 7, 1978	1:00 p.m.
LB 874	Tuesday, February 7, 1978	1:00 p.m.
LB 865	Tuesday, February 7, 1978	1:00 p.m.
LB 846	Tuesday, February 7, 1978	7:00 p.m.

(Signed) Frank Lewis, Chairman

MOTION - Introduce Bills

Mr. Warner moved the introduction of 2 new bills by the Committee on Appropriations (Reg. #1436 and 1445).

The motion prevailed with 30 ayes, 0 nays, 7 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 922. By Appropriations Committee: Warner, 25th District, Chairman; Marsh, 29th District; Fowler, 27th District; Savage, 10th District; Hasebroock, 18th District; Rumery, 42nd District; Cope, 36th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to appropriations; to amend sections 77-2417 and 85-131, Reissue Revised Statutes of Nebraska, 1943; to remove exceptions from the provision that appropriations be of specific sums; to remove the appropriation of accrued university funds; to eliminate a requirement to file certain reports; and to repeal the original sections, and also section 85-111.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 923. By Appropriations Committee: Warner, 25th District, Chairman; Savage, 10th District; Marsh, 29th District; Hasebroock, 18th District; Goodrich, 20th District; Cope, 36th District; Rumery, 42nd District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 44-1620.01, Revised Statutes Supplement, 1977, relating to group insurance; to change state contributions as prescribed; to provide an operative date; to repeal the original section, and also sections 44-1620.02 to 44-1620.05, Revised Statutes Supplement, 1977; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 18. Title read. Considered.

Mr. Burrows offered the following amendments:

1. On page 2, Lines 17, 18, 21 and 22, reinstate the original language, and strike the new language.

2. On page 3, reinstate the stricken language in Lines 7-11, and show the same as reinstated.

3. On page 4, strike beginning with "that" in Line 6 through "contract" in Line 12 and show the same as stricken, and insert the

following new language: "determined by applying the agreed rate or rates of charge to the principal balance outstanding during that particular month, using the actuarial method of computation."

4. On page 10, Lines 3, 4, and 6, reinstate the original language, and strike the new language.

5. On page 11, Lines 13 and 15, in the new language strike "two" and insert "three."

The Burrows amendment #1 lost with 12 ayes, 14 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Burrows withdrew his amendments 2 through 5.

Mr. Burrows moved to indefinitely postpone LB 18.

SPEAKER LUEDTKE PRESIDING

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

Mr. Burrows moved for a Call of the House. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on the Burrows motion to indefinitely postpone.

Voting in the affirmative, 19:

Brennan	Dworak, D.	Keyes	Maresh	Schmit
Burrows	Fowler	Labedz	Marvel	Simon
Chambers	George	Lamb	Maxey	Venditte
	Kahle	Lewis, R.	Reutzel	Warner

Voting in the negative, 22:

Carsten	Dvorak, E.	Kennedy	Marsh	Rasmussen
Clark	Goodrich	Koch	Merz	Rumery
Cope	Hasebroock	Kremer	Mills	Stoney
Duis	Kefner	Lewis, F.	Moylan	
	Kelly	Luedtke	Nichol	

Present and not voting, 2:

Cullan Fitzgerald

Excused and not voting, 5:

Barnett DeCamp Newell
Bereuter Murphy

Absent and not voting, 1:

Savage

The motion to indefinitely postpone lost with 19 ayes, 22 nays, 5 excused and not voting, 2 present and not voting, and 1 absent and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 802. Placed on General File.

(Signed) Frank Lewis, Chairman

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 887	Wednesday, February 15, 1978	1:30 p.m.
LB 921	Thursday, February 9, 1978	2:30 p.m.

(Signed) Maurice Kremer, Chairman

UNANIMOUS CONSENT - Members Excused

Mr. Duis asked unanimous consent to be excused the afternoon of February 7, 1978 and all day February 8, 1978. No objections. So ordered.

Mr. Venditte asked unanimous consent to be excused Friday morning, February 3, 1978. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused Friday, February 3, 1978. No objections. So ordered.

ANNOUNCEMENT

Mr. Schmit announced there will be an Executive Session of the Agriculture and Environment Committee at 2:00 p.m., today, February 2, Room 2230, to act on all the bills that we have heard.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 923 Wednesday, February 8, 1978 4:30 p.m.

(Signed) Jerome Warner, Chairman

EXPLANATION OF VOTE

The Constitutional Revision and Recreation Committee conducted a public hearing from 10:00 a.m. to 11:30 a.m. on February 2, 1978. Had Senators Koch, Carsten, Fitzgerald, Labedz, E. Dvorak, and Reutzel been present in the chamber, they would have voted on measures before the Legislature during that time.

REFERENCE COMMITTEE REPORT

LB	Committee
923	Appropriations

(Signed) Messrs. R. Lewis, Nichol, Fowler, Marvel, Mills, Stoney, Savage, and Luedtke.

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendments to LB 18 in the Journal. No objections. So ordered.

1. On page 3, reinstate the stricken language in Lines 7-11, and show the same as reinstated.
2. On page 11, Lines 13 and 15, in the new language strike "two" and insert "three."

VISITORS

The President introduced 2 plumbers from Grand Island, Sherril Christenson and Cindy Luth; 45 members of the Nebraska Chamber of Commerce Executive Conference; 100 Kiwanis members from Nebraska and Iowa; Messrs. Earle C. Reynolds and George Moore from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. F. Lewis, the Legislature adjourned until 9:00 a.m., Friday, February 3, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - FEBRUARY 3, 1978

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 3, 1978

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 statemen. 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 Messrs. Bereuter, DeCamp, Murphy, Nichol and Venditte who were excused; Messrs. F. Lewis and Simon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 439, line 41, correct spelling of "estate".
The Journal for the Eleventh Day was approved as corrected.

UNANIMOUS CONSENT - Member Excused

Senator Clark asked unanimous consent to be excused at 11:00 a.m. this morning. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 2, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Allan, Marilyn J. - Lincoln, (withdrawn 6-8-77), The Sperry and Hutchinson Company
Anderson, Dorothy C. - Lincoln, Junior League of Lincoln
Batchelder, Anne - Omaha, Nebraska Republican Party
Becker, Wallace - Lincoln, P. M. Armstrong
Brockley, William T. - Nebraska City (withdrawn 1/4/78), Nebraska City Utilities
Brown, Vincent D. - Lincoln, American Petroleum Institute
Caswell, Steven R. - Omaha, Commercial Federal Savings and Loan Association
Chace, Charles E. - Lincoln (withdrawn 1/4/78), Nebraska Petroleum Council (American Petroleum Institute)
Chesnut, Barbara - Lincoln, Nebraska Republican Party
Crosby, Guenzel, Davis, Kessner & Kuester:
Crosby, Robert B. - Lincoln, The Tobacco Institute, Inc.
Sedgwick, James L. - Lincoln, The Tobacco Institute, Inc.
Fitchett, Thomas J. - Lincoln, (withdrawn 1/26/78), Nebraska Realtors Association
Jernigan, Wally M. - Omaha, (withdrawn 1/28/78), Omaha Police Union, Local #1
Johnson, Michael R. - Lincoln, (withdrawn June 1977), American Mutual Insurance Alliance
Lynch, Daniel C. - Colorado, (withdrawn 1/1/78), United Airlines and Air Transport Association of America
Lynch, John E. - Lincoln, (withdrawn 6/14/77), Crosby, Guenzel, Davis, Kessner and Kuester

Mount, Stuart C. - Lincoln, (withdrawn for 1978), Nebraska Hospital Association
Murphy, Lawrence E. - Lincoln, (withdrawn 1/26/78), Nebraska Hearing Aid Association
Richendifer, Blair K. - Walthill, (withdrawn 1/27/78), Concerned Citizens Council, Inc.
Ryan, James E. - Lincoln, Nebraska Association of Tobacco Distributors
Schellpeper, William L. - Lincoln, (withdrawn 1/25/78), Nebraska Medical Association
Tews and Radcliffe:
Radcliffe, Walter H. - Lincoln, Citizens For Decent Expression
Radcliffe, Walter H. - Lincoln, METRO MAIL, A Division of Metro Media, Inc.
Tews, David D. - Lincoln, Citizens For Decent Expression
Tews, David D. - Lincoln, METRO MAIL, A Division of Metro Media, Inc.
Todd, A. Loy Jr. - Lincoln, Nebraska Consumer Credit Association
Wylie, William M. - Elgin, Nebraska Soft Drink Association
Blazek, D. R. - Lincoln, Lincoln Electric System
Critchfield, James - Lincoln, Nebraska Chapter Associated General Contractors of America, Inc.
Danielson, J. Arthur - Lincoln, Finance Committee For Christian Science Churches in Nebraska
Gottschalk, Frederic A. - Lincoln, Security Mutual Life Insurance Co.
Hardy, George A. - Wisconsin, Northwestern Mutual Life Insurance Company
Herbener, Lloyd W. - Lincoln, Nebraska Republican Party
Howard, Robert N. - Omaha, Sheet Metal Contractors Association - Omaha - Council Bluffs
Huff, Walter Jr. - Lincoln, Nebraska Chapter Associated General Contractors of America, Inc.
King, Rex E. - Lincoln, Lincoln Central Labor Union AFL-CIO
Maronde, Alfred - York, Farmers Union of Nebraska
Murphy, Lawrence E. - Lincoln, Nebraska Chiropractic Physicians Association
Nuss-Elrod, Carol - Omaha, Nebraska Wing Civil Air Patrol; United Indians of Nebraska
Skochdopole, R. A. - Omaha, Governors of the Knights of Aksarben
Smith, Dwayne G. - Columbus, Loup Power District

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 618. Placed on General File.
LEGISLATIVE BILL 650. Placed on General File.
LEGISLATIVE BILL 829. Placed on General File.
LEGISLATIVE BILL 680. Indefinitely postponed.

(Signed) William Nichol, Vice Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 655. Placed on General File as amended.
Standing Committee amendments to LB 655:

1. Strike original sections 1 to 5 and insert the following:

"Section 1. That section 44-156, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-156. Whenever it appears to the satisfaction of the Director of Insurance that, because of mistake of fact, error incalculation, or erroneous interpretation of a statute of this or any other state, district, province, territory, or country, ~~that~~ any fee, tax, or charge has been paid to him pursuant to any provision of law, which is not required by law or which is in excess of the amount legally chargeable, ~~at any time during the six-year period immediately preceding the discovery of such payment or overpayment,~~ he shall have the authority~~,~~ ~~subject to the approval of the Tax Commissioner,~~ to refund the amount of such payment or overpayment. The refund may be made by applying such amount towards the payment of other like or similar fees, taxes, or charges~~,~~ ~~except taxes,~~ already due or which may become due until such payment or overpayment shall have been fully refunded. No amount shall be refunded for payment or overpayment made, after six years have elapsed from the end of the year for which any fee, tax, or charges were payable. Fees, taxes, or charges paid within the six-year period immediately preceding the effective date of this act which are not required by law or which are in excess of the amount legally chargeable shall be refunded as provided by this section.

Sec. 2. That original section 44-156, 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 through 9 and insert:

"FOR AN ACT to amend section 44-156, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to allow refunds as prescribed; and to repeal the original section.".

(Signed) John DeCamp, Chairman

Revenue

LEGISLATIVE BILL 640. Placed on General File as amended.
Standing Committee amendments to LB 640:

1. On page 3, strike beginning with "from" in line 1 through "expected" in line 2 and insert "which can be expected to last for a continuous period of not less than twelve months".

2. On page 6, strike lines 24 through 27 and insert:

"7,500.01 through 8,000	90
8,000.01 through 8,500	80
8,500.01 through 9,000	70
9,000.01 through 9,500	60
9,500.01 through 10,000	50
10,000.01 through 10,500	40
10,500.01 through 11,000	30
11,000.01 through 11,500	20
11,500.01 through 12,000	10".

3. On page 7, strike lines 1 through 27.

4. On page 8, strike lines 1 through 14.

5. Insert a new section 21 as follows:

"Sec. 21. If a claimant who is a homeowner is granted relief under this act, the homestead relief as to such property shall remain in full force and effect without reapplication for each succeeding year except the owner shall notify the Tax Commissioner of any change in the homestead exemption status in any subsequent year which would result in a change in the amount of relief provided under this act.".

6. Renumber original sections 21 to 45 as sections 22 to 46 respectively.

LEGISLATIVE BILL 699. Placed on General File as amended.
Standing Committee amendments to LB 699:

1. On page 2, line 26 strike "twenty" and insert "ten".

2. On page 3, lines 2 strike "per year" and after the underscored period insert "This section shall not apply when a building permit has been obtained from a county or municipal officer or an information statement has been filed with the county assessor.".

3. Insert a new section as follows:

"Sec. 2. That section 77-1318.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1318.01. In order that improvements to real property are properly assessed for ad valorem tax purposes, no building amounting to a value of one thousand dollars or more shall hereafter be erected, or structurally altered or repaired, and no electrical, heating, plumbing, or other installation or connection, or other improvement to real property, amounting to a value of one thousand dollars or more, shall hereafter be made until an information statement has been filed with the county assessor in the county in which the improvement is to be made; Provided, that common carriers and public utilities regulated either by the State of Nebraska or the federal government, or owned, operated or leased by a political subdivision thereof, shall not be required to secure a building permit for the structural alteration, or repair of a building, or for the electrical, heating, plumbing, or other installation or connection, or other improvement to real property owned by it or pursuant to a contract or a service agreement. Any building permit issued by a county or municiapl officer shall fulfill the requirements of this section if it contains the information required by this section. ~~and if a copy is~~ A copy of such permit shall be provided ~~for~~ to the county assessor by the county or municipal officer issuing any building permit. If the county or municipality does not require a permit under its zoning laws, the information statement shall be filed with the county assessor. No information statement need be filed with the county assessor when the erection or repair is necessitated by an emergency caused by explosion, fire, war, act of God or natural disaster. The form for the information statement shall be provided by the county assessor and may be filed either in person or by mail. The information statement shall show the following: (1) Name and address of the owner of the property; (2) name and address of the applicant, if different than owner; (3) name of prime contractor for the project, if there is one; (4) location of the property, size, nature, intended

use and approximate material cost of the improvement; and (5) the estimated period of construction.".

4. On page 3, line 3 strike "section" and insert "sections" and after "77-1318" insert "and 77-1318.01"; and in line 4 strike "is" and insert "are".

5. Renumber original section 2 as section 3.

LEGISLATIVE BILL 902. Placed on General File as amended.
Standing Committee amendments to LB 902:

1. On page 2, lines 6 and 7 strike the new matter; in line 6 reinstate the stricken "~~or~~"; in line 11 after the second "time" insert ", except a city of the metropolitan class. The governing body of a city of the metropolitan class is hereby authorized to impose by ordinance a sales and use tax of one half, one, or one and one half per cent upon the same transactions within such city of the metropolitan class on which the State of Nebraska is authorized to impose a tax pursuant to the provisions of the Nebraska Revenue Act of 1967, as amended from time to time".

2. In section 1 add a new subsection as follows:

"(3) Any municipality increasing their sales and use tax rate beyond one per cent on or after the effective date of this act shall file with the Revenue Committee of the Legislature on or before January 15 of 1979 and of 1980 a report outlining what steps are being taken by the governing board of the municipality to reduce expenditures or increase revenue to replace the increased revenue generated by the increased sales and use tax rate when such increased revenue will automatically be reduced on October 1, 1980.".

3. Add two new sections:

"Sec. 2. 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. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. Renumber original section 2 as section 3.

(Signed) Orval Keyes, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 767. Placed on General File as amended.
Standing Committee amendments to LB 767:

1. On page 2, line 5 after "purposes" insert "or may insure

the following lines".

2. On page 7, line 10 strike "prepaid" and after "legal" insert "expense".

LEGISLATIVE BILL 771. Placed on General File as amended.
Standing Committee amendments to LB 771:

1. Strike original section 1 and insert a new section 1 to read as follows:

"Section 1. That section 44-1620.01, Revised Statutes Supplement, 1977, be amended to read as follows:

44-1620.01. In order to provide state employees who are subject to sections 44-1620 to 44-1632, with an adequate health insurance program, the state shall contribute the following sums from the various funds toward payment of a health insurance plan which may include coverage for dependents: For single coverage, the monthly sum of fifteen dollars and twenty cents, for two or four party coverage, the monthly sum of thirty-nine dollars and thirty-one cents, and for family coverage, the montly sum of fifty-six dollars and twenty-five cents. Full coverage of medicare-extended shall continue in effect at the monthly rate of nine dollars and sixty cents.".

2. On page 2, line 12, strike "44-1625" and insert "44-1620.01"; and in line 13, strike "1976" and insert "1977".

(Signed) John W. DeCamp, Chairman

Public Health and Welfare

LEGISLATIVE BILL 583. Placed on General File.
LEGISLATIVE BILL 675. Placed on General File.
LEGISLATIVE BILL 761. Placed on General File.
LEGISLATIVE BILL 595. Placed on General File.
LEGISLATIVE BILL 648. Indefinitely postponed.
LEGISLATIVE BILL 573. Indefinitely postponed.
LEGISLATIVE BILL 732. Placed on General File.
LEGISLATIVE BILL 633. Indefinitely postponed.

LEGISLATIVE BILL 671. Placed on General File as amended.
Standing Committee amendment to LB 671:

1. On page 2, line 16 after "father" insert "or the surnames of both parents joined by a hyphen"; and in line 20 strike "mother or father" and insert "parent".

LEGISLATIVE BILL 676. Placed on General File as amended.
Standing Committee amendment to LB 676:

1. Insert the following:

"Sec. 19. 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 575. Placed on General File as amended.
Standing Committee amendment to LB 575:

1. On page 2, line 26 strike "thirty" and insert "~~thirty~~ twenty-one".

LEGISLATIVE BILL 580. Placed on General File as amended.
Standing Committee amendment to LB 580:

1. On page 5, line 10 after the period insert "No member shall serve more than two consecutive three-year terms.".

LEGISLATIVE BILL 685. Placed on General File as amended.
Standing Committee amendment to LB 685:

1. On page 2, strike beginning with "misdemeanor" in line 6 through "dollars" in line 8, show as stricken, and insert "Class V misdemeanor".

LEGISLATIVE BILL 605. Placed on General File as amended.
Standing Committee amendment to LB 605:

1. On page 6, strike lines 1 through 12 and insert:

"Sec. 2. The county attorney or coroner shall, within two days of the issuance of the autopsy results showing death suspected due to the sudden infant death syndrome, notify the appropriate area community mental health center of the name of the parents of the sudden infant death syndrome victim.".

(Signed) Richard Lewis, Chairman

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 884	Tuesday, February 14, 1978	3:30 p.m.
LB 839	Monday, February 20, 1978	1:30 p.m.
LB 844	Monday, February 20, 1978	1:30 p.m.
LB 853	Tuesday, February 21, 1978	1:30 p.m.
LB 856	Tuesday, February 21, 1978	1:30 p.m.

(Signed) Richard Lewis, Chairman

MOTION - Approve Appointments

Mr. Savage moved the adoption of the Governor appointments of W. D. Newberry, Joseph Lipton, David Flebbe, Shirley Meckel, Mrs. David (Breta) Dow, Barbara Doyle, found in the Journal on page 467 and suggests a record vote. No objections. So ordered.

Voting in the affirmative, 28:

Barnett	Goodrich	Kremer	Maxey	Savage
Carsten	Hasebroock	Lamb	Moylan	Schmit
Cope	Hefner	R. Lewis	Newell	Stoney
Cullan	Kahle	Luedtke	Rasmussen	Warner
E. Dvorak	Keyes	Maresh	Reutzel	
Fitzgerald	Koch	Marsh	Rumery	

Voting in the negative, 0.

Not voting, 21:

Bereuter	DeCamp	Kelly	Merz	Venditte
Brennan	Duis	Kennedy	Mills	
Burrows	Dworak, D.	Labedz	Murphy	
Chambers	Fowler	Lewis, F.	Nichol	
Clark	George	Marvel	Simon	

The appointments were confirmed with 28 ayes, 0 nays, and 21 not voting.

Mr. Savage moved the adoption of the Governor appointments of E. K. Yanney, Eugene E. Neal, David O. Coolidge, John W. Neuberger, Roger Sandman, Robert J. Keller, and Maurine Biegert found in the Journal on page 468 and suggests a record vote.

Voting in the affirmative, 26:

Carsten	Goodrich	Lamb	Moylan	Schmit
Cope	Hasebroock	R. Lewis	Newell	Stoney
Cullan	Hefner	Luedtke	Rasmussen	
E. Dvorak	Kahle	Maresh	Reutzel	
Fitzgerald	Kelly	Marsh	Rumery	
George	Kremer	Marvel	Savage	

Voting in the negative, 0.

Not voting, 23:

Barnett	Clark	Kennedy	Maxey	Simon
Bereuter	DeCamp	Keyes	Merz	Venditte
Brennan	Duis	Koch	Mills	Warner
Burrows	Dworak, D.	Labedz	Murphy	
Chambers	Fowler	Lewis, F.	Nichol	

The appointments were confirmed with 26 ayes, 0 nays, and 23 not voting.

Mr. Savage moved the adoption of the Governor appointments of Marlin O. Armbruster, Francis Hanna, Julius Novak, F. B. Thompson, Marvin Athey, Bruce C. Gillan, D. J. Erington, Blase J. Cupich found in the Journal on page 467 and suggests a record vote.

Voting in the affirmative, 29:

Barnett	Fitzgerald	Kennedy	Maresh	Rumery
Carsten	George	Koch	Marsh	Savage
Cope	Goodrich	Labedz	Marvel	Schmit
Cullan	Hasebroock	Lamb	Mills	Stoney
E. Dvorak	Hefner	R. Lewis	Moylan	Warner
D. Dworak	Kahle	Luedtke	Reutzel	

Voting in the negative, 0.

Not voting, 20:

Bereuter	Clark	Kelly	Maxey	Nichol
Brennan	DeCamp	Keyes	Merz	Rasmussen
Burrows	Duis	Kremer	Murphy	Simon
Chambers	Fowler	F. Lewis	Newell	Venditte

The appointments were confirmed with 29 ayes, 0 nays, and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 526. Mr. Warner renewed his pending amendment found in the Journal on page 477.

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 469. Mr. Warner offered the following amendment:
To amend LB 469 standing committee amendment line 4 following the word "may" strike the words "notwithstanding any other provisions in the Constitution and"

The amendment lost with 15 ayes, 15 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Warner offered the following amendment:
To amend LB 469 standing committee amendment line 5 strike the words "and without regard to cnarter limitations and restrictions"

The amendment lost with 15 ayes, 15 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Advanced to E & R for Engrossment with 28 ayes, 6 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 259. E & R amendments found in the Journal on page 365 for the Ninth Day were adopted.

Mr. Stoney asked unanimous consent to bracket until Friday, February 10, 1978. No objections. So ordered.

LEGISLATIVE BILL 441. E & R amendment found in the Journal on page 366 for the Ninth Day was adopted.

Mr. F. Lewis offered the following amendment:
On page 2, strike section 1 and add a new section 1 as follows:
Section 1. That section 79-1705, Revised Statutes Supplement, 1976, be amended to read as follows:
79-1705. The county superintendent in first-class

school districts, or the superintendent of schools in all other districts, where any private, denominational, or parochial school not otherwise inspected by an area or diocesan representative holding either a Nebraska Administrative and supervisory Certifcate or a Nebraska Professional Administrative and Supervisory Certificate is located, shall inspect such schools and report to proper officers any evidence of failure to observe any of the provisions of sections 79-1701 to 79-1707. Provided, that the Commissioner of Education when in his judgment it is deemed advisable, may appoint a public school official other than the above, including a member of the State Department of Education, for such inspections. Such appointee shall hold either a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate. The State Board of Education shall require the several county superintendents and superintendents of schools and appointed public school officials to make such inspections at least twice a year, and the school officers of such schools and the teachers giving instruction therein are required to permit such inspection and assist and cooperate in the making of the same.

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 168. E & R amendment found in the Journal on page 366 for the Ninth Day was adopted.

Mr. Newell offered the following amendment:

1. On page 4, line 5, after the second comma insert "each county public defender,".

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 380. E & R amendments found in the Journal on page 446 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 406. E & R amendment found in the Journal on page 446 for the Eleventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 372. E & R amendments found in the Journal on page 447 for the Eleventh Day were adopted.

LEGISLATIVE BILL 233. E & R amendments found in the Journal on page 447 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 186. E & R amendments found in the Journal on page 447 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 109. E & R amendments found in the Journal on page 448 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 21. E & R amendments found in the Journal on page 449 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 361. E & R amendments found in the Journal on page 449 for the Eleventh Day were adopted.

Mr. Maresh offered the following amendment:

1. On page 5, immediately before the period in line 21, insert "who has engaged in the real estate business as a salesperson for not less than three years".

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Stoney renewed his pending amendment found in the Journal on page 478.

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 Engrossment.

LEGISLATIVE BILL 65. E & R amendments found in the Journal on page 450 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 270. E & R amendment found in the Journal on page 451 for the Eleventh Day was adopted.

Mr. F. Lewis offered the following amendment:

1. On page 2, line 2 after "month" insert "while the Legislature is in session and on or before the fifteenth day of August and November of each year".

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 420. E & R amendment found in the Journal on page 451 for the Eleventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 216. E & R amendments found in the Journal on page 451 for the Eleventh Day were adopted.

Mr. Cullan requested a machine vote to advance LB 216 to E & R for Engrossment.

Advanced to E & R for Engrossment with 25 ayes, 5 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 501. E & R amendment found in the Journal on page 451 for the Eleventh Day was adopted.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 911	Thursday, February 16, 1978 (cancelled)	1:30 p.m.
LB 917	Thursday, February 16, 1978 (cancelled)	1:30 p.m.
LB 911	Thursday, February 9, 1978 (reset)	1:30 p.m.
LB 917	Thursday, February 16, 1978 (reset)	12:00 noon

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 818. Placed on General File as amended.
Standing Committee amendments to LB 818:

1. On page 3 strike beginning with "(1)" in line 6 through "(2)" in line 10; strike beginning with "certified" in line 10 through the first comma in line 11; in line 11 strike the second comma; in line 12 strike the comma; and in line 14 strike "section 4" and insert "sections 4 and 6".
2. On page 4 strike lines 19 through 27.
3. On page 5 strike lines 1 through 17; and in line 18 strike "(5)" and insert "Sec. 6.".
4. Strike original section 7.
5. On page 6 strike beginning with "Applications" in line 23 through the period in line 25.
6. On page 7 strike beginning with the comma in line 4 through the comma in line 6; and in line 12 strike "10" and insert "8 of this act shall become operative on its effective date and section 9".
7. Renumber original sections 8 to 11 as sections 7 to 10.

LEGISLATIVE BILL 130. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

GENERAL FILE

LEGISLATIVE BILL 411. Considered.

Mr. Mills asked unanimous consent to bracket until February 10, 1978. No objections. So ordered.

LEGISLATIVE BILL 446. Mr. Brennan asked unanimous consent to bracket until February 17, 1978. No objections. So ordered.

LEGISLATIVE BILL 660. Title read. Considered.

Mrs. Maxey offered the following amendment:

1. Insert a new section 6 as follows:

"Sec. 6. (1) The Tax Commissioner shall annually analyze the taxation schedule for cabin trailers and mobile homes as defined in sections 60-1601 and 60-1601.01 and determine whether the valuations in such schedule should be either decreased or increased. If a change if deemed necessary, the commissioner shall make such change. If no change is necessary, the commissioner shall require each county assessor to indicate that no change is necessary on the tax statements sent to owners of such cabin trailers and mobile homes.

(2) If the Tax Commissioner fails to comply with the provisions of subsection (1) of this section in any year, the owners of cabin trailers and mobile homes as defined in sections 60-1601 and 60-1601.01 shall be excempt from the payment of any taxes on such cabin trailers and mobile homes for each year of noncompliance by the commissioner.".

2. Renumber original sections 6 and 7 as sections 7 and 8 respectively.

The Maxey amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 108. Title read. Considered.

Mr. R. Lewis offered the following amendment:

Amend LB 108 line 4 page 2 strike Swanson Reservoir and insert Strunk Lake

Line 11 page 2 strike 1978 and insert 1979.

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. R. Lewis moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

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

Mr. F. Lewis moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE BILL 92. Mr. F. Lewis asked unanimous consent to bracket LB 92 and LB 92A until February 20, 1978. No objections. So ordered.

LEGISLATIVE BILL 128. Mr. Mills asked unanimous consent to bracket until Tuesday, February 7, 1978. No objections. So ordered.

LEGISLATIVE BILL 424. Mr. Schmit asked unanimous consent to bracket until February 6, 1978. No objections. So ordered.

LEGISLATIVE BILL 316. Title read. Considered.

Standing Committee amendments found in the Journal on page 659 for the Thirty-third Day, First Session, were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

MOTION-Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. #1451).

Mr. Warner moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Warner moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to introduce the new bill prevailed with 31 ayes, 0 nays, 12 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 924. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Savage, 10th District; Hasebroock, 18th District; Marsh, 29th District; Goodrich, 20th District; Rumery, 42nd District; Fowler, 27th District.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to increase personal service limitations; to change authorizations; to amend Laws 1977, LB 531, section 10, Laws 1977, LB 532, sections 3, 6, 9, 10, 11, 15, 26, 29, 39, and 45, Laws 1977, LB 533, sections 5 and 7, Laws 1977, LB 546, section 2, Laws 1977, LB 548, section 10, and Laws 1977, LB 549, sections 12 and 16; to repeal the original sections; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 276. Mr. Fowler offered the following amendments:

1. Strike original section 1 and insert:

"Section 1. That section 28-401, Revised Statutes Supplement, 1977, be amended to read as follows:

28-401. As used in this article, unless the context otherwise requires:

(1) Administer shall mean the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (a) A practitioner or, in his presence, by his authorized agent, or (b) the patient or research subject at the direction and in the presence of the practitioner;

(2) Agent shall mean an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman;

(3) Bureau shall mean the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice;

(4) Controlled substance shall mean a drug, substance, or immediate precursor in Schedules I to V of section 28-405. The term shall not include distilled spirits, wine, malt beverages, tobacco, or any nonnarcotic substance if such substance may, under the Federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription;

(5) Counterfeit substance shall mean a controlled substance which, or the container or labeling of which, without authorization, bears the trade-mark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to

be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser;

(6) Department shall mean the Department of Health of this state;

(7) Division of Drug Control shall mean the personnel of the Nebraska State Patrol who are assigned to enforce the provisions of this article;

(8) Bureau of Examining Boards shall mean personnel of the department responsible for the enforcement of the provisions of this article in the areas assigned to it by the provisions of this article;

(9) Dispense shall mean to deliver a controlled substance to an ultimate user or a research subject by, or pursuant to the lawful order or prescription of a physician, dentist, veterinarian, or other medical practitioner licensed under the laws of this state to prescribe drugs, including the packaging, labeling, or compounding necessary to prepare the substance for such delivery. Dispenser shall mean the apothecary, pharmacist, or other practitioner, duly licensed and who dispenses a controlled substance to an ultimate user or a research subject;

(10) Distribute shall mean to deliver other than by administering or dispensing a controlled substance. Distributor shall mean a person who so distributes a controlled substance;

(11) Prescribe shall mean the act of a physician, surgeon, dentist, veterinarian, or other medical practitioner licensed under the laws of this state, in issuing an order, prescription, or direction to a pharmacist or pharmacy to dispense a drug as required by the laws of this state;

(12) Drug shall mean (a) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; and (c) substances intended for use as a component of any article specified in subdivision (a) or (b) of this subdivision; but does not include devices or their components, parts, or accessories;

(13) Deliver or delivery shall mean the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship;

(14) Marijuana shall mean all parts of the plant

Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination; and, where the weight of marijuana is referred to in this article it shall mean its weight at or about the time it is seized or otherwise comes into the possession of law enforcement authorities, whether cured or uncured at that time;

(15) Manufacture shall mean the production, preparation, propagation, compounding, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance: (a) By a practitioner as an incident to his prescribing, administering or dispensing of a controlled substance in the course of his professional practice, or (b) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale;

(16) Narcotic drug shall mean any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (a) Opium, opium poppy and poppy straw, coca leaves, and opiates; (b) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates; (c) a substance and any compound, manufacture, salt, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subdivisions (a) and (b) of this subdivision, except that the words narcotic drug as used in this article shall not include decocainized coca

leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine, or isoquinoline alkaloids of opium;

(17) Opiate shall mean any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include the dextrorotatory isomer of 3-methozy-n methylmorphinan and its salts. It does include its racemic and levorotatory forms;

(18) Opium poppy shall mean the plant of the species Papaver somniferum L., except the seeds thereof;

(19) Poppy straw shall mean all parts, except the seeds, of the opium poppy, after mowing;

(20) Person shall mean any corporation, association, partnership or one or more individuals;

(21) Practitioner shall mean a physician, dentist, veterinarian, pharmacist, scientific investigator, pharmacy or hospital, licensed, registered, or otherwise permitted to distribute, dispense, prescribe, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(22) Production shall include the manufacture, planting, cultivation, or harvesting of a controlled substance;

(23) Immediate precursor shall mean a substance which is the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit such manufacture;

(24) State shall mean the State of Nebraska;

(25) Ultimate user shall mean a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household;

(26) Physician shall mean a person authorized by law to practice medicine in this state and other person authorized by law to treat sick and injured human beings in this state;

(27) Dentist shall mean a person authorized by law to practice dentistry in this state;

(28) Veterinarian shall mean a person authorized by law to practice veterinary medicine in this state;

(29) Hospital shall mean an institution for the care and treatment of sick and injured human beings and approved by the department;

(30) Podiatrist shall mean a person authorized by law to practive podiatry and who has graduated from an accredited school of podiatry in or since 1935;

(31) Apothecary shall mean a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of the store or other place of business where drugs are compounded or dispensed by a licensed pharmacist, but nothing in this subdivision shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state; ~~and~~

(32) Nothing contained in this article shall be construed as authority for a practitioner to perform an act for which he is not authorized by the laws of this state; and.

(33) Cooperating individual shall mean any person, other than a commissioned law enforcement officer, who acts on behalf of, at the request of, or as agent for a law enforcement agency for the purpose of gathering or obtaining evidence of offenses punishable under sections 28-401 to 28-438.".

2. On page 9, line 27, strike "28-4,115 to 28-4,142" and insert "28-401 to 28-438".

3. Amend section 3 to read:

"Sec. 3. That original section 28-401, Revised Statutes Supplement, 1977, is repealed.".

4. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT to amend section 28-401, Revised Statutes Supplement, 1977, relating to the".

The Fowler 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.

LEGISLATIVE BILL 323. E & R amendment found in the Journal on page 452 for the Eleventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 574. E & R amendments found in the Journal on page 452 for the Eleventh Day were adopted.

Laid over at the request of Mr. Maresh.

LEGISLATIVE BILL 502. E & R amendment found in the Journal on page 452 for the Eleventh Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. George asked unanimous consent to print the following amendment to LB 361 in the Journal. No objections. So ordered.

1. On page 10, line 8 after the underscored comma insert "(a) successfully passed an equivalency test offered by a school certified by the commission or offered by the commission in each of the three subjects, or (b)"; and in line 26 after the underscored comma insert "(a) successfully passed an equivalency test offered by a school certified by the commission or offered by the commission in each of the six subjects, or (b)".

Mr. Mills asked unanimous consent to print the following amendments to LB 411 in the Journal. No objections. So ordered.

1. In the committee amendment insert a new section 1 as follows:

"Section 1. That section 23-922, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-922. As used in this act, unless the context otherwise requires:

(1) Governing body shall mean, in the case of a city, the council; in the case of a village, cemetery district, community hospital for two or more adjoining counties, mosquito abatement district, road improvement district, sanitary and drainage district, or sanitary and improvement district, the board of trustees; in the case of a county, the county board; in the case of a township, the town board; in the case of a school district, the school board; in the case of a rural and suburban fire protection district, reclamation district, natural resources district, ground water conservation district,

or hospital district, the board of directors; in the case of a health district, the board of health; in the case of a regional library, the regional library commission; in the case of an educational service unit, the board; in the case of an area vocational technical school, the school district board of education or the governing board of the area vocational technical school; in the case of an airport authority, the airport authority board; and in the case of a weed eradication and control district, the district supervisors;

(2) Levying board shall mean any governing body which has the power or duty to levy a tax;

(3) Fiscal year shall mean the twelve-month period used by each governing body in determining and carrying on its financial and taxing affairs;

(4) Tax shall mean any general or special tax levied against persons, property, or business, for public purposes, as provided by law, but shall not include any special assessment;

(5) Auditor shall mean the Auditor of Public Accounts;

(6) Cash reserve shall mean funds required for the period before revenue would become available for expenditure;

(7) Public funds shall mean all money, including nontax money, used in the operation and functions of governing bodies; and

(8) Adopted budget statement shall mean a proposed budget statement which has been adopted or amended and adopted as provided in section 23-925; and such term shall include additions, if any, to an adopted budget statement made by a supplemental budget which has been adopted as provided in section 23-929.''.

2. In the committee amendment insert a new section 6 as follows:

"Sec. 6. That section 46-631, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-631. The board of directors may levy and collect annually taxes necessary to finance the activities of such district to the amount of not more than one mill on the dollar of the assessed value of all taxable real property within such district. The board shall comply with the provisions of sections 23-921 to 23-933, in adopting its budget statement. It shall, on or before the first day of August in each year, certify its mill levy to the county clerks of the counties wholly

or partially within the district, who shall extend the same on the county tax list, and the same shall be collected by the county treasurer in the same manner as state and county taxes. It shall be the duty of the board to apply for and to receive from the county treasurers all money to the credit of the district. The county treasurer shal disburse the same on the order of the treasurer of the district.''.

3. Renumber the remaining sections accordingly.

4. On page 4, line 20 after ''sections'' insert ''23-922,''; and in line 21 strike ''and'' and after ''46-626,'' insert ''and 46-631,''.

Mr. Kelly asked unanimous consent to print the following amendments to LB 372 in the Journal. No objections. So ordered.

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

''Section 1. That section 71-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1901. As used in sections 71-1901 to 71-1905:

(1) Person shall include a partnership, firm, agency, association or corporation;

(2) Child care shall mean regularly engaged in the business of exercising the care, supervision, custody or control over children under sixteen years of age, for compensation or hire, in lieu of the care or supervision normally exercised by parents in their own home but shall not include casual care at irregular intervals. ~~; and~~ Exempted from this definition is child care which:

(a) Is not publicly solicited;

(b) Is operated within such individual's own home;

(c) Does not require the hiring of additional personnel other tha the individual;

(d) Does not last for more than a period of twelve continuous hours;

(e) Is not provided for more than five children except for their own children in any period of twelve continuous hours; and

(f) Is located in a county whose population is less than fifty-five thousand; and

(3) Department shall mean the Department of Public Welfare of the State of Nebraska.

Sec. 2. 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. 3. That original section 71-1901, Reissue

Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Kelly asked unanimous consent to print the following amendments to LB 121 in the Journal. No objections. So ordered.

1. In lieu of the committee amendment, on page 2 strike lines 20 through 23, show as stricken, and insert a new subsection as follows:

"(3) if the landlord's failure to comply with subsection (2) of this section is willful and not in good faith, the aggrieved tenant may recover (a) the property and money due him or her, (b) damages, in a amount equal to the amount wrongfully withheld, which shall be for the loss of the use of the property and money withheld and inconvenience in recovering such money, (c) costs of the action, and (d) reasonable attorney's fees.".

2. On page 3, strike lines 2 through 13.

Mr. Marvel and Mrs. Maxey asked unanimous consent to have the following amendments to LB 660 printed in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Sec. 2. That section 77-1239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1239. (1) The Tax Commissioner shall prepare a schedule of actual values upon the several types of motor vehicles already manufactured or being manufactured, except dealer's vehicles on hand, in accordance with section 77-201. ~~; Provided, that in~~

(2) In preparation of the schedule of actual values of cabin trailers, mobile homes, and motor homes the Tax Commissoner shall deduct the value of household goods which are included in the value of such vehicle and which are exempt from taxation pursuant to section 77-202 (1) (d).

(3) The schedule required under subsections (1) and (2) of this section shall consist of two parts as follows: (a) The first part of such schedule shall consist of a schedule for all motor vehicles excluding cabin trailers and mobile homes as defined in section 60-1601 and 60-1601.01; and (b) the second part of the schedule shall include cabin trailers and mobile homes as defined in sections 60-1601 and 60-1601.01.

Sec. 7. Any person who shall deem himself aggrieved or who shall complain that another is assessed

too low under subdivison (3) (b) of section 2 of this act may appeal such assessment to the County Board of Equalization and Assessment for review under the provisions of section 77-1503.".

2. On page 3, line 9 after the comma insert "and reviewed under section 7 of this act,".

3. On page 5, line 20 after "sections" insert "77-1239,", and after "77-1240" insert a comma.

4. Renumber original sections 2, 3, 4, 5, 6, and 7 as sections 3, 4, 5, 6, 8, and 9 respectively.

Mr. Barnett asked unanimous consent to print the following amendments to LB 457 in the Journal. No objections. So ordered.

1. Strike original section 1 and all amendments thereto and insert:

"Section 1. The board of education of a fourth class district shall consist of six members. Board members shall be elected for four years. Members of the board shall enter upon the duties of their office on the third Monday of the month in which they are elected. Vacancies in office shall occur as set forth in section 32-1037, Reissue Revised Statutes of Nebraska, 1943, or when a member elected from a district no longer resides in such election district. Whenever any vacancy occurs on the board, the remaining members shall appoint an individual residing within the geographical boundaries of the school district and within the geographical boundaries of the election district of the member whose term has become vacant, to fill the vacancy for the balance of the unexpired term. Candidates for the board of education shall be nominated and elected at the same time as members of the city council. No filing fee shall be required of such candidates. The election commissioner of the county in which the greater part of the district is situated shall divide the school district into six numbered districts, substantially equal in population as determined by the most recent federal census. A member of the board shall be elected from each such district. Candidates shall be nominated at the primary election upon a nonpolitical ballot. 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 an official ballot for the board of education at the general city election. Members of the board of education shall serve until the expiration of their terms. At the general city election in 1979 and each four years

thereafter, one member shall be elected from each of the even-numbered districts. At the general city election in 1981 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 the election districts to conform to changes in the territory and population of the school district and also following each federal decennial census.".

2. In the title, lines 4 and 5, strike "containing a city of the primary class".

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 899. Placed on General File.

(Signed) Orval Keyes, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendments to LB 212 in the Journal. No objections. So ordered. (Amendments printed separately from the Journal and on file in the Clerk's office, Reg. #2721)

REFERENCE COMMITTEE REPORT

LB	Committee
924	Appropriations

(Signed) Messrs. Marvel, Mills, Fowler, R. Lewis, Savage, Stoney and Luedtke

NOTICE OF COMMITTEE HEARING

LB 924 Thursday, February 9, 1978 1:30 p.m.

(Signed) Jerome Warner, Chairman

MOTION - Public Accountability and Disclosure Commission

Appointment to Nebraska Political Accountability and Disclosure Commission

Names submitted by Legislative Council Executive Board:

Harman, Eunice - Beaver City
Kjeldgaard, Frank - Big Springs
Robinson, Leslie - Kearney
Thompson, Don - McCook
Waldbaum, Mimi - Omaha (submitted four times)

Laid over.

(Signed) Richard Marvel, Chairman

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Newell asked unanimous consent to add his name as co-introducer to LB 42.

ANNOUNCEMENT

Mr. Schmit announced the Agriculture and Environment Committee will hold an Executive session at 1:30 p.m. today.

VISITORS

The President introduced 35 fourth and fifth grade students, teachers, and parents from Lincoln Elementary School, York, Nebraska; 7 wives of the Nebraska Society of Farm Managers and Rural Appraisers from Nebraska; 22 students and Typing Instructor from North Bend High School, North Bend, Nebraska; 62 Youths for Understanding and 4 leaders from 35 foreign countries; Roy Stewart, York, Nebraska and Ralph O'Connor, Grafton, Nebraska.

ADJOURNMENT

At 11:45 a.m., on a motion by Mr. Luedtke, the Legislature adjourned until 9:30 a.m., Monday, February 13, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - FEBRUARY 6, 1978

LEGISLATIVE JOURNAL

THIRTEENTH DAY - FEBRUARY 6, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 6, 1978

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Reverend Ray Barnett, First Christian Church, Newton, Iowa.

> God, it is a constant wonder to us that you choose to continue with us with your blessings - bringing order out of chaos and fruits to our labors, we are grateful, as your children and co-workers in caring for one another, from the least among us to the greatest - knowing that in your sight we are all worthwhile - with the potential of making things better for more of your children.
>
> Thank you God for these public servants, who hold within their minds and hearts, the well-being of so many. Inspire them always to not only counsel with one another in understanding and tolerance, but to know that you are present is your concern - may we always take you into our confidence.
>
> May they blend courage with consciousness, action with humility and personal power with an understanding of its limitations.
>
> God, we need each other, and we need your continuing challenge to us to be and to do what will be of value and benefit to all needs - as it is within our limited power. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. George, F. Lewis, and Merz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 505, line 10, insert: "Advanced to E & R for Engrossment."
Page 521, line 25, delete "13" and insert "6".
The Journal for the Twelfth Day was approved as corrected.

COMMUNICATION

Received report from the Office of Planning and Programming's review of county and municipal land use regulations under Laws 1975, LB 317.
(Report filed in the Clerk's office.)

ATTORNEY GENERAL'S OPINION

Opinion No. 180
February 1, 1978

Re: LB 653

Dear Senator Duis:

This is in reply to your inquiry concerning LB 653 which is intended to revise portions of the Nebraska statutes relating to the bonding of state officials and employees.

You first inquire if subsection (1) of section 8 applies to the bond referred to in subsection (5) of section 8. In our opinion, it does. Section 8 is an amendment of section 11-201, R.R.S. 1943. As section 11-201, as amended, is set forth in the bill, it begins: "It shall be the duty of the Director of Insurance:" It then lists five numbered subsections, each of which begins with a directory such as "to prescribe, to pass, to arrange" etc. It is our opinion that each of said subsections must be construed as a separate duty of the Director of Insurance as prescribed at the beginning of the section which was quoted above.

You next inquire whether or not permitting the Director of Insurance to set the amount of the blanket bond up to a limit of one million dollars, provided in subsection (5) of section 8, constitutes an unconstitutional delegation of legislative power.

As you know, the Legislature may constitutionally delegate power or authority to other bodies to carry out certain functions, provided the Legislature provides a sufficiently definite standard or criteria to guide the body in the exercise of the power. It is frequently extremely difficult to determine whether or not the Legislature has set forth

sufficient standards to guide the body which is to exercise the power so that one may predict whether or not the Supreme Court of Nebraska will determine that it is a constitutional delegation.

In City of Lincoln v. Nebraska Public Power Dist., 191 Neb. 556, the court had to consider whether or not the following was sufficient standard to guide the Power Review Board in making a determination:

> ". . . 'Board shall consider whether or not the proposed agreement or amendment can be reasonably expected to provide a reliable wholesale power supply at a reasonable cost for the area.' . . ."

In that case the appellant argued that the term "reasonable cost" could not supply an understandable fact standard. There was no similar attack made on the term "a reliable" wholesale power supply.

The court placed considerable weight upon the fact that the statute in that case further provided that the board may make "such investigation as it determines is necessary." The court construed this to mean that the Legislature contemplated that the board would not approve an agreement in the absence of some evidence either gathered as a result of its own investigation or produced at a public hearing, which evidence would enable it to find affirmatively that the criteria above quoted are met. The court also considered the fact that an appeal to the Supreme Court provided in such statute indicated that the Legislature did not intend to delegate to the court the authority to make a determination without sufficient evidence to consider.

The court then considered the question whether "reasonable cost" was sufficiently definite. It stated that in the context it was used it was not as vague or indefinite as to amount to a complete absence of a standard. In this regard it emphasized that there are well-established general principles as to the manner in which charges for electrical energy and utility rates were determined.

The court pointed out that in State ex rel. Wright v. Lancaster County Rural P.P. Dist., 130 Neb. 677, it had approved a delegation of administrative authority determining "feasibility" of the formation of public power districts and that in the present context the words "reasonable costs" acquire certainty from the "technical knowledge or sense and experience of men."

In LB 653, section 8 now under consideration, the Director of Insurance is required to "prescribe the amount, terms, and conditions of any bond where the amount or terms are not fixed by any specific statute." (See subsection (1).)

Subsection (5) of the same statute requires all state employees who are not specifically bonded under section 11-119 to be bonded under a blanket bond in an amount not to exceed one million dollars.

In making the determination as to the amount, terms, and conditions, subsection (1) specifically states:

> ". . . The director, in prescribing the terms, shall consider the type of risks to be bonded, relationship of the bond premium to risks involved, past and projected trends for bond premiums, and any other factors the director may, in his discretion, deem necessary in order to accomplish the provisions of this act."

Subsection (2) requires the director to pass upon the sufficiency of and approve the surety on the bonds of all officers and employees of the state, where approval is not otherwise prescribed.

Subsection (4) requires the director to arrange for the writing of the blanket corporate surety bond required in subsection (5) above mentioned.

It appears to us that the standards to guide the director are more definite and comprehensive in this bill than in the two Supreme Court cases mentioned above. In addition, using the reasoning of the Supreme Court in the first case above mentioned, it can reasonably be assumed that the Legislature intended the director to make an investigation into the type of risks to be bonded, etc., not to mention that he and his department would possess the technical knowledge and experience to make said standards more definite.

While it does not alter our opinion, we point out that the amendment to subsection (1) of section 8 orders the director "in prescribing terms" to consider the risks, etc. The preceding wording is "prescribe the amount, terms, and conditions." Since the amount of the bond is one of the most important "terms" of the bond, we do not think it could be successfully argued that the only standards in the paragraph do not relate to the amount of the bond but only to the terms. However, this change in wording in the new addition to subsection (1) could cause trouble.

In light of previous Supreme Court opinions on the delegation of legislative authority, it is our opinion that the setting of the amount of the blanket bond by the Director of Insurance can be successfully defended, if challenged.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 892 Monday, February 13, 1978 12:00 noon

(Signed) John DeCamp, Chairman

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 560. Placed on General File.
LEGISLATIVE BILL 608. Indefinitely postponed.
LEGISLATIVE BILL 617. Indefinitely postponed.
LEGISLATIVE BILL 696. Indefinitely postponed.

(Signed) Dennis L. Rasmussen,
Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Rasmussen asked unanimous consent to print the following in the Journal. No objections. So ordered.

The Government, Military and Veterans Affairs Committee would like it noted in the Journal that they have favored a motion for a complete feasibility study by DPI on a Veteran's Home in Eastern Nebraska. The study should include: selection site, necessity of home, and financial impact of such a project.

MOTION - Introduce Bill

Mr. D. Dworak moved the introduction of a new bill by the Committee on Miscellaneous Subjects (Req. #903)

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 925. By Miscellaneous Subjects Committee: D. Dworak, 22nd District, Chairman; Brennan, 9th District; Keyes, 3rd District; Newell, 13th District; Marvel, 33rd District.

A BILL FOR AN ACT to amend section 68-603, Reissue Revised Statutes of Nebraska, 1943, relating to social security; to clarify provisions relating to when social security coverage commences; and to repeal the original section.

MOTION - Approve Report

Mr. Marvel moved the adoption of the report found in the Journal on page 520 of the names submitted by the Legislative Council Executive Board to the Nebraska Political Accountability and Disclosure Commission as follows:

Harman, Eunice - Beaver City
Kjeldgaard, Frank - Big Springs
Robinson, Leslie - Kearney
Thompson, Don - McCook
Waldbaum, Mimi - Omaha (submitted four times)

Mr. Cullan moved to amend the report by striking the name of Mimi Waldbaum.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 15 nays, and 14 not voting.

Mr. Cullan withdrew his amendment.

The Executive Board report was adopted with 39 ayes, 0 nays, and 10 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 223, 244, 258, and 258A.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 782. Placed on General File as amended.
Standing Committee amendments to LB 782:

1. On page 2, line 8 strike "other"; and on line 15 strike "the remainder of all funds" and show as stricken and insert "all registration fees".

LEGISLATIVE BILL 610. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

NOTICE OF COMMITTEE HEARING
Executive Board

The Legislative Council Executive Board will conduct a joint meeting with the Appropriations Committee on Wednesday, February 8, 1978, in Room 2102, at 3:00 p.m.

(Signed) Richard D. Marvel, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 407. No objections. So ordered.

1. On page 2, line 5 after "mean" insert "either (a)"; on line 9 after "year" insert ", or (b) a residence permanently affixed to land leased by the owner of the residence which lease extends for at least the entire year for which the exemption is claimed, which is located within this state and is actually occupied by the person who is the owner of record as of January 1 in each year,".

Mr. Carsten asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

1. On page 2, line 17 after "any" insert "(a)", and after "spouse" insert "or (b) the beneficiary of a trust of which the trustee is the record title owner, and the beneficiary-occupant has a specific right to occupy the premises as stated in the trust instrument such occupant has the right to amend or revoke the trust to obtain such power of occupancy or of title, or such occupant has the power to withdraw the homestead premises from the trust and place the record title in such occupant's name,".

Mr. Fowler asked unanimous consent to print the following amendments to LB 501 in the Journal. No objections. So ordered.

1. On page 2, in lines 17 through 20, 25, and 26, strike the new matter.
2. On page 3, in line 2 after the period insert "A physician shall have a limited privilege to hold an individual until a peace officer arrives if such physician has probable cause to believe such individual is a mentally ill dangerous person."; in line 6 after the period insert "A county may contract with medical facilities outside the county to provide a place where such individuals may be held." in lines 6 and 7 strike "When no such facility exists, the", show as stricken, and insert "The"; in line 7 after "jail" insert "only if the individual cannot be adequately protected in other facilities"; and strike the new matter in lines 11 and 16.
3. Strike the E & R amendments.

GENERAL FILE

LEGISLATIVE BILL 64. Considered.

Mr. Chambers renewed his pending amendment found in the Journal on page 193.

Mr. Chambers moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Chambers amendment was adopted with 26 ayes, 7 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Stoney offered the following amendment to LB 64:
On page (3) of the Chambers amendment after the period on line 8 insert the following sentence: "Any person charged shall be tried on each count filed against them." in line 14 after the word convicted insert "on each count".

The amendment lost with 13 ayes, 23 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Rasmussen moved to indefinitely postpone.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?"

The motion lost with 20 ayes, 17 nays, and 12 not voting.

Mr. Luedtke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Reutzel requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 24:

Clark	Goodrich	Labedz	Moylan	Savage
DeCamp	Hasebroock	Lamb	Murphy	Schmit
Duis	Hefner	R. Lewis	Nichol	Stoney
E. Dvorak	Kahle	Maresh	Rasmussen	Venditte
Fitzgerald	Kennedy	Mills	Rumery	

Voting in the negative, 23:

Barnett	Chambers	Kelly	Luedtke	Reutzel
Bereuter	Cope	Keyes	Marsh	Simon
Brennan	Cullan	Koch	Marvel	Warner
Burrows	D. Dworak	Kremer	Maxey	
Carsten	Fowler	F. Lewis	Newell	

Excused and not voting, 2:

George Merz

The motion to indefinitely postpone prevailed with 24 ayes, 23 nays, and 2 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 715. Placed on General File as amended.
Standing Committee amendments to LB 715:

1. On page 3, line 10 after "activity" insert ", except renewal work as defined in section 81-173, Revised Statutes Supplement, 1977,".

2. On page 3, line 20 strike "An agency shall" and insert "Each agency shall with the advice of the Department of Administrative Services," and in line 22 after the period insert "The Department of Roads shall prescribe such procedures for highway construction projects.".

3. On page 4, line 10 strike "five" and insert "ten".

4. On page 5, line 5 after "agency" insert ", with the advice of the Department of Administrative Services,".

LEGISLATIVE BILL 719. Placed on General File as amended.
Standing Committee amendment to LB 719:

1. On page 2, line 7, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 807. Placed on General File.
LEGISLATIVE BILL 730. Indefinitely postponed.
LEGISLATIVE BILL 792. Indefinitely postponed.
LEGISLATIVE BILL 798. Indefinitely postponed.
LEGISLATIVE BILL 799. Indefinitely postponed.

(Signed) Dennis L. Rasmussen,
Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 386 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Section 1. That section 2-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-219. No person shall be permitted to sell intoxicating liquors, wine or beer of any kind, or exhibit or conduct indecent shows or dances, or be engaged in any gambling or other games of chance or horse racing, either inside the enclosure where any state, district, or county agricultural society fair is being held, or within forty rods thereof, during the time of holding such fairs; Provided, that nothing herein shall be construed to prohibit wagering on the results of horse races by the pari-mutuel or certificate method when conducted by licensees within the race track enclosure at license horse-race meetings or to prohibit the operation of bingo games as provided in Chapter 9, article 1; and provided further, that nothing herein shall be construed to prohibit the sale of intoxicating liquors, wine, or beer by a person properly licensed pursuant to Chapter 53 on premises under the control of the State Board of Agriculture. ~~except that no such sale shall be permitted during the annual state fair.~~ Any person who violates the provisions of this section shall be guilty of a Class V misdemeanor; Provided, the trial of speed of horses under direction of the society shall not be included in the term horse racing. Upon the filing of proof with the State Treasurer of a violation of this section inside the enclosure of such fair, the amount of money appropriated shall be withheld from any money appropriated for the ensuing year.".

2. On page 10, line 14 after "sections" insert "2-219,".

3. Renumber original sections 1 to 7 as sections 2 to 8 respectively.

BILL ON FIRST READING

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

LEGISLATIVE BILL 192A. By Burrows, 30th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 192, Eighty-fifth Legislature, First Session, 1977.

ADJOURNMENT

At 11:56 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, February 7, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - FEBRUARY 7, 1978

LEGISLATIVE JOURNAL

FOURTEENTH DAY - FEBRUARY 7, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 7, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Teach us, O Lord, the disciplines of patience, for we find that to wait is often harder than to work. When we wait upon thee, we shall not be ashamed, but shall renew our strength. May we be willing to stop our feverish activities and listen to what thou hast to say, that our prayers shall not be the sending of night letters, but conversations with God. This we ask in Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. E. Dvorak, George, Koch, and Newell who were excused; and Messrs. Fitzgerald, Reutzel, Venditte, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 742. Placed on General File as amended.
Standing Committee amendments to LB 742:

1. On page 2, line 3 after "purchase" insert "one"; line 4 strike "permits for all motor vehicles" and insert "permit for any motor vehicle"

and after the period strike "All"; line 5 strike "such permits" and insert "Such permit"; line 7, strike "each" and insert "the"; line 9 after "which" insert "the"; line 10 strike "permits are" and insert "permit is"; line 13, after "purchasing" insert "a" and after "duplicate" strike "permits" and insert "permit"; line 14 after "for" insert "the"; line 15 strike "permits" and insert "permit", after "dollar" insert "." and strike the remainder of the line; strike line 16.

2. On page 2 after line 23 insert new section as follows:

"Sec. 3. This act shall become operative on January 1, 1979.".

3. Renumber original section 3 as section 4.

LEGISLATIVE BILL 828. Placed on General File as amended.
Standing Committee amendment to LB 828:

1. On page 2, lines 4 and 9 after "game animal," insert "non-game animal,".

LEGISLATIVE BILL 851. Placed on General File as amended.
Standing Committee amendment to LB 851:

1. On page 2, lines 11 and 12, strike the new material.

2. On page 3, lines 23 and 24 strike "licensed health-care facilities and".

(Signed) Gerald Koch, Chairman

Business and Labor

LEGISLATIVE BILL 712. Placed on General File.
LEGISLATIVE BILL 787. Placed on General File.
LEGISLATIVE BILL 694. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Public Works

LEGISLATIVE BILL 773. Placed on General File.
LEGISLATIVE BILL 845. Placed on General File.
LEGISLATIVE BILL 862. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 660. Placed on Select File as amended.
E & R amendments to LB 660:

1. On page 2, line 23, strike ", and" and insert "; and,".

2. On page 3, line 15, strike "; except" and insert

"; Except".

3. On page 4, line 14, insert an underscored comma after "77-1240".

4. On page 5, lines 16 and 17, strike "as provided by" and insert "of".

5. In the title, line 6, strike "of" and insert "for"; and in line 7 insert "to provide duties; to provide exemptions;" after the first semicolon.

LEGISLATIVE BILL 108. Placed on Select File as amended.
E & R amendment to LB 108:

1. In the title, line 6, strike "Swanson Reservior" and insert "Strunk Lake".

LEGISLATIVE BILL 316. Placed on Select File.

LEGISLATIVE BILL 526. Replaced on Select File as amended.
E & R amendment to LB 526:

1. In the title, line 2, strike "section 81-125" and insert "sections 81-125 and 81-132"; and in line 9 insert "to harmonize provisions; to provide procedures; to provide for the collection of information;" after the semicolon.

LEGISLATIVE BILL 441. Replaced on Select File as amended.
E & R amendments to LB 441:

1. In new section 1, lines 1 and 2, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943"; in line 13 strike the period and insert a semicolon as in the statutes; and in line 14 insert a comma after "Education" as in the statutes.

2. Insert a new section to read:

"Sec. 2. That original section 79-1705, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

3. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT to amend section 79-1705, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change inspection provisions; and to repeal the original section.".

LEGISLATIVE BILL 372. Replaced on Select File as amended.
E & R amendment to LB 372:

1. In committee amendment 1, line 3, insert an underscored comma before the second "and".

LEGISLATIVE BILL 186. Replaced on Select File as amended.
E & R amendments to LB 186:

1. On page 5, lines 14 and 15, page 9, lines 13 and 14, page 10, lines 1 and 2, page 12, lines 9 and 10, page 13, lines 1 and 2, page 16, lines 12 and 13, page 17, lines 20 and 21, and page 25, lines 9 and 10, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. Strike original section 15 and insert

"Sec. 15. That original sections 16-902, 17-1002, 18-1303, 18-1306, 19-907, 19-910, 19-911, 23-114.01, 23-168.01, 23-168.03, 23-174.01, 23-174.03, and 84-152, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

3. In the title, strike lines 2 to 7 as amended and insert:
"FOR AN ACT to amend sections 16-902, 17-1002, 18-1303, 18-1306, 19-907, 19-910, 19-911, 23-114.01, 23-168.01, 23-168.03, 23-174.01, 23-174.03, and 84-152, Reissue Revised Statutes of Nebraska, 1943, relating to".

LEGISLATIVE BILL 109. Replaced on Select File as amended.
E & R amendment to LB 109:

1. On page 4 of the Mills amendment, line 17, strike the period.

LEGISLATIVE BILL 65. Replaced on Select File as amended.
E & R amendments to LB 65:

1. Strike original section 17 and renumber original section 18 as section 11.

2. Strike E & R 6 adopted 2/3/78.

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 75.

A BILL FOR AN ACT to amend sections 37-213 and 37-519, Revised Statutes Supplement, 1977, relating to game and fish; to provide penalties as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 39:

Barnett	DeCamp	Kelly	Marsh	Rasmussen
Bereuter	Duis	Kennedy	Marvel	Rumery
Brennan	D. Dworak	Keyes	Maxey	Savage
Carsten	Fowler	Kremer	Merz	Schmit
Chambers	Goodrich	Lamb	Mills	Simon
Clark	Hasebroock	F. Lewis	Moylan	Stoney
Cope	Hefner	Luedtke	Murphy	Warner
Cullan	Kahle	Maresh	Nichol	

Voting in the negative, 0.

Present and not voting, 2:

Burrows R. Lewis

Excused and not voting, 8:

E. Dvorak	George	Labedz	Reutzel
Fitzgerald	Koch	Newell	Venditte

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

LEGISLATIVE BILL 217. With Emergency.

A BILL FOR AN ACT to amend sections 46-664 and 46-666, Revised Statutes Supplement, 1976, relating to ground water; to require control of runoff on a statewide basis; to provide for variances within control areas; 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:

Barnett	Clark	Fowler	Kelly	R. Lewis
Bereuter	Cope	George	Kennedy	Luedtke
Brennan	Cullan	Goodrich	Keyes	Maresh
Burrows	DeCamp	Hasebroock	Kremer	Marsh
Carsten	D. Dworak	Hefner	Lamb	Marvel
Chambers	Fitzgerald	Kahle	F. Lewis	Maxey

Merz	Murphy	Rumery	Simon
Mills	Nichol	Savage	Stoney
Moylan	Rasmussen	Schmit	Warner

Voting in the negative, 0.

Present and not voting, 1:

Duis

Excused and not voting, 6:

E. Dvorak	Labedz	Reutzel
Koch	Newell	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 315. Mr. Rasmussen moved to return LB 315 to Select File for the following specific amendment:
"Strike Section 2 and renumber Sections 3 and 4 as 2 and 3."

The motion prevailed with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 329.

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.

Voting in the affirmative, 42:

Barnett	Duis	Kennedy	Marvel	Rumery
Bereuter	D. Dworak	Keyes	Maxey	Savage
Brennan	Fowler	Kremer	Merz	Schmit
Burrows	George	Lamb	Mills	Simon
Carsten	Goodrich	F. Lewis	Moylan	Stoney
Chambers	Hasebroock	R. Lewis	Murphy	Warner
Cope	Hefner	Luedtke	Nichol	
Cullan	Kahle	Maresh	Rasmussen	
DeCamp	Kelly	Marsh	Reutzel	

Voting in the negative, 0.

Present and not voting, 2:

Clark Fitzgerald

Excused and not voting, 5:

E. Dvorak Koch Labedz Newell Venditte

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

LEGISLATIVE BILL 394. With Emergency.

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; to provide for initiative; 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, 33:

Bereuter	Duis	Kelly	Marvel	Rasmussen
Burrows	D. Dworak	Kennedy	Maxey	Rumery
Carsten	Fowler	Keyes	Merz	Schmit
Chambers	George	Kremer	Mills	Stoney
Clark	Goodrich	Lamb	Moylan	Warner
Cullan	Hefner	R. Lewis	Murphy	
DeCamp	Kahle	Maresh	Nichol	

Voting in the negative, 10:

Barnett	Fitzgerald	F. Lewis	Marsh	Savage
Cope	Hasebroock	Luedtke	Reutzel	Simon

Present and not voting, 1:

Brennan

Excused and not voting, 5:

E. Dvorak	Koch	Labedz	Newell	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 436. Mr. Warner asked unanimous consent to have the bill laid over. No objections. So ordered.

LEGISLATIVE BILL 519.

A BILL FOR AN ACT to amend sections 18-1735 and 23-2701, Reissue Revised Statutes of Nebraska, 1943, relating to revenue sharing; to eliminate priority categories for expenditures; to provide authorized expenditures; 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	DeCamp	Kahle	Maresh	Rasmussen
Bereuter	Duis	Kelly	Marsh	Reutzel
Brennan	D. Dworak	Kennedy	Marvel	Rumery
Burrows	Fitzgerald	Keyes	Maxey	Savage
Carsten	Fowler	Kremer	Merz	Schmit
Chambers	George	Lamb	Mills	Simon
Clark	Goodrich	F. Lewis	Moylan	Stoney
Cope	Hasebroock	R. Lewis	Murphy	Warner
Cullan	Hefner	Luedtke	Nichol	

Voting in the negative, 0.

Excused and not voting, 5:

E. Dvorak	Koch	Labedz	Newell	Venditte

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

LEGISLATIVE BILL 529.

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.

Whereupon the 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	Duis	Kelly	Marvel	Rumery
Bereuter	D. Dworak	Kennedy	Maxey	Savage
Brennan	Fitzgerald	Keyes	Merz	Schmit
Burrows	Fowler	Kremer	Mills	Simon
Carsten	George	Lamb	Moylan	Stoney
Chambers	Goodrich	F. Lewis	Murphy	Warner
Cope	Hasebroock	Luedtke	Nichol	
Cullan	Hefner	Maresh	Rasmussen	
DeCamp	Kahle	Marsh	Reutzel	

Voting in the negative, 0.

Present and not voting, 2:

Clark R. Lewis

Excused and not voting, 5:

E. Dvorak	Koch	Labedz	Newell	Venditte

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

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Bereuter asked unanimous consent to add his name to LB 922, 923 and 924. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted yes for LB 75 and LB 217.

(Signed) Barry Reutzel

ATTORNEY GENERAL'S OPINION

Opinion No. 183
February 6, 1978

Dear Senator Barnett:

You have asked our opinion as to the constitutional validity of LB 109, as amended. You have indicated that your primary concern is whether it violates Article III, Section 14, of the Nebraska Constitution, which provides in part that no bill shall contain more than one subject, and the same shall be clearly expressed in the title. We will therefore limit our discussion to that issue.

By amendment proposed by Senator Mills, the original sections of LB 109 were stricken, and new sections substituted. These sections create the Nebraska Outdoor Recreation Development Cash Fund, and provide that certain portions of the cigarette tax imposed by section 77-2602 shall be placed into the fund. Section 5 of the bill, as amended, provides for the use of this fund by the Game and Parks Commission, and section 6 provides for the investment of excess money in the fund by the State Investment Officer.

Another amendment has been proposed which retains the Mills' amendment substantially unchanged, but adds twenty-nine new sections. These new sections provide for a tax on tobacco products other than cigarettes, the tax to be fifteen percent of the wholesale sales price of such tobbaco(sic) products, to be paid by the wholesale dealer and passed on to the ultimate consumer. The proceeds of this tax are to be placed by the State Treasurer into the Nebraska Capital Construction Fund. Naturally, these twenty-nine new sections contain numerous provisions about reports, methods of collection, hearings, etc., which are not necessary to repeat herein.

We believe the bill, with both amendments, could be successfully defended against an attack based on its containing more than one subject. Our court has been very liberal in its construction of Article III, Section 14, so far as the question of multiple subjects is concerned. We believe the court has never invalidated a bill on the basis of its having contained more than one subject. It has, from time to time, found that a bill was broader than its title, but when the attack was based upon alleged multiple subjects, the court has found that it contained only one.

In Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), the bill contained three sections, one dealing with a sales and use tax, one an income and franchise tax and one containing general provisions. The court said:

> "The various taxes provided for in L.B. 377, designated as the Nebraska Revenue Act of 1967, are closely related and germane to each other and are all to be administered by the Tax Commissioner. The various taxes are clearly stated in both the title as well as the body of the act and together comprise and constitute components of the tax structure of this state. This court holds that the provisions of L.B. 377 contain but one general subject, taxation, and that it does not violate the Constitution of Nebraska.

While the sections proposed by Senator Mills do not create the cigarette tax, they deal with use of a part of the proceeds of that tax. The use of the proceeds of a tax is a matter dealing with taxation. Sections 7 to 35 of the bill, as amended, provide for a tax on tobacco products not covered by the cigarette tax. It appears to us that the court would say that the entire bill deals with the taxation of tobacco products, including cigarettes, and the disposition and use of the proceeds of such taxes, and that it therefore contains only one subject.

The original title to the bill has not yet been amended. It still describes the bill as 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."

Obviously, this title is not adequate for the bill as amended. The two sections of the existing statutes to be amended, according to the title, are not mentioned in the amended version of the bill, and section 77-2602, which is now to be amended, is not mentioned in the title. The recitation that the bill is for the purpose of adopting the Nebraska Outdoor Recreation Development Act would not be broad enough to cover the imposition of the new tax on tobacco products, which tax has nothing to do with that act, as defined in section 1.

However, the normal procedure when amendments of this sort are adopted is to amend the title of the bill to conform to the amendments of the body of the bill just before the final reading bill is printed. We assume that a title covering the subject of the bill will have been prepared before the bill is adopted. We are confident that such a valid title can be drafted to cover this bill.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc: Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

UNANIMOUS CONSENT - Withdraw Amendment to LB 361

Mr. George asked unanimous consent to withdraw his pending amendment to LB 361 found in the Journal on page 515. No objections. So ordered.

MOTION - "A" Bills

Mr. Warner renewed his pending motion on bracketing "A" Bills, found in the Journal on page 270.

Mr. Warner offered the following amendment to his motion:

Amend the Warner motion on page 270 of the Legislative Journal by striking the words "the appropriations bills for State Agency's request have been considered and enacted by the Legislature" and insert "after March 10, 1978"

The amendment was adopted with 25 ayes, 0 nays, and 24 not voting.

The Warner motion prevailed with 28 ayes, 0 nays, and 21 not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 63. Considered.

Mr. Carsten asked unanimous consent to have LR 63 laid over until tomorrow. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 315. The Rasmussen specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 327. Mr. Murphy offered the following amendment:

On page 4, line 21, and also in the committee amendment, strike the word "individual".

Amendment pending.

Mr. Keyes asked unanimous consent to have LB 327 laid over. No objections. So ordered.

LEGISLATIVE BILL 534. Mr. Murphy offered the following amendment:

Strike on page 4, line 5 of L.B. 534 "may" and insert "shall".

Amendment pending.

Mr. DeCamp asked unanimous consent to bracket until February 16, 1978. No objections. So ordered.

LEGISLATIVE BILL 165. E & R amendment found in the Journal on page 451 for the Eleventh Day was adopted.

Mr. Reutzel offered the following amendment:

1. Add a new section as follows:

Section 2. That section 42-108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-108. Every judge, and every retired judge, including associate county judges, and judges of the Nebraska Workmen's Compensation Court, and every preacher of the gospel authorized by the usages of the church to which he belongs to solemnize marriages, may perform the marriage ceremony in this state; and every such person performing the marriage ceremony shall make a return of his proceedings in the premises, showing the names and residences of at least two witnesses who were present at such marriage, which return shall be made to the county judge who issued the license within fifteen days after such marriage has been performed, which return the county judge shall record or cause to be recorded in the same book where the marriage license is recorded.

2. Strike original Section 2 and insert in place thereof:

Section 3. That original sections 42-102 and 42-108, Reissue Revised Statutes of Nebraska, 1943, are repealed.

The amendment lost with 11 ayes, 13 nays, 22 present and not voting, and 3 excused and not voting.

Advaned to E & R for Engrossment.

LEGISLATIVE BILL 501. Mr. Fowler renewed his pending amendment found in the Journal on page 529.

The amendment was adopted with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

Mr. F. Lewis offered the following amendment:
Add new section 8 and renumber.
The mental health board shall have the responsibility for the rapid treatment for any person covered by section 83-1038

Amendment pending.

Mr. F. Lewis asked unanimous consent to have LB 501 laid over. No objections. So ordered.

ANNOUNCEMENT

President Whelan announced today is Senator Barnett's birthday.

SELECT FILE

LEGISLATIVE BILL 574. Mr. Kremer offered the following amendment:

1. On page 3, line 11 after "license" insert ", except that a person who is out of the state continually for more than three months may apply for an extension of the temporary permit for up to three additional three-month periods at no charge".

The amendment was adopted with 30 ayes, 17 nays, and 2 excused and not voting.

Mr. Lamb offered the following amendment:

1. Insert new sections 1 and 2 as follows:
"Section 1. That section 60-405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
60-405. All applications for license to operate a motor vehicle~~, made by persons resident in the county,~~ shall be presented to the examiner of ~~the~~ a county by the applicant in person. The examiner shall

promptly transmit each and every application, where the applicant for license after September 1, 1945, is not successful in passing the examination and receiving a certificate, or where a successful applicant's certificate, for cause, has been refused to any person who shall have possessed a motor vehicle operator's license prior to said date, to the director with his recommendations; Provided, upon a review of the recommendations of the examiner, the director, in his discretion, may order the examiner to issue a certificate for a license if it appears that the recommendation of the examiner is clearly wrong.

Sec. 2. If a person applies for and receives a license to operate a motor vehicle in a county other than the person's county of residence, the county which issued such license shall transfer a record of such issuance and the fees for such issuance to the person's county of residence.".

2. On page 3, line 12, after "section" insert "60-405, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 13, strike "is" and insert "are"

3. Renumber original sections 1 and 2 as sections 3 and 4 respectiviely, and renumber new section 3 as section 5.

Mrs. Marsh offered the following amendment to the Lamb amendment:

line 24 strike "and the fees for such issuance"

The amendment was adopted with 28 ayes, 4 nays, 16 present and not voting, and 1 excused and not voting.

The Lamb amendment, as amended, was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Messrs. Simon-D. Dworak offered the following amendment:

Section 1. Any person who is a resident of this state may obtain an identification card with a color photograph of the person affixed thereto.

Sec. 2. The identification card with color photograph affixed shall be issued by the county treasurer after the person requesting such card (1) files an application, (2) files a certified copy of such person's birth certificate, and (3) pays a fee of three dollars and fifty cents to the county treasurer.

Sec. 3. (1) The county treasurer shall credit fifty per cent of the fees received from the issuance of identification cards to the general fund of the county.

(2) The treasurer shall remit the balance of the identification card fees to the State Treasurer who shall credit such money to the General Fund.

Sec. 4. The Director of Motor Vehicles shall provide the county treasurers with such forms as are necessary to carry out the provisions of this act.

Amendment pending.

UNANIMOUS CONSENT - Member Excused

Mr. Duis asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 18. Considered.

Mr. Nichol withdrew his pending amendments found in the Journal on page 490.

Mr. Burrows offered the following amendment:
On page 2, Lines 17, 18, 21 and 22, reinstate the original language, and strike the new language.
On page 3, reinstate the stricken language in Lines 7-11, and show the same as reinstated.
On page 4, strike beginning with "that" in Line 6 through "contract" in Line 12 and show the same as stricken, and insert the following new language: "determined by applying the agreed rate or rates of charge to the principal balance outstanding during that particular month, using the actuarial method of computation."
On page 10, Lines 3, 4, and 6, reinstate the original language, and strike the new language.
On page 11, Lines 13 and 15, in the new language strike "two" and insert "three."

Mrs. Marsh 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 was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 907. Placed on General File as amended.
Standing Committee amendment to LB 907:

1. On page 5, line 13 after the period insert "Such merged district shall operate under the same mill levy limit as a rural fire district.".

LEGISLATIVE BILL 643. Placed on General File as amended.
Standing Committee amendment to LB 643:

1. On page 2, line 12, reinstate the stricken matter; and in line 14 after "fund" insert ", and such amount shall be stated in the fiscal policy of the county board budget message".

LEGISLATIVE BILL 847. Placed on General File as amended.
Standing Committee amendments to LB 847:

1. On page 2, strike beginning with "the" in line 16 through the underscored comma in line 17 and insert "or before the fifteenth day of each month"; in line 20 after "village" insert "the previous calendar month", and in line 20 after "requested" insert "by any city of the first class"; and in lines 26 and 27 strike "metropolitan, primary, or".

2. On page 3, line 8 strike "is" and insert "and also sections 15-825, 15-826, and 17-705, Reissue Revised Statutes of Nebraska, 1943, are".

LEGISLATIVE BILL 855. Placed on General File.
LEGISLATIVE BILL 822. Placed on General File.
LEGISLATIVE BILL 726. Placed on General File.

(Signed) Dennis L. Rasmussen, Chairman

Revenue

LEGISLATIVE BILL 557. Indefinitely postponed.
LEGISLATIVE BILL 635. Indefinitely postponed.
LEGISLATIVE BILL 677. Indefinitely postponed.
LEGISLATIVE BILL 709. Indefinitely postponed.
LEGISLATIVE BILL 736. Indefinitely postponed.

(Signed) Orval A. Keyes, Chairman

Education

LEGISLATIVE BILL 596. Placed on General File as amended.
Standing Committee amendment to LB 596:
1. On page 2, strike beginning with "half" in line 5 through "year" in line 11, show the old matter as stricken, and insert "with any combination of days and hours as will be equal to one half a full school year".

(Signed)Frank Lewis, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. D. Dworak asked unanimous consent to print the following amendment to LB 262 in the Journal. No objections. So ordered.

On page 6, line 27, after the period insert the following:
"Prior to approving a life insurance policy form submitted by an insurer which provides for a policy loan interest rate in excess of 6%, the Director shall require assurances from such insurer that the owners of any such policies will benefit from the increased earnings of the insurer attributable to the use of a policy loan interest rate in excess of 6% through the use of high dividends or lower premiums or both."

UNANIMOUS CONSENT - Unbracket LB 262

Mr. DeCamp asked unanimous consent to unbracket LB 262. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 212. Laid over.

LEGISLATIVE BILL 192. Title read. Considered.

Mr. Barnett offered the following amendment:
1. Page 6, section 6, strike beginning with "misdemeanor" in line 18 through "offense" in line 20 and insert "Class V misdemeanor".

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. F. Lewis offered the following amendment:
New section. The provision of this law shall become law if approved by the people at the next general election.

Mr. F. Lewis requested a record vote on his amendment.

Voting in the affirmative, 12:

Barnett	George	Luedtke	Newell
D. Dworak	Lamb	Maresh	Nichol
Fitzgerald	F. Lewis	Marsh	Rumery

Voting in the negative, 12:

Burrows	Cullan	Kremer	Moylan
Clark	Goodrich	R. Lewis	Murphy
Cope	Keyes	Mills	Rasmussen

Present and not voting, 23:

Bereuter	E. Dvorak	Kelly	Merz	Stoney
Brennan	Fowler	Kennedy	Reutzel	Venditte
Carsten	Hasebroock	Labedz	Savage	Warner
Chambers	Hefner	Marvel	Schmit	
DeCamp	Kahle	Maxey	Simon	

Excused and not voting, 2:

Duis	Koch

The amendment lost with 12 ayes, 12 nays, 23 present and not voting, and 2 excused and not voting.

Mr. Burrows asked unanimous consent to bracket LB 192 and LB 192A until February 14, 1978. No objections. So ordered.

LEGISLATIVE BILL 424. Title read. Considered.

Mr. Schmit offered the following amendment:

1. On page 4, line 12 before "or" insert "(iii) if the individual is under contract and would be required to work in his or her customary occupation for a lower remuneration than such contract allows;"; and in line 12 strike "(iii)" and insert "~~(iii)~~ (iv)".

The amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Mrs. Marsh offered the following amendment:
On page 2, lines 5, 11, and 22, strike "he" - insert "the individual"
On lines 12 and 26, strike "his" insert "the individual's"
On line 26 strike "him" and insert "to the individual"
On page 3, lines 3, 5, 9, 10, and 13, insert the same.

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 Review with 27 ayes, 10 nays, 10 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 424 in the Journal. No objections. So ordered.

On page 2, line 10, after ; insert the following:
No person accepting temporary employment, whether at reduced wages or conditions, shall later be disqualified for benefits who has left work voluntarily to accept work requiring more competence and at higher remuneration.

GENERAL FILE

LEGISLATIVE BILL 282. Laid over.

LEGISLATIVE BILL 128. Title read. Considered.

Mr. Mills renewed his pending amendment found in the Journal on page 328.

The amendment was adopted with 25 ayes, 11 nays, 11 present and not voting, and 2 excused and not voting.

Laid over.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 903. Placed on General File as amended.
Standing Committee amendments to LB 903:

1. On page 2 strike beginning with "imprisoned" in line 17 through line 19 and insert "guilty of a Class III misdemeanor".

2. On page 3, line 5 after "be" insert "guilty of a Class III misdemeanor and shall be"; and strike beginning with "nor"

on line 6 through "dollars" in line 8.

3. Strike beginning with "imprisoned" on page 3, line 27 through "years" on page 4, line 2 and insert "guilty of a Class IV felony,".

4. On page 4 strike beginning with "a" on line 4 through "Complex" on line 6 and insert "any purpose for a period of one year after the date of final discharge from imprisonment for such crime, or the date of payment or satisfaction of the fine, whichever is the later".

(Signed) Donald Dworak, Chairman

Urban Affairs

LEGISLATIVE BILL 609. Placed on General File.

LEGISLATIVE BILL 830. Placed on General File as amended. Standing Committee amendments to LB 830:

1. Strike the original section 1 and insert the following:

"Section 1. That section 18-1724, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1724. Notwithstanding any other law or laws heretofore enacted, all cities and villages in this state shall have the power by ordinance to define, regulate, suppress and prevent discrimination on the basis of race, color, creed, religion, ancestry, sex, marital status, ~~or~~ national origin, age, or disability in employment, ~~and in~~ public accomodation, and housing, and may provide for the enforcement of such ordinances by providing appropriate penalties for the violation thereof.".

LEGISLATIVE BILL 868. Placed on General File as amended. Standing Committee amendments to LB 868:

1. On page 2, line 10, strike "employed" and insert "appointed".

2. On page 3, line 8, strike "employ" and insert "appoint"; and on line 10 strike "employed" and insert "appointed".

LEGISLATIVE BILL 720. Indefinitely postponed.

(Signed) Walter George, Chairman

ANNOUNCEMENTS

Mr. DeCamp announced the Committee on Banking, Commerce and Insurance will hold an executive session on Tuesday, February 7, 1978 at 2:00 p.m., in Room 2230.

Mr. George announced the Urban Affairs Committee will hold an executive session on Wednesday, February 8, 1978 at 1:30 p.m., in Room 2230.

Mr. Carsten announced the Committee on LR 87 will be meeting Thursday afternoon, February 9, 1978 at 3:30 p.m., in Room 2102.

MOTION - Rule Changes

Mr. DeCamp offered the following rule change:

1. Insert a new section 10 under Rule 7 as follows:

"Sec. 10. At any stage of consideration the introducer of the bill or the chairperson of the committee, if it is a committee bill, may present a motion for closure to the presiding officer. The presiding officer upon receipt of such motion shall allow thirty minutes of additional debate and shall then order debate on all motions on the bill to cease and shall allow the introducer or committee chairperson to close on the closure motion. A vote to advance the bill shall then be in order.".

Referred to the Rules Committee.

Mr. Merz offered the following rule change:

1. Every bill that has been introduced and brought to the floor should be heard even if only 10 minutes is allowed for debate.
2. Figure out how many bills are to be presented and the length of time we have. If only 10 minutes is available for each bill, that is what we allow. I think all bills should be heard rather than die at the end of the session.

Referred to the Rules Committee.

MOTION - Reconsider Action on LB 64

Mr. Merz moved to reconsider action on LB 64.

Motion pending.

EXPLANATION OF ABOVE MOTION

This motion is made with the understanding that LB 64 will be amended to call for moratorium on executions until LR 63 is acted on. If LB 64 is not amended, I will not support it.

(Signed) Nelson Merz

ADJOURNMENT

At 12:04 p.m, on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, February 8, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - FEBRUARY 8, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 8, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

Much of yesterday's snow is still left on the ground, Lord. It boggles the mind to realize that, of the billions of snow flakes that fell, no two are exactly alike. What a tremendous testimony to Your creative powers!

Yet, fantastic though it is, it's even more mind-boggling to realize that you made each human being different from every other. Every human person is a unique product of your marvelous creation.

Certainly, Lord, this has some very important implications for each of us present here this morning. If we let them, these differences can spell out division and discord, conflict and confusion.

But we're also capable of using these differences in another way, Lord. We can let Your love knit us together in a beautiful patchwork quilt that reaches out to cover and transform the many problems that confront our State today.

It is only when we allow your gracious love and mercy to unite us, that we become capable of achieving anything worthwhile.

Like the individual snow flakes, only when they permit themselves to be pressed together do they form the jolly, fun-filled snowman. Apart, they remain just a solitary snow flake.

So, too, with us, Lord, Press us together today so that we may become a united community, capable of resolving, with your help, the myriad problems that lay before us.

We ask this with the full confidence that nothing sought in your name will ever go unanswered. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Duis and Murphy who were excused; and Messrs. Burrows, Newell, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 837. Placed on General File as amended.
Standing Committee amendments to LB 837:

1. On page 2, line 8 after "directors" strike the comma, show as stricken and insert an underscored period; strike beginning with "not" in line 8 through the period in line 18 and show the old matter as stricken and insert "The boards of directors of those districts with gross revenues of less than eleven million dollars may fix compensation at not to exceed two thousand four hundred dollars per year as to all members except the president, and not to exceed three thousand dollars per year as to the president.

The boards of directors of those districts with gross revenues exceeding eleven million dollars but less than forty million dollars, may fix compensation at not to exceed three thousand six hundred dollars per year as to all members except the president, and not exceeding four thousand two hundred dollars a year as to the president.

The boards of directors of those districts with gross revenues of forty million dollars or more, may fix compensation at not to exceed six thousand
dollars per year as to all members except the president, and not exceeding seven thousand two hundred dollars per year as to the president.".

LEGISLATIVE BILL 800. Placed on General File as amended.
Standing Committee amendment to LB 800:

1. On page 3, line 6 strike "one hundred" and insert "sixty";
and in line 8 strike "ten" and insert "six".

(Signed) Maurice Kremer, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 186
February 7, 1978

Dear Senator Kremer:

You have asked our opinion as to the constitutional validity of a proposed amendment to LB 587. Your question is directed particularly to the question of whether the amendment would constitute special legislation. We conclude that if such amendment is adopted, it may be difficult to defend the bill against a constitutional attack based on such grounds. In this discussion we are confining ourselves to the amendment, and are not considering at all LB 587, as originally introduced.

The amendment would strike section 1 of the original bill, and substitute therefor two new sections. Section 1 of the amendment provides:

> "Any natural resources district which contains within its boundaries an unincorporated community located in a flood plain and located in a county in which there is a city of the metropolitan class may construct flood control protection for such community."

The remaining sections of the act, as amended, deal with financing the cost of such projects by special assessments or bond issues. It will not be necessary to discuss those sections herein.

The question of special legislation has been frequently considered by our court, and certain general principles have evolved. It is proper to classify cities by size, and pass legislation applicable only to cities of specified classes, so long as the size of the city has some reasonable relevance to the legislation. It would also be proper to classify counties according to whether they did, or did not, have cities of certain classes within their boundaries, if, again, the size of the city had relevance to the legislation. An example of a permissible type of legislation of this sort is found in Omaha Parking Authority v. City of Omaha, 163 Neb. 97, 77 N.W.2d 862 (1956), where legislation dealing only with Omaha, as the only city of the metropolitan class, and the County of Douglas, as the only county containing such a city, was sustained as not being special legislation, because the size of the city was germane to the problem to be solved by the legislation, and the class was not frozen, as other cities could grow to the required size. In

City of Scottsbluff v. Tieman, 185 Neb. 256, 175 N.W.2d 74 (1970), the court struck down a complicated classification consisting of first class cities having populations of more than 13,000 located in counties having populations of more than 33,000. After holding that the classification was bad because it was closed, since it was to be based on the 1960 census, so that no new cities could come into the class, the court held that, in any event, the classification was unreasonable, saying:

> ". . .A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference. . . ."

Perhaps there is some reason why a natural resources district located in a county containing a city of the metropolitan class should have the powers which would be given to it by the amendment, whereas other natural resoucessic districts should not. This reason, however, is not apparent to us. On the surface, at least, it appears that this is a special situation involving some particular unincorporated community in Douglas County which wants the benefits of this amendment. It is precisely that sort of situation which Article III, Section 18 of the Nebraska Constitution prohibits. We therefore have grave doubts as to the constitutional validity of the amendment.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pjs
cc: Patrick O'Donnell
Acting Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Mills asked unanimous consent to print the following amendment to LB 665 in the Journal. No objections. So ordered.

1. On page 2, line 15 strike "two" and insert "four".

GENERAL FILE

LEGISLATIVE RESOLUTION 63. Considered.

Standing Committee amendment found in the Journal on page 1809, First Session, was adopted with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 21 nays, and 16 not voting.

Mr. Rasmussen offered the following amendment to LR 63:
Strike all old language and insert the following: Place on the ballot: Are you in favor of the death penalty?

Speaker Luedtke raised a point of order on the Rasmussen amendment.

President Whelan sustained the point of order. The amendment was out of order.

Mr. DeCamp offered the following amendment:
Strike - All language - The Legislature shall be the Board of Pardons in First Degree Murder.

Amendment pending.

Laid over.

UNANIMOUS CONSENT - Members Excused

Messrs. Fowler and Warner asked unanimous consent to be excused at 10:00 a.m. No objections. So ordered.

MOTION - Return LB 21 to Select File

Mr. Savage moved to return LB 21 to Select File for the following Murphy amendment:

(1) Amend page 5, Section 16, line 17, striking "of the vessel in such manner as may be prescribed by regulations of the commission"
and insert "; and such numbers being at least three inches high, of block characteristics, contrasting in color with the boat, and clearly visible from a distance of one-hundred feet."

(2) Reinsert the stricken language on page 6, Section 21, line 23,

"pocket size" and strike "at least three inches high, of block characteristics, contrasting in color with the boat, and clearly visible from a distance of one-hundred feet."

The motion prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

MOTION - Return LB 372 to Select File

Mr. Kelly moved to return LB 372 to Select File for the specific amendment found in the Journal on page 517.

The motion prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 109. E & R amendment found in the Journal on page 537 for the Fourteenth Day was adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 109 to Select File

Mr. Barnett moved to return LB 109 to Select File for the following specific amendment:

1. In the white copy amendments to LB 109, Req. 2680, on page 1 strike lines 3 and 4 and insert "amendment, line 4 strike "3" and insert "77-2602 and section 33"; and on page 9, line 2 strike "by" and strike "placed" and insert "shall place eighty per cent of such taxes"; and in line 3 strike "State of" and after "Fund" insert "and twenty per cent of such taxes in the Nebraska Outdoor Recreation Development Cash Fund".

The motion prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

MR. MARVEL PRESIDING

MOTION - Return LB 406 to Select File

Mr. Rumery moved to return LB 406 to Select File for the specific amendment found in the Journal on page 479.

The motion lost with 12 ayes, 11 nays, 22 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 372. The Kelly specific amendment found in the Journal on page 517 was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 21. The Murphy specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 109. The Barnett specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 526. E & R amendment found in the Journal on page 536 for the Fourteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 441. E & R amendments found in the Journal on page 536 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 372. E & R amendment found in the Journal on page 536 for the Fourteenth Day was adopted.

Mrs. Marsh requested a machine vote to advance LB 372.

Mr. Cullan moved for a Call of the House. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Mr. Cullan requested a roll call vote on advancing LB 372:

Voting in the affirmative, 26:

Barnett	Cullan	Kahle	R. Lewis	Rumery
Bereuter	DeCamp	Kelly	Maresh	Schmit
Burrows	D. Dworak	Kennedy	Mills	
Carsten	George	Keyes	Newell	
Clark	Hasebroock	Kremer	Rasmussen	
Cope	Hefner	Lamb	Reutzel	

Voting in the negative, 15:

Brennan	Goodrich	Luedtke	Maxey	Savage
E. Dvorak	Koch	Marsh	Moylan	Simon
Fitzgerald	Labedz	Marvel	Nichol	Stoney

Present and not voting, 3:

F. Lewis	Merz	Venditte

Absent and not voting, 1:

Chambers

Excused and not voting, 4:

Duis	Fowler	Murphy	Warner

Advanced to E & R for Engrossment with 26 ayes, 15 nays, 3 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

LEGISLATIVE BILL 186. E & R amendments found in the Journal on page 537 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 65. E & R amendments found in the Journal on page 537 for the Fourteenth Day were adopted.

Mr. Lamb requested a machine vote to advance LB 65.

Mr. Cullan moved for a Call of the House. The motion lost with 13 ayes, 16 nays, and 20 not voting.

The motion to advance to E & R for Engrossment lost with 8 ayes, 21 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 574. The Simon-D. Dworak amendment found in the Journal on page 548 was renewed.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

The Simon-D. Dworak amendment was adopted with 27 ayes, 13 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Simon offered the following amendment:
Amend the Simon amendment in Section 3, subsection 2 strike the language after the word shall and insert the words "pay the costs for the photo and the forms furnished with the balance credited to the General Fund."

The amendment was adopted with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Kennedy asked unanimous consent to be excused at 11:20 a.m. until he returns. No objections. So ordered.

LEGISLATIVE BILL 327. Mr. Newell offered the following amendment:
Strike "~~shall~~" and insert "should".

Mr. Lamb offered the following amendment to the Newell amendment:
Amend Newell amendment, strike "should" - insert "may"

Mr. Koch 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 Lamb amendment lost with 8 ayes, 15 nays, 21 present and not voting, and 5 excused and not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

The Newell amendment was adopted with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

Mr. R. Lewis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 501. Mr. F. Lewis withdrew his pending amendment found in the Journal on page 547 for the Fourteenth Day.

Mr. F. Lewis offered the following amendment:

1. Insert the following new sections:

"Sec. 7. That section 83-1037, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1037. If the subject of the petition either admits, or the mental health board concludes from the evidence at the final hearing, that there is clear and convincing proof that the subject is a mentally ill dangerous person and that neither voluntary hospitalization nor other treatment alternatives less restrictive of the subject's liberty than a mental health board ordered treatment disposition are available or would suffice to prevent the harm described in section 83-1009, the board shall so find and shall ~~proceed as soon as practicable to~~ within forty-eight hours enter an order of final disposition providing for the treatment of the subject of the petition.

Sec. 9. That section 83-1044, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1044. As part of its order of final disposition under section 83-1037, the mental health board shall designate one of the officials, agencies or other persons who may be requested for predisposition assistance under section 83-1040, or the director or other representative of the treatment program or facility to which the subject is assigned, to be responsible for supervising the preparation and implementation of an individualized treatment plan, recording the subject's progress under the plan, and reporting such progress

to the mental health board and other interested parties. The individualized treatment plan shall contain a statement of the nature of the specific mental and physical problems and needs of the subject, a statement of the least restrictive treatment conditions necessary to achieve the purposes of the board's order of final disposition and a description of intermediate and long-range treatment goals, with a projected timetable for their attainment. A copy of such plan shall be completed, filed with the mental health board for review and inclusion in the subject's board file, and served upon the county attorney, the subject, his or her counsel, if he or she has counsel, and his or her parent or legal guardian, if he or she is a minor or legally incompetent, within five working days after the entry of the board's order of final disposition. Treatment under such plan shall be commenced within two working days after the plan is completed.".

2. On page 2, lines 1 to 2 and 15 to 16; on page 3, lines 8 to 9 and 25 to 26; on page 4, lines 22 to 23; on page 5, lines 9 to 10; and on page 6, lines 2 to 3 and 20 to 21 strike "Revised Statutes Supplement, 1976," and insert "Reissue Revised Statutes of Nebraska, 1943,".

3. On page 7, line 9 strike "thirty" and insert "~~thirty~~ ten"; and line 20 after "83-1034," insert "83-1037," and after "83-1038," insert "83-1044,".

4. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 660. E & R amendments found in the Journal on page 535 for the Fourteenth Day were adopted.

The Marvel-Maxey amendments found in the Journal on page 518 were renewed.

The amendments were adopted with 25 ayes, 0 nays, and 24 not voting.

Mrs. Maxey offered the following amendment:
Amend LB 660 by striking the Maxey amendment found on page 508 of the Journal which was adopted and reinstate the original language.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Marvel and Mrs. Maxey offered the following amendments:

1. Insert a new section as follows:

"Sec. 9. Upon receipt of the schedule of tax valuation for mobile homes and cabin trailers as required under section 2 of this act, the county assessor or the county clerk where he is ex officio county assessor, shall provide a certificate of assessment to all property owners possessing such property which has been assessed for the current year as provided by section 77-1219.".

2. Renumber remaining sections accordingly.

The amendments were adopted with 26 ayes, 0 nays, 17 present and not voting and 6 excused and not voting.

Mr. Marvel and Mrs. Maxey offered the following amendment:

1. Insert a new section as follows:

"Sec. 7. The amount charged for labor or services rendered in delivering, installing, or other setup or preparation charges associated with the sale of a cabin trailer or motor vehicle, as defined in sections 60-1601 and 60-1601.01, shall be excluded from gross receipts to which sales and use taxes are applied under sections 77-2701 to 77-27,135. In addition, such costs shall not be considered in establishing the evaluation of such property under section 77-112.".

2. Renumber original sections 6 and 7 as sections 8 and 9 respectively.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

The Marvel-Maxey amendment was adopted with 27 ayes, 3 nays, 13 present and not voting, and 6 excused and not voting.

Messrs. F. Lewis and George asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch offered the following amendment:

1. On page 4, strike beginning with "have" in line 14 through "and" in line 17, and show as stricken and insert "become subject to collection as delinquent under subsection (3) of section 4 of this act,".

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 692. Placed on General File.
LEGISLATIVE BILL 646. Placed on General File.

(Signed) Loran Schmit, Chairman

Public Health and Welfare

LEGISLATIVE BILL 588. Indefinitely postponed.

(Signed) Richard Lewis, Chairman

ANNOUNCEMENT

Mr. D. Dworak announced an executive session of the Miscellaneous Subjects Committee on Thursday, February 9, 1978 at 2:30 p.m. in room 1019.

ANNOUNCEMENT

Mr. DeCamp announced a meeting of the Rules Committee on Thursday, February 9, 1978 in Room 1019 at 12:00 p.m.

UNANIMOUS CONSENT - Change of Hearing Rooms

Mr. R. Lewis asked unanimous consent to change the hearing room for Public Health and Welfare Committee from the Supreme Court Hearing Room to Room 1113 for the hearings on LB 152 and LB 884 on February 14, 1978 at 1:30 p.m. and 3:30 p.m. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. George asked unanimous consent to print the following amendments to LB 99 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 99

1. Strike original section 2 and insert 3 new sections as follows:

"Sec. 2. On or before March 1 of each year the Legislature shall set the rate of the income tax imposed by section 77-2715 for the taxable year beginning in the

subsequent calendar year, and the rate of the sales tax imposed by subsection (1) of section 77-2703 which shall be effective from January 1 through December 31 of the succeeding year.

Sec. 3. After March 1, but not later than March 15 of each year, the Tax Commissioner shall report to the Legislature the estimated amount of revenue to be received by the General Fund for the subsequent calendar year from the income and sales tax receipts and estimated General Fund receipts from franchise taxes and other miscellaneous sources.

The report shall also include the total amount required from the General Fund in the succeeding year to meet appropriations made in prior years.

Sec. 4. The Legislature shall not pass any appropriations bills prior to March 15 of each year.".

2. Renumber original section 3 as section 5.

3. Strike original section 4 and insert a new section as follows:

"Sec. 6. That original section 77-2703, Reissue Revised Statutes of Nebraska, 1943, and also sections 77-2715.01 to 77-2715.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Mr. Stoney asked unanimous consent to print the following amendments to LB 259 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 259

Page 3, Line 22
...indebtedness. The department shall regulate the form, terms and content of certificates of indebtedness. Such certificates...
Page 6, after Line 9
8-411 No industrial loan and investment company shall, in any advertising, announcement, solicitation, or otherwise, use the terms savings, passbook, certificate of deposit, or deposit. The Director of Banking shall monitor and regulate the advertising, announcemnts or solicitations of industrial loan and investment companies to insure, in the public interest, that the public is not misled into believing that an industrial loan and investment company is a depository financial institution. Further, no advertising or written material of an industrial loan and investment company shall in any way indicate that certificates of indebtedness of the industrial loan and investment company are guaranteed or insured, unless the certificates of indebtedness are, in fact, insured by a Federal Agency. If the certificates of

indebtedness are insured, the insuring Federal Agency and the limits of the insurance must be specified.

Mr. Barnett asked unanimous consent to print the following amendments to LB 109A in the Journal. No objections. So ordered.

AMENDMENTS TO LB 109A

Strike original sections 1 and 2 and insert a new section 1:
Section 1. There is hereby appropriated forty-six thousand one hundred fifty-six dollars from the General Fund for the period July 1, 1978, to June 30, 1979, to the Department of Revenue, Agency No. 16 for Program 102, to aid in carrying out the provisions of Legislative Bill 109, Eighty-fifth Legislature, First Session, 1977.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 351 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office. Req. #2734)

REFERENCE COMMITTEE REPORT

LB	Committee
922	General File
925	Miscellaneous Subjects

(Signed) Richard Marvel, Chairman; Jack Mills; R. Lewis; Douglas Bereuter; Roland Luedtke; John S. Savage; William E. Nichol; Larry D. Stoney.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 693A. By Cope, 36th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 693, Eighty-fifth Legislature, Second Session, 1978.

LEGISLATIVE BILL 732A. By Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 732, Eighty-fifth Legislature, Second Session, 1978.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 168, 216, 233, 270, 276, 323, 361, 380, 380A, 420, 469, and 502.

Correctly Enrolled

The following bills were correctly enrolled: 75, 217, 329, 394, 519, and 529.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 75, 217, 329, 394, 519, and 529.

ANNOUNCEMENT

Speaker Luedtke announced the Governor will deliver his budget message on Friday, February 10, 1978 at 10:00 a.m.

VISITORS

The President introduced a group of third and fourth grade students from Riley School, Lincoln; 39 students and sponsor from North East Community College, Norfolk; Mr. Jim Papas from Hershey; members of the county extension clubs from various counties of Nebraska; Jim Pennella from Omaha; 8 members from the Chief State School Officers from various states and sponsor Anne Campbell.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Reutzel, the Legislature adjourned until 9:00 a.m., Thursday, February 9, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - FEBRUARY 9, 1978 LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 9, 1978

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, it was dark and cold and wet when we left our homes this morning. As we drove along, our minds were a mixture of thoughts about our loved ones recently left and business of the House awaiting us here.

We ask You to protect those loved ones we left until we return. We ask You to guide us along the path of Your will in conducting the business of the House.

And let what we do alleviate the sufferings of the less fortunate whose lives are always dark and cold and wet. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Simon, Schmit and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 604. Placed on General File as amended.
Standing Committee amendments to LB 604:

1. Strike the original sections and insert the following:

"Section 1. That section 18-416, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

18-416. No public or private utility company furnishing water, natural gas, or electricity at retail in this state shall discontinue service to any domestic subscriber for nonpayment of any due account unless the utility company shall first give written notice as provided in section 2 of this act by certified mail or notice delivered in person to any subscriber whose service is proposed to be terminated. Service shall not be discontinued for at least seven days ~~prior to termination~~ following notification. Service by certified mail is complete upon mailing. Holidays and weekends shall be excluded from the seven days. As to any subscriber who has previously been identified as a welfare recipient to the company by the county welfare department, such notice shall be by certified mail and notice of such proposed termination shall be given to the county welfare department.

Sec. 2. The notice required by section 18-416 shall contain the following information:

(1) The reason for the proposed disconnection;

(2) A statement of intention to disconnect; unless the customer either pays the bill or reaches an agreement with the utility regarding payment of the bill;

(3) The date upon which service will be disconnected, if the customer does not take appropriate action;

(4) The name, address, and telephone number of the utility's officer or employee to whom the ratepayer may address any inquiry or complaint;

(5) The ratepayer's right, prior to the disconnection date, to appeal the matter to the utility review board, and the board's address and telephone number;

(6) A statement which specifies the locations where forms used to file an appeal may be obtained, and a telephone number to call to request the mailing of a form to a subscriber. The forms shall specify the types of disputes which the board may hear in accordance with section 4 of this act.

(7) A statement that the utility may not disconnect service pending the decision by the board on appeal;

(8) A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that

a ratepayer or resident within the ratepayer's household would suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within five days of receiving notice under this section and will prevent the disconnection of the utility's service for a period of thirty days from such filing. Only one postponement of disconnection shall be allowed under this subdivision for each incidence of nonpayment of any due account;

(9) The cost that will be borne by the ratepayer for restoration of service;

(10) A statement that the customer may arrange with the utility for an installment payment plan;

(11) A statement to the effect that those customers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and

(12) Any additional information not inconsistent with the above and which has received prior approval from the board.

Sec. 3. A utility review board shall be established by each public or private utility company furnishing water, natural gas, or electricity at retail in this state. Each billing office of a utility company may establish a separate utility review board. The board shall consist of at least three people, two of whom shall be domestic subscribers of the particular company.

Sec. 4. The board shall hear and decide all matters appealed by domestic subscribers pursuant to the provisions of this act. Such subjects to be appealed shall include matters of factual dispute relating to billings, billing practice, and whether proper notice of disconnection was given, but shall not include matters relating to the setting of rates or other operating policies of the utility. The board shall design and approve the form of all notices or forms required by this act, to insure that the information contained thereon is set forth in as simple forthright, and comprehensible a manner as may be practicable.

Sec. 5. A domestic subscriber may appeal the proposed discontinuance of water, natural gas, or electricity by filing with the utility a written statement on a form provided by the board setting forth the reasons for the appeal and the relief requested. If notice of appeal has been filed by the subscriber a hearing shall be held before the utility review board

established under section 3 of this act before the service can be discontinued.

Sec. 6. The appealing ratepayer shall have the right to:

(1) Be represented by legal counsel or other representative or spokesperson;

(2) Examine and copy, not less than three business days prior to the hearing on his or her appeal, the utility's file and records pertaining to all matters directly relevant to the dispute or utilized in any way by the utility in reaching the decision to propose termination or to take other action which is the subject of the appeal;

(3) Present witnesses and offer evidence;

(4) Confront and cross-examine such other witnesses as may appear and testify at the hearing;

(5) Recieve a written record of the proceedings at the ratepayer's expense, except that if the board finds in favor of the ratepayer the utility shall reimburse the ratepayer for such expense; and

(6) Receive a written decision from the board on the appeal, based solely on the evidence presented to the board, stating the reasons for the decision and including a statement of the board's specific findings of fact on which it relied.

Sec. 7. Upon notice to the board of any appeal by a domestic subscriber, the board shall:

(1) Notify the ratepayer, in writing, of the time, place, and date scheduled for hearing of the matter by the board. Such notice shall also advise the ratepayer of his or her rights under section 6 of this act;

(2) Hold a hearing within fourteen days of the receipt of a notice of appeal by the board. Such hearings shall be informal and not governed by the Nebraska Rules of Evidence. If the board determines at the hearing that the ratepayer did not receive proper notice or was denied any other right afforded under this act, the board shall recess and continue the hearing at such time as the ratepayer has been afforded his or her rights; and

(3) Render its decision in writing, accompanied by the reasons for such decision as soon as practicable after the hearing. A copy of such decision shall be sent to each party to the appeal, by certified mail, return receipt requested.

Sec. 8. (1) The board shall have power to

affirm, reverse, or modify any utility's decision which involves a utility bill, deposit, charge, or any dispute which results in a threatened termination or refusal of utility service to a residential ratepayer. The board shall allow termination of utility service only as a measure of last resort after the utility shall have exhausted all other remedies less drastic than termination.

(2) The decision of the board shall become final three business days after it has been rendered and mailed.

Sec. 9. The provisions of this act shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the ratepayer or of the general public.

Sec. 10. 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. 11. That original section 18-416, Reissue Revised Statutes of Nebraska, 1943, is repealed.''.

ATTORNEY GENERAL'S OPINION

Opinion No. 187
February 7, 1978

Dear Senator Murphy:

You have requested the opinion of this office regarding the constitutionality of the concept contained in LB 843. Our research into that question has not disclosed a constitutional defect in the proposed legislation. As you have indicated in your letter, however, LB 843 would have a very broad impact upon law enforcement activities of other state law enforcement agencies within this state. Although section 5 of LB 843 provides an exception for ''hot pursuit'' situations there are numerous other law enforcement activities otherwise thought to be legitimate which would be prohibited by this legislation. For example, suppose a crime was committed in Kansas and the suspect fled to Nebraska where he was arrested. LB 843 would prohibit a Kansas law enforcement officer from entering Nebraska for the purpose of questioning the suspect. LB 843 appears also to prohibit the questioning in Nebraska of any witness to a crime

by law enforcement officers from another state. Further, the broad language of LB 843 would appear to prohibit cooperative law enforcement activities in Nebraska between Nebraska officers and officers from another state. The extent of such impact upon law enforcement cannot at this point be known. Certainly there are other legitimate law enforcement activities which may also be prohibited by LB 843. The possibilities are too numerous to list and it is impossible to conceive of all situations upon which this bill may have an impact.

You have asked if there is any way in which the bill could be narrowed so as not to have an adverse impact upon legitimate law enforcement activities while preserving the intent of the bill. It is our understanding that the purpose of this legislation was to prohibit the surveillance of the liquor stores in Nebraska by Iowa law enforcement officers. As we have stated the bill unquestionably is far broader than that intent. LB 843 could be narrowed in numerous ways. The problem which must be dealt with however, in narrowing the scope of the legislation is in doing so without using improper classifications which constitute a constitutional violation. In other words, classifications may only be created by the Legislature where real differences exist.

You have indicated that the intent of this bill is to outlaw "near entrapment processes" from being used in this state by our neighboring states. Entrapment is legally defined as an act by law enforcement officers which induces a person to commit a crime which he had not otherwise contemplated for the purpose of instituting a criminal prosecution against him. Black's Law Dictionary, Fourth Edition 1968. We are not sure how far it is intended that this bill go; however we would be willing to discuss possible changes with you at your convenience.

Yours very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gary B. Schneider
Assistant Attorney General

GBS:smb
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

ANNOUNCEMENT

Mr. F. Lewis, Chairman of the Education Committee anounces that there will be an executive session of the Education Committee on

Monday, February 13, 1978 upon adjournment, in the East Chamber.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 9, 1978, at 8:43 a.m., were the following bills: 75, 217, 329, 394, 519, and 529.

(Signed) Hazel Kaltenberger
Enrolling Clerk

BILL ON FIRST READING

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

LEGISLATIVE BILL 676A. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Rasmussen, 41st District; Moylan, 6th District; Cullan, 49th District; Maresh, 32nd District; Kennedy, 21st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 676, Eighty-fifth Legislature, Second Session, 1978.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 406. Replaced on Select File as amended.
E & R amendments to LB 406:

1. On page 9, lines 21 and 22, page 11, lines 8 and 9, and page 14, lines 9 and 10, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. On page 23, line 17, strike "and 71-138," and insert "71-122, 71-138, 71-139, and 71-162,"; and strike beginning with "and" in line 18 through the comma in line 20.

3. In the title, line 3, strike "and 71-138," and insert "71-122, 71-138, 71-139, and 71-162,"; and strike lines 5 and 6 and insert "relating to".

LEGISLATIVE BILL 18. Placed on Select File as amended.
E & R amendments to LB 18:

1. All amendatory matter having been removed therefrom, strike original section 1 and renumber sections 2 to 4 as sections 1 to 3.

2. On page 3, line 7, strike "and".

3. In line 10 of the Burrows amendments, strike

the period.

4. On page 12, line 14, strike "45-114," and the second comma.

5. In the title, line 2, strike "45-114," and the second comma; and strike beginning with the second "to" in line 4 through line 6 and insert "to increase the loan maximum; to change a method of computation; to extend the time for repayment; and to".

LEGISLATIVE BILL 424. Placed on Select File as amended.

E & R amendments to LB 424:

1. On page 2, line 2, page 7, line 24, and in the title, line 3, strike "1976" and insert "1977".

2. On page 3, line 16, insert an underscored comma after "and" and insert "be required to" after "shall".

3. Because of Laws 1977, LB 509, section 5, on page 7, line 12, insert "performed (1) prior to December 31, 1977" after "services"; and after "terms" in line 22 insert "; (2) after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution if such week of unemployment begins during the period between two successive years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms; or after December 31, 1977, in any other capacity for an educational institution, other than an institution of higher education, if such week of unemployment begins during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms; and

(i) For any week of unemployment benefits if the services upon which such benefits are based consist substantially of participating in sports or athletic events or training or preparing to so participate, if such week of unemployment begins during the period between two successive sport seasons or similar periods if such individual performed such services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods".

4. Pursuant to the Marsh amendments, on page 2, lines 5, 11, and 22, page 3, line 5, page 4, lines 18 and 26, page 5, lines 1, 4, 16, and 24, and page 6, lines 3, 19, and 23, strike "he" and insert "~~he~~ the individual"; on page 2, lines 12 and 26, page 3, lines 3 and 10, both places in line 9, line 11, and line 13, page 4, line 23, and page 7, lines 5 and 6, strike "his" and insert "~~his~~ the individual's"; on page 3, line 26, strike "his" and insert "the individual's"; and on page 2, line 26, strike "him" and insert "~~him~~ to the individual".

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 223.

A BILL FOR AN ACT relating to rules of the road; to provide penalties for being under the influence of alcoholic liquor while operating a motor vehicle involved in any accident resulting in serious bodily injury; and to provide a condition of probation.

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

Mr. Venditte requested a roll call vote.

Voting in the affirmative, 23:

Barnett	Hasebroock	Kremer	Marvel	Stoney
Bereuter	Hefner	Lamb	Merz	Venditte
Carsten	Kahle	R. Lewis	Murphy	Warner
Cope	Kelly	Luedtke	Nichol	
Goodrich	Keyes	Maresh	Rumery	

Voting in the negative, 17:

Brennan	Duis	Fowler	Moylan	Savage
Burrows	E. Dvorak	Koch	Newell	
Clark	D. Dworak	F. Lewis	Rasmussen	
Cullan	Fitzgerald	Mills	Reutzel	

Present and not voting, 6:

Chambers	George	Labedz
DeCamp	Kennedy	Maxey

Excused and not voting, 3:

Marsh	Schmit	Simon

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 244.

A BILL FOR AN ACT to amend section 77-27,150, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to change provisions for the 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.

Whereupon the 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	Duis	Kelly	Maresh	Reutzel
Bereuter	E. Dvorak	Kennedy	Marvel	Rumery
Brennan	D. Dworak	Keyes	Maxey	Savage
Burrows	Fitzgerald	Koch	Merz	Schmit
Carsten	Fowler	Kremer	Mills	Simon
Chambers	George	Labedz	Moylan	Stoney
Clark	Goodrich	Lamb	Murphy	Venditte
Cope	Hasebroock	F. Lewis	Newell	Warner
Cullan	Hefner	R. Lewis	Nichol	
DeCamp	Kahle	Luedtke	Rasmussen	

Voting in the negative, 0.

Excused and not voting, 1:

Marsh

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

MOTION - Reconsider Action on LB 223

Mr. Chambers moved to reconsider action on LB 223 on Final Reading.

Motion pending.

Messrs. F. Lewis and Fitzgerald asked unanimous consent to be excused for a short time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE RESOLUTION 63. Considered.

The DeCamp pending amendment found in the Journal on page 561 was withdrawn.

Mr. DeCamp moved to indefinitely postpone.

Messrs. DeCamp and 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.

Mr. Chambers moved for a Call of the House. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 23:

Burrows	E. Dvorak	Kennedy	Mills	Schmit
Clark	Goodrich	Koch	Moylan	Stoney
Cullan	Hasebroock	Labedz	Murphy	Venditee
DeCamp	Hefner	Lamb	Nichol	
Duis	Kahle	Maresh	Rasmussen	

Voting in the negative, 24:

Barnett	Chambers	George	R. Lewis	Maxey
Bereuter	Cope	Kelly	Luedtke	Merz
Brennan	D. Dworak	Keyes	Marsh	Newell
Carsten	Fowler	Kremer	Marvel	Reutzel

Rumery Savage Simon Warner

Excused and not voting, 2:

Fitzgerald F. Lewis

The motion to indefinitely postpone lost with 23 ayes, 24 nays, and 2 excused and not voting.

Mr. Maresh asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 8 nays, and 9 not voting.

Mr. Barnett requested a roll call vote to advance LR 63 to E & R for Review.

Voting in the affirmative, 26:

Barnett	D. Dworak	Kremer	Maxey	Simon
Bereuter	Fitzgerald	F. Lewis	Merz	Warner
Brennan	Fowler	R. Lewis	Newell	
Carsten	George	Luedtke	Reutzel	
Chambers	Keyes	Marsh	Rumery	
Cope	Koch	Marvel	Savage	

Voting in the negative, 22:

Burrows	E. Dvorak	Kennedy	Moylan	Stoney
Clark	Hasebroock	Labedz	Murphy	Venditte
Cullan	Hefner	Lamb	Nichol	
DeCamp	Kahle	Maresh	Rasmussen	
Duis	Kelly	Mills	Schmit	

Absent and not voting, 1:

Goodrich

Advanced to E & R for Review with 26 ayes, 22 nays, and 1 absent not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

MOTION - Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. #1441)

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time:

LEGISLATIVE BILL 926. By Agriculture and Environment Committee: Schmit, 22nd District, Chairman; Lamb, 43rd District; Maresh, 32nd District; Hefner, 19th District; Venditte, 7th District.

A BILL FOR AN ACT relating to agricultural ethyl alcohol plants; to declare intent; to define terms; to provide grants for the construction of plants; to create a fund; to provide duties; to provide conditions for receiving a grant; to provide for hearings; and to declare an emergency.

MOTION - Introduce Bill

Mr. DeCamp moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance. (Req. #1371)

Mr. DeCamp moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. DeCamp withdrew his request for introduction at this time.

Mrs. Marsh moved the Call be raised. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

NOTICE OF COMMITTEE HEARING

Miscellaneous Subjects

LB 925 Thursday, February 16, 1978 1:30 p.m.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 658. Placed on General File.
LEGISLATIVE BILL 737. Placed on General File.

(Signed) Richard Lewis, Chairman

Agriculture and Environment

LEGISLATIVE BILL 135. Placed on General File as amended.
Standing Committee amendment to LB 135:

1. On page 2, line 9 after the period insert:
"Nothing in this act shall be deemed to authorize the Department of Agriculture to submit a state plan pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the federal Environmental Protection Agency.".

LEGISLATIVE BILL 578. Placed on General File as amended.
Standing Committee amendments to LB 578.

1. On page 2, in lines 24 and 25 strike "with cobs and corn blended".
2. On page 3, strike lines 1 through 6, show the old matter as stricken, and insert:
"(c) All unmixed whole or ground grains; and".

LEGISLATIVE BILL 639. Placed on General File as amended.
Standing Committee amendments to LB 639:

1. On page 6, line 23 strike "committee" and insert "board".
2. On page 8, line 21 strike "department" and insert "board"; and in line 23 strike "mills" and insert "tenths of a cent".
3. On page 9, line 2 strike "The" and insert "Until December 31, 1978, the fee levied pursuant to section 22 of this act shall not exceed one tenth of one cent per bushel. Beginning January 1, 1979, the"; in line 10 strike "mills" and insert "tenths of a cent"; and in line 15 after the period insert "If within six months of the collection of a fee for corn that is mortgaged as security for a loan under the federal price support program or other government agricultural loan programs, the grower decides to purchase the corn and use it as feed, the grower shall be entitled to a refund of the checkoff fee previously paid. The refund shall be payable by the board upon the grower's written application to the board for a refund of the amount

deducted. Each application for a refund by a grower shall have attached thereto proof of the tax deducted.".

4. On page 10, line 3 after the period insert:

"Such records maintained by the purchaser shall provide the following information:

(a) Name and address of the grower and seller;

(b) The date of the purchase;

(c) The number of bushels of corn sold; and

(d) The amount of fees collected on each purchase.".

5. Insert a new section 32 as follows:

"Sec. 32. The Corn Development, Utilization, and Marketing Board shall terminate July 1, 1984, unless revived pursuant to sections 81-199 to 81-1,105, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".

6. Renumber original sections 32 and 33 as sections 33 and 34 respectively.

LEGISLATIVE BILL 636. Placed on General File.
LEGISLATIVE BILL 637. Placed on General File.
LEGISLATIVE BILL 821. Placed on General File.

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT - Add Name to LB 574

Mr. Simon asked unanimous consent to add his name as a co-introducer to LB 574. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Mills asked unanimous consent to print the following amendments to LB 259 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 259

1. Insert new sections 1 and 2 as follows:

"Section 1. That section 8-403.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-403.01. The department shall investigate the facts set forth in the application, shall set a date for hearing said application, not less than four weeks nor more than six weeks from the date of filing of the application, and shall publish once each week for three consecutive weeks a notice in a legal newspaper published in or of general circulation in the county where the applicant intends to transact its business. The notice

shall set forth the filing of the application and the date and place of hearing thereon, at which time and place any interested party or its representatives may appear and be heard in favor of or in opposition to the approval of the application. If the department shall find (1) that not less than two-thirds of the capital stock is owned by bona fide residents of this state, (2) that the proposed board of directors and management possesses financial responsibility, experience, character and general fitness for successful management of the institution, (3) that the public necessity, convenience and advantage of the community in which the business of the applicant is to be conducted will be served thereby, (4) that the applicant has capital and surplus in the amounts required by section 8-403, either in cash or in securities of a value equal to cash, and (5) that all conditions of sections 8-401 to 8-417 have been complied with, the department shall, within ten days from the conclusion of such hearing, issue and deliver to the applicant a license to conduct its business at the place indicated as an industrial loan and investment company.

With the approval of the director, and a showing of the applicability of the criteria set forth in the subdivisions of this section, any industrial loan and investment company may maintain auxiliary offices within the same county where any such industrial loan and investment company shall be licensed. The services of such auxiliary offices shall be limited to the making of loans authorized for industrial loan and investment companies, receiving interest, principal and charge payments thereon, and issuing and redeeming certificates of indebtedness.

Sec. 2. That section 8-403.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-403.02. The aggregate amount of the paid-up capital stock of any industrial loan and investment company hereafter organized shall be not less than ~~fifty~~ one hundred thousand dollars in cities and villages having a population of less than twenty-five hundred inhabitants; not less than ~~seventy-five~~ one hundred fifty thousand dollars in cities having a population of twenty-five hundred and less than ~~ten~~ twenty-five thousand inhabitants; not less than ~~one~~ two hundred thousand dollars in cities having a population of ~~ten~~ twenty-five thousand and less than ~~twenty~~ one-hundred thousand inhabitants; not less than ~~one~~ five hundred

fifty thousand dollars in cities having a population of ~~twenty~~ one hundred thousand or more ~~and less than fifty thousand~~ inhabitants. ~~;and not less than two hundred fifty thousand dollars in cities having fifty thousand or more inhabitants.~~ In addition to the required capital stock, a surplus fund in an amount equal to fifty per cent of the aggregate amount of the capital stock shall be subscribed at the time the subscription list of common stockholders is made up.".

2. On page 8, line 24, after "sections" insert "8-403.01 to".

3. Renumber original sections 1 to 3 as sections 3 to 5 respectively. Renumber original sections 5 to 8 as sections 6 to 9 respectively.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 187 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 187

1. Strike sections 1 to 4 and all amendments thereto and insert the following:

"Section 1. That section 28-416, Revised Statutes Supplement, 1977, be amended to read as follows:

28-416. (1) Except as authorized by this article, 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 28-405 which is a narcotic drug shall be guilty of a Class III felony; (b) any other controlled substance classified in Schedule I, II, or III of section 28-405, shall be guilty of a Class IV felony; or (c) a controlled substance classified in Schedule IV or V of section 28-405, shall be guilty of a Class IV felony.

(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 this article, shall be guilty of a Class IV felony.

(4) Any person knowingly or intentionally

possessing marijuana weighing ~~one pound or less~~ more than one ounce, but not more than one pound shall be guilty of a Class ~~IIIA~~ IV misdemeanor.

(5) Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.

(6) Any person eighteen years of age or older knowingly or intentionally possessing marijuana weighing one ounce or less shall:

(a) For the first offense within a twelve-month period, receive a citation pursuant to section 29-422 and section 4 of this act and be fined not more than one hundred dollars;

(b) For the second offense within a twelve-month period, receive a citation pursuant to section 29-422 and section 4 of this act and be fined not more than one hundred dollars, and may be assigned to a mental health or drug abuse program or facility approved pursuant to section 71-5034; and

(c) For each additional offense within such twelve-month period, be guilty of a Class IV misdemeanor.

(7) Any person under eighteen years of age knowingly or intentionally possessing marijuana weighing one ounce or less shall:

(a) For the first two offenses receive a citation pursuant to section 29-422 and section 4 of this act, may be fined not more than one hundred dollars, and shall be assigned to a mental health or drug abuse program or facility approved pursuant to section 71-5034; and

(b) For each additional offense receive a citation pursuant to section 29-422 and section 4 of this act and be fined not more than one hundred dollars.

~~(6)~~ (8) 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)~~ (9) Any person who knowingly or intentionally delivers, distributes, or dispenses a substance that he expressly or implicitly represents to be a controlled substance which is not in fact such a substance and which endangers the life of the person using the substance or which may cause bodily injury is guilty of a Class IV felony.

Sec. 2. The violation of any provision of subsection (6) or (7) of section 28-416, which is not

otherwise declared by such subsections to be a misdemeanor shall be a civil offense.

Sec. 3. That section 29-422, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-422. It is hereby declared to be the policy of the State of Nebraska to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law and the protection of the public. In furtherance of that policy, any peace officer shall be authorized to issue a citation in lieu of arrest or continued custody for any offense which is a traffic infraction, ~~or~~ misdemeanor or, unlawful possession of marijuana weighing one ounce or less, and for any violation of a city or village ordinance. Such authorization shall be carried out in the manner specified in sections 29-422 to 29-430, 39-6,105, 39-6,107, 39-6,108, and 39-6,112.

Sec. 4. Whenever a person is cited pursuant to subsection (6) or (7) of section 28-416, the officer issuing the citation shall prepare a written summons to appear in court. Such summons shall contain the name and address of the cited 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 cited , one copy shall be sent to the court where the cited 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 citation unless the person cited 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 cited person, must give his written promise to appear in court by signing the summons prepared by the citing 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. No citation issued pursuant to this act, or any fine levied as a result of such citation shall be entered on the criminal record of the offender.

Sec. 5. This act shall become operative on July 1, 1978.

Sec. 6. That original section 29-422, Reissue Revised Statutes of Nebraska, 1943, and section 28-416, Revised Statutes Supplement, 1977, 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.".

RESOLUTION

LEGISLATIVE RESOLUTION 160.

Introduced by Simon, 31st District.

WHEREAS, the number of services rendered and functions performed by municipal governments has continued to increase annually; and

WHEREAS, the performing of such services and functions has placed an ever growing burden on the finances of municipal governments; and

WHEREAS, the current method of financing municipal services may not provide the most practical or desirable manner to generate necessary revenue; and

WHEREAS, it has now become necessary to reexamine and reevaluate the financing of municipal government in addition to seeking alternate sources of funding for such governments.

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

1. That a special subcommittee on the Revenue Committee shall be established to study all aspects of financing municipal government.

2. That such special subcommittee may call upon the resources of the University of Nebraska and the League of Municipalities for such assistance as is reasonably necessary to accomplish its task.

3. That the special subcommittee shall 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.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 223.

(Signed) Neil Simon

SELECT FILE

LEGISLATIVE BILL 108. E & R amendment found in the Journal on page 536 for the Fourteenth Day was adopted.

Mr. R. Lewis offered the following amendment:
On page 2, Line 5, Strike "1976 Swanson Reservoir" and insert "1978 Strunk Lake".

The amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Mr. Mills offered the following amendment:
On page 2 line 5 add "1976 Swanson Reservoir"

The amendment lost with 13 ayes, 4 nays, and 32 present and not voting.

Advanced to E & R for Engrossment.

MR. MARVEL PRESIDING

LEGISLATIVE BILL 316. Laid over at the request of Mr. Luedtke.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 128. Title read. Considered.

Mr. Mills offered the following amendment:

1. On page 6, line 23 strike "and" and show as stricken.
2. On page 7, line 8 after "terms" insert:
"; and
(i) If the individual has been discharged from military service or released from active duty after twenty years or more of service and has not been employed since such discharge or release".

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

PRESIDENT WHELAN PRESIDING

Mr. Fowler offered the following amendment:
On page 8, line 12, strike four and insert three.
Strike section 3 and 4 as amended by the Mills amendments of 2/7/78 and reinstate the original language.

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

ANNOUNCEMENT

Mr. Barnett announced to the members that the Governor had offered him the position of State Fire Marshal and he has accepted the job. He stated he would be resigning effective the 14th of February.

EASE

The Legislature was at ease from 11:06 a.m. until 11:10 a.m.

GENERAL FILE

LEGISLATIVE BILL 128. 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 212. Title read. Considered.

Mr. Barnett moved to reject the Standing Committee amendments found in the Journal on page 922 for the Forty-Sixth Day, First Session.

The motion to reject prevailed with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Kremer withdrew his pending amendment found in the Journal on page 2049 for the Eighty-Third Day, First Session.

Mr. Kremer moved the adoption of his amendments printed separate and referred to in the Journal on page 520 as Req. # 2721.

The Kremer amendments were adopted with 27 ayes, 0 nays, 21 present and not votig, and 1 excused and not voting.

Mr. Kremer moved the adoption of the following Barnett amendment:

In the white copy amendments, req. 2721:

1. On page 1, line 25 strike "the Nebraska District Judges Association,".

2. On page 2, line 5 strike "One district judge" and insert "The Director of Correctional Services or his or her designee".

3. On page 4, line 14 strike "July" and insert "January".

Mr. Dworak offered the following amendment to the above Barnett amendment:

Strike after areas: on line 5, 6, 7, and 8 and insert:

(1) One district Judge; (2) One county commissioner, (3) One County Sheriff; (4) One municipal police chief; (5) One member of the Nebraska Bar Association; and (6) three lay people; (7) and the Director of Correctional Service.

The amendment lost with 9 ayes, 18 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Fowler offered the following amendment to the Barnett amendment:

In the white copy amendments, req. 2721:
On page 2, line 8
insert and The Director of Correctional Services or his or her designee".

The amendment was adopted with 17 ayes, 14 nays, 17 present and not voting, and 1 excused and not voting.

The Barnett amendment, as amended, was adopted with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

Laid over.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 695. Placed on General File as amended.
Standing Committee amendment to LB 695:

1. On page 2, line 1, strike "A" and insert "Any"; and after "person" insert "who is an inmate of any jail, correctional or penal facility".

LEGISLATIVE BILL 670. Placed on General File as amended.
Standing Committee amendment to LB 670:

1. Strike the original section and insert two new sections as follows:

"Section 1. That section 25-1017, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1017. An order of attachment binds the property attached from the time of service, and the garnishee shall stand liable to the plaintiff in attachment for all property, money, and credits in his hands, or due from him to defendants, from the time he is served with the written notice mentioned in section 25-1011, notwithstanding the money or debt owing by such garnishee, and which is sought to be attached, may be payable at the place of residence of a nonresident defendant; but where the property is attached in the hands of a consignee, his lien thereon shall not be affected by the attachment.

At the time of the issuance of the order of attachment, all interest and other costs due, as of that date, shall be computed. All interest and other costs which accrue after such date shall be specified on a per day basis or such other basis for assessment as may exist. Upon delivery of the attached property by the garnishee, such garnishee shall not be liable for interest or costs other than those specified in the order of attachment.

Sec. 2. That original section 25-1017, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 593. Placed on General File as amended.
Standing Committee amendments to LB 593:

1. Insert a new section 1 as follows:

"Section 1. That section 39-684, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-684. City police, county sheriffs, officers of the Nebraska State Patrol, and any other such law enforcement officer with power to arrest for traffic violations may remove a dead body, ~~or~~ an injured person, or a person who is intoxicated or otherwise incapacitated from any roadway to the nearest available position off the roadway as may be necessary to keep the roadway open or safe for public travel, or to any hospital, clinic, alcoholism center, or medical doctor as may be necessary to preserve life or to prevent injury.".

2. On page 2, after line 23 insert a new subsection (3) as follows:

"(3) No provision of this act shall prevent such person from being taken into custody under the provisions of the Nebraska Mental Health Commitment Act as an alcoholic person who presents the risks enumerated in section 83-1009.".

3. On page 2, line 24 strike "(3)" and insert "(4)".

4. Insert a new section 4 as follows:

"Sec. 4. This act shall become operative on January 1, 1979.".

5. Strike original section 3 and insert:

"Sec. 5. That original section 39-684, Reissue Revised Statutes of Nebraska, 1943, and also section 53-196, Revised Statutes Supplement, 1977, are repealed.".

6. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

LEGISLATIVE BILL 554. Placed on General File as amended.
Standing Committee amendments to LB 554:

1. Insert two new sections as follows:

"Sec. 3. That section 29-2903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2903. (1) In any case where the court determines that the defendant is a sexual sociopath, such defendant shall be temporarily committed to one of the state regional centers for treatment of the mentally ill for not to exceed ninety days for observation and diagnosis. The person in charge of such center shall take all necessary precautions to adequately protect the public and patients at such center. The court shall attach to the temporary commitment a written report of the court-appointed psychiatrists and such other information as the court determines to be relevant in the proceeding. No person shall be committed for an indeterminate period of time as a sexual sociopath unless a temporary commitment for observation has been made and a report is filed with the court setting forth the diagnosis and treatment recommended as provided by this section.

The person in charge of the state regional center for the treatment of the mentally ill to which such defendant is temporarily committed shall within ninety days of the temporary order of commitment, cause the

person to be examined by at least one psychiatrist who has not previously examined the defendant and who shall forward to the court his opinion as to whether the defendant is a sexual sociopath, and whether the defendant will benefit by care and treatment in a state regional center for treatment of the mentally ill, in which event the report shall include diagnosis and recommendation concerning the defendant's future care, supervision and treatment.

(2) If the person in charge of the center reports to the court that in his oinion the defendant is not a sexual sociopath, the defendant may be returned to the court for sentencing for the sexual offense of which he has been convicted, or if the court is still of the opinion that the defendant is a sexual sociopath the court may proceed with further proceedings for determination of that issue in the manner provided in this section.

If the person in charge of such center reports to the court that in his opinion the defendant is a sexual sociopath, or if the court determines that the defendant is a sexual sociopath, the court shall cause a further hearing to be held on the issues of whether the defendant is a sexual sociopath and whether the defendant can benefit by care and treatment. Such hearing shall be held before a jury unless waived by the defendant.

(3) If, after such further hearing, at least ten of the twelve jurors find that beyond a reasonable doubt the defendant is not a sexual sociopath, the court shall thereupon dismiss the proceedings under sections 29-2901 to 29-2910, and shall reconvene the criminal proceedings and proceed to sentence the defendant for the sexual offense of which he has been convicted.

If, after such further hearing, at least ten of the twelve jurors find that beyond a reasonable doubt the defendant is a sexual sociopath and the court determines on the basis of evidence submitted at such hearing that the defendant can benefit by treatment, the court shall commit the defendant for an indefinite period of time to a state regional center for the treatment of the mentally ill which shall make adequate provision at such center separate from the criminally insane to detain, house, care for and treat such persons while at such center consistent with protection of patients at such center and the general public. Provision shall be made for detention, housing, care, and treatment of sexual sociopaths under eighteen years of age separately from

those over that age. The person in charge of a state regional center for the treatment of the mentally ill may extend to any defendant confined therein pursuant to sections 29-2901 to 29-2910 such privileges affecting successful treatment as are consistent with protecting the public interest.

If, after such further hearing at least ten of the twelve jurors find that beyond a reasonable doubt the defendant is a sexual sociopath and the court finds from the evidence offered at such hearing that the defendant cannot be benefited by treatment, the court shall commit the defendant for an indefinite period in the Nebraska Penal and Correctional Complex which shall make adequate provisions to separate such defendant from the regular prison population, and to detain, house, and care for him while he is in the complex. Reexamination shall be made at least annually by qualified professional personnel to determine whether the defendant could currently benefit by care and treatment. Provision shall be made for the detention, housing, and care of sexual sociopaths under eighteen years of age separately from those over that age.

The person in charge of the Nebraska Penal and Correctional Complex may extend to any defendant confined therein pursuant to sections 29-2901 to 29-2910 such privileges as are consistent with protecting the public interest.

(4) After such commitment as a sexual sociopath either to the Nebraska Penal and Correctional Complex or to a state regional center for the treatment of the mentally ill, the defendant shall remain in the place to which he is committed until the courts have determined on appeal or review that he is not a sexual sociopath. The court shall retain jurisdiction over each case wherein the defendant was convicted of a sexual offense so long as the defendant is committed either to the Nebraska Penal and Correctional Complex or to a state regional center for the treatment of the mentally ill. If, upon application of the person in whose custody the defendant is committed to the district court that ordered the commitment, it appears to the court that the defendant will not benefit by further treatment in the regional center, the court may order the defendant transferred to the Nebraska Penal and Correctional Complex as provided in subsection (3) of section 29-2903.

(5) Any defendant committed as a sexual sociopath shall not be permitted to be at large on the premises of

a state regional center for the treatment of the mentally ill without being under continuous personal supervision by personnel of such center, which personnel shall be charged with the responsibility of protecting the defendant so committed and of preventing the defendant from leaving the premises. The person in charge of the institution shall be responsible for the activities of the supervisory personnel of the institution. In making such commitment, the court shall determine the legal status of the defendant found to be a sexual sociopath.

(6) When any person committed to one of the regional centers or to the Nebraska Penal and Correctional Complex escapes, the person in charge of such facility shall immediately notify the clerk of the district court of the county from which such person was committed, and the clerk shall forthwith issue the warrant of the court, directed to the sheriff of the county, for the arrest and detention of such person. Such warrant may be executed by the sheriff or any other peace officer. The powers of arrest provided in this section shall be in addition to powers otherwise provided. The person in charge of the facility to which the escaped defendant is committed shall also notify immediately the Nebraska State Patrol, the county attorney of the county from which the defendant was committed, and the sheriff of the county in which the escape occurred. Information about the escape shall be public information available to all communications media. Such escape notification shall also apply in cases where any person is committed to one of the regional treatment centers pursuant to section 83-328 or 83-328.03.

Sec. 4. That section 29-2906, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2906. (1) Whenever a defendant has been adjudicated a sexual sociopath and committed for an indefinite period to either the Nebraska Penal and Correctional Complex or a state regional center for the treatment of the mentally ill, he may appeal such commitment directly to the Supreme Court. If the court determines that the finding that the defendant is a sexual sociopath (a) is not supported by the evidence, it shall return the defendant to the trial court for sentencing for the sexual offense of which he has been convicted, or (b) is supported by the evidence, the defendant shall be retained in custody under the indeterminate sentence.

(2) A motion for a hearing to determine whether the defendant is a sexual sociopath ~~may~~ shall be made by or on behalf of the defendant at one-year intervals after initial commitment. The motion shall be heard by the district court from which such individual was originally committed. Such a motion can also be made by the district court that ordered the commitment at any time. If the court determines that there is probable cause to believe that the defendant is no longer a sexual sociopath, a hearing shall be held in accordance with the provisions of subsections (2) to (7) of section 29-2902.

(3) No person who has been committed as a sexual sociopath may be released in any event until he has been given a complete psychiatric evaluation by the staff of the state regional center for the treatment of the mentally ill and one licensed psychiatrist in the general practice in the state and such evaluation shows that such person is a fit subject for discharge. Before such evaluation is conducted, the county attorney of the county from which the defendant was committed shall be notified of the time and place thereof by certified mail by the person in charge of the state institution in which the defendant is confined. The county attorney or his deputy shall be present at such evaluation and upon its subsequent presentment to the district court. Such evaluation shall be presented to the court from which the defendant was committed. Such court after considering such evaluation may at its discretion sentence the defendant on the original sex offense or release the defendant on probation or may schedule a hearing in the manner provided in section 29-2902 for a jury determination of the issue of whether the defendant is still a sexual sociopath.".

2. On page 5, line 14, after "29-2901" insert a comma and strike "and"; and on line 15 after "29-2902," insert "29-2903, and 29-2906,".

3. Renumber original section 3 as section 5.

LEGISLATIVE BILL 900. Placed on General File.
LEGISLATIVE BILL 819. Placed on General File.
LEGISLATIVE BILL 808. Placed on General File.
LEGISLATIVE BILL 701. Placed on General File.
LEGISLATIVE BILL 649. Placed on General File.

(Signed) Wally Barnett, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 315.

Correctly Engrossed

The following bill was correctly engrossed: 165.

(Signed) Samuel K. Cullan, Chairman

ANNOUNCEMENT - Appropriations Committee

The Appropriations Committee of the Legislature will meet in Room 1003 of the State Capital Building on Tuesday, February 14, from 8:00 to 10:00 p.m. and on Wednesday, February 15, from 4:00 to 7:00 p.m. to accept public testimony on the Governor's budget proposals for fiscal year 1978-79.

All taxpayers and other interested parties are invited to attend and provide appropriate comments.

In addition, this hearing will serve to provide the opportunity for public input and response to the proposed expenditure of Revenue Sharing Trust Funds for fiscal year 1978-79.

(Signed) Jerome Warner, Chairman
Appropriations Committee

REFERENCE COMMITTEE REPORT

LB	Committee
926	Agriculture and Recreation

(Signed) Richard D. Marvel, William E. Nichol, Jack Mills, R. Lewis, Douglas Bereuter, Steve Fowler, Roland A. Luedtke, John S. Savage, Larry D. Stoney.

UNANIMOUS CONSENT - Print in Journal

Mr. Simon asked unanimous consent to print the following in the Journal. No objections. So ordered.

Statement of Clarification. On Feb. 8 the Legislature adopted my amendment to LB 574 which is found on page 565 of the Journal. The

amendment states that in Section 3, subsection 2 strike the language after the word shall and insert the following words "pay the costs for the photo and the forms furnished with the balance credited to the General Fund." Inadvertantly I did not realize that there were two "shalls" in subsection 2. As a matter of clarification for the record the new language should be inserted after the second "shall" in Section 3, subsection 2.

Mrs. Labedz asked unanimous consent to print the following amendments to LB 407 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 407

1. On page 2, line 17 strike "reduced" and insert "; and"; and strike lines 18 and 19 and in line 26 after the semicolon insert "and".

2. On page 3, strike lines 1 to 3; and in line 4, strike "(6)" and insert "(5)".

3. On page 4, line 12, strike "thirty" and show as stricken and insert "twenty-five".

AMENDMENTS TO LB 407

1. On page 3, strike beginning with "subdivision" in line 5 through "77-202.13" in line 5 and show as stricken and insert "section 3 of this act"; strike beginning with "(a)" in line 8 through "dollars" in line 14, and show as stricken and insert "the amount shown in section 3 of this act"; and in line 25 after the comma insert "and".

2. On page 4 strike beginning with "persons" in line 13 through "to" in line 14 and show as stricken.

3. Insert a new section as follows:

"Sec. 3. A qualified claimant under this act shall be entitled to relief based on his or her household income and status as a claimant. For a single claimant the income limitation in Column A in the table in this section shall apply, for a married claimant with one spouse sixty-five years of age or older the income limitation in Column B shall apply, and for a married claimant with both spouses sixty-five years of age or older the income limitation in Column C shall apply. The percentage of the exemption for which the claimant shall be eligible shall be the percentage in Column D which corresponds with the claimant's income as shown in Column A, B, or C. The percentage shall be applied to the first twenty-five thousand dollars of the actual value of the homestead.

Column A Household Income In Dollars	Column B Household Income In Dollars	Column C Household Income In Dollars	Column D Percentage Of Relief

0 through 3,700	0 through 5,450	0 through 6,200	100
3,701 through 4,200	5,451 through 5,950	6,201 through 6,700	80
4,201 through 4,700	5,951 through 6,450	6,701 through 7,200	60
4,701 through 5,200	6,451 through 6,950	7,201 through 7,700	40"

4. Renumber original section 3 as section 4.

Mrs. Marsh asked unanimous consent to print the following amendments to LB 460 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 460

1. Insert a new section as follows:

"Sec. 4. That section 72-240.18, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-240.18. (1) The appraisers shall consider in determining the value of the permitted improvements the cost of the permitted improvement less any depreciation, obsolescence and any want of benefit to the land.

(2) ~~In the case of growing crops the appraisers shall assess the value of the crop as of the date of expiration of the lease. The appraisers shall consider in the case of fall seeded grain crops~~ In the event the lessee does not elect to harvest a fall-seeded crop in accordance with section 72-240.13, then the value of the crop at the termination of the lease shall be limited to the cost of seed-bed preparation, fertilization, seed, and seeding.

(3) In the case of perennial crops such as alfalfa the appraisers shall consider the costs of establishing such crop, its condition as of the expiration of the lease and normal expected remaining life.".

2. Renumber remaining sections accordingly.

3. On page 5, line 6, strike "and" and after "72-240.09," insert "and 72-240.18,".

Mr. Fowler asked unanimous consent to print the following amendments to LB 748 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 748

1. Insert a new section as follows:

"Sec. 50. The Revisor of Statutes shall place in the Appendix to the Reissue Revised Statutes of Nebraska, 1943, a list of all crimes which have been categorized pursuant to sections 28-105 and 28-106. An updated list shall be included in the annual supplement to the statutes.".

2. Renumber original sections 50 to 52 as sections 51 to 53 respectively.

RESOLUTION

LEGISLATIVE RESOLUTION 161.

Introduced by Simon, 31st District; Burrows, 30th District; Fowler, 27th District; Merz, 1st District; Newell, 13th District; Cullan, 49th District; Rumery, 42nd District; Keyes, 3rd District.

WHEREAS, the State of Nebraska has long recognized that supplying low-cost electricity to all Nebraskans is a fundamental and essential need; and

WHEREAS, rates for electric energy have increased dramatically in recent years, creating severe hardships for many elderly Nebraskans on low and fixed incomes sometimes necessitating that they choose between electricity and other essential items; and

WHEREAS, it is in the public interest to conserve electricity and the natural resources used to generate electricity; and

WHEREAS, many existing electric rate schedules include quantity discount rates and declining block rates which result in large-scale consumers paying less than others for the service they receive; and

WHEREAS, the energy crisis has created numerous complex issues relative to rates which need to be addressed; and

WHEREAS, the Legislature has a major part of the responsibility to ultimately see that each citizen is provided with the most efficient and economical energy rates.

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

1. That a committee of eight members be appointed by the Executive Board of the Legislative Council to conduct an interim study of electrical rates and rate-setting procedures within the state. Such committee shall consist of two members from each of the following standing committees: Revenue; Public Works; Appropriations; and Miscellaneous Subjects.

2. That the focus of such study be directed toward providing a subsistence amount of electricity at low cost to all Nebraskans.

3. That the committee study alternatives to the declining block rate structures currently used by Nebraska's electric utilities.

4. 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.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at 3:30 p.m. in Room 2102 today.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following in the Journal. No objections. So ordered.

TO WHOM IT MAY CONCERN

DATED: February 7, 1978

RE: Legislative Resolution 141

This will advise you that Mr. Toney Redman and Mr. Bill Lock are officially working part-time for the special committee working on LR 141 and that their work is sanctioned and approved by me as Chairman and by all members of the committee in a vote held by the committee.

Respectfully,
(Signed) John W. DeCamp

February 9, 1978

Senator John W. DeCamp
Room 1124
State Capitol
Lincoln, Nebraska 68509

Dear Senator DeCamp:

I am writing in answer to your request for a statement clarifying the status of Mr. Toney Redman and Mr. Bill Lock in conjunction with the study being undertaken pursuant to Legislative Resolution 141.

Mr. Redman's permanent position within the Research Division is legal counsel for the Banking, Commerce & Insurance Committee. Mr. Lock serves the Research Division as a Research Analyst for general research assignments and special projects.

Both Mr. Redman and Mr. Lock have been authorized by me to work on the Legislative Resolution 141 study in addition to their other duties, and this they have been doing since the project's inception.

Sincerely,
(Signed) Jack W. Rodgers
Director of Research

VISITORS

The President introduced 36 senior Home Economics students from University of Nebraska, Lincoln; and 75 First and Second grade students and teacher from Randolph School, Lincoln, Nebraska.

ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, February 10, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 10, 1978

LEGISLATIVE JOURNAL

SEVENTEENTH DAY - FEBRUARY 10, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 10, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty Father, may the members of this assembly never be overly oppressed by some bill of theirs that may be defeated, or unduly optimistic because other legislation is going their way. Give them the ground of courage to take defeat and victory as part of their office and to have spiritual and mental resilience to overcome depression and be willing to launch forth into new and needed areas. In our Lord's name. Amen.

ROLL CALL

The roll call was called and all members were present except Messrs. Brennan and Carsten who were excused; Messrs. Newell, Mills, R. Lewis and Kennedy who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 569, line 20, delete LB 152, insert LR 152.
The Journal for the Fifteenth Day was approved as corrected.
The Journal for the Sixteenth Day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered

as of February 9, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Chadwick, Paul L. - Fremont (withdrawn 6-77), Nebraska Law Enforcement Legislative Committee
Harbour, Dave - Elkhorn, Northern Natural Gas
Kaufhold, William P. - Omaha (withdrawn 2-6-78), Omaha Police Union Local #1
Kent, Sterling B. - Lincoln (withdrawn 2-7-78), Retail Merchants Association of Nebraska, Inc.
Knudsen, Berkheimer et al: Ruth, Larry L. - Lincoln, American Express Company
Morgan, Delmar W. - Kansas, Owens-Illinois Inc.
Raasch, Robert P. - Omaha, Northern Natural Gas
Richendifer, Blair K. - Walthill, Thurston County Board of Supervisors
Ryan, James E. - Lincoln (withdrawn 12-31-77), Holland Dreves Reilly, Inc.
Spitz, Clarence - Omaha (withdrawn 1-4-78), Omaha Public Power District
Stone, Fred R. - Lincoln, Retail Merchants Association of Nebraska
Tews and Radcliffe: Radcliffe, Walter H. - Lincoln, Mutual Savings Company; Radcliffe, Walter H. - Lincoln, United States Brewers Association; Tews, David D. - Lincoln, United States Brewers Association

Reregistrations from February 3, 1978 thru February 9, 1978

Johnson, Joseph E. - Anselmo, Nebraska Conservation Officers Association

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 920. Placed on General File as amended.
Standing Committee amendments to LB 920:

1. Insert a new section as follows:
"Sec. 2. that section 28-523, Revised Statutes Supplement, 1977, be amended to read as follows:
28-523. (1) Any person who deposits, throws, or leaves any litter on any public or private property, or in any waters, commits the offense of littering unless:

(a) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or

(b) The litter is placed in a receptacle or container installed on such property for such purpose.

(2) The word litter as used in this section means all rubbish, refuse, waste material, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind and description.

(3) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle in violation of this section, the operator of such motor vehicle is presumed to have caused or permitted such litter to have been so thrown, deposited, dropped, or dumped therefrom.

(4) Littering is a Class ~~IV~~ V misdemeanor.".

2. On page 3, line 24, strike "section" and insert "sections", and after "28-417" insert "and 28-523"; and in line 25 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

LEGISLATIVE BILL 455. Indefinitely postponed.
LEGISLATIVE BILL 597. Indefinitely postponed.
LEGISLATIVE BILL 616. Indefinitely postponed.
LEGISLATIVE BILL 775. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 63. Placed on Select File as amended.
E & R amendment to LR 63:

1. On page 2, line 19, insert ", treason, or impeachment, and to eliminate special powers of the Govenror and Legislature in cases of treason" after "degree".

LEGISLATIVE BILL 21. Replaced on Select File as amended.
E & R amendments to LB 21:

1. In the Murphy amendment 1, adopted 2/8, line 3, strike "; and" and insert a comma.

2. Because of the Murphy amendment adopted 2/8, strike E & R 3 adopted 2/3.

3. On page 24, lines 5 and 6, strike "81-815.05 and 81-815.07 to"; and strike beginning with "and" in line

7 through the second comma in line 8.

4. In the title, lines 9 and 10, strike "81-815.05 and 81-815.07 to"; and strike beginning with the second comma in line 11 through "1976" in line 12.

LEGISLATIVE BILL 109. Replaced on Select File as amended.
E & R amendment to LB 109:

1. Renumber section 7 in the Mills amendment as section 36.

LEGISLATIVE BILL 372. Replaced on Select File as amended.
E & R amendments to LB 372:

1. In the Kelly amendments adopted 2/8, page 1, line 16, strike "such" and insert "the"; and in line 22 strike "their" and insert "the individual's".

2. In the title, insert "to provide severability;" at the end of line 4.

LEGISLATIVE BILL 327. Replaced on Select File as amended.
E & R amendments to LB 327:

1. In lieu of the Newell amendment adopted 2/8, in committee amendment 1, line 3, strike "shall" and insert "should".

2. In line 3 of E & R 2 adopted 2/2, insert "should" after "rates".

3. On page 2, lines 1 and 2, page 6, lines 13 and 14, and in the title, lines 2 and 3, strike "Revised Statutes Supplement, 1976," and insert "Reissue Revised Statutes of Nebraska, 1943,".

LEGISLATIVE BILL 501. Replaced on Select File as amended.
E & R amendments to LB 501:

1. On page 7, strike line 21 and insert "83-1045, Reissue Revised Statutes of Nebraka, 1943, are repealed.".

2. In the title, strike line 4 and insert "83-1045, Reissue Revised Statutes of Nebraska, 1943,"; strike beginning with "to" in line 6 through the semicolon in line 8 and insert "to provide a limited privilege; to provide for contracts with medical facilities;"; and in line 8, strike "the" and insert "and provide".

LEGISLATIVE BILL 660. Replaced on Select File as amended.
E & R amendments to LB 660:

1. Renumber sections as follows:

Section 7 added by the second set of Marvel-Maxey amendments found on page 568 of the Journal as section 3, section 9 added by the first set of Marvel-Maxey amendments

found on page 568 of the Journal as section 4, section 7 added by the Marvel-Maxey amendments found on page 518 of the Journal as section 5, and original sections 2 to 7 as sections 6 to 11.

2. In new section 2, numbered line 12, insert an underscored comma after "homes"; and in numbered line 20, strike "section" and insert "sections".

3. In renumbered section 3, numbered line 5, strike "motor vehicle" and insert "mobile home".

4. On page 2 of the Marvel-Maxey amendments found on page 518 of the Journal, strike "section 7" and insert "section 5".

5. In renumbered section 5, lines 4 and 5, strike "County Board of Equalization and Assessment" and insert "county board of equalization".

6. In line 4 of the Koch amendment, strike "section 4" and insert "section 8".

7. In the title, line 2, strike "77-1240" and insert "77-1239, 77-1240,"; and in line 7 as amended, strike "to provide exemptions;" and insert "to provide for treatment of certain costs; to provide for review; to provide for appeals;".

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 386 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 386

1. Strike original sections 2, 3, and 5.

2. On page 8, reinstate the stricken matter in lines 21 to 27.

3. On page 9, reinstate the stricken matter in lines 1 to 17; and in lines 18 to 26, strike the new matter and reinstate the stricken matter.

4. On page 10, lines 1 to 13, strike the new matter and reinstate the stricken matter.

5. Insert new sections 4, 5, and 6 as follows:

"Sec. 4. That section 53-180.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-180.07. In any prosecution of, or any proceeding against, any licensee charged with having made a sale to a minor, proof of the following shall be ~~received as mitigating evidence~~ an absolute defense to

the charge:

(1) The purchaser falsely represented in writing and supported with other documentary proof that he was of legal age to purchase alcoholic liquor;

(2) The appearance of such purchaser was such that an ordinary and prudent person would believe that such appearance conformed to any documentary description of appearance presented by the purchaser; and

(3) The sale was made in good faith and in reliance upon the written representation, other documentary evidence, the appearance of the purchaser, and in the belief the purchaser was of legal age to make such purchase; or

(4) The sale was made with the knowledge of, and in cooperation with a duly authorized law enforcement officer.

Sec. 5. That section 53-183, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-183. No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose, the debt thereby attempted to be created shall not be recoverable at law; Provided, nothing herein contained shall be construed to prevent any club holding a class C liquor license from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the by-laws of such club; and provided further, nothing herein contained shall be construed to prevent any hotel or restaurant holding a ~~class C~~ retail alcoholic liquor license from permitting checks or statements for liquor to be signed by regular guests residing at such hotel or eating at such restaurant and charged to the accounts of such guests.

Sec. 6. That section 53-1,106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-1,106. In any indictment, information, complaint or affidavit charging the violation of any of the provisions of this act, it shall not be necessary to allege the quantity of such alcoholic liquor or the kind thereof further than to allege that the same was alcoholic liquor and, in case of sale, keeping for sale

or delivering, it shall not be necessary to set out the name of the person to whom sale or delivery has been made; ~~and~~ except, in any prosecution for a second offense, it shall not be necessary to state in the indictment, complaint or affidavit the record of the former conviction, but it shall be sufficient briefly to allege such conviction. In any prosecution for an offense, no indictment, information, complaint, or affidavit shall state or allege, nor shall any consideration be given to the record of a former filing of an indictment, information, complaint, or affidavit, or the record of a former conviction, which is four years old or older. Proof of sale, delivery or unlawful disposition of alcoholic liquors to any person, not authorized by this act to purchase or receive the same, shall be sufficient to sustain the allegation of unlawful sale, delivery or disposition, as the case may be.".

6. On page 10, line 15, strike "and 53-168" and insert "53-180.07, 53-183, and 53-1,106"; in line 16 strike "sections 53-132, 53-133, and" and insert "section"; and in line 17, strike "are" and insert "is".

7. Renumber original sections 1, 4, and 6 as sections 1 to 3 respectively.

Mr. Kennedy asked unanimous consent to print the following amendments to LB 121 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 121

1. In lieu of the committee amendment, on page 2 strike lines 20 through 23, show as stricken, and insert a new subsection as follows:

"(3) if the landlord's failure to comply with subsection (2) of this section is willful and not in good faith, the aggrieved tenant may recover the property and money due him or her, plus (a) damages, in an amount equal to the amount wrongfully withheld, which shall be for the loss of the use of the property and money withheld and inconvenience in recovering such money, (b) costs of the action, and (c) reasonable attorney's fees.".

2. On page 3, strike lines 2 through 13.

MOTION - Appoint Committee

Mr. Luedtke moved a committee be appointed to escort the Governor to the Chamber at 10:00 a.m. this morning. The motion prevailed.

The Chair appointed Speaker Luedtke, Messrs. Marvel, Hasebroock, Warner, Kremer, and Duis to serve on said committee.

SELECT FILE

LEGISLATIVE BILL 109. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 109 to Select File

Mr. DeCamp moved to return LB 109 to Select File for the following specific amendment:
"Strike the Barnett amendment adopted on January 17."

Mr. Reutzel 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 motion prevailed with 26 ayes, 13 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 109. The DeCamp specific amendment found in this day's Journal was renewed.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 24 ayes, 11 nays, and 14 not voting.

The DeCamp amendment was adopted with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

Mr. Stoney requested a machine vote to advance to E & R for Engrossment.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 13 nays, and 16 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 21 ayes, 4 nays, and 24 not voting.

Advanced to E & R for Engrossment with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 926 Friday, February 17, 1978 12:00 Noon

(Signed) Loran Schmit, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 162.

Introduced by Barnett, 26th District.

WHEREAS, one approach to maintaining high standards of competence among Nebraska judges is to offer salary and benefit levels which compare favorably with those of other states; and

WHEREAS, in establishing appropriate salary and benefit levels for judges, the Legislature requires sound guidelines and information as a basis for decision making; and

WHEREAS, such data should be accumulated in an orderly, knowledgeable manner as quickly as possible.

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

1. That the Executive Board of the Legislature shall obtain the services of an independent firm to conduct a study of the salary administration program for Nebraska judges.

2. That the object of such study shall be to provide information necessary to formulate legislative guidelines for use in establishing future salary and benefit programs for the judiciary.

3. That the findings of such study shall be presented by the Executive Board at the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Bracket LB 65

Mr. Chambers asked unanimous consent to bracket LB 65 on Select File. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

February 8, 1978

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Game and Parks Commission (5 year term expiring January 15, 1983) requiring legislative confirmation:

Bruce Cowgill, Box 306, Silver Creek, NE 68663 - succeeds Don O. Bridge, term expired

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Bruce Cowgill
Committee on Committees
Game and Parks Commission

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 108, 186, 441, and 526.

Correctly Enrolled

The following bill was correctly enrolled: 244.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 244.

EASE

The Legislature was at ease from 9:50 a.m. until 10:00 a.m.

ESCORT GOVERNOR

The committee returned and escorted Governor Exon to the rostrum where he delivered the following State of the State Address:

Budget Address
State of the State Message
Legislative Chambers
Lincoln, Nebraska
February 10, 1978
Governor J. James Exon

Mr. President, Mr. Speaker and Members of the Legislature, Guests, Ladies and Gentlemen:

Thank you for interrupting your deliberations to allow me the opportunity for the eighth and last time to present my budget recommendations and State of the State Address to you and the people of Nebraska.

Seven years ago, I stood here for the first time. My philosophy of government has not changed, nor has my approach to our most important annual duty...the development of a workable and balanced state budget that meets the real needs of our state and its proud and progessive people.

Seven years ago on February 4, 1971, at this same place, I said "in the preparation of a budget we must define our goals. We want to provide leadership to reality, leadership with vision, leadership that asks, 'How much do we get from our tax dollars rather than how many tax dollars can we get.' "

Once again I am back with a budget that, if generally accepted by your body with its restraints and constraints, will allow us to...yes, you hear it once again and I hope the message, if not the identical phrase, will follow from the next administration...to hold the line on existing state tax rates, which were reduced effective the first of January.

Before I proceed with my specific comments on the budget recommendations, let me address the State of the State.

I am pleased to report that it is good despite serious difficulties with agriculture prices. This condition portends slower economic growth

than we could otherwise expect. We are hopeful that we are on the road to at least partially correcting low farm prices brought about by years of less than realistic planning at the national level. However, this will not be a good income year for our farmers and ranchers which is another reason for extreme prudence in spending and the launching of any susbtantial new programs that fuel expenditures.

The positive side of the agricultural ledger is the change to limited returns generally on investment in cattle operations, some stability in swine prices, and the generally abundant harvest, except in the drought area in southeast Nebraska and scattered snow damage elsewhere. With ever-increasing expansion of irrigation we produced a record crop of corn last year, raising nearly 80% of that crop on irrigated acres. This effectively makes most of the annual Nebraska corn crop drought proof. Wise use of our water resources, which I will address later, is of course important to insure this asset.

Another good news side of the picture is that, despite nagging unemployment in some specific areas, we have reduced unemployment from 5.0% in 1976 to 4.1% last year. We currently have a record 686,700 people employed in Nebraska, 16,000 more than a year earlier. While it is little solace to those without work, we are healthily below the national average of over 6.0% unemployment. 584,200 are now employed in the direct non-agricultural sector of Nebraska's economy, another new record. We experienced still another good year in industrial expansion with the opening of 54 new plants, the expansion of 83 existing ones, and the creation as a result thereof of an estimated 3,776 new jobs.

Nebraska employers, because of our administration's efforts to insure only proper claims payment through the creation of a special statewide audit team and with the improvement in the economy, will recognize a cost savings for unemployment insurance rate reductions of $5 million for 1977 and an additional $4.6 million in 1978.

Population-wise we continue to expand at a steady but healthy pace with a percentage increase of 4.5% over the 1970 census, outstripping the rate of growth of all our neighbors except those impacted primarily by energy related expansion.

By careful and prudent management of the state's financial resources, we are in a sound position. The General Fund balance as of January 31 was $44 million, some $39 million in excess of the same figure a year ago of only $5 million.

The overall State of the State therefore is good. Let's now look to the future and how we can work together to best insure continued success.

The Department of Revenue projections of receipts for the first seven months of this fiscal year are right on target. Despite protestations by some to the size of the state tax rate reductions effective January 1, 1978, that decision made last November was obviously correct in the interest of taxpayers.

We anticipate, as predicted in November, no cash flow difficulties or state tax rate increases provided you accept my recommendations and restrictions presented today.

The Legislature, of course, can exercise, in your exclusive appropriation authority, realignment of these recommendations. My suggestions allow you minimal additional expenditures without state tax rate increases which I shall do all in my authority to prevent. My call is for a minimum of a 5% reserve and if this can be increased by legislative action, while not crippling vital functions, it would be commendable.

Nebraska's sound fiscal health then is assured if you will agree to follow the blueprint for restrained spending and action outlined today.

In my recommendations you will find $2.4 million to begin phased assumption of county medicaid costs which, if coupled with my proposed LB 899 to place an effective lid on spending, would begin to assure some property tax relief. It is my request that you reach your decision first on LB 899. If you fail to pass this measure, than I suggest that pouring further millions of state-collected dollars to subdivisions without seriously addressing the probability of real estate tax relief is meaningless and fiscally irresponsible. Over half of all state collected funds are already flowing back directly to aid subdivisions or individuals. Since state aid was instituted ten years ago, with the advent of the sales and income taxes, supposedly for real property tax relief, we have seen no reductions, in property taxes, only substantial increases.

LB 899 is further needed to assist local officials in holding down real estate taxes especially in view of the current reappraisals which will have the effect, in some jurisdictions, of escaping present ceilings designed to control spending.

It is appropriate to point out here a fact that still seemingly is not universally known or understood. The State of Nebraska does not assess, collect or receive a single penny from real or personal property tax collections. Those taxes are all local and are expended there in addition to the multimillions that the state sends back at ever-increasing amounts each year.

I note the legislative interest in the difficult task of property tax equalization. Your input and constructive suggestions are welcome. As you ponder this new initiative, perhaps you should first shoulder the responsibility assumed by your colleagues in all other legislative bodies in all other states and exercise the duties of setting the sales and income tax rates each year after you discharge your sole authority for authorizing expenditures, which directly establish those rates.

The five member state board of equalization must deal again with equalization of real property values. Unfortunately, the board does not have all the tools, facts or figures to accomplish that difficult job fairly and equitably. In the first place, when the Legislature mandated county-wide reappraisals it built in inequities and guaranteed unfairness in overlapping taxing districts when the law directed reappraisals take place in different counties in different years. Board action in attempting to equalize and change county assessments have been overturned three times in the courts. There is also the current problem in at least one county where it is apparent that the same value and class of property in one part of the county is assessed differently from that in another part of the county. In this instance the board is powerless under the law to act. Attempting equalization between counties under such circumstances presents the problem of compounding unfairness. We continue to work cooperatively with county boards and assessors who have the first responsibility to resolve this difficult assignment.

Last year the Legislature attempted to be helpful by the passage of LB 131 which mandated all counties meet re-evaluation requirements simultaneously by January 1, 1978, with the proviso that those failing compliance lose 10% of personal property tax reimbursement as a penalty. There now seems some confusion as to the interpretation of that act, whether the wording requires actual reappraisal by January 1 or only the finalization of plans for same, and whether or not the measure allowed sufficient time for the counties to comply. There is speculation that some may only be awaiting the imposition of the penalty provisions of LB 131 to initiate expensive court action again.

In its deliberations in this area, the Legislature might wish to consider amending and clarifying its intent on LB 131, in an effort to be helpful to the Legislature in this regard and because of your interest, the Tax Commissioner has requested an Attorney General's Opinion on LB 131 which will be made available to your committee studying equalization.

Turning to the budget itself, you will find that I have reduced agency requests by $62 million from the total requests of $577 million to hold

the line on the just reduced tax rates. Yet inflation takes its toll on state government as well.

Despite the $62 million reductions I have made from agency and department requests for operations and state aid next year, total General Fund expenditures including $15 million from the Revenue Sharing Trust Fund are recommended at $515 million. To that recommended expenditure, we must add $26.3 million for a 5% reserve, $6 million for new capital expenditure items, $6 million for building maintenance as provided for by LB 309 of the previous Legislative Session, and $13.7 million for second and third year funding of capital items previously approved by your body. This brings total General Fund obligations and reserves to $552 million.

Again, it should be recognized that of each dollar collected by the state 52.3 cents goes directly back to aid subdivisions and individuals, 24.4 cents to higher eduction, and only 23.3 cents for all other customary functions of state government.

The overall largest dollar increase in expenditures is the amount needed to compensate our dedicated state employees to meet their personal budget and inflation problems. My recommendation is to provide funds for an average increase of 6 1/2% in state salaries with a return to a realistic and structured pay plan that was adopted under my suggestions in 1973, but abandoned since. Good personnel management as practiced in private industry cannot survive with a piecemeal, change-every-year approach. Additional funds are provided to cover increased costs for the standard hospitalization insurance, and I propose rewarding especially deserving employees with merit increases through vacancy savings.

In order to further assist that portion of our people, the senior citizens, who are hardest hit by inflationary pressures because of their general reliance on fixed incomes, I am providing an additional appropriation of $5 million for homestead exemptions. This will raise total state homestead contributions to local government to $26 million yearly and will include credits to those qualified also for mobile home tax relief. In my opinion this program can best be accomplished through enactment of LB 407 now before the Legislature. Should you not enact my proposition to begin providing real estate tax relief by phased addumption of county medicaid costs, I recommend increasing homestead exemptions in LB 407 further by that $2.4 million figure, to a total of $7.4 million.

My budget includes maintaining $55 million for state aid to local education which is the proper appropriation until the voters act on the referendum of LB 33 in November. I strongly urge that your only

action on school aid this session should be to correct inequities with regard to distribution which is grossly unfair to the majority of school districts as presently structured.

Higher education is important to Nebraska and to Nebraskans. We have always funded it well by any realistic regional or national yardsticks. In fact, we have been leaders in most key barometers of General Fund appropriations. The university and state college systems have been treated similarly with combined increased funding over the current year of 7.1%. While far short of their requests, I have provided increased General Fund support for the university from $101 million to $107.7 million, and for the state colleges from $16.0 million to $17.6 million. You will note the lump sum state General Fund appropriations recommendations in my budget document for the university are in keeping with the recent Nebraska Supreme Court decision.

The state's contribution to the community technical college structure will increase to $15.1 million from the current fiscal year level of $14.1 million.

The increasing probation population is causing severe strains on our court and probations systems. In an effort to alleviate this situation, I am recommending that pilot, pre-trial diversionary programs be established in selected counties for the purpose of providing the judiciary with alternative placement programs.

Maintaining this administration's opposition to employ unneeded and expensive bonded debt financing for roads, we still had another good year in 1977 including $105.4 million in construction and improvements. This was accomplished again with a pay as you go approach. In addition to a record road improvement and construction program since 1971, by November of 1978 we will have reduced the inherited $19 million bonded debt for roads per schedule by $8 million to $11 million. In addition, we will have also unfortunately expended $7.4 million during the same period for interest.

To solve the strength problem that exists in our national guard, I am introducing a bill that will provide the Nebraska National Guard with $500,000 and the tools they need to maintain adequate strength. I am recommending that the Adjutant General be given the authority to make incentive payments to individuals only when the strength of a particular unit is low enough to adversely affect its state or federal mission.

The continued manageable development and protection of our natural resources and environment is and must continue to be a prime priority for Nebraska.

Our fish, wild life, and state parks systems are further provided for by an increase of 15% or $680 thousand over last year in General Funds and total additional $1.2 million in the all funds budget of the Game and Parks Commission.

We have worked closely with and coordinated activities of the Department of Water Resources and the Natural Resources Commission. Again I am providing another $1 million contribution to the Natural Resources Development Fund, second year funding of our expanded steam gauging program and to maximize the benefits from the data gathered therefrom, you will find created a new position of State Hydrologist.

In the area of water development and conservation, I am proposing two relatively new programs. First, under the Natural Resources Commission and in cooperation with the Department of Water Resources is provided $100 thousand in 1978-79 for a comprehensive state water plan which will require continued funding hereafter. This approach will give Nebraska the needed information and guidelines for continued sound water management and is preferable to hasty decisions without proper information which we may later regret in groundwater ownership and trans-basin diversion.

Second, I am suggesting your approval of $185 thousand in new funds for a technology transfer program under the Department of Water Resources. By marshalling the combined talents of several individuals and agencies, Nebraska has become a leader in this vital area by bringing the capacity of our statehouse computer to the aid and assistance of family farmers in a very wide field. Through agnet, among its many workable and useful concepts, is the major technology breakthrough in irrigation scheduling. Estimates based on actual operations by the Institute of Agriculture and Natural Resources shows that full development of this process could save yearly over $47 million in energy, $38 million in nitrogen, and up to one and a half billion gallons of water. I am sure that the Legislature will join with us in the sponsorship of this program.

I was hopeful that my detailed recommendations on penal matters could be included in today's discussion. That subject necessarily must be delayed and will be sent to you later in a special message. My decisions are dependent upon the outcome of our continued negotiations with Omaha city officials on the medium-minimum facilities.

Allow me to turn now to the highly important subject of human services and the delivery system of this state responsibility which has not only significant budget impact but even more importantly is critical to our state's needy and less fortunate.

As Nebraskans we can be proud of our commitment in this field and certainly our progressive policies are no more apparent than in mental retardation. We shall continue our policies to improve facilities and programs at the Beatrice State Home while continuing our strong, unprecedented, and national leadership role for community-based facilities. The community-based programs have seen the largest percentage increase in state funding of any on-going state activity. Since 1970 we have dramatically increased state funding here from only $280 thousand in fiscal 1970-71 to $6.9 million recommended for the next fiscal year. In total funds, during the same period, we have gone from $2.1 million to $18.7 million.

For the next fiscal year we have maintained on-going support for the basic or continuing community-based programs and authorized additional expenditures of $840 thousand unexpended accumulated cash balances. If written agreements can be worked out with a few regions to expedite the transfer of Beatrice clients in sufficient numbers of individuals beyond what has now been agreed to, I may make subsequent requests to the Legislature for this specific purpose.

My recommendation for the next fiscal year for the mentally retarded through the Department of Public Institutions includes an additional $1.5 million earmarked for improvement and expansion at Beatrice and the regional programs, distributed on the basis of number of clients that can be successfully transferred to the local services which is a fundamental goal. In addition, $1.5 million will be required over the next two years for capital construction, remodeling and meeting federal standards at the Beatrice campus. Further, two-year funding in the amount of $1.4 million is necessary for 5 new cottages there.

The Veterans Aid Trust Fund stands at $10 million. Despite my suggestions last year, the Legislature failed to raise this to $11 million. Therefore, I am again requesting $1 million additional be funded for fiscal 1978-79 and plans for a like addition the following year to keep our commitments to our Nebraska veterans in need.

There is no more important area of human services than our health delivery systems, still deficient in some rural areas, especially medical professionals.

Last year, among other successful action initiatives, we established a Commission on Rural Health Manpower to provide recommendations on how to get more doctors to areas where they are needed. The Commission has made progress and further sound recommendations which should be implemented. I ask you this year to enact the following four measures:

1. Establishment of a state student loan program to assist those students who will pursue a career in rural medicine in Nebraska.

2. Creation of a position in the Department of Economic Development to assist rural communities in developing health services, and to act as a small community advocate among state, federal, and local agencies.

3. Provision of additional funds to the State Health Department for an expanded educational effort about career opportunities in rural medicine.

4. Creation of a state-reimbursed residency program to familiarize doctors-in-training in Nebraska with our rural communities.

We seem to have the needed attention and cooperation now of the medical school and your action as requested will best assure continued progress.

Despite federal dictates that dramatically increase costs, we are again faced with declining federal match in our aid for dependent children and medicaid programs. Since F/Y 1973, federal match has declined from 58.5% to 53.5%. In dollar terms, in excess of $2 million State General Fund dollars must be added to maintain current service levels in these programs. Further, the recent increase in federal minimum wage will add approximately $4 million dollars to nursing home costs under the medicaid program. Under pressure of declining federal match, changing federal regulations and requirements, increasing medical costs, and increasing income support levels and numbers of recipients - in part also due to the action of your body over my vetoes on A.F.D.C. - the public assistance budget of the Department of Public Welfare shows a necessary increase of $8.6 million. As startling as that figure is, and as much as I struggled to reduce the increase, it is my opinion that to act responsibly to those Nebraskans, young and elderly alike, we have no alternative but to proceed as recommended.

I direct your special attention and request essentially new funding in the amount of $320,000 for expanded service programs for very young children with special problems. Over the years, I have supported funding children's programs for special education, mental retardation and crippled children. But some of the children have gone unserved because their disability has a label different from what was funded. These $320,000 will help to develop services for children who have infant disorders such as cerebral palsy, chronic asthma, and other problems that require early intense stimulation of the motor, reflex and neurological systems, thereby thwarting the crippling effects of some diseases. We feel that providing these needed expanded services

through the existing facilities of the Department of Welfare is wise at this time rather than saddling such responsibilities on the school districts.

Two of the Legislative proposals I share with you today directly affect the Department of Public Welfare. One of these bills would improve the definition of a crippled child, making the statutory definition consistent with federal guidelines and removing the specific labels of crippling diseases.

The other bill would change the name of public welfare to the Department of Human Services, which is a more descriptive term of this agency's current functions.

The capital construction budget is essentially limited to previously authorized construction and necessary renovation and required safety improvements with no major new starts.

The deferred building renewal act of last year provided $4.4 million to begin a deferred maintenance program for all state-owned buildings. To insure the continued success of that program, my capital construction budget recommends that appropriation be increased to $6 million. I am also recommending that $750,000 of that amount be used specifically to initiate the funding of projects designed for the removal of barriers to the handicapped in state buildings. In this regard, I am pleased to report that the State Building Commission approved final plans last month to solve the handicapped entry problem to the Capital Building by renovation of the ground level north entrance.

In closing, I would like to emphasize that once again I have presented a carefully considered and balanced state budget that allows us to meet legitimate needs without increased taxes. The document is now in your hands for whatever changes or amendments your body deems proper as the exclusive final authority on appropriations. I shall be reviewing your efforts and certainly wish to cooperate.

Once again your recognition is urged of the necessary constraints under which we must proceed. In budget making the parts and how they fit together are the integral portion of the whole. Caution should be exercised on early passage of so-called "A" bills, other spending or appropriation measures that could later "break the bank" and force state tax increases which I assume we will want to avoid. Good luck and God speed in your deliberations. Thank you!

The committee escorted the Governor from the Chamber.

EASE

The Legislature was at ease from 10:40 a.m. until 10:56 a.m.

SPEAKER LUEDTKE PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Rumery asked unanimous consent to be excused. No objections. So ordered.

CORRECTED NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 926 Wednesday, February 22, 1978 12:00 Noon

(Signed) Loran Schmit, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 163.

Introduced by Schmit, 23rd District; Rumery, 42nd District; Warner, 25th District; Lamb, 43rd District; Kremer, 34th District.

WHEREAS, Lawrence K. Crowe retired from a distinguished teaching career in dairy science at the University of Nebraska in 1968; and

WHEREAS, Dr. Crowe was well known for his work with students as well as the Nebraska dairy industry and professional associations; and

WHEREAS, Dr. Crowe was a recipient of the University of Nebraska Distinguished Teaching Award, The National Teaching Award from the National Dairy Science Association, had served as advisor to the Varsity Dairy Club of the University as well as chairman of the Scholarship Committee for the Department of Agriculture, and worked closely with the Legislature as executive secretary of the Nebraska Dairy Industries Association; and

WHEREAS, Dr. Crowe passed from this life on February 4, 1978.

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

1. That the Legislature recognizes the many contributions of Lawrence K. Crowe to Nebraska and its agricultural programs and development.

2. That a copy of this resolution be presented to the family of Lawrence K. Crowe together with the Legislature's best wishes and expressed condolences at his passing.

Laid over.

LEGISLATIVE RESOLUTION 164.

Introduced by Schmit, 23rd District; Rumery, 42nd District; Kremer, 34th District; Lamb, 43rd District.

WHEREAS, Thomas H. Goodding retired as professor emeritus from a 38 year teaching career with the University of Nebraska which began in 1917; and

WHEREAS, during his tenure as a professor in agronomy he was elected a fellow of the American Society of Agronomy in 1947, received the Outstanding Agronomist of the Year Award from the Nebraska Crop Improvement Association in 1953, and a University Distinguished Teaching Award in 1955; and

WHEREAS, Dr. Goodding served a two year appointment to Ankara University in Turkey as an advisor and professor of agronomy; and

WHEREAS, he was a well known author of professional agriculture publication articles and active in church affairs as well as several fraternal orders; and

WHEREAS, Dr. Goodding departed this life February 6, 1978.

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

1. That the Legislature extends its sympathies to the family of Thomas H. Goodding and greatfully acknowledges his contribution to Nebraska agriculture and the University of Nebraska agronomy program.

2. That a copy of this resolution be presented to the family of Thomas H. Goodding.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 927. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 71-1404, Reissue Revised Statutes of Nebraska, 1943, relating to crippled children; to define a crippled child; and to repeal the original section.

LEGISLATIVE BILL 928. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT relating to public health and welfare; to provide a program to assist certain areas in securing medical care; to define terms; and to provide for reimbursement of certain costs.

LEGISLATIVE BILL 929. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT relating to state employees; to provide for adjustments in the state pay plan; to provide for salary increases; to establish a committee and prescribe its duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 930. By Speaker Luedtke, 28th District, at the request of the 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, 1979; to provide for the payment thereof; and to declare an emergency.

LEGISLATIVE BILL 931. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT to amend sections 68-701 and 68-704, Reissue Revised Statutes of Nebraska, 1943, relating to public welfare; to change the name of the Department of Public Welfare to the Nebraska Department of Human Services; to harmonize other names; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 932. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 60-324, Reissue Revised Statutes of Nebraska, 1943, and section 60-311, Revised Statutes Supplement, 1976, relating to motor vehicles; to change the frequency

of issuing new license plates; to change the fee for a duplicate or replacement license plate; and to repeal the original sections.

LEGISLATIVE BILL 933. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT to provide additional payments to members of the Nebraska National Guard as prescribed.

LEGISLATIVE BILL 934. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 80-401, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Veterans' Aid Fund; to provide for increases in the fund; to delete obsolete matter; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 935. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Administrative Service; to provide for the establishment of a revolving fund and specify its source and expenditure; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 936. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1978 to June 30, 1979; and to declare an emergency.

LEGISLATIVE BILL 937. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1976, LB 984, sections 26, 28, and 39, as amended by Laws 1977, LB 546, sections 5, 16, and 17, respectively, and Laws 1977, LB 549, sections 38, 42, 43, 44, and 47; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 938. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT for an act to make appropriations for capital construction projects; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 939. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT to make appropriations for the operation of agencies of state government for the period of July 1, 1978, to June 30, 1979; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 64 in the Journal. No objections. So ordered.

1. Strike original sections 1 to 5 and all amendments thereto and insert:

"Section 1. No sentence of death shall be carried out in the State of Nebraska prior to July 1, 1979.".

2. In the title strike lines 2 through 9 and insert:

"FOR AN ACT relating to crimes and punishments; to declare a moratorium on carrying out a death sentence.".

UNANIMOUS CONSENT - Members Excused

Messrs. DeCamp, R. Lewis, and Goodrich asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 327. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 327 to Select File

Mr. Murphy moved to return LB 327 to Select File for his specific amendment found in the Journal on page 546.

Mr. F. Lewis asked unanimous consent to bracket LB 327 until Wednesday, February 15, 1978.

Mr. Newell objected.

Mr. F. Lewis moved to bracket LB 327 until Wednesday, February 15, 1978.

Mr. F. Lewis withdrew his motion.

Mr. Murphy moved for a Call of the House. The motion prevailed with 15 ayes, 6 nays, and 28 not voting.

Mr. Keyes requested a roll call vote on the Murphy motion to return LB 327 to Select File.

Voting in the affirmative, 21:

Bereuter	Duis	Hefner	Marvel	Stoney
Clark	E. Dvorak	Kahle	Moylan	
Cope	D. Dworak	Kelly	Murphy	
Cullan	George	Kremer	Nichol	
DeCamp	Hasebroock	Lamb	Rasmussen	

Voting in the negative, 20:

Burrows	Keyes	Maresh	Mills	Schmit
Chambers	Labedz	Marsh	Newell	Simon
Fitzgerald	F. Lewis	Maxey	Reutzel	Venditte
Fowler	Luedtke	Merz	Savage	Warner

Present and not voting, 2:

Barnett	Koch

Excused and not voting, 6:

Brennan	Goodrich	R. Lewis
Carsten	Kennedy	Rumery

The motion to return LB 327 to Select File lost with 21 ayes, 20 nays, 2 present and not voting, and 6 excused and not voting.

MOTION-Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sec. 5 so as to hold public hearings for the Governor's appropriation bills.

The motion prevailed with 35 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

MOTION - Introduce Bill

Mr. DeCamp moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance (Req.#1371).

Mr. Reutzel challenged the Speaker for not recognizing him on a motion to Raise the Call.

The question is, "Shall the Chair be overruled?" The motion lost with 7 ayes, 18 nays, and 24 not voting.

The DeCamp motion to introduce the new bill prevailed with 31 ayes, 2 nays, and 16 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 940. By Banking Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Labedz, 5th District; Mills, 44th District; Schmit, 23rd District; Brennan, 9th District.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Motor Club Services Act; to define terms; to provide duties; to provide severability; and to provide an operative date.

SELECT FILE

LEGISLATIVE BILL 660. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 660 to Select File

Mr. Marvel moved to return LB 660 to Select File for the following specific amendment:

Amend LB 660 by striking Marvel-Maxey amendment adopted on Feb. 8, 1978 and found on pg 568 of Journal, which begins with Section 7.

The motion prevailed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 660. The Marvel specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Marvel asked unanimous consent to expedite LB 660. No objections. So ordered.

MOTION - Introduce Bill

Mr. Savage moved the introduction of a new bill by the Committee on Nebraska Transportation Advisory Committee (Req. #1437).

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 941. By Nebraska Transportation Advisory Committee: Savage, 10th District, Chairman; Kremer, 34th District; Maresh, 32nd District; Keyes, 3rd District; Nichol, 48th District.

A BILL FOR AN ACT to amend sections 76-1206 and 76-1208, Reissue Revised Statutes of Nebraska, 1943, relating to real property; to provide additional relocation assistance; and to repeal the original sections.

Mr. Clark moved the Call be raised. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 933 Thursday, February 16, 1978 1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 713A. By D. Dworak, 22nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 713, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

LEGISLATIVE BILL 624A. By Judiciary Committee: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 624, Eighty-fifth Legislature, Second Session, 1978.

REFERENCE COMMITTEE REPORT

LB	Committee
927	Public Health and Welfare
928	Public Health and Welfare
929	Appropriations
930	General File
931	Public Health and Welfare
932	Public Works
933	Government, Military and Veterans Affairs
934	Appropriations
935	Appropriations
936	General File
937	Appropriations
938	Appropriations
939	Appropriations

(Signed) Richard Marvel, Chairman

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 937	February 14, 1978	8 p.m. to 10 p.m.
LB 938	February 14, 1978	8 p.m. to 10 p.m.
LB 939	February 14, 1978	8 p.m. to 10 p.m.
LB 929	February 15, 1978	4 p.m. to 7 p.m.
LB 934	February 15, 1978	4 p.m. to 7 p.m.
LB 935	February 15, 1978	4 p.m. to 7 p.m.

(plus any additional testimony on bills scheduled for February 14, 1978)

(Signed) Jerome Warner, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE RESOLUTION 145. Placed on General File.

(Signed) Wally Barnett, Chairman

Statement on LR 145

LR 145 Introduced by Senator Wally Barnett
Public Hearing on January 10, 1978

INTENT - The intent of LR 145 is to indicate that the Legislature favors the use of audio and visual recording and broadcasting coverage from within the courtroom and its surroundings. Also, that the Legislature favors that such coverage should be available for either live or later public dissemination.
PROPONENTS - Senator Wally Barnett presented the resolution to the Committee and explained its contents. Others appearing in favor of the resolution included Patrick H. Schmid, news reporter from KLMS; Michael McKnight WOWT-TV, Omaha and Richard L. Tillery of NTV-KHGI.
OPPONENTS - No one appeared in direct opposition to LR 145.
NEUTRAL - James E. Dunlevey, State Court Administrator and Michael J. Whetstone, representing the Nebraska County Attorney's Association recommended caution, however, they did appear in an essentially neutral position on the resolution.
AMENDMENTS - No amendmnets were offered to LR 145.

COMMITTEE ACTION - It was moved and seconded to advance LR 145 to General File. Voting in favor of the motion were Senators Barnett, Chambers, Nichol and Reutzel. Opposed were Senators Carsten, Dvorak and Stoney. Senator Venditte was absent.

Legislative Resolution was advanced to General File with a majority vote.

(Signed) Wally Barnett, Chairman

Education

LEGISLATIVE BILL 872. Placed on General File.
LEGISLATIVE BILL 874. Placed on General File.
LEGISLATIVE BILL 875. Placed on General File.
LEGISLATIVE BILL 908. Placed on General File.

(Signed) Frank Lewis, Chairman

Urban Affairs

LEGISLATIVE BILL 634. Placed on General File.

LEGISLATIVE BILL 708. Placed on General File as amended.
Standing Committee amendment to LB 708:

1. On page 2 strike beginning with "Prior" in line 8 through "acquisition" in line 12 and insert "Such acquisition by the district may be effected only after approval by the municipality or county having zoning jurisdiction over such property. The approval of plans and specifications for the public improvement or project, or the approval of plans and exact costs for public parks, playgrounds, and recreational facilities, as required by section 31-740, shall be deemed to be approval for the acquisition by the district of such fee title, easements, or other interests in such property as may be required for the public improvement or project.".

LEGISLATIVE BILL 870. Placed on General File as amended.
Standing Committee amendments to LB 870:

1. On page 4, lines 21, 23, and 24 strike "may", show as stricken and insert "shall"; and in line 26 strike "may" and insert "shall".

2. On page 5, line 15 before "and" insert an underscored period; and strike beginning with "and" in line 15 through the period in line 18 and show as stricken.

LEGISLATIVE BILL 681. Indefinitely postponed.
LEGISLATIVE BILL 718. Indefinitely postponed.
LEGISLATIVE BILL 838. Indefinitely postponed.

(Signed) Walter George, Chairman

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet from adjournment until 6:00 p.m., February 13, February 14, February 16, and February 17, 1978.

UNANIMOUS CONSENT - Bracket Bills

Mr. Dworak asked unanimous consent to bracket LB 899 on General File until February 14, 1978. No objections. So ordered.

Mr. DeCamp asked unanimous consent to bracket LB 818 on General File until February 21, 1978. No objections. So ordered.

VISITORS

The President introduced Tom Lyons of Anselmo, Nebraska; Messrs. Charles Scarlet and John Tillson, Members of the National Association of Letter Carriers; and Dr. Ilie Gilbert representing the Foundation for Sociology and Politics of Sao Paulo, Brazil.

ADJOURNMENT

At 12:08 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:30 a.m., Monday, February 13, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 13, 1978

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 13, 1978

Pursuant to adjournment, the Legislature met at 10:58 a.m., Mr. Savage presiding.

PRAYER

The prayer was offered by Senator Kremer.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Burrows, Carsten, Cope, E. Dvorak, D. Dworak, George, Kelly, Keyes, Koch, F. Lewis, R. Lewis, Marvel, Newell, Venditte, and Mesdames Marsh and Maxey who were excused; and Messrs. Kennedy, Mills, and Moylan who were excused until they arrive.

PRESIDENT WHELAN PRESIDING

CORRECTIONS FOR THE JOURNAL

Page 614, line 25, delete "Kennedy" and insert "Kelly".
The Journal for the Seventeenth Day was approved as corrected.

COMMUNICATION

Received H.J.R. No. 1014 from the Colorado House of Representatives and Colorado Senate regarding air pollution. (On file in the Clerk's office)

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 342. Placed on General File as amended.
Standing Committee amendments to LB 342:

1. On page 2, line 6 strike "twenty" and insert "twenty-five"; in line 14 strike "two" and insert "one and one half"; in line 16 strike "seventy" and insert "sixty-five" and after "pay" insert an underscored period; and strike beginning with the underscored comma in line 16 through the period in line 21.

2. On page 4, line 21 strike "two" and insert "one and one half"; in line 23 strike "seventy" and insert "sixty-five"; and in line 25 strike "twenty" and insert "twenty-five".

3. On page 5, line 9 strike "two" and insert "one and one half"; and in line 11 strike "seventy" and insert "sixty-five".

4. On page 7, line 18 strike "twenty" and insert "twenty-five".

5. On page 8, line 5 strike "two" and insert "one and one half"; and in line 6 strike "seventy" and insert "sixty-five".

6. On page 9, line 18 strike "twenty" and insert "twenty-five"; in line 25 strike "two" and insert "one and one half"; and in line 27 strike "seventy" and insert "sixty-five".

7. On page 10, line 16 strike "twenty" and insert "twenty-five"; in line 21 strike "two" and insert "one and one half"; and in line 23 strike "seventy" and insert "sixty-five".

(Signed) William H. Hasebroock, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 754. Placed on General File.
LEGISLATIVE BILL 760. Placed on General File.
LEGISLATIVE BILL 763. Placed on General File.
LEGISLATIVE BILL 768. Placed on General File.
LEGISLATIVE BILL 815. Placed on General File.

LEGISLATIVE BILL 758. Placed on General File as amended.
Standing Committee amendments to LB 758:

1. On page 2, line 25 strike "19" and insert "18"; on line 26 strike "20 to 22" and insert "19 to 21".

2. On page 6, line 14 strike "20 to 22" and insert "19 to 21".

3. Strike original section 9 and insert:

"Sec. 9. For insurers transacting legal expense insurance only and which are not authorized under sections 19 to 21 of this act, the financial requirements provided under sections 22 to 24 of this act shall apply.".

4. On page 7, line 11 strike "20 to 22" and insert "19 to 21".

5. Strike original section 18.

6. On page 15, line 6 strike the second "and"; in line 7 after "office" insert ", and the corporation shall be authorized to transact legal expense insurance in this state subject to the requirements and restrictions of this act"; in line 9 strike "20 to 22" and insert "19 to 21"; in line 21 strike "25" and insert "24"; and in line 24 strike "20 to 22" and insert "19 to 21".

7. On page 16, line 4 strike "20 to 22" and insert "19 to 21"; in line 7 after "smaller" insert "or larger"; in line 8 strike "25" and insert "24"; in line 11 after "reduce" insert "or increase"; in line 13 strike "23 and 24" and insert "22 and 23"; in line 14 after "reduction" insert "or increase"; in line 23 strike "modify" and insert "reduce or increase"; and in line 25 strike "23 to 25" and insert "22 to 24".

8. On page 17, line 9 strike "20 to 22" and insert "19 to 21"; in line 11 after "thereto" insert ". Such investments shall be valued as provided by Chapter 44, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto,"; and in lines 18 to 25 strike "20 to 22" and insert "19 to 21".

9. Strike original sections 29 and 30 and insert:

"Sec. 28. To the extent applicable and when not in conflict with the provisons of this act, Chapters 21, 44, and 77, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, relating to corporations and insurance shall apply to corporations authorized under sections 19 to 21 of this act.".

10. On page 19, line 4 strike beginning with "The" through the period in line 11 and insert "The Nebraska Property and Liability Insurance Guaranty Association Act, and amendments thereto, and the Life and Health Insurance Guaranty Association Act, and amendments thereto, shall not be applicable to legal insurance issued by insurers."; and in lines 13 and 26 strike "20 to 22" and insert "19 to 21".

11. On page 20, lines 7 and 27 strike "20 to 22" and insert "19 to 21".

12. On page 22, line 20 after "insurers" insert ", including insurance companies organized under Chapter 21, article 15, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for partial or total administrative services,".

13. On page 23, line 7 strike "20 to 22" and insert "19 to 21".

14. Renumber original sections 19 to 28 as 18 to 27 and sections 31 to 40 as 29 to 38 respectively.

LEGISLATIVE BILL 766. Placed on General File as amended.
Standing Committee amendments to LB 766:

1. On page 5 strike lines 10 through 17 and insert:

"(c) Making or permitting any unfair discrimination between individuals, risks, or insurance policies of the same class involving essentially the same hazards in the amount of premium, policy fees, or rates charged for any risks or insurance policies as described in section 44-1402, 44-1444, or 44-1901 or in the coverages provided, or in any of the terms or conditions of such contracts, or in any other manner. Any rate or classification approved by the Director of Insurance shall be presumed to be nondiscriminatory;".

2. On page 6, line 10 after "(7)" insert "(a) or (b)".

LEGISLATIVE BILL 769. Placed on General File as amended.
Standing Committee amendments to LB 769:

1. Insert four new sections as follows:

"Sec. 3. That section 44-311.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-311.04. Every domestic insurance company, other than legal reserve life insurance companies, may invest not more than twenty-five per cent of that portion of its funds as is in excess of its total liabilities, excluding capital but including one hundred per cent of the total amount of unearned premiums in force, as shown by its latest annual statement on file with the Department of Insurance but in the aggregate cost of not more than five per cent of its admitted assets as shown by the latest annual statement on file with the department in property either real or personal, or mixed, not otherwise qualified for investment, subject to the approval of its board of directors or committee thereof, including stock or debt obligations of one or more subsidiaries, which it may acquire, organize, operate or manage, by itself, or in cooperation with other investors. Any investment which at the time of its acquisition was qualified only under the provisions of this section but which has subsequently and while owned by such company become of such character as to be otherwise qualified for investment shall not be included in determining the amount of the aggregate investment of such company qualified under this section, nor shall investments otherwise qualified at the time of their

acquisition be included in making such determination. A company shall at all times maintain a current list of those investments acquired pursuant to this section.

Sec. 4. That section 44-336.02, Revised Statutes Supplement, 1977, be amended to read as follows:

44-336.02. Any agent to whom sections 44-336 to 44-336.06 applies shall, within five years of receipt of his initial license, furnish evidence satisfactory to the Director of Insurance that he has successfully completed one of the following:

(1) Two parts of the Life Underwriter Training Council curriculum, one of which must be either Part One or Part Two of a Life Course;

(2) Either part of the Life Underwriter Training Council Life Course, and two parts of the American College , ~~of Life Underwriters, Certified~~ Chartered Life Underwriter diploma curriculum;

(3) Any four parts of the American College, ~~of Life Underwriters, Certified~~ Chartered Life Underwriter diploma curriculum;

(4) Six credit hours of insurance courses taught by an accredited college or university; or

(5) Such other courses as the Director of Insurance may approve.

Sec. 5. That section 44-336.03, Revised Statutes Supplement, 1977, be amended to read as follows:

44-336.03. All agents licensed to sell sickness and accident and life insurance, ~~on or~~ after ~~January 1, 1978~~ December 31, 1977, shall ~~have five years to~~ comply within five years with the educational requirements contained in sections 44-336 to 44-336.06.

Sec. 6. That section 44-336.04, Revised Statutes Supplement, 1977, be amended to read as follows:

44-336.04. No such requirements shall be required of:

(1) Any agent who is a current holder of a valid outstanding ~~resident~~ agent's license under the laws of the State of Nebraska and has held an agent's license ~~since January 1, 1972~~ as of December 31, 1977;

(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 sickness and accident 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; or

(7) Any agent of a hospital service corporation licensed under section 21-1513.".

2. On page 3, line 6 after "domestic" insert "insurance"; in line 9 after "such" insert "insurance"; in line 10 after the second "the" insert "insurance"; in line 12 strike "corporation" show as stricken and insert "insurance company. Any activity prohibited by this section shall not be transacted by an officer or director of such insurance company indirectly through an affiliate of such insurance company as defined in subsection (1) of section 44-2101."; strike lines 13 through 15; in line 16 after "44-311.03" insert ", 44-311.04," and in line 17 after the third comma insert "and sections 44-336.02 to 44-336.04, Revised Statutes Supplement, 1977,".

3. Renumber original section 3 as section 7.

LEGISLATIVE BILL 764. Indefinitely postponed.

(Signed) John W. DeCamp, Chairman

SELECT FILE

LEGISLATIVE BILL 406. E & R amendments found in the Journal on page 579 for the Sixteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 21. E & R amendments found in the Journal on page 610 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 372. E & R amendments found in the Journal on page 611 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 501. E & R amendments found in the Journal on page 611 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 259. Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 163. Read and considered.

LR 163 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 164. Read and considered.

LR 164 was adopted with 25 ayes, 0 nays, and 24 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Simon asked to be excused Wednesday afternoon, February 15, 1978 and all day Thursday, February 16, 1978 and Friday, February 17, 1978.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 576. Placed on General File.
LEGISLATIVE BILL 750. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 508. Title read. Considered.

Standing Committee amendment found in the Journal on page 909 for the Forty-fifth Day was considered.

Mr. Warner offered the following amendment to the Standing Committee amendment:

Amend committee amendment by adding "or 35 students which ever is less".

The amendment was adopted with 24 ayes, 0 nays, 5 present and not voting, and 20 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 2 present and not voting, and 20 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

LEGISLATIVE BILL 388. Title read. Considered.

Mr. Rasmussen offered the following motion to indefinitely postpone for Mrs. Maxey.

The motion to indefinitely postpone prevailed with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

LEGISLATIVE BILL 159. Mr. Goodrich asked unanimous consent to bracket until March 11, 1978. No objections. So ordered.

LEGISLATIVE BILL 535. Title read. Considered.

Laid over.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 611. Placed on General File as amended.
Standing Committee amendments to LB 611:

1. Strike the original sections and insert:

"Section 1. There is hereby created within the Department of Roads a Railroad Crossing Safety Division to be headed by a Railroad Crossing Safety Administrator. The Director-State Engineer for the Department of Roads shall appoint as the Railroad Crossing Safety Administrator a person who is familiar with railroad crossing safety measures and the construction and maintenance of railroad crossing protection devices. The division shall be responsible for improving the safety of railroad crossings in Nebraska, and may eliminate a crossing, install, modify, or improve automatic railroad grade crossing protection devices, or take whatever

similar measures as are necessary to improve public safety at railroad crossings.

Sec. 2. As used in this act unless the context otherwise requires, division shall mean Railroad Crossing Safety Division.

Sec. 3. The division shall establish and update as needed a priority list for improving the safety of railroad crossings in Nebraska. The list shall identify all crossings in need of safety improvements, the safety measures proposed for each such crossing, and an estimate of the cost of such measures. Available funds shall be utilized to improve crossings in the order they appear on the list. If the political subdivision with jurisdiction over a crossing to be improved is unable to furnish its share of the funds necessary for such improvement, the division may disregard the priority position of such crossing until funds are obtained.

Sec. 4. In establishing the priority list under section 3 of this act, the division shall consult with railroad officials and governmental subdivisions to determine where railroad crossing safety measures are needed. The division shall consider the accident history of the crossings, any information provided by notices filed with the commission under section 8 of this act, the amount of traffic, traffic speed limits, population density, visibility of the crossing, the cost of installation, and similar factors.

Sec. 5. If a political subdivision of this state determines that a railroad crossing over which it has jurisdiction should occupy a different position on the priority list estabished(sic) by the division, or should be improved in a manner different than that specified in the priority list, it shall give notice of such determination, and the justification therefore, to the division. The division shall consider the information provided on such crossings in updating the priority list established under section 3 of this act.

Sec. 6. The division on or before January 1, 1979, and on or before such date each year thereafter shall submit the priority list established under section 3 of this act to the chairperson of the Legislature's Public Works Committee. If any amendments are made to the list they shall also be filed with the chairperson.

Sec. 7. The division shall utilize any federal funds available in the construction of railroad grade crossing protection devices or other safety improvements. If funds are needed to match any federal funds the

political subdivision in which the crossing is located shall contribute half of the funds needed but shall not be required to provide more than five per cent of the total cost. The balance of any funds needed shall be paid by the division from the Grade Crossing Protection Fund.

Sec. 8. When an accident occurs at any railroad crossing within the State of Nebraska which results in loss of life, the railroad which was involved in the accident shall immediately furnish to the division a copy of the same notice that it is required to furnish to the Nebraska Public Service Commission and the Federal Railroad Administration.

Sec. 9. That section 39-6,195, Revised Statutes Supplement, 1976, be amended to read as follows:

39-6,195. The ~~Department of Roads~~ Railroad Crossing Safety Division is hereby empowered to administer the funds deposited in the Grade Crossing Protection Fund as follows:

~~(1) When any political subdivision of this state determines that public safety will be improved by eliminating a crossing or by the installation, substantial modification, or improvement of automatic railroad grade crossing protection where a street, road, or highway intersects with a line of the railroad company within its jurisdiction, and demand is made upon the railroad company concerned, either the railroad company or the political subdivision shall inform the Department of Roads of such fact;~~

~~(2) Upon receiving such notice, or upon its own determination, the Department of Raods shall forthwith examine the crossing concerned, in conjunction with representatives of the political subdivision and the particular railroad company involved, to arrive at an estimate of the cost and the type of automatic railroad grade crossing protection that should be reuired, and the justification of the expenditure for such protection; and, if it is agreed by the Department of Roads, the railroad, and the political subdivision involved that such~~

(1) If the division determines that a grade crossing should be eliminated by closing the street, road, or highway, ~~such~~ the political subdivision with jurisdiction over the crossing ~~as shall make such closing~~ shall receive two thousand dollars or the actual cost ~~thereof~~ but not to exceed twelve thousand dollars from the Grade Crossing Protection Fund or, if pursuant to

section 74-1305, it is agreed by the ~~Department of Roads~~ division, the railroad, and the political subdivision involved that such crossing should be eliminated by the removal of such rail line, the political subdivision paying for such removal, if any, shall receive two thousand dollars or the actual cost thereof but not to exceed twelve thousand dollars from the Grade Crossing Protection Fund;

~~(3)~~ (2) In order to facilitate and protect the interest of the public as a whole, and to compensate for the statewide use of such crossings by the public, the ~~Department of Roads~~ division shall pay ~~eighty~~ eighty-five per cent of the cost of such ~~automatic~~ railroad grade crossing protection measures or devices from the Grade Crossing Protection Fund, and the balance of the cost shall be borne ten per cent by the railroad company and ~~ten~~ five per cent by the political subdivision involved, except that in any county in which a Railroad Transportation Safety District has been formed, such balance shall be borne entirely by the political subdivision involved;

~~(4)~~ (3) It shall be the sole responsibility of the railroad company involved to maintain all automatic railroad grade crossing protection devices existing in this state as of August 24, 1975. For any automatic railroad grade crossing protection device installed or substantially modified or improved in this state on or after August 24, 1975 with the approval of the Department of Roads or the division, the Department of Roads or the division may pay from the Grade Crossing Protection Fund fifty per cent of the annual costs for maintenance thereof and the balance of such annual costs for maintenance shall be borne by the railroad companies at whose railroad crossings such devices are constructed;

~~(5)~~ (4) The ~~Department of Roads~~ division shall allocate the amount to be borne by the Grade Crossing Protection Fund for the cost of construction, installation, or substantial modification or improvement, and for maintenance of the automatic devices for the protection of the railroad grade crossing concerned under sections 39-6,194 and 39-6,195; and

~~(6)~~ (5) The ~~Department of Roads~~ division shall enter into and enforce agreements involving such Grade Crossing Protection Fund as well as the supervision of the construction, installation, substantial modification or improvement, and the maintenance of such automatic safety devices for which any part of the cost is borne

from the Grade Crossing Protection Fund, and the auditing and collection of the bills covering the cost thereof. The ~~Department of Roads~~ division is further authorized to enter into such contracts with any railroad companies and political subdivisions affected which are necessary to carry out the provisions of sections 39-6,194 and 39-6,195.

Sec. 10. That original section 39-6,195, Revised Statute Supplement, 1976, is repealed.".

LEGISLATIVE BILL 783. Placed on General File as amended.
Standing Committee amendments to LB 783:

1. On page 3, lines 25 and 26 strike "the" and insert "~~the~~ any".

2. On page 4, line 27 after "plan" insert "and all revisions and updates thereto".

3. On page 5, line 3 strike "August" and insert "October"; and in lines 25 and 26 strike "the" each time it appears and insert "~~the~~ any".

4. On page 6, line 1 after "as" insert "deemed"; and strike lines 3 through 7 and insert:

"Sec. 6. No state funds shall be allocated or disbursed to a district unless that district has submitted its master plan in accordance with this act and until the disbursing agency has determined that such funds are for plans, facilities, works, and programs which are in conformance with the plans of the agency.".

(Signed) Maurice A. Kremer, Chairman

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 2:04 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mesdames. Marsh and Maxey; Messrs. Brennan, Burrows, Carsten, Cope, E. Dvorak, D. Dworak, George, Kelly, Keyes, Koch, F. Lewis, R. Lewis, Newell, and Venditte who were excused; and Mr. Marvel who was excused until he arrives.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 327.

LEGISLATIVE BILL 660. Replaced on Select File as amended.
E & R amendments to LB 660:

1. Because of the Marvel amendment adopted 2/10, strike E & R amendments 1 and 3 to 7 all adopted 2/10.

2. Renumber sections as follows:

Section 9 added by the first set of Marvel-Maxey amendments found on page 568 as section 3, section 7 added by the Marvel-Maxey amendments found on page 518 of the Journal as section 4, and original sections 2 to 7 as sections 5 to 10.

3. On page 2 of the Marvel-Maxey amendments found on page 518 of the Journal, strike "section 7" and insert "section 4".

4. In renumbered section 4, lines 4 and 5, strike "County Board of Equalization and Assessment" and insert "county board of equalization".

5. In line 4 of the Koch amendment, strike "section 4" and insert "section 7".

6. In the title, strike lines 2 to 8 and all amendments thereto and insert:

"FOR AN ACT to amend sections 77-1239, 77-1240, and 77-1241, Reissue Revised Statutes of Nebraska, 1943, and 60-1602, Revised Statutes Supplement, 1976, relating to taxation; to change provisions for taxation of cabin trailers and mobile homes; to reduce a penalty; to provide for separate schedules; to provide for notification and right of review; to provide when taxes shall become delinquent; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 574. Replaced on Select File as amended.
E & R amendments to LB 574:

1. Renumber new sections added by the Simon-Dworak amendment as sections 4 to 7 respectively, original section 2 as section 8, and the emergency clause as section 9.

2. In the Lamb amendments, page 1, line 7, strike "a" and insert "any".

3. Pursuant to the statement of clarification found on pages 602-603 of the Journal, in line 3 of the Simon amendment to the Simon-Dworak amendment, insert "second"

after "the".

4. In the title, strike lines 2 to 6 and amendments thereto and insert:

"FOR AN ACT relating to identification; to provide for issuance of motor vehicle operator's licenses by other than the county of residence as prescribed; to provide for temporary permits as prescribed; to provide for color-photograph identification cards as prescribed; to provide fees and duties; to amend sections 60-405, Reissue Revised Statutes of Nebraska, 1943, and section 60-406.04, Revised Statutes Supplement, 1976; and to declare an emergency.".

LEGISLATIVE BILL 109. Placed on Select File as amended.

E & R amendments to LB 109:

1. Because of the DeCamp amendment adopted 2/10, strike all amendments except the Mills amendment found commencing on page 218 of the Journal, the Mills amendment thereto found on page 322 of the Journal, and E & R 1 and 2 adopted 2/3.

2. In line 1 of the Mills amendment to the Mills amendment, strike "after the period insert 'Except' " and insert "strike the period and insert ', except' ".

3. In the original title, strike lines 2 to 6 and insert:

"FOR AN ACT relating to outdoor recreation; to provide for a program of outdoor recreational development; to create and specify the source and use thereof; to amend section 77-2602, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.".

(Signed) Samuel K. Cullan, Chairman

GENERAL FILE

LEGISLATIVE BILL 447. Title read. Considered.

Standing Committee amendments found in the Journal on page 1313 for the Fifty-Ninth Day, First Session, were considered.

Mr. Clark moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Standing Committee amendments were adopted with 25 ayes, 0 nays, 17 excused and 7 present and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 excused and not voting, and 5 present and not voting.

LEGISLATIVE BILL 585. Title read. Considered.

Standing Committee amendment found in the Journal on page 458 for the Eleventh Day was adopted with 25 ayes, 0 nays, 17 excused and not voting, and 7 present and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 excused and not voting, and 7 present and not voting.

LEGISLATIVE BILL 656. Title read. Considered.

Standing Committee amendments found in the Journal on page 480 for the Eleventh Day were adopted with 25 ayes, 0 nays, 17 excused and not voting, and 7 present and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 excused and not voting, and 7 present and not voting.

LEGISLATIVE BILL 659. Title read. Considered.

Standing Committee amendments found in the Journal on page 482 for the Eleventh Day were adopted with 25 ayes, 0 nays, 15 excused and not voting, and 9 present and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 excused and not voting, and 7 present and not voting.

LEGISLATIVE BILL 670. Title read. Considered.

Standing Committee amendment found in the Journal on page 596 for the Sixteenth Day was adopted with 25 ayes, 0 nays, 15 excused and not voting, and 9 present and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 excused and not voting, and 8 present and not voting.

LEGISLATIVE BILL 807. Title read. Considered.

Mr. Warner offered the following amendment to LB 807:
Add the emergency clause

The amendment was adopted with 25 ayes, 0 nays, 15 excused and not voting, and 9 present and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 excused and not voting, and 9 present and not voting.

LEGISLATIVE BILL 286. Title read. Considered.

Standing Committee amendment found in the Journal on page 1078 for the Fifty-first Day, First Session was considered.

Mr. Simon moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Standing Committee amendment was adopted with 25 ayes, 1 nay, 15 excused and not voting, and 8 present and not voting.

Failed to Advance to E & R for Review with 13 ayes, 12 nays, 15 excused and not voting, and 9 present and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE BILL 697. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 excused and not voting, and 8 present and not voting.

LEGISLATIVE BILL 717. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 excused and not voting, and 9 present and not voting.

LEGISLATIVE BILL 661. Title read. Considered.

Mr. Clark offered the following amendment:
Add the emergency clause.

The amendment was adopted with 25 ayes, 0 nays, 15 excused and not voting, and 9 present and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 excused and not voting, and 9 present and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of tranacting business, the President signed the following resolutions: LR 163 and LR 164.

BILL ON FIRST READING

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

LEGISLATIVE BILL 942. By Speaker Luedtke, 28th District, at the request of the Governor.

A BILL FOR AN ACT relating to transportation; to provide certain exceptions for carpooling and vanpooling; to provide definitions; to amend sections 39-6,191, 75-302, and 75-303, Reissue Revised Statutes of Nebraska, 1943, and section 60-301, Revised Statutes Supplement, 1977; and to repeal the original sections.

ANNOUNCEMENT

Mr. F. Lewis announced the Education Committee will hold an executive session on Tuesday, February 14, 1978 upon adjournment, in the East Chamber.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 210 in the Journal. No objections. So ordered.

AMENDMENTS TO 210

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

"Section 1. That section 49-1493, Revised Statutes Supplement, 1976, be amended to read as follows:

49-1493. The individuals listed in subdivisions (1) to (10) of this section shall file with the commission either a statement of financial interests as provided in sections 49-1496 and 49-1497 for the preceding calendar year on or before April 1 of each year in which such individual holds such a position or a notice as provided in section 4 of this act that such individual has chosen not to make the disclosures

required by the Nebraska Political Accountability Act. An individual who leaves office shall, within thirty days after leaving office, file a statement covering the period since the previous statement was filed. Disclosure of the interest named in sections 49-1496 to 49-1498 shall be made by:

(1) An individual holding a state executive office as provided in Article IV, Constitution of Nebraska, including the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, and the heads of such other executive departments as set forth in the Constitution or as may be established by law;

(2) An individual holding the office of Commissioner of Education, member of the State Board of Education, or member of the Board of Regents of the University of Nebraska;

(3) A member of the Board of Parole;

(4) A member of the Public Service Commission;

(5) A member of the Legislature;

(6) A member of the board of directors or an officer of a district organized under the provisions of Chapter 70;

(7) A member of any board or commission of the state or any county which examines or licenses a business, trade, or profession, or which determines rates for or otherwise regulates a business;

(8) A member of a ~~land-use~~ county or municipal planning commission except, that (a) such commission need only declare their real estate holdings within the zoning and subdivisions jurisdiction of such a commission, whichever is more extensive, and (b) such reports may be filed for such commissioners by the planning commission itself with their authorization; ~~, zoning commission, or authority of the state or any county;~~

(9) An elected county official; and

(10) An official or employee of the state designated by rules and regulations of the commission, who is responsible for taking or recommending official action of a nonministerial nature with regard to:

(a) Contracting or procurement;

(b) Administering or monitoring grants or subsidies;

(c) Land-use planning or zoning;

(d) Inspecting, licensing, regulating, or auditing any person; or

(e) Any similar action.

Sec. 2. That section 49-1494, Revised Statutes Supplement, 1976, be amended to read as follows:

49-1494. (1) An individual who files to appear on the ballot for election to an elective office specified in section 49-1493 shall file either a statement of financial interests for the preceding calendar year at the same time and with the same official with whom the individual files or a notice as provided in section 4 of this act that such individual has chosen not to make the disclosures required by the Nebraska Political Accountability Act and shall, within five days, file a copy of the statement or the notice with the commission. Candidates for the elective officers specified in section 49-1493 who qualify other than by filing shall, within fifteen days after becomming a candidate or within fifteen days after being appointed to that elective office, file a statement or a notice for the preceding calendar year with the commission. This section shall not apply to a person who has already filed a statement in that calendar year pursuant to section 49-1493. A filing to appear on the ballot shall not be accepted by a filing official unless a statement or a notice is properly filed.

(2) If the candidate for an elective office specified in section 49-1493 files to appear on the ballot for election prior to January 1 of the year in which the election is held, the candidate shall file supplementary statements with the appropriate filing officials on or before April 1 of the year in which the election is held covering the preceding calendar year.

Sec. 3. That section 49-1495, Revised Statutes Supplement, 1976, be amended to read as follows:

49-1495. (1) An individual appointed to an office specified in section 49-1493 shall, before assuming duties, file either a statement for the preceding calendar year with the commission or a notice as provided in section 4 of this act that such individual has chosen not to make the disclosures required by the Nebraska Political Accountability Act and, when confirmation is required, with the official or body that is vested with the power of confirmation within fifteen days after the nomination or at least ten days before the official or body shall approve or reject the nomination, whichever is sooner.

(2) An individual designated in section 49-1493 shall, within five days, file with the election commissioner of the county in which the individual

resides, a copy of any statement or notice that individual files with the commission. If the county has no election commissioner, the individual shall file the copy of the statement or notice with the clerk of the county in which the individual resides. The commission, election commissioners, and clerks of the counties shall make the statements or notices available for public inspection during regular office hours and shall make copying facilities available at a cost of not to exceed twenty-five cents per page.

Sec. 4. An individual may, in lieu of the statement required to be filed under section 49-1493 49-1494, or 49-1495, file a notice with the commission that he or she chooses not to make the disclosures required by the Nebraska Political Accountability and Disclosure Act.

Sec. 5. An individual who is a candidate for elective office who chooses to make the election provided under section 4 of this act shall be designated on the ballot as an individual who has chosen not to comply with the Nebraska Political Accountability Act.

Sec. 6. If an appointed individual makes the election provided under section 4 of this act, a notice shall be published at least once a year in a newspaper of general circulation in the area served by such person stating that the person appointed to such office has chosen not to comply with the Nebraska Political Accountability Act disclosure provisions.

Sec. 7. That original sections 49-1493 to 49-1495, Revised Statutes Supplement, 1976, are repealed.".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 899. No objections. So ordered.

AMENDMENTS TO LB 899

1. Strike the original sections 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 VIII, by adding a new section 12, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

'Sec. 12. The people of the State of Nebraska declare it is in the best interests of the state to effect an orderly reduction of their tax burden without

shifting costs to local government by enacting this constitutional provision as follows:

(1) All governmental subdivision tax receipts are limited to those produced by a mill levy no greater than the highest mill levy in either 1976-77 or 1977-78;

(2) Maximum state tax revenue is limited to that received in calendar year 1977;

(3) Any surplus of funds at the local subdivision level will be returned through reduced mill levies for the subsequent year;

(4) Any surplus of funds at the state level shall be returned as an income tax credit;

(5)The tax revenue limitations at either the subdivision or the state level may be adjusted through:

(a) General election; or

(b) A four-fifths vote of the local governing board;

(6) The tax revenue restrictions may be increased on an annual basis above the maximum cited in this section by an amount not greater than the percentage increase of the Consumer Price Index;

(7) Property shall be assessed for purposes of taxation at a uniform per cent of full value as established by the Legislature. Assessment and equalization of property values shall be administered at the state level;

(8) There shall be no shifting of expenditures by any jurisdiction to another;

(9) Expenditures for new programs shall be absorbed in current revenue, except that the state may provide for additional local tax reductions through the use of the state General Fund;

(10) The Legislature shall enact the necessary laws to implement this amendment; and

(11) The Legislature shall establish an emergency fund of no more than one-tenth of one per cent of deposits to the General Fund, which fund may be used when financial emergencies exist.'

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

'Constitutional amendment to provide for tax and expenditure limitations on both state and local government.

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.

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.".

GENERAL FILE

LEGISLATIVE BILL 655. Title read. Considered.

Standing Committee amendments found in the Journal on page 495 for the Twelfth Day were adopted with 26 ayes, 0 nays, 15 excused and not voting, and 8 present and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 excused and not voting, and 7 present and not voting.

LEGISLATIVE BILL 673. Title read. Considered.

Standing Committee amendment found in the Journal on page 461 for the Eleventh Day was adopted with 26 ayes, 0 nays, 15 excused and not voting, and 8 present and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 excused and not voting, and 9 present and not voting.

LEGISLATIVE BILL 685. Title read. Considered.

Standing Committee amendment found in the Journal on page 500 for the Twelfth Day was adopted with 27 ayes, 0 nays, 15 excused and not voting, and 7 present and not voting.

Mr. Duis offered the following amendment:
Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

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

Advanced to E & R for Review with 28 ayes, 0 nays, 15 excused and not voting, and 6 present and not voting.

LEGISLATIVE BILL 749. Title read. Considered.

Standing Committee amendments found in the Journal on page 460 for the Eleventh Day were adopted with 26 ayes, 0 nays, 15 excused and not voting, and 8 present and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 excused and not voting, and 8 present and not voting.

LEGISLATIVE BILL 580. Title read. Considered.

Standing Committee amendment found in the Journal on page 500 for the Twelfth Day was adopted with 25 ayes, 0 nays, 15 excused and not voting, and 9 present and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 excused and not voting, and 8 present and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 567A. By Bereuter, 24th District; Warner, 25th District; Kahle, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 567, Eighty-fifth Legislature, Second Session, 1978.

LEGISLATIVE BILL 574A. By Simon, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 574, Eighty-fifth Legislature, Second Session, 1978.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 882. Placed on General File as amended.
Standing Committee amendment to LB 882:

1. On page 2, line 4 before "By" insert "(1)"; strike beginning with "A" in line 12 through the period in line 16, show as stricken, and insert:

"(2) The owner or controller of any ditch, reservoir,

or other device for appropriating, diverting, carrying, or distributing water shall, upon thirty days' notice by the department, install in such ditch, reservoir, or other device, a recording gauge, of a design approved by the department, to record the amount of water used.

(3)".

LEGISLATIVE BILL 619. Indefinitely postponed.
LEGISLATIVE BILL 791. Indefinitely postponed.
LEGISLATIVE BILL 866. Indefinitely postponed.
LEGISLATIVE BILL 880. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT - Bracket LB 665

Mr. DeCamp asked unanimous consent to bracket LB 665 until February 20, 1978. No objections. So ordered.

MOTION - Place LB 588 on General File

Mr. Simon moved to place LB 588 on General File notwithstanding the Committee action.

Motion pending. Laid over.

ADJOURNMENT

At 4:04 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, February 14, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 14, 1978

LEGISLATIVE JOURNAL

NINETEENTH DAY - FEBRUARY 14, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 14, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, we consider our resources in money, men and land, yet forget the spiritual resources without which we dare not and cannot prosper. Forgive us for all our indifference to the means of grace thou hast appointed. Thy Word, the best seller of all books, remains among the great unread, the great unbelieved, the great ignored. Turn our thoughts again to that book which alone reveals what man is to believe concerning God and what duty God requires of man. Thus informed, thus directed, we shall understand the spiritual laws by which alone peace can be secured, learn what is the righteousness that alone exalteth a nation. For the sake of the world's peace and our own salvation, we pray in the name of Christ, thy revelation. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Carsten, Fowler, George, Koch, R. Lewis, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 641 through 663, correct date to read "February 13".
Page 653, line 15, delete "Placed" and insert "Replaced".

The Journal for the Eighteenth Day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 501. Replaced on Select File as amended.
E & R amendment to LB 501:

1. In the title, line 3, strike "83-1038," and insert "83-1037, 83-1038, and 83-1044,".

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 168.

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.

Whereupon the 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	Duis	Kelly	Marsh	Rumery
Bereuter	E. Dvorak	Keyes	Marvel	Savage
Burrows	D. Dworak	Kremer	Maxey	Schmit
Chambers	Fitzgerald	Labedz	Merz	Simon
Clark	Goodrich	Lamb	Mills	Stoney
Cope	Hasebroock	F. Lewis	Moylan	Venditte
Cullan	Hefner	Luedtke	Nichol	Warner
DeCamp	Kahle	Maresh	Reutzel	

Voting in the negative, 0.

Present and not voting, 3:

Kennedy	Murphy	Rasmussen

Excused and not voting, 7:

Brennan	Fowler	Koch	Newell
Carsten	George	R. Lewis	

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

LEGISLATIVE BILL 216.

A BILL FOR AN ACT to amend sections 37-232 and 37-233, Reissue Revised Statutes of Nebraska, 1943, and section 37-235, Revised Statutes Supplement, 1977, 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.

Whereupon the 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	Goodrich	Kremer	Maxey	Savage
Bereuter	Hasebroock	Labedz	Merz	Simon
Clark	Hefner	Lamb	Moylan	Warner
Cope	Kahle	Luedtke	Murphy	
D. Dworak	Keyes	Maresh	Reutzel	
Fowler	Koch	Marsh	Rumery	

Voting in the negative, 15:

Chambers	E. Dvorak	Kennedy	Mills	Schmit
Cullan	Fitzgerald	F. Lewis	Nichol	Stoney
Duis	Kelly	Marvel	Rasmussen	Venditte

Present and not voting, 2:

Burrows	DeCamp

Excused and not voting, 5:

Brennan	Carsten	George	R. Lewis	Newell

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

LEGISLATIVE BILL 233.

A BILL FOR AN ACT to amend sections 32-226 and 32-438, Reissue Revised Statutes of Nebraska, 1943, and section 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 filings in forma pauperis; and to repeal the original sections.

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

Voting in the affirmative, 34:

Barnett	Fitzgerald	Koch	Merz	Savage
Bereuter	Fowler	Labedz	Mills	Schmit
Burrows	Goodrich	F. Lewis	Moylan	Simon
Chambers	Hasebroock	Luedtke	Nichol	Stoney
Clark	Kelly	Marsh	Rasmussen	Venditte
Duis	Kennedy	Marvel	Reutzel	Warner
E. Dvorak	Keyes	Maxey	Rumery	

Voting in the negative, 9:

Cope	DeCamp	Hefner	Kremer	Murphy
Cullan	D. Dworak	Kahle	Lamb	

Present and not voting, 1:

Maresh

Excused and not voting, 5:

Brennan	Carsten	George	R. Lewis	Newell

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

LEGISLATIVE BILL 270.

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, projected receipts, and changes in the federal income tax laws as prescribed.

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

Voting in the affirmative, 42:

Barnett	E. Dvorak	Keyes	Marvel	Savage
Bereuter	Fitzgerald	Koch	Maxey	Schmit
Burrows	Fowler	Kremer	Merz	Simon
Chambers	Goodrich	Labedz	Mills	Stoney
Clark	Hasebroock	Lamb	Moylan	Venditte
Cope	Hefner	F. Lewis	Nichol	Warner
Cullan	Kahle	Luedtke	Rasmussen	
DeCamp	Kelly	Maresh	Reutzel	
Duis	Kennedy	Marsh	Rumery	

Voting in negative, 2:

D. Dworak Murphy

Excused and not voting, 5:

Brennan	Carsten	George	R. Lewis	Newell

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

LEGISLATIVE BILL 276.

A BILL FOR AN ACT to amend section 28-401, Revised Statutes Supplement, 1977, 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.

Whereupon the 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	Duis	Kahle	Maresh	Rasmussen
Bereuter	E. Dvorak	Keyes	Marsh	Reutzel
Burrows	D. Dworak	Koch	Marvel	Rumery
Chambers	Fitzgerald	Kremer	Maxey	Savage
Clark	Fowler	Labedz	Merz	Schmit
Cope	Goodrich	Lamb	Mills	Simon
Cullan	Hasebroock	F. Lewis	Moylan	Stoney
DeCamp	Hefner	Luedtke	Nichol	Warner

Voting in the negative, 1:

Murphy

Present and not voting, 3:

Kelly Kennedy Venditte

Excused and not voting, 5:

Brennan Carsten George R. Lewis Newell

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

LEGISLATIVE BILL 323.

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 direct alternate energy systems; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the primary election in May, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used

exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects. The Legislature by general law may provide that the increased value of land or improvements to real property by reason of shade or ornamental trees planted along the highway, or by reason of the installation of direct alternate energy systems, including direct solar energy systems, direct wind-generated energy systems, solid waste conversion systems, and water powered systems designed primarily for and utilized on either residential, commercial, or industrial buildings by the collection, conversion, transfer, and use of alternate energy for providing heat, refrigeration, or electricity shall not be taken into account in the assessment of such land. The value of a home substantially contributed by the Veterans' Administration of the United States for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death of his widow or her remarriage. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation. No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to allow tax exemptions or tax credits for installation of direct alternate energy systems.

For

Against"

Sec. 3. That the proposed amendment, if adopted shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 33:

Barnett	Fowler	Labedz	Merz	Schmit
Bereuter	Goodrich	F. Lewis	Mills	Simon
Chambers	Hasebroock	Luedtke	Moylan	Stoney
Clark	Hefner	Maresh	Murphy	Venditte
Cope	Kahle	Marsh	Reutzel	Warner
Duis	Koch	Marvel	Rumery	
Fitzgerald	Kremer	Maxey	Savage	

Voting in the negative, 10:

Burrows	E. Dvorak	Kelly	Keyes	Nichol
Cullan	D. Dworak	Kennedy	Lamb	Rasmussen

Present and not voting, 1:

DeCamp

Excused and not voting, 5:

Brennan	Carsten	George	R. Lewis	Newell

Having failed to receive a constitutional four-fifths majority voting in the affirmative, the bill failed to pass for the primary election. The question is, "Shall the bill pass for the general election?"

Voting in the affirmative, 33:

Barnett	Fitzgerald	Koch	Maresh	Murphy
Bereuter	Fowler	Kremer	Marsh	Reutzel
Chambers	Goodrich	Labedz	Marvel	Rumery
Clark	Hasebroock	Lamb	Maxey	Savage
Cope	Hefner	F. Lewis	Mills	Schmit
Duis	Kennedy	Luedtke	Moylan	Simon

Stoney	Venditte	Warner	

Voting in the negative, 7:

Burrows	E. Dvorak	Kelly	Nichol
Cullan	D. Dworak	Keyes	

Present and not voting, 4:

DeCamp	Kahle	Merz	Rasmussen

Excused and not voting, 5:

Brennan	Carsten	George	R. Lewis	Newell

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

LEGISLATIVE BILL 361.

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, and 81-885.34, Reissue Revised Statutes of Nebraska, 1943, and section 81-885.45, Revised Statutes Supplement, 1977, 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, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 33:

Barnett	D. Dworak	Kelly	Marvel	Savage
Bereuter	Fitzgerald	Koch	Maxey	Simon
Chambers	Fowler	Labedz	Merz	Stoney
Cope	Goodrich	F. Lewis	Mills	Venditte
DeCamp	Hasebroock	Luedtke	Moylan	Warner
Duis	Hefner	Maresh	Nichol	
E. Dvorak	Kahle	Marsh	Rumery	

Voting in the negative, 8:

Clark	Keyes	Lamb	Reutzel
Cullan	Kremer	Rasmussen	Schmit

Present and not voting, 3:

Burrows	Kennedy	Murphy

Excused and not voting, 5:

Brennan	Carsten	George	R. Lewis	Newell

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

LEGISLATIVE BILL 380. With Emergency.

A BILL FOR AN ACT to amend sections 71-3818 and 71-3823, Reissue Revised Statutes of Nebraska, 1943, and section 71-3829, Revised Statutes Supplement, 1977, 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 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, 40:

Barnett	Fitzgerald	Keyes	Marsh	Rasmussen
Bereuter	Fowler	Koch	Marvel	Rumery
Burrows	Goodrich	Kremer	Maxey	Savage
Cope	Hasebroock	Labedz	Merz	Schmit
Cullan	Hefner	Lamb	Mills	Simon
Duis	Kahle	F. Lewis	Moylan	Stoney
E. Dvorak	Kelly	Luedtke	Newell	Venditte
D. Dworak	Kennedy	Maresh	Nichol	Warner

Voting in the negative, 5:

Chambers Clark DeCamp Murphy Reutzel

Excused and not voting, 4:

Brennan Carsten George 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 380A. With Emergency.

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.

Whereupon the President stated: "All provisions of 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	Fitzgerald	Keyes	Marsh	Rasmussen
Bereuter	Fowler	Koch	Marvel	Rumery
Burrows	Goodrich	Kremer	Maxey	Savage
Cope	Hasebroock	Labedz	Merz	Schmit
Cullan	Hefner	Lamb	Mills	Simon
Duis	Kahle	F. Lewis	Moylan	Stoney
E. Dvorak	Kelly	Luedtke	Newell	Venditte
D. Dworak	Kennedy	Maresh	Nichol	Warner

Voting in the negative, 4:

Chambers Clark Murphy Reutzel

Present and not voting, 1:

DeCamp

Excused and not voting, 4:

Brennan Carsten George 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 420.

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 forty thousand dollars shall be under the supervision of a registered engineer or architect; 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	D. Dworak	Koch	Maxey	Rumery
Bereuter	Fitzgerald	Kremer	Merz	Savage
Burrows	Goodrich	Labedz	Mills	Schmit
Chambers	Hasebroock	Lamb	Moylan	Simon
Cope	Hefner	F. Lewis	Murphy	Stoney
Cullan	Kahle	Luedtke	Newell	Venditte
DeCamp	Kelly	Maresh	Nichol	Warner
Duis	Kennedy	Marsh	Rasmussen	
E. Dvorak	Keyes	Marvel	Reutzel	

Voting in the negative, 0.

Present and not voting, 2:

Clark Fowler

Excused and not voting, 4:

Brennan Carsten George R. Lewis

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

LEGISLATIVE BILL 469.

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.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the primary election in May, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, of the Constitution of Nebraska, by adding thereto a new section 12, which is hereby proposed by the Legislature:

"Sec. 12. 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 bond, 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 fifteen 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 have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to provide that cities and villages may acquire and redevelop substandard or blighted property, issue bonds or other evidence of indebtedness for the redevelopment and pay off such bonds by the receipt of additional property taxes from new valuations on property in such project.
>
> For
>
> Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 31:

Barnett	Fowler	Kremer	Maxey	Schmit
Bereuter	Goodrich	Labedz	Mills	Simon
Cope	Hasebroock	F. Lewis	Moylan	Stoney
DeCamp	Hefner	Luedtke	Newell	
Duis	Kelly	Maresh	Reutzel	
E. Dvorak	Keyes	Marsh	Rumery	
Fitzgerald	Koch	Marvel	Savage	

Voting in the negative, 13:

Burrows	Cullan	Lamb	Nichol	Warner
Chambers	D. Dworak	Merz	Rasmussen	
Clark	Kennedy	Murphy	Venditte	

Present and not voting, 1:

Kahle

Excused and not voting, 4:

Brennan	Carsten	George	R. Lewis

Having failed to receive a constitutional four-fifths majority voting in the affirmative, the bill failed to pass for the primary election.

MOTION - Vacate Action on LB323

Mr. DeCamp moved to vacate the action in approving LB 323 for the general election this morning.

The motion prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills was read and put upon final passage:

LEGISLATIVE BILL 165.

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.

Whereupon the 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	Fitzgerald	Labedz	Merz	Schmit
Bereuter	Fowler	Lamb	Moylan	Simon
Clark	Goodrich	F. Lewis	Newell	Stoney
Cope	Hasebroock	Luedtke	Nichol	Warner
Cullan	Hefner	Maresh	Rasmussen	
DeCamp	Kahle	Marsh	Reutzel	
Duis	Kennedy	Marvel	Rumery	
E. Dvorak	Kremer	Maxey	Savage	

Voting in the negative, 6:

Chambers	Kelly	Koch
D. Dworak	Keyes	Mills

Present and not voting, 3:

Burrows	Murphy	Vènditte

Excused and not voting, 4:

Brennan	Carsten	George	R. Lewis

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

LEGISLATIVE BILL 315. Mrs. Marsh moved to bracket LB 315 until all "A" bills are read.

The motion lost with 21 ayes, 20 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 315. With emergency.

A BILL FOR AN ACT relating to the Department of Public Institutions; to transfer funds as prescribed; to provide for uses of a fund; and to declare an emergency.

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

Voting in the affirmative, 36:

Barnett	E. Dvorak	Kremer	Merz	Savage
Bereuter	Fitzgerald	Labedz	Mills	Schmit
Burrows	Hasebroock	Lamb	Murphy	Simon
Clark	Hefner	F. Lewis	Newell	Venditte
Cope	Kahle	Luedtke	Nichol	
Cullan	Kelly	Maresh	Rasmussen	
DeCamp	Keyes	Marvel	Reutzel	
Duis	Koch	Maxey	Rumery	

Voting in the negative, 6:

Chambers	Fowler	Stoney
D. Dworak	Marsh	Warner

Present and not voting, 3:

Goodrich	Kennedy	Moylan

Excused and not voting, 4:

Brennan	Carsten	George	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.

UNANIMOUS CONSENT - Member Excused

Mr. Bereuter asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 259. Laid over.

LEGISLATIVE BILL 316. Mr. Koch offered the following amendment to LB 316:

AMENDMENT TO LB 316

1. Insert a new section 2 as follows:

"Sec. 2. When the applicant for access to isolated lands is the Board of Educational Lands and Funds, the county board shall, if it finds that the conditions set forth in section 39-1713 or 39-1714 exist, proceed to lay out a public road of not more than four nor less than two rods in width, to such real estate, and shall appraise the damages to be suffered by the owner or owners of the real estate over or through which the same shall be laid. Engineering, construction costs, and maintenance of such public road shall be the responsibility of the county.".

2. Renumber original section 2 as section 3.

SPEAKER LUEDTKE PRESIDING

Mr. Koch moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Barnett	Fitzgerald	Koch	Maxey	Newell
Burrows	Goodrich	F. Lewis	Mills	
Cope	Keyes	Luedtke	Moylan	

Voting in negative, 21:

Clark	Hefner	Maresh	Rasmussen	Warner
Cullan	Kahle	Marsh	Rumery	
D. Dworak	Kennedy	Marvel	Savage	
Fowler	Kremer	Merz	Schmit	
Hasebroock	Lamb	Nichol	Stoney	

Present and not voting, 10:

Chambers	Duis	Kelly	Murphy	Simon
DeCamp	E. Dvorak	Labedz	Reutzel	Venditte

Excused and not voting, 5:

Bereuter	Brennan	Carsten	George	R. Lewis

The Koch amendment lost with 13 ayes, 21 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Marvel moved to withdraw LB 316.

Motion pending. Laid over

LEGISLATIVE BILL 18. E & R amendments found in the Journal on page 579 for the Sixteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 424. Laid over.

LEGISLATIVE RESOLUTION 63. E & R amendment found in the Journal on page 610 for the Seventeenth Day was adopted.

Mr. Cullan requested a machine vote on advancing LR 63.

Mr. DeCamp asked unanimous consent to have LR 63 laid over one day. No objections. So ordered.

PRESIDENT WHELAN PRESIDING

LEGISLATIVE BILL 109. E & R amendments found in the Journal on page 653 for the Eighteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 574. E & R amendments found in the Journal on page 652 for the Eighteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 660. E & R amendments found in the Journal on page 652 for the Eighteenth Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Reconsider Action on LB 64

Mr. Merz renewed his pending motion found in the Journal on page 555 for the Fourteenth Day to reconsider action on indefinitely postponing LB 64.

Mr. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on the Merz motion.

Voting in the affirmative, 22:

Barnett	D. Dworak	Kremer	Maxey	Simon
Burrows	Fowler	F. Lewis	Merz	Warner
Chambers	Kelly	Luedtke	Moylan	
Cope	Keyes	Marsh	Newell	
Cullan	Koch	Marvel	Reutzel	

Voting in the negative, 22:

Clark	Goodrich	Labedz	Nichol	Stoney
DeCamp	Hasebroock	Lamb	Rasmussen	Venditte
Duis	Hefner	Maresh	Rumery	
E. Dvorak	Kahle	Mills	Savage	
Fitzgerald	Kennedy	Murphy	Schmit	

Excused and not voting, 5:

Bereuter	Brennan	Carsten	George	R. Lewis

The motion to reconsider LB 64 lost with 22 ayes, 22 nays, and 5 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Stoney asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

Amend the Stoney amendment, pp. 570-571 of the Journal, by striking "savings, passbook," in the eighth line, and by striking "Federal Agency" in the last line on page 570 and substituting "an entity approved by the Director of Banking," and by striking "Federal Agency" in the first line on page 571 and substituting "entity."

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 912. Placed on General File.

LEGISLATIVE BILL 684. Indefinitely postponed.
LEGISLATIVE BILL 780. Indefinitely postponed.
LEGISLATIVE BILL 834. Indefinitely postponed.
LEGISLATIVE BILL 893. Indefinitely postponed.

(Signed) Donald N. Dworak, Chairman

Public Works

LEGISLATIVE BILL 881. Placed on General File as amended.
Standing Committee amendment to LB 881:

1. On page 2, lines 12 and 13 strike ", city, or village"; strike beginning with the underscored comma in line 14 through "person" in line 15 and insert "and no industrial well shall be drilled within one thousand feet of an irrigation or industrial well. Such prohibitions shall not apply to wells owned by the same person".

LEGISLATIVE BILL 909. Placed on General File as amended.
Standing Committee amendment to LB 909:

1. On page 2, line 15 reinstate "and"; in line 16 strike "and" and insert "or of"; and in line 17 after the underscored period insert "Notification shall be in such form and shall include such evidence of ownership as the director may by regulation direct.".

LEGISLATIVE BILL 581. Indefinitely postponed.
LEGISLATIVE BILL 584. Indefinitely postponed.
LEGISLATIVE BILL 598. Indefinitely postponed.
LEGISLATIVE BILL 921. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LR 63 in the Journal. No objections. So ordered.

CONSTITUTIONAL **RESOLUTION**

1. Strike original Legislative Resolution 63 and all amendments thereto and insert the following:

CONSTITUTIONAL **RESOLUTION**

A Resolution to propose an amendment to Article III by adding a new section 30 of the Constitution of Nebraska. NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the primary election in May, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III by adding a new section 30 to the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 30. The Legislature shall provide by law for a sentence of death to be imposed in certain cases upon persons convicted of murder in the first degree.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that a sentence of death be provided by legislation in certain 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.

MOTION - Reconsider Action on LB 223

Mr. Chambers renewed his pending motion found in the Journal on page 583 for the Sixteenth Day to reconsider action on LB 223 on Final Reading.

Mr. Venditte moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 28:

Barnett	DeCamp	Kremer	Maxey	Savage
Bereuter	Goodrich	Lamb	Murphy	Simon
Burrows	Hasebroock	Luedtke	Newell	Stoney
Chambers	Hefner	Maresh	Nichol	Venditte
Clark	Kahle	Marsh	Reutzel	
Cope	Kelly	Marvel	Rumery	

Voting in negative, 16:

Cullan	Fitzgerald	Labedz	Moylan
Duis	Fowler	F. Lewis	Rasmussen
E. Dvorak	Kennedy	Merz	Schmit
D. Dworak	Koch	Mills	Warner

Present and not voting, 2:

George Keyes

Excused and not voting, 3:

Brennan
Carsten
R. Lewis

The motion to reconsider LB 223 lost with 28 ayes, 16 nays, 2 present and not voting, and 3 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 23 ayes 1 nay, and 25 not voting.

SELECT FILE

LEGISLATIVE BILL 501. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 501 to Select File

Mr. Fowler moved to return LB 501 to Select File for the following specific amendment:
To amend the Fowler amendment after "doctor" insert "or a psychologist"

The motion prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 501. The Fowler specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 323 to Select File

Mr. Mills moved to return LB 323 to Select File for the following specific amendment:
Strike "May primary" and insert "November General Election".

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 323. The Mills 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 Re-Engrossment.

MOTION - Return LB 469 to Select File

Mr. Koch moved to return LB 469 to Select File for the following specific amendment:
Page 2, line 1, strike Primary insert General - strike May and insert Nov.

The motion prevailed with 27 ayes, 12 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 469. The Koch specific amendment found in this day's Journal was adopted with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Cullan requested a machine vote to advance LB 469.

Mr. Koch moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Koch requested a roll call vote on advancing LB 469.

Voting in the affirmative, 30:

Barnett	Fowler	Keyes	Maresh	Reutzel
Bereuter	George	Koch	Marsh	Rumery
Cope	Goodrich	Kremer	Marvel	Savage
DeCamp	Hasebroock	Labedz	Mills	Schmit
E. Dvorak	Hefner	F. Lewis	Moylan	Simon
Fitzgerald	Kelly	Luedtke	Newell	Stoney

Voting in the negative, 14:

Burrows	D. Dworak	Lamb	Murphy	Venditte
Chambers	Kahle	Maxey	Nichol	Warner
Cullan	Kennedy	Merz	Rasmussen	

Absent and not voting, 2:

Clark Duis

Excused and not voting, 3:

Brennan Carsten R. Lewis

Advanced to E & R for Re-Engrossment with 30 ayes, 14 nays, 2 absent and not voting, and 3 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 212. Considered.

Mr. Kremer offered the following amendment:

AMENDMENT TO LB 212

On Page 2, line 10, after the period, add:
"Nothing in this act shall preclude anyone from serving more than one term on the Board."

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Marvel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maresh offered the following amendment:
Amend LB 212 in line 6 after commissioners insert "or supervisors"

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

Mr. Koch offered the following amendment:
Amend LB 212 page one, line 22 after members, insert 3 members from each Congressional district.

The amendment was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 14, 1978, at 11:24 a.m., was the following bill: 244.

(Signed) Hazel Kaltenberger
Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 21, 21A and 372.

(Signed) Samuel K. Cullan, Chairman

SELECT COMMITTEE REPORTS
Rules

February 13, 1978

The Rules Committee met Thursday, February 9, 1978 at which time Senator Merz asked unanimous consent to withdraw his proposed rule change found on page 555 of the Legislative Journal. There were no objections.

February 13, 1978

The Rules Committee met Thursday, February 9, 1978, and in lieu of the proposed rule change submitted by Senator DeCamp and found on page 555 of the Legislative Journal, the following was offered and acted favorably on.

Insert a new section 10 under Rule 7 as follows:
"Sec. 10. At any stage of consideration the introducer of the bill or the chairperson of the committee, if it is a committee bill, may move for cloture to the presiding officer. The presiding officer shall immediately recognize such introducer or chairperson and shall allow thirty minutes of additional debate and shall then order debate on all motions on the bill to cease and shall allow the introducer or committee chairperson to close. A vote to advance the bill shall then be in order. A move for cloture shall be in order, except while a member is speaking or when a motion to indefinitely postpone a bill is pending."

(Signed) John W. DeCamp, Chairman

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. Brennan, Carsten, and R. Lewis who were excused; Messrs. Marvel, Venditte, Mesdames. Labedz, Maxey, and the Public Health and Welfare Committee who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LR 63 in the Journal. No objections. So ordered.

1. In the Standing Committee Amendments to LR 63, page 1809 of the 1977 Journal, in lines 14 and 15 strike "which cases shall be subject to such conditions as may be prescribed by law".

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 843. Placed on General File.
LEGISLATIVE BILL 877. Placed on General File.

LEGISLATIVE BILL 672. Placed on General File as amended.
Standing Committee amendments to LB 672:

1. On page 2, line 6, strike "forty-four" and insert "forty-three"; in line 7 strike "seven hundred" and show as stricken; in line 21 strike "forty-one" and insert "thirty-nine"; and in line 22 reinstate the stricken matter.

2. Insert a new section as follows:

"Sec. 3. That section 24-513, Revised Statutes Supplement, 1976, be amended to read as follows:

24-513. As soon as the same may be legally paid under the Constitution of Nebraska, each county judge shall receive an annual salary of ~~twenty-five~~ twenty-eight thousand ~~four~~ five hundred ~~forty~~ dollars per year, except that each county judge in a county judge district having a population of one hundred thousand or more according to the latest federal census shall receive an annual salary of ~~thirty~~ thirty-four thousand ~~seven~~ four hundred ~~forty~~ fifty dollars per year. Each county in its respective district having a population of one

hundred fifty thousand inhabitants or more, according to the most recent federal decennial census, may pay to each county judge serving within the judicial district a supplemental salary of two thousand five hundred dollars per annum. The county board shall decide by a majority vote of all members elected whether the county judges serving within the county shall receive such supplemental salary. If the county board votes in favor of such supplemental salary, it shall be payable as other salaries in such county out of the county treasury in addition to the salary paid to the county judges out of the state treasury, and such salaries shall be payable in equal monthly installments. Judges of the county court shall be considered to be of the same class and when one member of the class, as a judge of the county court, is entitled to a raise in salary, all members of the class shall be entitled to such raise in salary. All county judges shall be compensated for necessary travel expenses in the same manner as judges of the district court. Salaries of associate county judges, clerks, and other employees of the court shall be set by the county judges, subject to the conditions of this section. When the county clerk serves as clerk of the county court, he shall receive one thousand dollars annually for such duties, in addition to the salary established pursuant to law for the county clerk. When the county clerk also serves as an associate county judge, he shall receive a minimum additional salary of one thousand dollars annually for such duties. The minimum salary for an associate county judge shall be twenty-four hundred dollars annually, but this minimum shall not apply to associate county judges appointed to serve on a pro tempore basis. The maximum salary for an associate county judge shall be three-fourths of the salary of a county judge, and this limitation shall apply when the same person is both associate county judge and clerk of the county court. In setting salaries for associate county judges, the county judges shall consider the caseload for the associate county judge and the amount of time he will actually be engaged in his duties. Salaries of associate county judges must be approved by the Supreme Court.".

3. On page 3, line 22, strike "thirty-seven" and insert "thirty-five"; and in line 23 after "thousand" insert "seven hundred".

4. On page 4, line 10, strike "thirty-eight" and insert "thirty-seven"; and in line 11, strike "five

hundred" and insert "~~hundred~~", and reinstate "fifty".

5. On page 5, line 3, strike "3" and insert "4"; in line 5 strike "4" and insert "5"; and in line 8 after "24-301.01," insert "24-513,".

6. Renumber original sections 3 to 6 as sections 4 to 7 respectively.

LEGISLATIVE BILL 854. Placed on General File as amended.
Standing Committee amendments to LB 854:

1. Strike original sections 1, 2, 54, and 55.

2. On page 71, strike beginning with "No" in line 17 through the period in line 25 and show the old matter as stricken; and in line 26 strike "13-105, 13-108,".

3. On page 72 lines 4 and 5 strike "44-407.04, 44-407.08,".

4. Renumber original sections 3 to 53 and 56 to 70 as sections 1 to 51 and 52-66 respectively.

LEGISLATIVE BILL 860. Placed on General File as amended.
Standing Committee amendment to LB 860:

1. On page 2, line 8 strike "ten" and insert "~~ten~~ three"; and in line 18 strike "fund" and insert "Fund, in the same manner and subject to the same conditions as funds received under the Uniform Disposition of Unclaimed Property Act".

LEGISLATIVE BILL 913. Placed on General File as amended.
Standing Committee amendment to LB 913:

1. On page 12, line 15 strike the new matter and reinstate the stricken matter; in lines 24 and 25 strike "Nebraska Commission on Law Enforcement and Criminal Justice", show as stricken and insert "State Treasurer"; in line 26 strike "ten" and insert "~~ten~~ fifteen"; in lines 26 and 27 strike "calendar quarter" and insert "~~calendar quarter~~ month"; and strike beginning with "Nebraska" in line 27 through the first "the" on page 13, line 2, and show as stricken.".

(Signed) Wally Barnett, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 657. Placed on General File as amended.
Standing Committee amendments to LB 657:

1. Strike original section 2.
2. On page 8, line 4 strike "76-504,".
3. Renumber original sections 3 to 7 as 2 to 6 respectively.

LEGISLATIVE BILL 786. Placed on General File as amended.
Standing Committee amendments to LB 786:

1. On page 3, line 27 after the period insert "Before any certificate of authority is issued in any case, a certificate of need pursuant to the requirements of the National Health Planning and Resources Development Act and applicable state law must be issued in all such cases where such a certificate is required by such laws.".

2. On page 11, line 7 strike "and"; in line 10 strike the period and insert "; and"; and after line 10 insert:

"(8) A certificate of need pursuant to the requirements of the National Health Planning and Resources Development Act and applicable state laws has been issued in all such cases where such a certificate is required by such laws.".

3. On page 21, line 23 after the period insert "The health maintenance organization shall permit enrollees under a group contract to convert to individual enrollment upon termination of participation in the group.".

4. On page 27, line 10 after the period insert "Such examination shall not in any case involve the confidential communications between physicians and patients.".

5. On page 35, line 22 after "act" insert "which employs licensed and qualified health care providers who provide health care services only in the areas for which they have been licensed".

LEGISLATIVE BILL 716. Indefinitely postponed.

(Signed) John W. DeCamp, Chairman

GENERAL FILE

LEGISLATIVE BILL 282. Laid over at the request of Mr. Koch.

LEGISLATIVE BILL 262. Considered.

Mr. D. Dworak renewed his pending amendment found in the Journal on page 551.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 5 nays, and 24 not voting.

Mr. Simon offered the following amendment to the D. Dworak amendment:

I move to amend the Dworak amendment on line 4 after the word benefit strike "~~from~~" and insert "in as nearly direct proportion to"

The amendment was adopted with 23 ayes, 0 nays, 13 present and not voting, and 13 excused and not voting.

The D. Dworak amendment, as amended, was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 210. Laid over.

LEGISLATIVE BILL 184. Laid over.

CHANGE OF ORDER

Speaker Luedtke changed the order of the calendar to take up LB 899 on General File at this time.

GENERAL FILE

LEGISLATIVE BILL 899. Title read. Considered.

Mr. Mills moved to indefinitely postpone.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Keyes moved for a Call of the House. The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Keyes requested a roll call vote on the Mills motion to indefinitely postpone.

Voting in the affirmative, 29:

Barnett	Fitzgerald	Kahle	Maresh	Mills
Bereuter	Fowler	Koch	Marsh	Newell
Cope	Goodrich	Kremer	Marvel	Nichol
Duis	Hasebroock	F. Lewis	Maxey	Rasmussen
E. Dvorak	Hefner	Luedtke	Merz	Reutzel

Rumery	Savage	Simon	Warner

Voting in the negative, 16:

Burrows	D. Dworak	Keyes	Moylan
Chambers	George	Labedz	Murphy
Clark	Kelly	Lamb	Schmit
DeCamp	Kennedy	R. Lewis	Stoney

Present and not voting, 2:

Cullan	Venditte

Excused and not voting, 2:

Brennan	Carsten

The motion to indefinitely postpone prevailed with 29 ayes, 16 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Keyes moved the Call be raised. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

GENERAL FILE

LEGISLATIVE BILL 99. Mr. F. Lewis asked unanimous consent to bracket until Wednesday, February 22, 1978. No objections. So ordered.

LEGISLATIVE BILL 351. Title read. Considered.

Mr. Barnett offered the following amendment:
1. Page 10, section 9, strike the new matter in lines 10 through 13 and insert "Class I misdemeanor."

The amendment lost with 16 ayes, 1 nay, 24 present and not voting, and 8 excused and not voting.

Mr. Koch offered the following amendment:
To insert stricken language page 3 lines 18-23

Mr. DeCamp asked unanimous consent to have the bill laid over.

Mr. Barnett objected.

Mr. Koch withdrew his amendments.

Mr. DeCamp moved the adoption of his amendment printed separate and referred to in the Journal on page 571 (Req. #2734).

Mr. DeCamp moved to have his bill laid over.

Mr. Keyes moved to amend the motion to hold the bill until March 14, 1978.

The amendment lost with 6 ayes, 4 nays, 31 present and not voting, and 8 excused and not voting.

Mr. DeCamp asked unanimous consent to bracket LB 351 until Tuesday, February 28, 1978. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 188
February 10, 1978

Dear Senator Hasebroock:

In your letter of February 6, 1978, you have called our attention to the provision in section 2 of LB 348 which would amend section 84-1308, R.R.S. 1943, by changing the contribution of state employees to the Retirement System from the present 3 percent of the first $4800.00 of compensation and 6 percent of the excess over $4800.00 to a flat 4 1/2 percent of the annual salary. You have asked whether this presents any constitutional problems, on the basis that this change would be a violation of the employment agreement. We conclude that there would be no constitutional problem with this matter except with respect to officers of state government serving fixed terms.

Article III, Section 19, of the Nebraska Constitution provides that the compensation of a public officer may not be increased or diminished during his term of office. Wilson v. Marsh, 162 Neb. 237, 75 N.W.2d 723 (1956), held that the contributions made by a judge to a retirement system were a diminution of his salary, and the right to receive benefits in the future was an increase in his salary, and that therefore an officer serving a fixed term, in that case a judge, could not be brought into a retirement system during his term of office.

The same principle would apply to a change in the amount of withholdings from an officer's salary as a contribution to a retirement system, and to changes in benefits. We believe that such changes cannot be made to apply to officers serving fixed terms during their terms of office, but must be delayed, so far as such officers are concerned, until the beginning of a new term.

The same is not true with respect to ordinary employees, however. When one enters into state employment, he does not enter into a contract to serve for a fixed period of time, or under unchangeable terms and conditions. The Legislature has plenary power over the terms and conditions of state employment, and the only recourse an employee has, so far as the Constitution is concerned, if he is dissatisfied with changes in those terms and conditions, is to terminate his employment. If this were not true, it would have been impossible to have validly enacted a state employees retirement act in the first place, as this obviously affected the terms and conditions of persons who were state employees at the time of its enactment.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

ANNOUNCEMENT

Mr. F. Lewis announced an executive session of the Education Committee upon adjournment today in the East Chamber.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB928	Monday, February 20, 1978	1:30 p.m.
LB927	Tuesday, February 21, 1978	1:30 p.m.
LB931	Tuesday, February 21, 1978	1:30 p.m.

(Signed) Richard Lewis, Chairman

Nebraska Retirement Systems

LB810	Friday, February 24, 1978	12:00 noon
LB811	Friday, February 24, 1978	12:00 noon

(Signed) William H. Hasebroock
Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 331. Placed on General File as amended.
Standing Committee amendments to LB 331:

1. Strike sections 1 to 6 and insert:

"Section 1. That section 60-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-501. The following words or phrases, when used in sections 60-501 to 60-569, shall, for the purposes of sections 60-501 to 60-569, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) Department means Department of Motor Vehicles;

(2) Judgment means any judgment which shall have become final by the expiration of the time within which an appeal might have been perfected without being appealed, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages;

(3) License means any license issued to any person under the laws of this state pertaining to operation of a motor vehicle within this state;

(4) Motor vehicles means any self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers, and every vehicle which is propelled by electric power

obtained from overhead wires but not operated upon rails, and off-road designed vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, all terrain vehicles, and snowmobiles;

(5) Nonresident means every person who is not a resident of this state;

(6) Nonresident's operating privilege means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state;

(7) Operator means every person who is in actual physical control of a motor vehicle;

(8) Owner means a person who holds the legal title of a motor vehicle, or in the event a motor vehicle 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, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of sections 60-501 to 60-569;

(9) Person means every natural person, firm partnership, association or corporation;

(10) Proof of financial responsibility means evidence of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of ~~fifteen~~ twenty thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ~~ten~~ twenty thousand dollars because of injury to or destruction of property of others in any one accident;

(11) Registration means registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;

(12) State means any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada; and

(13) The forfeiture of bail, not vacated, or of collateral deposited to secure an appearance for trial

shall be regarded as equivalent to conviction of the offense charged.

Sec. 2. That section 60-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-509. No such policy or bond shall be effective under section 60-508 unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of a policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under section 60-508 unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the Secretary of State to accept service of notice or process in its behalf, in any action upon such policy or bond arising out of such accident; Provided, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ~~fifteen~~ twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ~~ten~~ twenty thousand dollars because of injury to or destruction of property of others in any one accident. Upon receipt of a notice of such accident, the insurance company or surety company which issued such policy or bond shall furnish, for filing with the department, a written notice that such policy or bond was in effect at the time of such accident.

Sec. 3. That section 60-534, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-534. Such motor vehicle liability policy: (1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and (2) shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law

for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle as follows: ~~Fifteen~~ Twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ~~ten~~ twenty thousand dollars because of injury to or destruction of property of others in any one accident.

Sec. 4. This act shall become operative on January 1, 1979.

Sec. 5. That original sections 60-501, 60-509, and 60-534, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to amend sections 60-501, 60-509, and 60-534, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to increase financial responsiblility requirements; provide an operative date; and to repeal the original sections.".

LEGISLATIVE BILL 464. Placed on General File as amended.

Standing Committee amendments to LB 464:

1. Strike original sections 1 and 2 and insert a new section 1 as follows:

"Section 1. (1) In addition to any other reinsurance authority granted by Chapter 44, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, any domestic insurance company authorized to transact business in this state pursuant to Chapter 44, article 2, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, may accept reinsurance for any insurance transacted by any affiliate or affiliates of such company which such company is not authorized to transact directly. The term, affiliate, shall have the same meaning as that stated for such term in section 44-2101, Reissue Revised Statutes of Nebraska, 1943.

(2) Before an insurance company may transact a business of accepting reinsurance pursuant to this section, it shall obtain the approval of the Department of Insurance. No such approval shall be granted or continued in effect unless the company has and maintains a minimum surplus in cash or invested as provided by law of at least two million dollars and has and maintains admitted assets of at least

ten million dollars. No such approval shall be granted or continued in effect if the Director of Insurance finds that such approval would not be in the best interests of the policyholders, shareholders, or public because of the competence, experience or integrity of the management personnel of such business, the terms of reinsurance accepted in connection with such business, or the effect of the operation of such business on the other operations of the company.

(3) No insurance company shall accept reinsurance pursuant to the authority granted by this section on any one risk in an amount exceeding five per cent of its surplus to policyholders as reflected by the last annual statement of the company. The term any one risk and the term surplus to policyholders shall have the same meaning as that stated for such terms in section 44-222, Reissue Revised Statutes of Nebraska, 1943.

(4) Nothing in this section shall be construed to require any insurance company otherwise authorized by law to transact the business of reinsurance to exercise the authority granted by this section.

(5) The Department of Insurance shall adopt and promulgate such reasonable rules and regulations as may be necessary or appropriate to carry out the provisions of this section in accordance with the provisions of Chapter 84, article 9, Reissue Revised Statutes of Nebraka, 1943, and amendments thereto. Such rules and regulations may include rules and regulations pertaining to the form of application for transaction of business authorized by this section, the plan of operation of such business, the qualifications of personnel engaged in such business, and the accounting and reporting procedures applicable to such business.''.

(Signed) John W. DeCamp, Chairman

MOTION - Place LB 620 on General File

Mr. Chambers moved that LB 620, being held by the Revenue Committee, be placed on General File. (Rule 3, Sec. 10 (b))

Motion pending. Laid over.

MOTION - Place LB 834 on General File

Mr. Schmit moved to place LB 834 on General File notwithstanding the action of the committee.

Motion pending. Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Murphy asked unanimous consent to print the following amendment to LB 351 in the Journal. No objections. So ordered.

Page 10 Line 5 after the word "buy" insert "use".

ANNOUNCEMENT

Mr. Barnett announced an executive session for the Judiciary Committee at 1:00 p.m., Wednesday, February 15, 1978 in room 1113.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 184 in the Journal. No objections. So ordered.

1. On page 2, line 9 strike "forty-eight" and insert "one hundred sixty-two"; in line 10 strike "contract for sale" and insert "delivery of the meat or meat products".
2. Strike original section 4.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 351 in the Journal. No objections. So ordered.

(1)

Amendments to LB 351 white copy Req. 2734

1. On page 2, line 15 strike "incude" and insert "include".
2. On page 6, line 6 strike "mame" and insert "name".
3. On page 8, line 2 after the semicolon insert "and", strike lines 3 through 7; in line 8 strike "(4)" and insert "(3)"; in line 17 strike "two hundred" and insert "ten"; in line 18 after "occasions" insert "per month" and strike "in a year"; strike beginning with "more" in line 25 through "a" in line 26; and in line 27 after "occasion" insert "shall" and strike "nine" and insert "six".
4. On page 9 in line 4 after the period insert "at least fifty per cent of the gross receipts from each bingo occasion shall be awarded as prizes."; and in line 7 after "game" insert "nor shall such person be present during a bingo occasion".
5. On page 10 in line 1 strike "be involved

in, or"; in line 2 strike the comma and insert a period after "operations"; and strike lines 3 and 4.

6. On page 11 in line 13 strike "receipts" and insert "profits".

7. On page 13 in line 11 insert a semicolon after "held"; in lines 11 and 12 strike ", and a copy of the lease agreement, if any;" and in lines 24 and 25 strike ", including alcoholic beverages,".

8. On page 18 strike lines 19 to 27.

9. On page 19 strike lines 1 to 16.

10. On page 20 strike lines 10 to 12; and renumber subdivisions (4) to (8) as subdivisions (3) to (7) respectively.

11. On page 21 strike lines 3 to 12 and 21 to 26; and renumber subdivision (11) as subdivision (8).

12. On page 22 strike lines 7 to 14; and renumber subdivisions (13) and (15) as subdivisions (9) and (10) respectively.

13. On page 23 renumber subdivisions (16) and (17) as subdivisions (11) and (12) respectively; and strike beginning with "in" in line 23 through "and" in line 25 and insert "in such a manner that all present can hear; and".

14. On page 24 renumber subdivisions (18) and (19) as subdivisions (13) and (14) respectively; and in line 25 strike "51 of this act" and insert "9-113, Reissue Revised Statutes of Nebraska, 1943,".

15. On page 25 in line 12 after "misdemeanor" insert a period and strike "and shall, if a licensed organization," and insert "Any licensed organization guilty of violating any provision of this act more than once in a twelve month period shall".

16. Insert a new section as follows:

"Sec. 35. A licensed organization may purchase or rent bingo supplies or equipment from another licensed organization or from any person who sells or distributes bingo supplies or equipment. Such purchase or rental shall be for the fair market value of the supplies or equipment and shall not include any services rendered.".

17. Strike sections 31, 32, 34, 35, 37, 40 to 47 and 52.

18. Renumber section 33 as section 31, section 36 as section 32, sections 38 and 39 as sections 33 and 34 respectively, sections 48 to 51 as sections 36 to 39 respectively, and sections 53 to 55 as sections 40 to 42 respectively.

(2)

Amendments to LB 351 white copy Req. 2734

1. On page 2, line 15 strike "incude" and insert "include".

2. On page 6, line 6 strike "mame" and insert "name".

3. On page 8, line 2 after the semicolon insert "and", strike lines 3 through 7; in line 8 strike "(4)" and insert "(3)"; in line 17 strike "two hundred" and insert "ten"; in line 18 after "occasions" insert "per month" and strike "in a year"; strike beginning with "more" in line 25 through "a" in line 26; and in line 27 after "occasion" insert "shall" and strike "nine" and insert "six".

4. On page 9 in line 4 after the period insert "at least fifty per cent of the gross receipts from each bingo occasion shall be awarded as prizes."; and in line 7 after "game" insert "nor shall such person be present during a bingo occasion".

5. On page 10 in line 1 strike "be involved in, or"; in line 2 strike the comma and insert a period after "operations"; and strike lines 3 and 4.

6. On page 11 in line 13 strike "receipts" and insert "profits".

7. On page 13 in line 11 insert a semicolon after "held"; in lines 11 and 12 strike ", and a copy of the lease agreement, if any;" and in lines 24 and 25 strike ", including alcoholic beverages,".

8. On page 18 strike lines 19 to 27.

9. On page 19 strike lines 1 to 16.

10. On page 20 strike lines 10 to 12; and renumber subdivisions (4) to (8) as subdivisions (3) to (7) respectively.

11. On page 21 strike lines 3 to 12 and 21 to 26; and renumber subdivision (11) as subdivision (8).

12. On page 22 strike lines 7 to 14; and renumber subdivisions (13) and (15) as subdivisions (9) and (10) respectively.

13. On page 23 renumber subdivisions (16) and (17) as subdivisions (11) and (12) respectively; and strike beginning with "in" in line 23 through "and" in line 25 and insert "in such a manner that all present can hear; and".

14. On page 24 renumber subdivisions (18) and (19) as subdivisions (13) and (14) respectively; and in line 25 strike "51 of this act" and insert "9-113, Reissue Revised Statutes of Nebraska, 1943,".

15. On page 25 in line 12 after "misdemeanor" insert a period and strike "and shall, if a licensed organization," and insert "Any licensed organization guilty of violating any provision of this act more than once in a twelve month period shall".

16. Insert a new section as follows:

"Sec. 35. A licensed organization may purchase or rent bingo supplies or equipment from another licensed organization or from any person who sells or distributes bingo supplies or equipment. Such purchase or rental shall be for the fair market value of the supples or equipment and shall not include any services rendered.".

17. Strike sections 31, 32, 34, 35, 37, 40 to 47 and 52.

18. Insert a new section as follows:

"Sec. 43. That section 28-1115, Revised Statutes Supplement, 1977, be amended to read as follows:

28-1115. Any bona fide nonprofit organization whose primary activities are conducted for charitable and community betterment purposes may conduct lotteries, raffles, and gift enterprises when the proceeds of such activities are used solely for charitable or community betterment purposes and the awarding of prizes to participants. No expense shall be incurred or amounts paid in connection with the conduct of a lottery except those reasonably expended for lottery supplies and equipment, prizes, license fees, and taxes related to such lottery.".

19. On page 25 line 15 after "That" insert "original section 28-1115, Revised Statutes Supplement, 1977, and also".

20. Renumber sections 33, 36, 38, 39, 48 to 51, 53 to 54, and 55 as sections 31, 32, 33, 34, 36 to 39, 40 to 41, and 43 respectively.

GENERAL FILE

LEGISLATIVE BILL 192. Considered.

Mr. Burrows offered the following amendments:

(1)

Page 5, line 6, insert at the beginning of the line of property and of investment in property.

(2)

Sec. 3, line 7, after the comma, insert excepting all income exempt from taxation by state government due to federal law,

Strike subdivisions (a) and (b) of Section 3.

(3)

page 5, line 14, Section 4, subsection (1)
after "the", insert previous year's

(4)

Page 6, strike lines 5 through 27 and Page 7, strike lines 1 and 2 and insert the following:

Section 6. Notwithstanding any other provision of law, after the effective date of this act, on or before September 30, 1979 and on or before September 30 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 year.

(5)

Page 7, line 5, after the work "membership" insert and per pupil cost
Page 7, line 12, after "the" insert state

(6)

Page 7, strike lines 24 through 27 and Page 8, strike line 1 and replace with the following:

(a) The amount of the approved school district budget as reported in Section 6 of this act, less the 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.

Page 8, strike lines 2 through 13 and replace with the following:

(b) When the state average tax rate within the district fails to produce sufficient funds to meet the state average per pupil costs or the districts per pupil cost, whichever is lower, funds from the Corporate and Non-resident School District Income Tax Fund shall be used to make up the deficiency; except that budget costs exceeding the state average per pupil costs as based on grade structure, shall be added as increased tax rates to the local district aside from the sparsity provisions of this bill.

Page 8, line 16, strike the word ~~by~~ and line 17, strike the ~~words interrelated computation,~~

(7)

Page 9, strike lines 14 through 19.

(8)

Page 11, line 18, insert the following after the word "taxpayers" provisions for withholding; and line 20 after the word "of" insert resident and
Page 12, line 13, insert the following after the word "act" , except for the withholding provisions of Section 12,
Page 11, line 20 strike "estimated"

(9)

Page 7, line 19, insert the following after the word "district" : (a) Also, at this time the Department of Revenue shall determine the state average school district tax rate based on last years' information for the upcoming year.

(10)

Insert four new sections as follows:
Section 6. School districts which meet the following criteria shall receive sparsity funding in addition to other sources of revenue. (1) The district must have an average daily membership of six or greater.

(2) At least five percent of that particular districts total costs must be allocated to transportation.

(3) The density of pupils in the district must be four pupils per square mile or less.

Section 7. Sparsity funding shall be granted for the following purposes only. (1) Maintenance and operation of existing transporation facilities and equipment necessary for curricular activities only.

(2) Existing contractural obligations relating to curricular transportation.

(3) Purchase of new equipment to replace worn-out old equipment.

Section 8. The State Department of Education may waive any two of the criteria set forth in Sections 6 and 7 of this act, only if such an action is deemed to be in the best interest of the school district involved.

Section 9. Sparsity funding shall be derived from the Corporate and Non-Resident Income Tax Fund. (1) Sparsity funding shall be set at sixty percent of the school districts costs for curricular transportation, of that amount over five percent of the total school district budget.

(2) Renumber old sections 6 through 18 as sections 10 through 22 respectively.

(11)

Sec 4, line 12, strike 1978, insert 1979
Sec 8, line 15, strike 1978, insert 1979
Sec 18, line 4, strike 1978, insert 1979
Sec 13, line 25, strike 1978, insert 1979

Mr. Burrows amendment #1 was considered.

Mr. Burrows moved for a Call of the House. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

ADJOURNMENT

At 4:06 p.m., on a motion by Mr. Clark, the Legislature adjourned until 9:00 a.m., Wednesday, February 15, 1978.

TWENTIETH DAY - FEBRUARY 15, 1978

LEGISLATIVE JOURNAL

TWENTIETH DAY - FEBRUARY 15, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 15, 1978

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 may 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 call was called and all members were present except Mr. Brennan who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Cullan asked unanimous consent to be excused Friday afternoon, February 17, 1978. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 508. Placed on Select File as amended.
E & R amendment to LB 508:

1. In lieu of the Warner amendment, on page 2, line 2, insert "or thirty-five students, whichever is less," after "students".

2. On page 2, line 1, strike "any parent" and insert "the parents"; in line 3 strike "is" and insert "are"; and in line 16 strike the comma.

LEGISLATIVE BILL 447. Placed on Select File as amended.
E & R amendments to LB 447:

1. In committee amendments, line 3, strike the comma.

2. On page 3, line 15, strike ", that" and insert ", that,"; and in line 18 insert an underscored comma after "owner".

LEGISLATIVE BILL 585. Placed on Select File as amended.
E & R amendment to LB 585:

1. In the title, strike line 5 and through the semicolon in line 6 and insert "of notice of proposed rule changes; to provide for availability of proposed changes;".

LEGISLATIVE BILL 656. Placed on Select File as amended.
E & R amendment to LB 656:

1. On page 5, line 9, insert "the fee" after "and".

LEGISLATIVE BILL 659. Placed on Select File as amended.
E & R amendments to LB 659:

1. In committee amendments, page 7, line 2, insert a comma after "81-8,285".

2. In the title, line 2, strike "and"; in line 3 insert "and 81-8,285," after 81-8,282,"; and in line 8 insert "to provide for probation;" after the semicolon.

LEGISLATIVE BILL 670. Placed on Select File as amended.
E & R amendment to LB 670:

1. In the title, strike lines 2 and 3 and insert:
"FOR AN ACT to amend section 25-1017, Reissue Revised Statutes of Nebraska, 1943, relating to garnishment;

to provide for interest and costs as prescribed; and to repeal the original section.".

LEGISLATIVE BILL 807. Placed on Select File as amended.
E & R amendments to LB 807:

1. 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.".

2. In the title, line 4, insert "to provide an additional purpose;" after the semicolon, and after "county" insert "which has adopted zoning regulations"; in line 5 strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 697. Placed on Select File as amended.
E & R amendments to LB 697:

1. On page 3, lines 16 and 18, insert a comma after "rules".

2. In the title, strike line 2 and insert:
"FOR AN ACT relating to the Legislative Fiscal Analyst; to".

LEGISLATIVE BILL 717. Placed on Select File.

LEGISLATIVE BILL 661. Placed on Select File as amended.
E & R amendments to LB 661:

1. Add a new section to read:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 7, strike "and" and insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 655. Placed on Select File as amended.
E & R amendment to LB 655:

1. In committee amendments, page 1, line 24, strike the comma.

LEGISLATIVE BILL 673. Placed on Select File.

LEGISLATIVE BILL 685. Placed on Select File as amended.
E & R amendments to LB 685:

1. Insert the Duis amendment as new section 3.

2. In the title, line 4, insert "to harmonize with the Nebraska Criminal Code;"; in line 5, strike "and"; and in line 6 insert "; and to declare an emergency" after

"section".

LEGISLATIVE BILL 749. Placed on Select File as amended.
E & R amendments to LB 749:

1. On page 2, line 3, strike "in such court" and insert "by him"; and in line 14 strike "such" and insert "the".

2. In the title, line 4, strike "and" and insert "; and to declare an emergency" after "duties".

LEGISLATIVE BILL 580. Placed on Select File.

LEGISLATIVE BILL 501. Replaced on Select File as amended.
E & R amendment to LB 501:

1. In lieu of the Fowler amendment adopted 2/14, in the Fowler amendments adopted 2/7, lines 4 and 6, insert "or psychologist" after "physician".

LEGISLATIVE BILL 660. Replaced on Select File as amended.
E & R amendments to LB 660:

1. On page 3, line 15, strike "section 4" and insert "section 7".

2. On page 5, line 4, strike "section 5" and insert "section 8"; and in line 17, strike "section 4" and insert "section 7".

(Signed) Samuel K. Cullan, Chairman

MOTION - Rule Change

Mr. DeCamp offered the following rule change:

1. Insert a new section 14 to Rule 6 as follows:

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

Referred to the Rules Committee.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 186. With Emergency.

A BILL FOR AN ACT to amend sections 16-902, 17-1002, 18-1303, 18-1306, 19-907, 19-910, 19-911, 23-114.01, 23-168.01, 23-168.03, 23-174.01, 23-174.03, and 84-152, Reissue Revised Statutes of Nebraska, 1943, 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 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	Duis	Kahle	Marsh	Rumery
Bereuter	E. Dvorak	Kelly	Maxey	Savage
Burrows	D. Dworak	Keyes	Merz	Schmit
Carsten	Fitzgerald	Kremer	Mills	Simon
Chambers	Fowler	Labedz	Moylan	Stoney
Clark	George	Lamb	Murphy	Venditte
Cope	Goodrich	F. Lewis	Newell	Warner
Cullan	Hasebroock	Luedtke	Nichol	
DeCamp	Hefner	Maresh	Reutzel	

Voting in the negative, 4:

Koch	R. Lewis	Marvel	Rasmussen

Present and not voting, 1:

Kennedy

Excused and not voting, 1:

Brennan

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 441.

A BILL FOR AN ACT to amend section 79-1705, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change inspection provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

Barnett	E. Dvorak	Kennedy	Marvel	Rumery
Bereuter	D. Dworak	Keyes	Maxey	Savage
Burrows	Fitzgerald	Koch	Merz	Schmit
Carsten	Fowler	Labedz	Mills	Simon
Chambers	George	Lamb	Moylan	Stoney
Clark	Goodrich	F. Lewis	Murphy	Venditte
Cope	Hasebroock	R. Lewis	Newell	Warner
Cullan	Hefner	Luedtke	Nichol	
DeCamp	Kahle	Maresh	Rasmussen	
Duis	Kelly	Marsh	Reutzel	

Voting in the negative, 0.

Present and not voting, 1:

Kremer

Excused and not voting, 1:

Brennan

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

LEGISLATIVE BILL 526. With Emergency.

A BILL FOR AN ACT to amend sections 81-125 and 81-132, 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 harmonize provisions; to provide procedures; to provide for the collection of information; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Bereuter	D. Dworak	Koch	Maxey	Savage
Burrows	Fitzgerald	Kremer	Merz	Schmit
Carsten	Fowler	Labedz	Mills	Simon
Chambers	George	Lamb	Moylan	Stoney
Clark	Goodrich	F. Lewis	Murphy	Venditte
Cope	Hasebroock	R. Lewis	Newell	Warner
Cullan	Hefner	Luedtke	Nichol	
DeCamp	Kahle	Maresh	Rasmussen	
Duis	Kelly	Marsh	Reutzel	
E. Dvorak	Kennedy	Marvel	Rumery	

Voting in the negative, 0.

Present and not voting, 2:

Barnett Keyes

Excused and not voting, 1:

Brennan

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 Change

Mr. DeCamp moved the adoption of rule change to Rule 7, Sec. 10 found in the Journal on page 689.

Mr. Marvel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell offered the following amendment to the rule change:
In Sec. 10 after officer, "The motion shall not be debatable and require 30 votes and if it is successful, the presiding officer shall (as continues).

Mr. Newell moved for a Call of the House. The motion prevailed with 23 ayes, 5 nays, and 21 not voting.

Mr. Newell requested a roll call vote on the amendment.

Voting in the affirmative, 27:

Bereuter	Goodrich	Kremer	Maresh	Savage
Cope	Hasebroock	Labedz	Merz	Schmit
DeCamp	Hefner	Lamb	Moylan	Stoney
E. Dvorak	Kahle	F. Lewis	Murphy	
Fitzgerald	Kelly	R. Lewis	Newell	
George	Koch	Luedtke	Nichol	

Voting in the negative, 18:

Barnett	Cullan	Keyes	Rasmussen	Venditte
Burrows	Duis	Marsh	Reutzel	Warner
Chambers	Fowler	Maxey	Rumery	
Clark	Kennedy	Mills	Simon	

Present and not voting, 2:

Carsten D. Dworak

Excused and not voting, 2:

Brennan Marvel

The amendment was adopted with 27 ayes, 18 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mr. Chambers moved to indefinitely postpone the DeCamp rule change.

The motion prevailed with 27 ayes, 10 nays, 10 present and not voting, and 2 excused and not voting.

MESSAGE FROM THE GOVERNOR

February 14, 1978

Mr. Pat O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 75, 217, 329, 394, 519, and 529.
These bills were signed by me on February 14, 1978 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 574. Replaced on Select File as amended.
E & R amendment to LB 574:
1. In E & R 4, line 11, adopted 2/14, insert "to repeal the original sections;" after "1976;".

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 831. Placed on General File as amended.
Standing Committee amendment to LB 831:

1. On page 2, strike beginning with "the" in line 7 through "80dB(A)" in line 13, show the old matter as stricken, and insert "noise limits specified by the administrator after a public hearing on due notice, which noise limits shall be consistent with those limits adopted by the United States Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972, as amended, 42 U.S.C., section 4901 et seq".

(Signed) Maurice A. Kremer, Chairman

Judiciary

LEGISLATIVE BILL 603. Indefinitely postponed.
LEGISLATIVE BILL 915. Indefinitely postponed.
LEGISLATIVE BILL 916. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 165.

Introduced by Venditte, 7th District; Keyes, 3rd District; E. Dvorak, 8th District; Reutzel, 15th District; Labedz, 5th District; Moylan, 6th District; Stoney, 4th District; Savage, 10th District; Koch, 12th District; DeCamp, 40th District.

WHEREAS, college athletic programs offer a special opportunity for participants to supplement their educational experience; and

WHEREAS, a vigorous college athletic program may substantially enrich the campus environment and provide pleasure to the public as a whole; and

WHEREAS, college football seems to be a favorite focus of attention for fans of college athletics in Nebraska; and

WHEREAS, there has been recent controversy relating to the football program at the University of Nebraska at Omaha.

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

1. That the Legislature acknowledges the dedication of the staff and other individuals who have or will participate in the UNO football program.

2. That the Legislature recognizes the positive effects and definite contributions to the over-all college program, the college staff and students resulting from maintaining a continuing football program at the University of Nebraska at Omaha.

Laid over.

MOTION - Rule Change

Mrs. Marsh offered the following rule change:

1. Insert a new section 16a under Rule 1 as follows:

16a. The Speaker may, when sound judgment would so dictate, postpone the schedule reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum can not be assembled within one half hour after the time to which the Legislature was to have convened.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendments to LB 640 in the Journal. No objections. So ordered.

1. On page 12 line 23 strike "funds" and "the payment of their".

1. On page 2 strike beginning with "If" in line 15 through "final." in line 17.

2. On page 3 line 11 after the underscored period insert "Appeals of the Tax Commissioner's determination shall be made as provided in section 34 of this act.".

3. On page 4 line 1 after "homestead" insert ", for the purposes of sections 1 to 38 and 42 to 45 of this act,"; in line 20 after "income" insert an underscored period; strike lines 21 through 27.

4. On page 5 strike lines 1 through 6.

5. Insert a new section 14 as follows:

"Sec. 14. Spendable income shall mean income from the following sources that is not included in the federal adjusted gross income as defined in the Internal Revenue Code of the United States: (1) Capital gains;

(2) strike benefits; (3) support money; (4) cash public assistance and relief; (5) the gross amount of any pension or annuity; (6) all payments received under the federal Social Security and state unemployment insurance laws; (7) interest received from the federal and state governments or any of their instrumentalities; (8) workmen's compensation; (9) the gross amount of loss of time insurance; and (10) gifts greater than three hundred dollars from nongovernmental sources. Spendable income shall not include life insurance benefits, gifts of three hundred dollars or less from nongovernmental sources, inheritances, or other sources of income not specified in this section.".

6. On page 8 strike beginning with "If" in line 21 through the underscored period in line 24.

7. On page 9 line 16 after "claimant" insert "who is a renter", after "for" insert "rent constituting"; and in line 18 strike "a" and insert "an owner".

8. On page 11 line 2 after "15" insert ", except as provided in section 37 of this act"; in line 12 after "Every" insert "renter"; in line 14 strike "where applicable, reasonable" and strike the second underscored comma, and insert "and"; in line 16 insert an underscored period after "rented"; and strike beginning with the first underscored comma in line 16 through the underscored period in line 20.

9. Insert a new section as follows:

"Sec. 31. Upon request of the Tax Commissioner, the county assessor shall supply to the Department of Revenue, in support of every owner claimant, a statement of property tax accrued and a statement of any delinquent property taxes.".

10. On page 13, line 3 after "relief" insert an underscored period; strike lines 4 through 5 and insert "The amended claim must be filed within two years of the April 15 filing deadline of the year for which the claim is being requested."; in line 23 strike the underscored period; and reinstate the stricken matter beginning with the comma in line 23 through "spouse" in line 24 and insert an underscored period after "spouse" in line 24.

11. Renumber original sections 14 to 29 as sections 15 to 30 and original sections 30 to 45 as sections 32 to 47 respectively.

ANNOUNCEMENT

President Whelan announced a program on the Life of Susan B. Anthony will be held in the Capitol Rotunda from 11:00 a.m. - 12:00 noon today. Mrs. Marsh and Mrs. Maxey will be participating in the tribute.

MOTION - Return LB 327 to Select File

Mr. Newell moved to return LB 327 to Select File for the following specific amendment:

1. On page 4, line 22 strike "should" and insert "shall"; and in line 24 strike "shall" and insert "should".

The motion prevailed with 25 ayes, 4 nays, 18 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 327. The Newell specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 259. Mr. Mills renewed his pending amendment found in the Journal on page 587.

Mr. Mills moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Nichol moved the Call be raised. The motion prevailed with 29 ayes, 5 nays, and 15 not voting.

The Mills amendment was adopted with 27 ayes, 3 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Stoney renewed his pending amendment found in the Journal for the Fifteenth Day on page 570.

The amendment was adopted with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

Messrs. Kennedy and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Stoney renewed his pending amendment found in the Journal for the Nineteenth Day on page 683.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 424. Laid over.

Mr. F. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 63. Mr. DeCamp withdrew his amendments found in the Journal on page 684.

Mr. DeCamp renewed his pending amendment found in the Journal on page 690.

SPEAKER LUEDTKE PRESIDING

The DeCamp amendment lost with 11 ayes, 13 nays, 20 present and not voting, and 5 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused at 11:45 a.m. No objections. So ordered.

Mr. Duis offered the following amendment:

1. In the Standing Committee Amendments to LR 63, page 1809 of the 1977 Journal, in line 13 after "degree," insert "sexual offenses involving penetration by force or against the will of the victim,".

Mr. Duis moved for a Call of the House. The motion prevailed with 18 ayes, 6 nays, and 25 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 17 ayes, 15 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Mills asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp offered the following amendment:

Constitutional Resolution

1. Strike original Legislative Resolution 63 and all amendments thereto and insert the following:

Constitutional Resolution

A Resolution to propose an amendment to Article III by adding a new section 30 of the Constitution of Nebraska.

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

Section 1. That at the primary election in May, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III by adding a new section 30 to the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 30. The Legislature shall in accordance with United States Supreme Court decisions provide by law for a sentence of death to be imposed in certain cases upon persons convicted of murder in the first degree.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that a sentence of death be provided by legislation in certain 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.

The amendment lost with 8 ayes, 17 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Chambers moved to suspend the rules, Rule 7, Sec. 3a, to consider the indefinitely postpone motion today. The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

The motion to indefinitely postpone LR 63 prevailed with 28 ayes, 2 nays, 12 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 424 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 424

1. Strike the Schmit amendment found on page 552 of the Legislative Journal.

2. On page 3, lines 16 and 18, insert ", if not a licensed tradesman," after "claimant".

UNANIMOUS CONSENT - Members Excused

Mr. Kremer asked unanimous consent for the Public Works Committee be excused this afternoon for the hearing of LB 887. No objections. So ordered.

SELECT COMMITTEE REPORTS
Correctly Re-Engrossed

The following bills were correctly re-engrossed: 323 and 469.

(Signed) Samuel K. Cullan, Chairman

VISITORS

The President introduced 25 11th Grade Students and 1 teacher from Malcom High School, Malcolm, Nebraska; Ivan Ferreira from Rio de Janeiro; 50 4th Grade Students and 7 teachers and team leader, Mrs. Jerry Koch, from Rock Brook School, Omaha, Nebraska.

RECESS

At 12:07 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 Simon who were excused; Messrs. Duis, Rasmussen, Schmit, Marvel, F. Lewis, Clark, Mesdames. Labedz and Marsh, and the members of the Public Works and Judiciary Committees who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 168, 216, 233, 270, 276, 361, 380, 380A, 420, 165, and 315.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 168, 216, 233, 270, 276, 361, 380, 380A, 420, 165, and 315.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 18 and 109.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 413. Indefinitely postponed.
LEGISLATIVE BILL 762. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

MOTION - Change of Order

Mr. Merz moved to instruct the Speaker to place L.B. 902 for debate on 2-20-78 as a special order item for 30 minutes only.

Mr. Bereuter moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 5 nays, and 21 not voting.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?"

Mr. Merz moved for a Call of the House. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mr. Merz requested a roll call vote on the motion to close debate.

Mr. Merz withdrew his request for a roll call.

Mr. Chambers moved the Call be raised. The motion lost with 13 ayes, 22 nays, and 14 not voting.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?"

Mr. Merz requested a roll call vote.

Voting in the affirmative, 29:

Barnett	Duis	Hefner	Luedtke	Rasmussen
Bereuter	E. Dvorak	Kahle	Maresh	Rumery
Burrows	Fitzgerald	Keyes	Maxey	Savage
Carsten	George	Labedz	Merz	Venditte
Clark	Goodrich	Lamb	Moylan	Warner
Cope	Hasebroock	R. Lewis	Nichol	

Voting in the negative, 6:

Chambers	Koch	Newell
D. Dworak	Kremer	Stoney

Present and not voting, 8:

Cullan	Fowler	Kennedy	Murphy
DeCamp	Kelly	Mills	Reutzel

Excused and not voting, 6:

Brennan	Marsh	Schmit
F. Lewis	Marvel	Simon

The motion to close debate prevailed with 29 ayes, 6 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Cullan moved the Call be raised. The motion lost with 14 ayes, 23 nays, and 12 not voting.

The Merz motion to place LB 902 on special order for February 20, 1978 prevailed with 26 ayes, 10 nays, 7 present and not voting, and 6 excused and not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

MOTION - Withdraw LB 316

Mr. Chambers renewed Mr. Marvel's pending motion found in the Journal on page 681 to withdraw LB 316.

The motion prevailed with 25 ayes, 3 nays, 6 present and not voting, and 15 excused and not voting.

MOTION - Suspend Rules

Mr. Rasmussen moved to suspend the rules, Rule 3 Section 5 to set LB 933 for public hearing on Thursday, February 16, 1978.

The motion prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

MOTION - Return LB 406 to Select File

Mr. Kennedy moved to return LB 406 to Select File for the specific amendment found in the Journal on page 479 previously offered by Mr. Rumery.

The Chair ruled the motion a reconsideration and out of order.

MOTION - Place LB 620 on General File

Mr. Chambers renewed his pending motion found in the Journal on page 702 to place LB 620 on General File in accordance with Rule 3, Sec. 10(b).

Motion pending.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 192. Considered.

Mr. Burrows renewed his pending amendments (1) through (11) found in the Journal on pages 706-709.

The Burrows amendment (1) was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Burrows withdrew his remaining amendments (2) through (11).

Mr. DeCamp re-offered the Burrows amendments (2) through (11).

The amendments (2) through (11) were adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Burrows asked unanimous consent to print LB 192 in a white copy with all amendments incorporated therein and bracketed for February 28, 1978. No objections. So ordered.

MOTION - Rule Change

Speaker Luedtke offered the following rule change:
Amend Rule 3, Section 5 as follows:
Strike all the old language and insert the following;
Section 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 or the hearing cancelled within seven calendar days notice of the date set for said public hearing, except for hearings set during the first twenty legislative days of each session, there shall be required only five calendar days notice of said hearing or withdrawal of said Bill.

Referred to the Rules Committee.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting in Room 2102 at 3:30 p.m. today.

UNANIMOUS CONSENT - Print in Journal

Mrs. Maxey asked unanimous consent to print the following amendment to LB 212 in the Journal. No objections. So ordered.

To amend the Barnett amendment to remove the Director of Correctional Services off the commission: replace this person with the Jail Standards Administrator.

Mr. Koch asked unanimous consent to print the following amendment to LB 902 in the Journal. No objections. So ordered.

1. On page 2, line 15 strike "October 1, 1980" and insert "June 30, 1979"; and in line 19 strike "not".

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 729. Placed on General File.

(Signed) Wally Barnett, Chairman

GENERAL FILE

LEGISLATIVE BILL 282. Title read. Considered.

Mr. Warner offered the following amendment:
To amend LB 282 page 2 line 14 strike the word "five" and insert "six".

The amendment was adopted with 26 ayes, 1 nay, 9 present and not voting, and 13 excused and not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Koch requested a roll call vote on the motion to advance LB 282.

Voting in the affirmative, 23:

Burrows	Fitzgerald	Labedz	Maxey	Savage
Carsten	Fowler	F. Lewis	Merz	Venditte
Chambers	George	Luedtke	Moylan	Warner
Cullan	Goodrich	Maresh	Newell	
Duis	Koch	Marsh	Rumery	

Voting in the negative, 21:

Barnett	E. Dvorak	Kelly	Marvel	Stoney
Bereuter	D. Dworak	Kennedy	Murphy	
Clark	Hasebroock	Keyes	Nichol	
Cope	Hefner	Lamb	Rasmussen	
DeCamp	Kahle	R. Lewis	Reutzel	

Present and not voting, 1:

Kremer

Excused and not voting, 4:

Brennan	Mills	Schmit	Simon

Failed to advance to E & R for Review with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

ANNOUNCEMENT

Mr. R. Lewis announced an executive session of Public Health and Welfare Committee February 16, 1978 at 3:00 p.m. in the Supreme Court Hearing Room.

UNANIMOUS CONSENT - Members Excused

Mr. Koch asked unanimous consent to be excused on Thursday, February 16, 1978, and Friday, February 17, 1978. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused Friday, February 17, 1978. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting today at 4:00 p.m. in Room 2102.

UNANIMOUS CONSENT - Print in Journal

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 promulgated 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.

Mrs. Labedz asked unanimous consent to print the following amendments to LB 407 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 407

1. On page 2 strike the new matter and reinstate the stricken matter.

2. On page 3 strike lines 1 through 3; strike beginning with "who" in line 6 through "over" in line 7, show as stricken; in line 8 after "made" insert an underscored period; strike beginning with "and" in line 8 through line 14, show the old matter as stricken and insert: "A qualified claimant under this act shall be entitled to relief based on his or her household income and status as a claimant. For a single claimant sixty-five years of age

or older the income limitation in Column A in the table in this section shall apply, for a married claimant with one spouse sixty-five years of age or older the income limitation in Column B shall apply, and for a married claimant with both spouses sixty-five years of age or older the income limitation in Column C shall apply. The percentage of the exemption for which the claimant shall be eligible shall be the percentage in Column D which corresponds with the claimant's income as shown in Column A, B, or C. The percentage shall be applied to the first twenty-five thousand dollars of the actual value of the homestead.

Column A Household Income In Dollars	Column B Household Income In Dollars	Column C Household Income In Dollars	Column D Percentage Of Relief
0 through 3,700	0 through 5,450	0 through 6,200	100
3,701 through 4,200	5,451 through 5,950	6,201 through 6,700	80
4,201 through 4,700	5,951 through 6,450	6,701 through 7,200	60
4,701 through 5,200	6,451 through 6,950	7,201 through 7,700	40"

3. On page 4 strike beginning with 'and' in line 8 through 'of' in line 11, show the old matter as stricken and insert '(4)'; in line 12 strike 'thirty' and insert 'twenty-five'; in line 14 strike '. This exemption shall also apply to' and show as stricken and insert '; and (5) the first twenty-five thousand dollars of the actual value of any homestead of'.

4. Insert a new section 3:

'Sec. 3. This act shall become operative for all taxable years commencing on or after January 1, 1979.'.

5. Renumber original section 3 as section 4.

MOTION - Withdraw LB 896

Mr. Rasmussen moved to withdraw LB 896.

Motion pending. Laid over.

MOTIONS - Introduce Bills

Mr. Maresh moved the introduction of a new bill by the Committee on Business and Labor (Req. #1450).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Maresh moved the introduction of a new bill by the Committee on Business and Labor (Req. #1469).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 943. By Business and Labor Committee: Maresh, 32nd District, Chairman; Lamb, 43rd District; Rasmussen, 41st District; Murphy, 17th District; Fitzgerald, 14th 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 944. By Business and Labor Committee: Maresh, 32nd District, Chairman; Lamb, 43rd District; Fitzgerald, 14th District; Rasmussen, 41st District; Murphy, 17th District.

A BILL FOR AN ACT to disallow certain claims against the state.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 322. Placed on General File.
LEGISLATIVE BILL 885. Placed on General File.
LEGISLATIVE BILL 614. Indefinitely postponed.

(Signed) Gerald D. Koch, Chairman

ANNOUNCEMENT

Mr. Koch announced an executive session of the Constitutional Revision and Recreation Committee at 12:00 noon on Wednesday, February 22, 1978 in the Supreme Court Hearing Room.

UNANIMOUS CONSENT - Members Excused

Mr. Hasebroock asked unanimous consent to be excused February 16, 1978. No objections. So ordered.

Mrs. Marsh asked unanimous consent to be excused February 21 and 22, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 729

Mr. Fowler asked unanimous consent to bracket LB 729 until March 1, 1978. No objections. So ordered.

VISITORS

The President introduced 30 fourth grade students, teacher, and sponsors from Walt Disney Elementary School, Millard, Nebraska.

ADJOURNMENT

At 3:58 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, February 16, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 16, 1978

LEGISLATIVE JOURNAL

TWENTY-FIRST DAY - FEBRUARY 16, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 16, 1978

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Father in Heaven, ere we become involved in the routine of the day, we pause to seek Thy help. Experienced in the ways of men, we know all too little of the ways of God. But thou knowest us, each one of us, by name and by our needs. Turn our wayward minds and hearts to Thee. Forgive the faults and failures of the past and set us free from them. Forgive, O Lord, our failure to apply to ourselves the standards of conduct we demand of others. Forgive our slowness to see the good in our fellows and to see the evil in ourselves. In our differences may we be kind; in our agreements may we be humble, that thy will may be done in us, and thru us in our beloved State. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Hasebroock, Koch, and Simon who were excused; and Mr. F. Lewis and Savage who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 711, line 19, show the first comma as stricken.
The Journal for the Twentieth Day was approved as corrected.

STANDING COMMITTEE REPORTS
Banking, Commerce, and Insurance

LEGISLATIVE BILL 770. Placed on General File.
LEGISLATIVE BILL 859. Placed on General File.
LEGISLATIVE BILL 645. Indefinitely postponed.

(Signed) John W. DeCamp, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 212. Placed on Select File as amended.
E & R amendments to LB 212:

1. On page 1, line 21, insert "other than as a member of the board" after "act"; and strike line 22 and insert "of the Director of Correctional Services or his or her designee and nine appointive members, three of whom shall be from each of the three congressional districts, to be appointed by the"; and in line 23 insert "appointive" after "The".

2. In lieu of the Maresh amendment, on page 2, line 6, insert "or supervisors" after "commissioners".

3. In lieu of the Barnett amendment as amended by the Fowler amendment, on page 2, line 8, strike "and" and after "people" insert "; and (7) the Director of Correctional Services or his or her designee".

4. On page 8, line 5, insert "either" after "which".

5. On page 9, line 12, insert an underscored comma after "1978".

6. In the title, line 2, insert "83-946," after the first comma; in lines 3 and 9 strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943" and in line 7 insert "to make an appropriation;" after the semicolon.

LEGISLATIVE BILL 262. Placed on Select File as amended.
E & R amendments to LB 262:

1. On page 4, line 11, strike the second comma and show stricken.

2. On page 5, line 8, insert an underscored comma after "that".

3. In lieu of the Simon amendment, in the Dworak amendment, line 4, strike "from" and insert "as nearly as possible in direct proportion to".

LEGISLATIVE BILL 327. Replaced on Select File as amended.
E & R amendment to LB 327:

1. Strike E & R 2 adopted 2/10, and in line 3 of E & R 2 adopted 2/2, strike "does" and insert "should".

Correctly Enrolled

The following bills were correctly enrolled: 186, 441, and 526.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 186, 441, and 526.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 16, 1978, at 8:25 a.m., were the following bills: 168, 216, 233, 270, 276, 361, 380, 380A, 420, 165, and 315.

(Signed) Hazel Kaltenberger, Enrolling Clerk

ANNOUNCEMENT

Mr. D. Dworak announced an executive session today, February 16, 1978 following the public hearing on LB 925.

MR. MARVEL PRESIDING

MOTION - Place LB 834 on General File

Mr. Schmit renewed his pending motion found in the Journal on page 702 to place LB 834 on General File notwithstanding the committee action.

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 Schmit motion lost with 19 ayes, 16 nays, 10 present and not voting, and 4 excused and not voting.

MOTION - Place LB 620 on General File

Mr. Chambers renewed his pending motion found in the Journal on page 702 to place LB 620 on General File in accordance with Rule 3, Sec. 10b.

Mr. Chambers moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

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

Voting in the affirmative, 23:

Bereuter	Cope	Fowler	Mills	Savage
Brennan	Cullan	George	Murphy	Schmit
Burrows	DeCamp	Kremer	Nichol	Venditte
Carsten	E. Dvorak	Marvel	Reutzel	
Chambers	Fitzgerald	Maxey	Rumery	

Voting in the negative, 20:

Barnett	Goodrich	Kennedy	Luedtke	Moylan
Clark	Hefner	Labedz	Maresh	Rasmussen
Duis	Kahle	Lamb	Marsh	Stoney
D. Dworak	Kelly	R. Lewis	Merz	Warner

Present and not voting, 2:

Keyes Newell

Excused and not voting, 4:

Hasebroock Koch F. Lewis Simon

The motion lost with 23 ayes, 20 nays, 2 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.

MOTION - Withdraw LB 896

Mr. Rasmussen renewed his pending motion found in the Journal on page 733 to withdraw LB 896.

The motion prevailed with 21 ayes, 0 nays, 24 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 165. Read and considered.

LR 165 was adopted with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 424. E & R amendments found in the Journal on page 579 for the Sixteenth Day was adopted.

Mrs. Marsh renewed the Barnett pending amendment found in the Journal on page 553.

Mrs. Marsh asked unanimous consent to withdraw her motion on the Barnett amendment.

Mr. Brennan objected.

Mrs. Marsh moved to withdraw her motion on the Barnett amendment.

The motion prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

MR. SAVAGE PRESIDING

Mr. Schmit renewed his pending amendments found in the Journal on page 725.

Mr. Newell requested a division of the question of the Schmit amendments.

The Chair ruled the amendments could be divided.

The Schmit amendment #1 found in the Journal on page 725 lost with 17 ayes, 10 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his amendment #2 found in the Journal on page 725. No objections. So ordered.

Mr. Brennan moved the adoption of the Barnett pending amendment found in the Journal on page 553.

Speaker Luedtke extended the time on Select File for the remainder of the morning.

Mr. Brennan asked unanimous consent to have LB 424 laid over until tomorrow.

Mr. Kelly objected.

Mr. Brennan moved to have LB 424 laid over until tomorrow.

The motion lost with 16 ayes, 11 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Brennan moved for a Call of the House. The motion prevailed with 20 ayes, 8 nays, and 21 not voting.

Mr. Barnett requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Barnett	Fitzgerald	Labedz	Maxey	Newell
Brennan	Fowler	F. Lewis	Merz	Rumery
Burrows	Goodrich	Luedtke	Mills	Savage
Chambers	Keyes	Marsh	Moylan	Venditte

Voting in the negative, 22:

Bereuter	DeCamp	Kahle	Marvel	Stoney
Carsten	Duis	Kelly	Murphy	Warner
Clark	D. Dworak	Kennedy	Nichol	
Cope	George	R. Lewis	Rasmussen	
Cullan	Hefner	Maresh	Schmit	

Present and not voting, 3:

E. Dvorak	Kremer	Reutzel

Excused and not voting, 4:

Hasebroock Koch Lamb Simon

The amendment lost with 20 ayes, 22 nays, 3 present and not voting, and 4 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. DeCamp asked unanimous consent to hold LB 424 until Monday, February 20, 1978. No objections. So ordered.

LEGISLATIVE BILL 534. Mr. Murphy renewed his pending amendment found in the Journal on page 546.

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 732.

The amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

Mr. DeCamp asked unanimous consent to expedite LB 534. No objections. So ordered.

LEGISLATIVE BILL 501. E & R amendment found in the Journal on page 713 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 660. E & R amendments found in the Journal on page 713 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 574. E & R amendment found in the Journal on page 718 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

MOTION - Suspend Rules

Mr. Nichol moved to suspend the rules Rule 5, Sec. 11 to take up a motion to withdraw LB 18 today.

The motion prevailed with 30 ayes, 7 nays, 8 present and not voting, and 4 excused and not voting.

MOTION - Withdraw LB 18

Mr. Nichol moved to withdraw LB 18.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The motion to withdraw LB 18 prevailed with 27 ayes, 6 nays, 12 present and not voting, and 4 excused and not voting.

REFERENCE COMMITTEE REPORT

LB	Committee
942	Public Works
943	Business and Labor
944	Business and Labor

(Signed) Richard Marvel, Chairman

NOTICE OF COMMITTEE HEARING
Public Works

LB 932 Thursday, February 23, 1978 12:30 p.m.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 424 in the Journal. No objections. So ordered.

1. Strike the Schmit amendment found on page 552 of the Legislative Journal.

2. On page 4, line 2 after the underscored period insert "Work shall not be considered suitable under subdivision (c) (1) of this section if the individual is employed under a collective bargaining agreement and the

indivudual would be required to work in the same occupation which is covered by the agreement for a lower remuneration than such agreement provides.".

Mr. Nichol asked unanimous consent to print the following amendment to LB 121 in the Journal. No objections. So ordered.

1. Strike beginning with "Upon" in line 11 through the period in line 16, show as stricken, and insert: "Upon termination of the tenacy, if the tenant has not complied with the rental agreement or section 76-1421 the landlord may recover the amount of damages which the landlord has suffered by reason of such noncompliance, plus if the tenant's noncompliance was willful and not in good faith, (a) an amount equal to the damages sustained for the loss of the use of the property and inconvenience in repairing such property, (b) costs of any action, and (c) reasonable attorney's fees. The landlord may retain any property or money held by him or her as prepaid rent and security to cover such damages.".

Mr. Barnett asked unanimous consent to print the following amendments to LB 212 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 212 WHITE COPY REQUEST 2721

1. Insert the following new sections:

"Sec. 13. There is hereby created in the state treasury a special fund to be known as the Criminal Prosecution Reimbursement Fund which shall be used for the purpose of reimbursing counties for direct costs incurred and for duties performed by county officials in prosecuting crimes committed by individuals under the jurisdiction of the Department of Correctional Services.

Sec. 14. There is hereby appropriated from the General Fund to the Criminal Prosecution Reimbursement Fund for the fiscal year ending June 30, 1978 the sum of forty-five thousand dollars to be used as provided in section 13 of this act. The State Treasurer shall disburse the money in such fund as directed by the Department of Correctional Services. All disbursements shall be made prior to July 1 of each year upon warrants drawn by the Director of Administrative Services.

Sec. 15. The county attorney of any county in which prosecution expenses were incurred because of crimes attributable to persons confined in any state correctional institution within such county shall on or before May 15 of each year submit an itemized statement of such expenses to

the Department of Correctional Services. The department shall on or before June 1, 1978, and on or before such date each year thereafter review and submit such claims for payment pursuant to section 15 of this act. If the claims exceed the amount appropriated, the department shall apportion the funds available among the counties. The sum granted to each county shall represent a proportionate reduction from the sum it would otherwise receive.

Sec. 17. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval according to law.".

2. Renumber section 13 as section 16.

UNANIMOUS CONSENT - Members Excused

Mr. E. Dvorak asked unanimous consent to be excused February 21, 1978. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused Friday afternoon, February 17. No objections. So ordered.

MOTION - Reconsider Action on LB 620

Mr. F. Lewis moved to reconsider action on LB 620.

Motion pending. Laid over.

VISITORS

The President introduced members of the Nebraska Council of Home Extension Clubs and the Nebraska Cooperative Extension Service; Ms. Julie Horvath of Omaha and Ms. Betty Adams from Bellevue, Nebraska; Helen Shields of North Platte, Nebraska.

RECESS

At 11:57 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:04 p.m., Mr. Savage presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hasebroock, Koch, and Simon who were excused; Messrs. Brennan, F. Lewis, Luedtke, R. Lewis, Kremer, Mrs. Maxey, and the Agriculture and Environment Committee who were excused until they arrive; and Mr. Marvel who was excused until 3:00 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 406 and 406A.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 375. Placed on General File as amended.
Standing Committee amendments to LB 375:

1. Strike original sections 1 to 7 and insert the following:

"Section 1. Every board of education or governing board of any educational institution in Nebraska covered by the provisions of sections 79-1254 to 79-1262, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, shall adopt a reduction in force policy covering employees subject to such statutory provisions. In any such institution, where a recognized bargaining unit of instructional, administrative, or both instructional and administrative employees exists, the board shall negotiate the reduction in force policy with the employee organization, except that no such policy shall allow the reduction of a permanent or tenured employee while a probationary employee is retained to render a service which such permanent employee is qualified by reason of certification and endorsement to perform or where certification is not applicable, by reason of college credits in the teaching area. If employee evaluation is to be included as a criterion to be used for reduction in force, specific criteria, such as frequency of evaluation, evaluation forms, and number and length of classroom observations shall be included as part of the reduction in force policy and where a recognized bargaining unit of instructional, administrative, or both instructional and administrative employees exists, such evaluation procedures and forms shall be subject to the negotiations process.

Sec. 2. Before a reduction in force shall occur, it

shall be the responsibility of the board of education and school district administration to present competent evidence demonstrating that a change in circumstances has occurred necessitating a reduction in force. Any alleged change in circumstances must be specifically related to the teacher or teachers to be reduced in force, and the board, based upon evidence produced at the hearing required by sections 79-1254 to 79-1262, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, shall be required to specifically find that there are no other vacancies on the staff for which the employee to be reduced is qualified by endorsement or professional training to perform.

Sec. 3. Any employee whose contract shall be terminated because of reduction in force shall be considered to have been dismissed with honor and shall upon request be provided a letter to that effect. Such employee shall have preferred rights to reemployment for a period of twenty-four months commencing at the end of the contract year and the employee shall be recalled on the basis of length of service to the school to any position for which he or she is qualified by endorsement or college preparation to teach. The employee shall, upon reappointment, retain any benefits which had accrued to said employee prior to termination, but such leave of absence shall not be considered as a year of employment by the district. An employee under contract to another educational institution may waive recall but such waiver shall not deprive the employee of his or her right to subsequent recall.

Sec. 4. Notwithstanding sections 1 to 3 of this act, if the reduction of an employee based upon the provisions of this act would place a district in noncompliance of any federal or state law or regulations requiring affirmative action employment practices, the district may vary from these provisions as necessary to comply with such laws or regulations.

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.''.

LEGISLATIVE BILL 741. Placed on General File as amended.
Standing Committee amendments to LB 741:

1. On page 9, line 15 after the underscored semicolon insert ''and''; and strike lines 16 through 27.

2. On page 10 strike ''(10)'' and insert ''(9)''.

LEGISLATIVE BILL 743. Placed on General File.
LEGISLATIVE BILL 779. Placed on General File.

LEGISLATIVE BILL 803. Placed on General File as amended.
Standing Committee amendment to LB 803:

1. On page 2, line 9 after "1978" insert "and shall terminate on June 30, 1979".

LEGISLATIVE BILL 889. Placed on General File.
LEGISLATIVE BILL 589. Indefinitely postponed.

(Signed) Frank Lewis, Chairman

GENERAL FILE

LEGISLATIVE BILL 210. Considered.

Mr. Newell asked unanimous consent to have LB 210 as first order on General File February 21, 1978. No objections. So ordered.

LEGISLATIVE BILL 407. Mr. Fowler moved to bracket LB 407 on General File until immediately following consideration of appropriation bills on General File.

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.

Mr. Fowler withdrew his motion to bracket.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

The corrected Standing Committee amendments found in the Journal on page 1511 for the Sixth-Fifth Day, First Session, lost with 5 ayes, 22 nays, 15 present and not voting, and 7 excused and not voting.

Mrs. Labedz renewed her first set of amendments found in the Journal on page 603.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Brennan moved the Call be raised. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Labedz amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mrs. Labedz withdrew her second set of amendments found in the Journal on page 603.

Mrs. Labedz renewed her pending amendments found in the Journal on page 732.

The amendments were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Maxey offered the following amendment to LB 407:
On page 2, line 3 after residence insert "or mobile homes"; on line 9 after a residence insert "or mobile homes".

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 8 nays, and 18 not voting.

The Maxey amendment was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Carsten renewed his pending amendment found in the Journal on page 528.

Mr. Carsten moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

The Carsten amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 574 and 660.

(Signed) Samuel K. Cullan, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
940	Banking, Commerce and Insurance
941	Government, Military & Veterans Affairs

(Signed) Marvel, Chairman; Mills; Stoney; Fowler; Bereuter; Savage; and Luedtke

NOTICE OF COMMITTEE HEARING
Committee on Committees

February 16, 1978

The Committee on Committees will meet at 12:00 Noon on Tuesday, February 21, 1978, in Room 2102 of the State Capitol for the purpose of hearing appointments and reappointments submitted by Governor J. James Exon, as follows:

Robert B. Baburek - Public Employees Retirement Board

This appointment will be considered in addition to those previously listed in the legislative journal on January 10 and January 17, 1978

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 187 in the Journal. No objections. So ordered. (Printed separate from the Journal and on file in the Clerk's office. Req. #2755.)

Mr. DeCamp asked unanimous consent to print the following amendments to LB 815 in the Journal. No objections. So ordered.

1. Strike Original section 2 and insert 2 new sections as follows:

"Section 1. That section 76-802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-802. As used in sections 76-801 to 76-823, unless the context otherwise requires:

(1) Condominium property regime shall mean a project whereby ~~four~~ two or more apartments are separately offered or proposed to be offered for sale;

(2) Apartment shall mean an enclosed space consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare;

(3) Coowner shall mean a person, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof, who owns an apartment within the building;

(4) Association of coowners shall mean all the coowners as defined in subdivision (3) of this section; but a majority, as defined in subdivision (8) of this section, shall, except as otherwise provided in sections 76-801 to 76-823, constitute a quorum for the adoption of decisions;

(5) Board of administators shall mean the governing board of the regime, consisting of not less than three members selected by and from the coowners;

(6) General common elements shall mean and include:

(a) The land or leasehold interest in land on which the building stands;

(b) The foundations, main walls, roofs, halls, lobbies, stairways, and entrances and exit or communication ways;

(c) The basements, roofs, yards, and gardens, except as otherwise provided or stipulated;

(d) The premises for the lodging of janitors or persons in charge of the building, except as otherwise provided or stipulated;

(e) The compartments or installations of central services such as power, light, gas, cold and hot water, refrigeration, reservoirs, water tanks and pumps, and the like;

(f) The elevators, garbage incinerators and, in general, all devices or installations existing for common use; and

(g) All other elements of the building rationally of common use or necessary to its existence, upkeep and safety;

(7) Limited common elements shall mean and include those common elements which are agreed upon by all the coowners to be reserved for the use of a certain number of apartments to the exclusion of the other

apartments, such as special corridors, stairways and elevators, sanitary services common to the apartments of a particular floor, and the like;

(8) Majority of coowners shall mean more than fifty per cent of the basic value of the property as a whole, in accordance with the percentages computed in accordance with the provisions of section 76-806;

(9) Master deed shall mean the deed establishing the condominium property regime;

(10) Person shall mean an individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof;

(11) Property shall mean and include the land, leasehold interests in land, any building, all improvements and structures thereon, and all easements, rights and appurtenances belonging thereto or any of them alone;

(12) To record shall mean to record in accordance with the provisions of sections 76-237 to 76-257, or other applicable recording statutes;

(13) Common expense shall mean and include:

(a) All sums lawfully assessed against the apartment owner;

(b) Expense of administration, maintenance, repair or replacement of common elements; and

(c) Expenses agreed upon as common expenses by the association of coowners; and

(14) All pronouns used in sections 76-801 to 76-823 shall include the male, female and neuter genders and include the singular or plural numbers, as the case may be.

Sec. 3. That original sections 76-802 and 76-902, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Renumber original section 1 as section 2.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 534. Replaced on Select File as amended.

E & R amendments to LB 534:

1. On page 3, line 11, strike "section 2 of this act" and insert an underscored comma; and in line 12, strike "sign, display, or device was" and insert "signs, displays, or devices were".

2. In the DeCamp amendment 2, line 6, strike "State of Nebraska,"; and in line 10, strike "provided

however that" and insert "if".

3. In the title, strike beginning with "to" in line 2 through the second comma in line 3; in line 4 strike "to define terms;"; in line 5 insert ", displays, or devices" after "signs"; and strike line 6 and insert "to repeal".

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 695 in the Journal. No objections. So ordered.

AMENDMENT TO LB 695

1. STRIKE SECTION 1; Insert:
Any person who is an inmate in any jail, correctional or penal facility, or who is on probation or parole shall be prohibited from acting or being employed as an undercover agent of any law enforcement agency of the state or any political subdivision.
2. Correct title.

Mr. George asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

AMENDMENT TO LB 407

Page 4, line 14; after "apply" insert "(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".

Mr. Fowler asked unanimous consent to print the following amendments to LB 407 in the Journal. No objections. So ordered.

1. On page 3, line 3 strike "and"; in line 6 after "homestead" insert "or a renter"; and in line 14 after "dollars" insert "; and

(7) Rent constituting property tax accrued shall mean twenty per cent of the gross rent and shall not exceed

two hundred and forty dollars".

2. Insert two new sections as follows:

"Sec. 3. There is hereby created a fund to be known as the Homestead Relief Fund. The fund shall consist of all money appropriated by the Legislature and shall be dispersed pursuant to section 4 of this act.

Sec. 4. After January 1, 1979, and each year thereafter a qualified claimant who is a renter may claim as a credit against state income taxes rent constituting property taxes accrued in the preceding calendar year. If the allowable amount of such claim exceeds the income taxes otherwise due on the claimant's income, or if there are no Nebraska income taxes due, the amount of the claim not used as an offset against income taxes, after certification by the Tax Commissioner, shall be paid to the claimant from the Homestead Relief Fund by the State Treasurer. No interest shall be allowed on any payment made to a claimant under this act.".

3. Renumber original section 3 as section 5.

Mr. Lamb asked unanimous consent to print the following amendments to LB 411 in the Journal. No objections. So ordered.

1. Strike the Committee and Kremer amendments.

2. Strike original sections 2 and 4.

3. On page 2, lines 2, 8, 11, 12, 14 and 15, 18, and 24 strike "watershed conservancy" and insert "ground water conservation"; in line 3 strike "2-1550 to 2-1565" and insert "46-614 to 46-634"; in line 6 strike "2-1549.04" and insert "46-633".

4. Insert a new section 3 as follows:

"Sec. 3. That original section 2-3213, Reissue Revised Statutes of Nebraska, 1943, and also sections 46-614 to 46-625, 46-627, 46-628, 46-631 to 46-634, Reissue Revised Statutes of Nebraska, 1943, section 46-629, Revised Statutes Supplement, 1976, and sections 46-626 and 46-630, Revised Statutes Supplement, 1977, are repealed.".

5. Renumber original section 3 as section 2.

RESOLUTION

LEGISLATIVE RESOLUTION 166.

Introduced by Agricultural and Environment Committee: Schmit, 23rd District, Chairman; Hefner, 19th District; Lamb, 43rd District; DeCamp, 40th District.

WHEREAS, the State of Nebraska has long been dependent on agriculture as its primary source of income; and

WHEREAS, the University of Nebraska is a land grant institution created in cooperation with the Federal Government for providing education, research and leadership; and

WHEREAS, the University of Nebraska is developing a strong research capability relating to the use of agricultural products in producing energy, as well as the use of coal by-products fertilizers, herbicides, insecticides, and pesticides for use in Nebraska; and

WHEREAS, during the last legislative session President Carter signed into law P.L. 95-113, The Farm Bill, which contained Senate Bill 1461 which appropriated a total of $24,000,000 for energy related agricultural research at State Colleges and Universities; and

WHEREAS, if appropriated any single college or university could receive a maximum of $3,000,000 to further research in the above listed areas.

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

1. That the Nebraska State Legislature request that the Nebraska Congressional Delegation initiate and promote an appropriations bill that would fund the provisions of Senate Bill 1461 contained in P.L. 95-113.

2. That if this appropriations bill is passed, the University of Nebraska be given strong consideration in the disbursement of any federal funds that may be allocated to State Universities under this public law.

3. That a copy of this resolution be transmitted by the Clerk of the Legislature to each member of the Nebraska Congressional Delegation.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 945. By Clark, 47th District, at request of Governor.

A BILL FOR AN ACT relating to the Nebraska Educational Television Commission; to authorize the replacement of destroyed facilities; to make an appropriation; and to declare an emergency.

ANNOUNCEMENT

Mr. Keyes announced an executive session of the Revenue Committee at 1:00 p.m., Friday, February 17, 1978.

VISITORS

The President introduced groups 3 & 4 of the Nebraska Council of Home Extension Clubs and the Nebraska Cooperative Extension Service; 55 fourth grade students, teachers and sponsors from Longfellow Elementary School, Hastings; Dr. and Mrs. Don Fox from Kearney.

ADJOURNMENT

At 4:29 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, February 17, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 17, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 17, 1978

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 heaven, who has so lavishly blessed this our beloved State, keep us humble. forgive our boasting and our pride, and help us to share what Thou hast given. Impress us with a sense of responsibility, and remind us, lest we become filled with conceit, that one day a reckoning will be required of us. Sanctify our love of state, that our boasting may be turned into humility and our pride into ministry to all men everywhere. Make this land thy servant, thy chosen channel of blessing to others, lest we be cast out, and our place be given to another. Make this God's own country by making us willing to live like God's people. We ask these things in the name of Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Koch, Nichol, and Simon who were excused; and Messrs. Burrows, Dworak, F. Lewis, R. Lewis, Venditte, and Mrs. Maxey who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 738, line 11, delete "President" and insert "Speaker".
The Journal for the Twenty-First Day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 16, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick O'Donnell
Clerk of the Legislature

Flynn, John F. - Illinois (withdrawn 2/1/78), CIBA Pharmaceutical Co., Div. CIBA-Geigy Corporation
Jensen, Soren S. - Omaha, Nebraskans for Fairness in Product Liability Protection Committee
Lohr, Allen R. - Omaha (withdrawn 2/11/78), Citizen Lobbyist (represents self)
Moats, John C. - Iowa, Northern Natural Gas Company
Noren & Burns: Noren, Charles F. - Lincoln, Our Homes
Park, Dan C. - Omaha (withdrawn 1/3/78), American Consulting Engineers Council/Nebraska
Ruhnke, Arnold - Lincoln (withdrawn 1/1/78), Nebraska Association of County Officials
Schlaphoff, Elmer C. - Waverly (withdrawn 2/10/78), Nebraska Livestock Feeders Association
Schlaphoff, Elmer C. - Waverly (withdrawn 2/10/78), Nebraska Stockgrowers Association
Tews and Radcliffe: Radcliffe, Walter H. - Lincoln, Nebraska Consumer Credit Association; Tews, David D. - Lincoln, Nebraska Consumer Credit Association

Reregistrations from February 10th through February 16th

Johansen, Roger Alan - South Sioux City, South Sioux City Policemans Association
Schlaphoff, Elmer E. - Waverly, Nebraska State Grange

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 17, 1978, at 8:40 a.m., were the following bills: 186, 441, and 526.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 259. Replaced on Select File as amended.
E & R amendments to LB 259:

1. In the Mills amendments, page 2, line 11, strike the third "the"; and in line 12 insert "(1) to (5)" after "subdivisions".

2. In lieu of the Stoney amendment thereto, on page 3, line 22, insert "The department shall regulate the form, terms, and content of certificates of indebtedness." after the period.

3. In lieu of the Stoney amendment to page 6, as amended, insert a new section to read:

"Sec. 6. That section 8-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-411. (1) No industrial loan and investment company shall, directly or indirectly, pay any interest on any certificate of indebtedness at a greater rate than is permitted by section 8-410. Any officer, director, stockholder, or employee of an industrial loan and investment company or any other person who shall, directly or indirectly, either personally or for the company, pay any money as an inducement in addition to the legal interest for making or retaining such a certificate in the company, or any certificate holder who shall accept any such inducement, shall be subject to a penalty to be assessed by the Department of Banking and Finance against such company not to exceed one thousand dollars for each violation. Such penalty may be collected in the manner prescribed for collection of assessments for the examination of such industrial loan and investment company. Certificates of indebtedness made in violation of this section shall not be entitled to priority of payment from the assets of the company.

(2) No industrial loan and investment company shall, in any advertising, announcement, solicitation, or otherwise, use the terms certificate of deposit or deposit. The Director of Banking and Finance shall monitor and regulate the advertising, announcements or solicitations of industrial loan and investment companies to insure, in the public interest, that the public is not misled into believing that an industrial loan and investment company is a depository financial institution. No advertising or written material of an industrial loan and investment company shall in any way indicate that

certificates of indebtedness of the industrial loan and investment company are guaranteed or insured, unless the certificates of indebtedness are, in fact, insured by an entity approved by the Director of Banking and Finance. If the certificates of indebtedness are insured, the insuring entity and the limits of the insurance must be specified.".

4. Renumber original sections 5 to 8 as sections 7 to 10.

5. On page 8, line 25, insert "8-411," after the first comma.

6. In the title, line 2, insert "8-403.01 to" after "sections" and at the end of the line insert "8-411,"; in lines 4 and 5, strike "banks and banking;" and insert "industrial loan and investment companies; to provide an additional standard; to clarify a provision; to increase the minimum capital;"; and in line 8 insert "to prohibit certain advertising;" before "to".

(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 165.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused at 10:14 a.m. until she returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 21.

A BILL FOR AN ACT to adopt the State Boat Act; to provide an operative date; and to repeal sections 81-815.01 to 81-815.20, Reissue Revised Statutes of Nebraska, 1943.

Laid over at the request of Mr. Savage.

LEGISLATIVE BILL 21A. Laid over.

LEGISLATIVE BILL 372. Mr. Fowler moved to return LB 372 to Select File for the following specific amendment:
Strike the enacting clause.

Messrs. Merz and Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Fowler withdrew his motion.

Speaker Luedtke scheduled LB 372 on Final Reading for Tuesday, February 21, 1978.

Mrs. Marsh appealed the Speaker's order.

The question is, "Shall the Speaker be overruled?"

Mrs. Marsh withdrew her appeal.

Speaker Luedtke withdrew his order.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 189
February 15, 1978

Re: Proposed amendment to LB 757.

Dear Senator DeCamp:

Your proposed amendment would insert three new sections. The first section appropriates $20,000,000 to a new fund created by the section called the State Assistance to Education Fund. This appropriation is stated to be equal to the appropriation under subsection 4 of section 7 of LB 33 for the period July 1, 1978 to June 30, 1979. The $20,000,000 is then appropriated to the State Department of Education, Agency No. 13 for Program 143. Your second section in the amendment provides that if the referendum is unsuccessful, the funds appropriated to the State Assistance to Education Fund are to be expended for the purpose of providing state aid to education during the 1978-79 school years pursuant to LB 33. The other section of your amendment provides for investment by the State Investment Officer.

You state in your letter to us that LB 33 was funded in the amount of $20,000,000. You further stated that this funding would lapse on July 1, as unexpended money. You state that you are interested in this sum

of money as a fund for local aid to education. You indicate the purpose of your amendment is to accomplish this objective in a constitutional manner.

You have made one erroneous assumption with respect to your statements. There is no sum of $20,000,000 which will lapse on July 1 back into the General Fund pursuant to any action taken in appropriating money for the purposes of state aid to education in the last legislative session. While it is clear that the Legislature did intend and did in fact appropriate a total of $75,000,000 to be expended for state aid to education during the fiscal year 1977-78, it is also clear that by the initiation of a successful referendum drive, $20,000,000 of that $75,000,000 was suspended along with those provisions of LB 33 against which the referendum was directed. Since all authority to expend that $20,000,000 existed only during the fiscal year 1977-1978 and no election could be held on the referendum until November of 1978 after the expiration of the fiscal year there was no statutory authority for the state to expend in excess of $55,000,000 for state aid to education during fiscal year 1977-78. Since this was the situation that existed, the $20,000,000 in addition to the $55,000,000 appropriated by section 45 of LB 532, Eighty-Fifth Legislature, First Session, 1977, was not considered in setting the tax rate. Therefore, there is not an amount of $20,000,000 that will lapse back into the General Fund on July 1, 1978; no such sum was ever raised by taxation during this year.

We understand the intent of your bill is to maintain the authority to expend the $20,000,000 that would have been expended had the referendum not superseded the authority granted to the Department of Education under LB 33 and the appropriation attempted to be made under LB 532 for the fiscal year 1977-78. In essence, your proposed amendment is an attempt to appropriate, in addition to any other sums that may be appropriated for state aid to education, $20,000,000. If that is your intent, any amendments that specify a particular amount of money to be expended under the provisions of LB 33, should they become effective after the referendum election in November of 1978, would be effective. It would require a clear expression of the intention to authorize twenty million dollars over any other sum appropriated. At this time it would be pure speculation to attempt to determine what amount of money the Legislature may appropriate for expenditure during the 1978-79 school year should the referendum against LB 33 be unsuccessful.

An additional problem that should be pointed out to you is that under the terms of LB 33, it would appear that the Department of

Education will be authorized to expend no more than $95,000,000 during fiscal 1978-79. While this statement is not free from doubt under the terms of LB 33, subsection 7, the intent of the Legislature is expressed to be to appropriate $95,000,000 for implementation of LB 33 for the school year 1978-79. Therefore if an additional amount is appropriated it would be necessary to grant authority to expend any additional amount over $95,000,000.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

Opinion No. 190
February 16, 1978

Dear Senator Fowler:

This is in response to your request for an opinion as to the constitutionality of LB 372, as amended. You state that you are particularly concerned about the provisions of the bill which exempt child care from licensing requirements by the welfare Department in counties whose population is less than 55,000.

LB 372 is to amend section 71-1901, R.R.S. 1943, and adds to the definition of child care the qualification of being "regularly" engaged in the care, supervision, custody, and control over children under sixteen years for compensation or hire. It exempts from the definition child care which is not publicly solicited, is operated within the individual's own home, does not require the hiring of additional personnel, does not last for more than a period of twelve continuous hours, is not provided for more than five children except for the individual's own children in any twelve continuous hours, and is located in a county whose population is less than 55,000.

To put it simply, the effect of the bill is to maintain licensing requirement for day care in the home in Lancaster and Douglas Counties, but to eliminate such requirements elsewhere. Section 71-1902, R.R.S. 1943, reads as follows:

> "No person shall furnish, or offer to furnish, child care for two or more children from different families without having in full force and effect a written license. . . ."

As a result, a resident of a less populated county could provide services for five children in the home for twelve continuous hours a day without a license, but a resident of Lancaster County could not do so, and would be subject to section 71-1902, supra, and subject to investigation as to personal character and to home inspection for purposes of safety.

In City of Scottsbluff v. Tiemann, 185 Neb. 257, a case involving classification by population, the Supreme Court of Nebraska held that a legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstance that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classification for the purpose of legislation must be real and not illusive; it cannot be based on distinctions without a substantial difference.

Proponents of LB 372 apparently believe that the parents of a child in outstate counties can more readily determine the character of the operator of the child care business and the condition of the facility from the standpoint of safety than such parents in Lancaster or Douglas Counties. We suggest that such a position is illusory, particularly in cities such as Columbus, Hastings and Grand Island which are all relatively industrialized with the accompanying commuting, mobile populations.

To further emphasize the fact that such classification is suspect, let us compare the situation in the small town in a highly populated county to a relatively large city in a less populated county. A person who wanted to provide day care services for children in Raymond, Nebraska (Lancaster County) (population under 500) would be subject to licensing, yet a person from Grand Island (Hall County) (population 35,000) would be exempt.

For the reasons set out above, it is our opinion that the constitutionality of LB 372 is suspect.

You also ask for our opinion as to whether, if the population distinction is unconstitutional, the severability clause protects the remaining elements of the bill.

The rule is that where invalid portions of a statute are so interwoven with the rest of the act so that the act may not be operative with the void portions eliminated or where it is obvious from an inspection of the act that the invalid portion formed the inducement for the passage of the act, the whole act fails. City of Scottsbluff v. Tiemann, supra; Terry Carpenter, Inc. v. Wood, 177 Neb. 515, 129 N.W.2d 475 (1964). An inspection of the bill shows that if the population classification

should fail, the other provisions of the bill could not be operative since other remaining exemptions are inextricably tied to the classification by population.

In summary, it is the opinion of this office that LB 372 is suspect for the reason that the population classification is an artificial and baseless classification and this violates the provisions of the constitution prohibiting local and special legislation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

Opinion No. 192
February 15, 1978

Dear Senators Warner and Koch:

You have asked that we review LB 663, Eighty-fifth Legislature, Second Session, 1978. Lb 663 in general is intended to create a fund and to appropriate money to a particular fund for expenditure should the referendum pending against LB 33 be unsuccessful. You ask us three questions. we will discuss them in the order in which you ask them in the letter.

Your first question is whether the state would be immediately obligated to pay the money specified in LB 33 if the referendum against LB 33 is unsuccessful. As we have pointed out in previous letters to members of the Legislature, LB 33 is not an appropriations measure and as such no money may be drawn from the treasury under authority conferred by LB 33. See, Opinion of the Attorney General, November 3, 1977, to Senator DeCamp. As such, the language of LB 33 would only be effective to the extent that the Legislature otherwise appropriated money to be expended for the purposes and in the amount specified by LB 33. Therefore, absent an express appropriation by the Legislature of some sum, no obligation would arise to raise 40 million dollars for distribution under LB 33 for the current fiscal year. We use current fiscal year advisedly. It is our assumption that you intend to refer to the fiscal year 1978-1979 and not the fiscal year 1977-1978.

In your second question you ask, if LB 33 is sustained and the state is obligated to make the payments referred to above, does the state have sufficient revenue set aside to make such payments? This question is substantially answered by our answer to the above question. The state is not obligated to make any payments under LB 33 absent an appropriation by the Legislature. Due to the fact that LB 33 was suspended by the successful referendum drive, no authority existed on behalf of the state to expend money during the fiscal year 1977-1978 pursuant to the authorizations of LB 33. It is our understanding since that was the case no consideration was given in setting the tax rate to raising the 20 million dollars that was authorized to be spent during 1977-1978 under LB 33. In addition, there is no current appropriation that we are aware of for expenditure during the fiscal year 1978-1979 in any amount. In addition, the tax rate will not be set for that fiscal year until after the adjournment of the current legislative session. At that time the Board will have sufficient information upon which it may set a rate of taxation and will raise the revenue necessary to fund all of the obligations of state government authorized by the Legislature. As such the actual determination must await the November election. If LB 33 is sustained any appropriation would be an express obligation.

The State Board of Equalization and Assessment meets at least twice a year; within fifteen days after a regular session and on or before November 15. The Board may set tax rates at either session. Section 77-2715.01 (1) (h) defines an express obligation as "an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors." Until the election it is at least arguable that no such sum is certain. Thus while the Board may consider any appropriation for LB 33 at its meeting after the session, it is also arguable that it may wait until its November meeting after the election. At that time the need or lack of need to raise money will be more readily capable of determination.

To a certain extent the appropriation you propose is speculative. It seeks to appropriate money to be expended for a purpose that may or may not exist dependent upon a contingent future event, the success or failure of LB 33 at the polls in November.

In your final question you ask, if LB 33 is sustained and the state does not have sufficient funds to make, in effect, "back payments" will LB 663 be self-implementing to provide funds to make the payments referred to above or will additional appropriation measures be required? LB 663 is not an appropriations measure. It establishes a fund and provides the authority to distribute money out of that fund

for particular purposes; as such it is substantive in character and is not related solely to the appropriation function specified in Article III, section 22, and Article III, Section 14 of the Constitution of the State of Nebraska. As such it appears to be in the same category as LB 33 of the last session was. Therefore, it would be necessary to enact as a part of an appropriations bill an appropriation of money from the General Fund or from whatever sources from which the money is to be derived to fund the provisions of LB 663. We note that LB 663 in section 1 provides:

> "There is hereby created in the state treasury a special fund to be known as the State Assistance to Education Fund. Such fund shall consist of one-seventh of all revenue derived from the sales tax on sales for the period July 1, 1977 to December 31, 1977, and such other amounts as may be appropriated thereto."

It is our information that that sum would amount to between 14.6 million and 16.9 million dollars. However, the sums received during that period of time went into the General Fund, were commingled with all other funds of the state and were expended for programs authorized by the last legislative session. No such sum of money will exist in the General Fund that may be identified and set aside at the time LB 663 would become effective. Therefore, there would be no money from which this appropriation contemplated by section 1 could be made and it would therefore be ineffective to appropriate the sums authorized.

There is an additional difficulty presented by LB 663 in that it would appear to appropriate in section 1 and section 2 money in excess of that authorized to be distributed under the terms of LB 33 and therefore some of the money appropriated if this bill were enacted would not be expended since there would be an absence of authority to expend the sums set out.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

MR. SAVAGE PRESIDING

SELECT COMMITTEE REPORTS
Committee on Committees

February 17, 1978

The Committee on Committees wishes to report that the following appointment submitted by Governor J. James Exon is being returned with no action, as this appointee resigned prior to confirmation.

Tom Kennedy
Agricultural Products Industrial Utilization Committee

February 17, 1978

The Committee on Committees desires to report favorably upon the reappointment listed below which was submitted by Governor J. James Exon. The Committee suggests that the reappointment be confirmed by the Legislative Body, and suggests a record vote:

Rev. Joseph Labaj - Nebraska Arts Council

Committee Vote: For: (9) Senators Savage, Marsh, F. Lewis, Koch, Labedz, Moylan, Murphy, Cope, and Mills. Against: None. Excused and Not Voting: (1) Senator Burrows. Absent and Not Voting: (3) Senators DeCamp, D. Dworak, and Rasmussen.

February 17, 1978

The Committee on Committees desires to report favorably upon the appointments and reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote.

Charles O. Davey
Economic Development Advisory Committee

Robert G. Lueder
Economic Development Advisory Committee

Donald F. McGinley - Court of Industrial Relations

Charles L. Thomsen
Manufactured Housing Advisory Board

Jack Quackenbush
Agricultural Products Industrial Utilization Committee

Committee Vote: For: (12) Senators Savage, Burrows, Labedz, Moylan, Mills, Rasmussen
(Since a quorum of committee members were not present other Senators attending the hearing acted in their behalf and also voted aye.)
Senators Goodrich, Lamb, E. Dvorak, Venditte, Hasebroock, and Nichol.
Against: None. Excused and Not Voting: (5) Senators Marsh, F. Lewis, D. Dworak, Murphy, and Cope. Absent and Not Voting: (2) Senators DeCamp and Koch

February 17, 1978

The Committee on Committees desires to report favorably upon the appointments and reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body, and suggests a record vote.

William Krejci - Environmental Control Council

Dwayne Kizzier - Environmental Control Council

Jerry Hassett - Environmental Control Council

Margaret Sutherland - Environmental Control Council

George J. David - Environmental Control Council

Homer C. Loutzenheiser - Environmental Control Council

Committee Vote: For: (8) Senators Savage, Labedz, Moylan, D. Dworak, Murphy, Cope, Mills, and Rasmussen. Against: None. Excused and Not Voting: (5) Senators Marsh, Burrows, Koch, DeCamp, F. Lewis. Absent and Not Voting: None.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendments to LB 748 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 748

1. On page 51, lines 1 and 2 strike "July 1, 1978" and insert "January 1, 1979".

2. Insert the following new sections.

"Sec. 51. That section 28-1341, Revised Statutes Supplement, 1977, be amended to read as follows:

28-1341. Sections 28-1336 to 28-1340 shall become operative on September 2, 1977. The other sections of sections 28-101 to 28-1335 shall become operative on ~~July 1, 1978~~ January 1, 1979.

Sec. 52. That Laws 1977, LB 39, section 340, be amended to read as follows:

Sec. 340. This act shall become operative on ~~July 1, 1978~~ January 1, 1979.

Sec. 53. That Laws 1977, LB 40, section 321, be amended to read as follows:

Sec. 321. This act shall become operative on ~~July 1, 1978~~ January 1, 1979.

Sec. 54. That Laws 1977, LB 41, section 64, be amended to read as follows:

Sec. 64. This act shall become operative on

~~July 1, 1978~~ January 1, 1979.".

2. Renumber remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 942 Friday, February 24, 1978 1:00 p.m.

(Signed) Maurice A. Kremer, Chairman

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet in executive session at 12:00 Noon on Monday, February 20, 1978.

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused Monday, February 20, 1978 until 2:00 p.m. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer to LB 945

Mr. Cullan asked unanimous consent to add his name as co-introducer to LB 945. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 166. Read and considered.

Mr. Schmit offered the following amendment to LR 166:
After the 5th Whereas, strike appropriated and insert authorized

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Schmit asked unanimous consent to add all the names of the Agriculture and Environment Committee to LR 166. No objections. So ordered.

LR 166 was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 508. E & R amendments found in the Journal on page 711 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 447. E & R amendments found in the Journal on page 711 for the Twentieth Day were adopted.

Laid over.

LEGISLATIVE BILL 585. E & R amendment found in the Journal on page 711 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 656. E & R amendment found in the Journal on page 711 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 659. E & R amendments found in the Journal on page 711 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 670. E & R amendment found in the Journal on page 711 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 807. E & R amendments found in the Journal on page 712 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 661. E & R amendments found in the Journal on page 712 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 655. E & R amendment found in the Jounal on page 712 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 673. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 685. E & R amendments found in the Journal on page 712 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 749. E & R amendments found in the Journal on page 713 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 580. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 262. E & R amendments found in the Journal on page 737 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 327. E & R amendments found in the Journal on page 738 for the Twenty-First Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 534. E & R amendments found in the Journal on page 752 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 447. Mr. Clark offered the following amendment to LB 447:

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, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 697. E & R amendments found in the Journal on page 712 for the Twentieth Day were adopted.

Laid over.

PRESIDENT WHELAN PRESIDING

LEGISLATIVE BILL 717. Mr. Savage offered the following amendment to LB 717:

1. Strike original section 2 and insert 6 new sections as follows:

"Section 1. That section 8-302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-302. Any association of not less than five persons, which shall be organized within this state for the purpose of raising money to be loaned among its members, shall be authorized and empowered to levy, assess and collect from its members such sums of money by rates of stated dues, fines, interest and premiums on loans, as the corporation may provide in its ~~constitution~~ articles of incorporation or by-laws, and to exercise such other powers as are hereinafter conferred. Every such corporation may, however, receive payments from its members in any amount, which together with the balance, if any, formerly to the credit of the member thus paying, upon the books of the corporation, shall not exceed the par value of the shares of stock held by him.

Sec. 2. That section 8-315, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-315. The ~~constitution~~ by-laws shall also contain equitable provisions permitting the payment of loans before maturity, as follows: The borrower shall be charged with the full amount of his loan, together with all arrearages due thereon or on the shares pledged, or appertaining to the security given, and shall thereupon be allowed, as a credit, the withdrawal value of the shares pledged as security together with an equitable share of the premium, if any, paid in advance, and such other credits as may be returnable on account thereof, and the balance shall be received by the association in full settlement and discharge of such loan. The credits on shares pledged in connection with a loan secured by mortgage on real estate, may at any time, and in whole or in part, be appropriated by any association and applied in reduction of such loan. The withdrawal value of shares pledged as a part of a loan transaction, where such loan is secured by mortgage on real estate, shall be the total amount of the payments on such shares as shown

by the books of the association, together with such proportionate share of the earnings as the borrower may be entitled to under the by-laws of the association, less the amounts of previous appropriations and applications on the loan and withdrawals, if any. The association shall not directly or indirectly charge any membership, admission, withdrawal, or any other fee or sum of money for the privilege of becoming, remaining, or ceasing to be a member of the association, except charges upon the making or modification of a loan authorized by section 8-330. Except as authorized by this section and section 8-316, the association shall not charge any member any sum of money by way of fine or penalty for any cause. Payments on real estate loans shall be applied first to the payment of interest on the unpaid balance of the loan and the remainder on the reduction of principal. Any delinquent real estate taxes, both regular and special, which become a prior lien to the association's mortgage, may be paid by the association and added to the unpaid balance of the loan.

Sec. 3. That section 8-316, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-316. The ~~constitution~~ by-laws shall further provide that if any member has become delinquent in his payment on any shares pledged for the security of any loan from the association, which delinquency shall include delinquent real estate taxes both regular or special irrespective of whether paid by the association and charged to principal or unpaid and a prior lien on the property, and such delinquency represents more than two monthly payments, such shares may be canceled, and he shall, as to such shares, cease to be a member of the association, and the withdrawal value, if any, of such shares at the date of cancellation, shall be credited on his loan. If, after the aforesaid credits, or other credits, a balance remains due the association on account of said loan, it may recover the balance either by the foreclosure and sale of the security given or by an action at law upon the evidence of indebtedness. The withdrawal value of shares pledged as a part of a loan transaction, where such loan is secured by mortgage on real estate, shall be the total amount of the payments on such shares as shown by the books of the association, together with such proportionate share of earnings as the borrower may be entitled to under the by-laws of the association, less the amounts of previous appropriations

and applications on the loan and withdrawals, if any.

Sec. 4. That section 8-317, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-317. Certificates of stock or other written evidence thereof shall be issued for each account in conformity with sections 8-301 to 8-345 and the ~~constitution and~~ by-laws. Every stockholder shall receive credit on the books of the association for all amounts paid by him upon his subscription for stock, together with his pro rata share of all dividends declared, as hereinafter provided, and when the sum of such payments and dividends, less all fines or other charges, shall equal the par value of the shares of stock held by him, he shall be entitled to receive such par value, with such interest not exceeding the legal rate, as the directors may determine, from the time of maturity until paid. Holders of stock thus matured and members desiring to withdraw before such maturity shall be paid the value of their stock in the order of the maturity of or notice of withdrawal of such stock. At no time shall more than two-thirds of the unloaned funds in the treasury of the association, inclusive of such funds applicable to the demands of withdrawing stockholders, as hereinbefore provided, be applicable to the demands of holders of matured stock without the consent of the board of directors.

Sec. 5. That section 8-331, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-331. Every association shall adopt articles of incorporation and by-laws. A copy of the articles of incorporation~~, constitution,~~ and by-laws of every such association shall be filed in the office of the Department of Banking and Finance, together with an application for a certificate of approval and payment of the examination fee prescribed by section 8-602. The application shall furnish and set forth facts and information desired by the Department of Banking and Finance. The department upon completion of its investigations and its examination of said articles, ~~constitution,~~ by-laws, and application for certificate of approval shall issue a certificate of its approval of such organization and ariticles of incorporation~~,~~ ~~constitution,~~ and by-laws; Provided, that no such certificate of approval shall be issued unless and until the department shall have determined:

(1) That said articles of incorporation, ~~constitution,~~ and by-laws conform to the requirements of sections 8-301 to 8-349, and contain a just and equitable plan for the management of the association's business;

(2) That the persons organizing such association are of good character and responsibility;

(3) That in its judgment a need exists for such an institution in the community to be served;

(4) That there is a reasonable probability of its usefulness and sucess; and

(5) That the same can be established without undue injury to properly conducted existing local building and loan associations.

No such association shall transact any business, except the execution of its articles of incorporation, the adoption of ~~a constitution and~~ by-laws, and the election of directors and officers, until it shall have procured the certificate of approval above provided for. No amendment of the articles of incorporation, ~~constitution,~~ or by-laws of any such association shall become operative until a copy of the same has been filed and a certificate of approval obtained as is above provided in regard to original articles of incorporation, ~~constitution,~~ and by-laws.

Sec. 7. That original sections 8-302, 8-315 to 8-317, 8-331, and 8-355, Reissue Revised Statutes of Nebraska, 1943, and also section 8-307, Reissue Revised Statutes of Nebraska, 1943, are repealed.''.

2. Renumber original section 1 as section 6.

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.

LEGISLATIVE BILL 212. E & R amendments found in the Journal on page 737 for the Twenty-First Day were adopted.

Mrs. Maxey renewed her pending amendment found in the Journal on page 730.

Mrs. Maxey moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

The Maxey amendment lost with 17 ayes, 14 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Barnett renewed his pending amendment found in the Journal on page 744.

Mr. Fowler offered the following amendment to the Barnett amendment:
In Barnett amendment strike "Dept. of Correctional Services" and insert "Dept. of Administrative Services"

Mr. Chambers raised a point of order on the amendments being germane.

The Chair sustained the point of order.

Messrs. Fowler and Barnett withdrew their amendments.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 697. Mr. Fowler offered the following amendment:
On LB 697 on page 2 lines 2 & 3 strike "under the direction of the Legislature's Committee on Appropriations" and insert "upon request of the sponsor of a bill".

Mr. Bereuter offered the following amendment to the Fowler amendment:
Amend the Fowler amendment by eliminating "the sponsor of a bill" and replacing it with "any legislator".

SPEAKER LUEDTKE PRESIDING

Amendments pending.

MOTION - Return LB 244 to Legislature

Mr. Hasebroock moved to instruct the Clerk to request the Governor to return LB 244 to the Legislature for further consideration.

The motion prevailed with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations (Req. #1467).

The motion prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 946. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District; Savage, 10th District.

A BILL FOR AN ACT to amend sections 81-1330 and 81-1332 to 81-1335, Reissue Revised Statutes of Nebraska, 1943, relating to the personnel system; to provide duties; to establish procedures for review, distribution, and adjustment of salaries to state employees as prescribed; to repeal the original sections; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Section 5, and set the hearing on LB 946 for Monday, February 27, 1978 at 12:00 p.m.

The motion prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 946	Monday, February 27, 1978	12:00 noon

(Signed) Jerome Warner, Chairman

MOTION - Suspend Rules

Mr. Maresh moved to suspend the rules, Rule 3, Section 5, to set LB 943 and LB 944 for public hearing.

The motion prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 943	Wednesday, February 15, 1978	1:30 p.m.
LB 944	Wednesday, February 15, 1978	1:30 p.m.

(Signed) Richard Maresh, Chairman

MOTION - Introduce Bill

Mr. R. Lewis moved the introduction of a new bill by the Committee on Public Health and Welfare (Req. #1195).

The motion prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 947. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Maresh, 32nd District; Rasmussen, 41st District; Kennedy, 21st District; Moylan, 6th District.

A BILL FOR AN ACT relating to adult family homes and board and room homes; to provide for licensure; to provide duties; to provide penalties; to amend sections 41-109, 41-110, 41-112 to 41-114, 41-117 to 41-119, and 41-122 to 41-126, Reissue Revised Statutes of Nebraska, 1943, section 41-102, Revised Statutes Supplement, 1976, and section 41-127, Revised Statutes Supplement, 1977; and to repeal the original sections.

MOTION - Introduce Bill

Mr. DeCamp moved the introduction of a new bill by the Committee on Rules (Req. #1472).

The motion prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 948. By Rules Committee: DeCamp, 40th District, Chairman; Newell, 13th District; Carsten, 2nd District.

A BILL FOR AN ACT to amend section 49-236, Reissue Revised Statutes of Nebraska, 1943, relating to constitutional amendments; to change the procedure for passing certain amendments; and to repeal the original section.

REFERENCE COMMITTEE REPORT

LB	Committee
945	General File

(Signed) Messrs. Marvel, R. Lewis, Bereuter, Fowler, Luedtke, Savage, Stoney, and Mills.

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 748 in the Journal. No objections. So ordered.

AMENDMENT TO THE COMMITTEE AMENDMENT ON LB 748
1. Page 13, line 22 of the Committee Amendment after "Class", strike "II" and insert "III".

CORRECTED STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 657. Placed on General File as amended.
Standing Committee amendments to LB 657:
In lieu of the Standing Committee amendments on page 692 of the Journal

1. On page 2, lines 25 and 26 strike ", county attorney"; and in lines 26 and 27 strike "clerk or assistant to such officers," and show as stricken.

2. On page 3, line 1 reinstate "eight" and strike "five"; and strike lines 10 through 14.

(Signed) John W. DeCamp, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 912A. By Keyes, 3rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 912, Eighty-fifth Legislature, Second Session, 1978.

UNANIMOUS CONSENT - Bracket LB623

Mr. Barnett asked unanimous consent to bracket LB 623 until March 2, 1978. No objections. So ordered.

Messrs. Rasmussen and F. Lewis asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 665

Mr. DeCamp asked unanimous consent to set LB 665 immediately following the Omaha city sales tax bill (LB 902) on February 20, 1978.

Mr. Dworak objected.

Mr. DeCamp moved to set LB 665 immediately following LB 902 on February 20, 1978.

Mr. Chambers moved to amend the DeCamp motion to set LB 665 for March 6, 1978 special order.

The amendment lost wih 6 ayes, 21 nays, 13 present and not voting, and 9 excused and not voting.

The DeCamp motion prevailed with 25 ayes, 5 nays, 10 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

To amend LB 407 Section 3 to read as follows:

COLUMN A	COLUMN B	COLUMN C	COLUMN D
0 - $3,700	0 - $5,450	0 - $6,200	100%
$3,701-	$5,451-	$6,201-	90%

$3,950	$5,700	$6,450	
$3,951- $4,200	$5,701- $5,950	$6,451 $6,700	80%
$4,201- $4,450	$5,951 $6,200	$6,701 $6,950	70%
$4,451 $4,700	$6,201 $6,450	$6,951 $7,200	60%
$4,701- $4,950	$6,451 $6,700	$7,201 $7,450	50%
$4,951- $5,200	$6,701 $6,950	$7,451 $7,700	40%

VISITORS

The President introduced 60 members of the Nebraska J.C. Government Day; and Mrs. Fonda Thomsen, manager of the Bertrand Conservation Laboratory.

RECESS

At 12:08 p.m., on a motion by Mr. Venditte, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:03 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Duis, Cullan, Clark, Kelly, Koch, Nichol and Simon who were excused; Mrs. Marsh, and Messrs. Burrows, D. Dworak, F. Lewis, R. Lewis, and Reutzel who were excused until they arrive.

COMMUNICATION

February 17, 1978

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 244 to the Legislature for further consideration.

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

PJO:br

MESSAGE FROM THE GOVERNOR

February 17, 1978

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

Dear Mr. President and Senators:

I have received your request of this date for the return of LB 244 to the Legislature for further consideration.

Since I have no objection in this instance, and since it appears obvious that an inadvertent drafting error occurred, I am pleased to comply with the request, and LB 244 is returned herewith.

Sincerely,
(Signed) J. James Exon
Governor

JJE:ah
Enclosure

MOTION - Reconsider Action on LB 244

Mr. Hasebroock moved to reconsider action on final passage of LB 244.

The motion prevailed with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

MOTION - Return LB 244 to Select File

Mr. Hasebroock moved to return LB 244 to Select File for the following specific amendment:

1. In the Final Reading bill, page 2, line 21, strike "the Department of Health and".

2. In the Final Reading bill, page 2, lines 1 and 2, page 3, line 6 and in the title, lines 2 and 3, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1977".

The motion prevailed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 244. The Hasebroock specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 21 to Select File

Mr. Savage moved to return LB 21 to Select File for the specific Stoney amendment found in the Journal on page 406.

The motion prevailed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 21. The Stoney specific amendment found in the Journal on page 406 was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

Advanced to E & R for Re-Engrossment.

GENERAL FILE

LEGISLATIVE BILL 198. Title read. Considered.

Standing Committee amendment found in the Journal on page 1749 for the Seventy-Fourth Day, First Session, was considered.

LEGISLATIVE BILL 551. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 552. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

REFERENCE COMMITTEE REPORT

LB	Committee
946	Appropriations
947	Public Health and Welfare
948	General File

(Signed) Richard Marvel, Jack Mills, Larry D. Stoney, Steve Fowler, Roland Luedtke, John S. Savage

UNANIMOUS CONSENT - Print in Journal

Mr. Mills asked unanimous consent to print the following amendment to LB 665 in the Journal. No objections. So ordered.

Page two line "21" strike "eight" and insert "ten"

Mr. Mills asked unanimous consent to print the following amendment to LB 862 in the Journal. No objections. So ordered.

1. On page 4, line 21, strike "at its office" and show as stricken; in line 22 insert an underscored period after "payments" and strike the remainder of the sentence and show as stricken and insert "At any time that it is necessary for a representative of the department to go beyond the State of Nebraska for the conduct of any such audit, the audit fees shall be paid to the department by the owner.".

UNANIMOUS CONSENT - Member Excused

Mr. Hefner asked unanimous consent to be excused Monday and Tuesday, February 20 and 21, 1978. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

February 17, 1978

The Committee on Committees will meet at 12:00 Noon on Thursday, March 2, 1978 in Room 2102 of the State Capitol for the purpose of hearing appointments and reappointments submitted by Governor J. James Exon, as follows:

Neil Colerick - Economic Development Advisory Committee

Joe Patrick - Special Education Appeal Board

Dorothy Ley - Special Education Appeal Board

Marjorie Hartnett - Special Education Appeal Board

Louis Knoflicek - Nebraska Natural Resources Commission

February 17, 1978

The Committee on Committees will meet at 12:00 Noon on Tuesday, March 7, 1978 in Room 2102 of the State Capitol for the purpose of hearing appointments and reappointments submitted by Governor J. James Exon, as follows:

Harold Dwyer - Manufactured Housing Advisory Board

John Shoemaker - Power Review Board

Paul Dutton - Power Review Board

William M. Fenton - Manufactured Housing Advisory Board

Bernard R. Gyger
Public Welfare Institutions and
Corrections Advisory Committee

Sally Bates
Public Welfare Institutions and
Corrections Advisory Committee

Herbert H. Davis - Economic Development Advisory Committee

February 17, 1978

The Committee on Committees will meet at 12:00 Noon on Thursday, March 16, 1978 in Room 2102 of the State Capitol for the purpose of hearing appointments and reappointments submitted by Governor J. James Exon, as follows:

Burnham Yates - Economic Development Advisory Committee

Leonard Schaeffer - Environmental Control Council

Ralph O'Connor
Agricultural Products Industrial Utilization Committee

Bruce Cowgill - Game and Parks Commission

Mrs. Robert Bridge - Nebraska Arts Council

Ramey C. Whitney
Agricultural Products Industrial Utilization Committee

(Signed) John S. Savage, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 501.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Marvel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Mills asked unanimous consent to be excused. No objections. So ordered.

MR. SAVAGE PRESIDING

GENERAL FILE

LEGISLATIVE BILL 863. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 567. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 567A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 723. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 724. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 725. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 568. Title read. Considered.

Standing Committee amendments found in the Journal on page 453 for the Eleventh Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 571. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 628. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 756. Title read. Considered.

Standing Committee amendments found in the Journal on page 459 for the Eleventh Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Warner offered the following amendment:

On p. 2, line 14, after services insert "or have received services which were funded or paid for"

On p. 2, line 15, after services insert "or have received services which were funded or paid for"

On p. 4, line 9, after services insert "or have received services which were funded and paid for"

On p. 5, line 15, after services insert "or have received services which were funded or paid for"

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 869. Title read. Considered.

Standing Committee amendment found in the Journal on pag 459 for the Eleventh Day was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 11 present and not voting, and 10 excused and not voting

LEGISLATIVE BILL 624. Title read. Considered.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Advanced to E & R for Review with 25 ayes, 9 nays, 5 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 624A. Title read. Considered.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Reutzel requested a roll call vote on the motion to advance LB 624A.

Voting in the affirmative, 25:

Barnett	DeCamp	Hefner	Maresh	Newell
Bereuter	E. Dvorak	Kahle	Marsh	Reutzel
Brennan	Fitzgerald	Kremer	Maxey	Savage
Burrows	Fowler	Labedz	Merz	Schmit
Chambers	Goodrich	Luedtke	Moylan	Venditte

Voting in the negative, 11:

Carsten	Hasebroock	Lamb	Rumery
Cope	Kennedy	Murphy	Warner
D. Dworak	Keyes	Rasmussen	

Present and not voting, 2:

George Stoney

Absent and not voting, 1:

R. Lewis

Excused and not voting, 10:

Clark	Duis	Koch	Marvel	Nichol
Cullan	Kelly	F. Lewis	Mills	Simon

Advanced to E & R for Review with 25 ayes, 11 nays, 2 present and not voting, 1 absent and not voting, and 10 excused and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 14 ayes, 3 nays, and 32 not voting.

MOTION - Introduce Bill

Mr. George moved the introduction of a new bill by the Committee on Urban Affairs. (Req. #1168).

The motion prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 949. By Urban Affairs Committee: George, 16th District, Chairman; Schmit, 23rd District; Duis, 39th District; Maxey, 46th District; Labedz, 5th District; Koch, 12th District; Kahle, 37th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 15-1105, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to provide an alternative zoning amendment notice procedure; and to repeal the original section.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 21 to Select File

Mr. Stoney moved to return LB 21 to Select File for the following specific amendment:
To strike Stoney Amendment on page 406 of Journal, and which was adopted Feb 17, 1978

The motion prevailed with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 21. The Stoney specific amendment found above was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

GENERAL FILE

LEGISLATIVE BILL 574A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, and 11 present and not voting, and 11 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 625. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 11 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 385A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 385, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT - Member Excused

Mr. Reutzel asked unanimous consent to be excused Tuesday, February 21, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 331

Mr. DeCamp asked unanimous consent to bracket LB 331 on General File. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following amendments to LB 395 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 395

On page 2 strike beginning with "one" in line 6 through "pounds" in line 7 and insert "four hundred and fifty-three kilograms".

On page 2 line 8 strike "nine thousand pounds" and insert "four thousand and eighty-two kilograms".

On page 2 strike beginning with "nine" in line 9 through "pounds" in line 10 and insert "four thousand and eighty-two kilograms".

On page 2 line 12 strike "one thousand pounds" and insert "four hundred and fifty-three kilograms".

On page 2 strike beginning with "one" in line 13 through the first "pounds" in line 14 and insert "four hundred and fifty-three kilograms".

On page 2 line 14 strike "two thousand pounds" and insert "nine hundred and seven kilograms".

On page 2 strike beginning with "two" in line 15 through "pounds" in line 16 and insert "nine hundred and seven kilograms".

On page 2 line 18 strike "eight thousand pounds" and insert "three thousand six hundred and twenty-eight kilograms".

On page 2 line 20 strike "eight thousand pounds" and insert "three thousand six hundred and twenty-eight kilograms".

On page 2 line 21 strike "twelve thousand pounds" and insert "five thousand four hundred and forty-three kilograms".

On page 2 line 23 strike "twelve thousand pounds" and insert "five thousand four hundred and forty-three kilograms".

UNANIMOUS CONSENT - Bracket LB 665

Mr. Chambers asked unanimous consent to bracket LB 665 until March 6. No objections. So ordered.

VISITORS

The President introduced Mr. Fred Hehner, Pleasanton, Nebraska, member of the Buffalo County Board of Supervisors; 8 Goodyear employees "Top Ten Club" of Lincoln.

ADJOURNMENT

At 4:16 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:30 a.m., Monday, February 20, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 20, 1978

LEGISLATIVE JOURNAL

TWENTY-THIRD DAY - FEBRUARY 20, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 20, 1978

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

O God of Abraham, of Isaac, and of Jacob, raise our minds and hearts to You so that we may know your greatness and pay tribute to Your glory.

You who created us by an act of Your will, sustain us by the same process. Our every action, our every thought, our every word, is foreknown by You and yet remains free.

When we contemplate Your nature, we are delving into mystery sublime and unfathomable. It is only at such moments that we can get a fair appraisal of ourselves in relation to reality. In comparison, we are nothing, insignificant, practically non-existent.

But we are of infinite value because You made it possible to call you Father.

We can only recite with The Apostle, "Oh, the depths of the riches and the wisdom and the knowledge of God! How inscrutible His judgment, how unsearchable His ways!"

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, F. Lewis, and Warner who were excused; and Messrs. George, Goodrich, Venditte, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

CORRECTED NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 943	Wednesday, February 22, 1978	1:30 p.m.
LB 944	Wednesday, February 22, 1978	1:30 p.m.

(Signed) Richard Maresh, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE RESOLUTION 152. Placed on General File.

(Signed) Richard Lewis, Chairman

Statement on LR 152

Public Health and Welfare Committee
Report on LR 152

INTENT - This resolution was introduced by Senator Venditte, Senator Labedz, and Senator R. Lewis. The purpose is to petition the Congress of the United States pursuant to Article V of the United States Constitution to call a convention for the sole purpose of proposing a Right to Life amendment to the United States Constitution.

PROPONENTS - Mary Anne Tiehen, Nebraskans for a Constitutional Convention; John P. Mackey, Ad Hoc Committee in Defense of Life, Washington, D.C.; Paul R. Andre, minister, Nebraska Association of Evangilicals; Father Val J. Peter, Omaha; Jim Cunningham, Nebraska Catholic Conference, Lincoln; Ann Marie Bowen, National Right to Life Committee, Nebraska Coalition for Life, Inc., Omaha.

OPPONENTS - Dave Piester, Legal Services for Southeast Nebraska; John R. Snowden, Associate Professor, University of Nebraska College of Law, Lincoln; Barbara Gaither, Executive Director, Nebraska Civil Liberties Union; Thomas Rozmarin, Selection Research, Inc., Omaha; Betty Pingel, Second Unitarian Church, Omaha; Anne Wilson, Lobbyist, League of Women Voters of Nebraska; Jan Ellis Kohl, Nebraska Chapter of National

Organization for Women; Sam Walker, Criminal Justice Department, University of Nebraska Faculty.
NEUTRAL - Judith Riddle, Lincoln; Maria Lemon, Lincoln; Sherry Estes, Omaha.
COMMITTEE ACTION - Motion was made by Senator Maresh, seconded by Senator Kennedy to report LR 152 to General File. The motion carried by a vote of 7-0-0-0 as follows: Voting AYE: Senators R. Lewis, Moylan, Kennedy, Cullan, Kelly, Maresh, and Rasmussen.

(Signed) Richard Lewis, Chairman

UNANIMOUS CONSENT - Corrected Committee Statement

Mr. George asked unanimous consent to have a corrected committee statement on LB 558 and LB 591 printed for the bill books. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 323.

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 direct alternate energy systems; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 2, of the Constitutuion of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetary purposes, when such property is not owned or used for financial gain or profit to either the owner or user. Household goods and personal effects, as defined by law, may be exempted from taxation in whole or

in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects. The Legislature by general law may provide that the increased value of land or improvements to real property by reason of shade or ornamental trees planted along the highway, or by reason of the installation of direct alternate energy systems, including direct solar energy systems, direct wind-generated energy systems, solid waste conversion systems, and water powered systems designed primarily for and utilized on either residential, commercial, or industrial buildings by the collection, conversion, transfer, and use of alternate energy for providing heat, refrigeration, or electricity shall not be taken into account in the assessment of such land. The value of a home substantially contributed by the Veterans' Administration of the United States for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death of his widow or her remarriage. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation. No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to allow tax exemptions or tax credits for installation of direct alternate energy systems.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 29:

Barnett	Duis	Kremer	Marvel	Rumery
Bereuter	E. Dvorak	Labedz	Maxey	Savage
Brennan	Fitzgerald	R. Lewis	Merz	Schmit
Carsten	Fowler	Luedtke	Mills	Simon
Chambers	Hasebroock	Maresh	Murphy	Stoney
Cope	Koch	Marsh	Reutzel	

Voting in the negative, 14:

Burrows	DeCamp	Kelly	Lamb	Nichol
Clark	D. Dworak	Kennedy	Moylan	Rasmussen
Cullan	Kahle	Keyes	Newell	

Excused and not voting, 6:

George	Hefner	Venditte
Goodrich	F. Lewis	Warner

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass for the general election.

LEGISLATIVE BILL 469. Mr. Koch asked unanimous consent to have LB 469 laid over. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee
949	Urban Affairs

(Signed) Richard D. Marvel, Chairman; Jack Mills; Douglas Bereuter; Roland Luedtke; William E. Nichol; John S. Savage; Steve Fowler; Larry D. Stoney; R. Lewis

MOTION - Approve Report

Mr. Savage moved the adoption of the Committee on Committees' report found in the Journal on page 768 of the Governor appointment of Rev. Joseph Labaj:

Voting in the affirmative, 36:

Bereuter	Duis	Labedz	Merz	Savage
Brennan	D. Dworak	Lamb	Moylan	Schmit
Burrows	Fitzgerald	R. Lewis	Murphy	Simon
Carsten	Hasebroock	Luedtke	Newell	Stoney
Clark	Kahle	Maresh	Nichol	
Cope	Kelly	Marsh	Rasmussen	
Cullan	Koch	Marvel	Reutzel	
DeCamp	Kremer	Maxey	Rumery	

Voting in the negative, 0.

Present and not voting, 7:

Barnett	E. Dvorak	Kennedy	Mills
Chambers	Fowler	Keyes	

Excused and not voting, 6:

George	Hefner	Venditte
Goodrich	F. Lewis	Warner

The Chair declared the appointment confirmed.

Mr. Savage moved the adoption of the Committee on Committees' report found in the Journal on page 769 of the Governor appointments of Charles O. Davey, Robert G. Lueder, Donald F. McGinley, Charles L. Thomsen, and Jack Quackenbush:

Voting in the affirmative, 28:

Brennan	E. Dvorak	Labedz	Maxey	Savage
Burrows	Fitzgerald	Lamb	Murphy	Simon
Carsten	Goodrich	R. Lewis	Nichol	Stoney
Chambers	Hasebroock	Maresh	Rasmussen	Venditte
Cope	Koch	Marsh	Reutzel	
Cullan	Kremer	Marvel	Rumery	

Voting in the negative, 1:

Keyes

Present and not voting, 16:

Barnett	Duis	Kelly	Mills
Bereuter	D. Dworak	Kennedy	Moylan
Clark	Fowler	Luedtke	Newell
DeCamp	Kahle	Merz	Schmit

Excused and not voting, 4:

George	Hefner	F. Lewis	Warner

The Chair declared the appointments confirmed.

EXPLANATION OF VOTE

I inadvertently voted "no" instead of "yes" on the confirmation of the above appointments.

(Signed) Orval Keyes

MOTION - Approve Report

Mr. Savage moved the adoption of the Committee on Committees' report found in the Journal on page 770 of the Governor appointments of William Krejci, Dwayne Kizzier, Jerry Hassett, Margaret Sutherland, George J. David, and Homer C. Loutzenheiser:

Voting in the affirmative, 34:

Barnett	E. Dvorak	Koch	Marvel	Reutzel
Brennan	Fitzgerald	Kremer	Maxey	Rumery
Burrows	Goodrich	Labedz	Moylan	Savage
Chambers	Hasebroock	R. Lewis	Murphy	Simon
Clark	Kahle	Luedtke	Newell	Stoney
Cullan	Kelly	Maresh	Nichol	Venditte
DeCamp	Keyes	Marsh	Rasmussen	

Voting in the negative, 0.

Present and not voting, 11:

Bereuter	Duis	Kennedy	Mills
Carsten	D. Dworak	Lamb	Schmit
Cope	Fowler	Merz	

Excused and not voting, 4:

George Hefner F. Lewis Warner

The Chair declared the appointments confirmed.

GENERAL FILE

LEGISLATIVE BILL 902. Title read. Considered.

Standing Committee amendments found in the Journal on page 498 for the Twelfth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Goodrich renewed his pending amendment found in the Journal on page 469.

Mr. Hasebroock asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Venditte 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. Goodrich requested a roll call vote on the amendment.

Voting in the affirmative, 20:

Barnett	DeCamp	Kahle	Merz	Rumery
Brennan	Duis	Koch	Mills	Schmit
Burrows	E. Dvorak	Labedz	Moylan	Simon
Cope	Goodrich	Luedtke	Nichol	Stoney

Voting in the negative, 16:

Carsten	Fowler	Lamb	Marvel
Chambers	Kelly	R. Lewis	Maxey
Clark	Keyes	Maresh	Rasmussen
D. Dworak	Kremer	Marsh	Savage

Present and not voting, 8:

Bereuter	Fitzgerald	Murphy	Reutzel
Cullan	Kennedy	Newell	Venditte

Excused and not voting, 5:

George	Hasebroock	Hefner	F. Lewis	Warner

The amendment lost with 20 ayes, 16 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 730.

Amendment pending.

MOTION - Change Order

Mr. DeCamp moved to amend the Speaker's order by taking up LB 665 immediately.

The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 665. Title read. Considered.

Standing Committee amendments found in the Journal on page 480 for the Eleventh Day were considered.

Mr. Venditte 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 26 ayes, 4 nays, and 19 not voting.

Mr. Cullan moved the Call be raised.

Mr. DeCamp requested a roll call vote on the motion to close debate.

Voting in the affirmative, 27:

Bereuter	E. Dvorak	Keyes	Marsh	Rumery
Carsten	George	Kremer	Merz	Savage
Clark	Goodrich	Labedz	Moylan	Schmit
Cope	Hasebroock	Lamb	Nichol	
DeCamp	Kahle	Luedtke	Rasmussen	
Duis	Kelly	Maresh	Reutzel	

Voting in the negative, 16:

Brennan	D. Dworak	Koch	Newell
Burrows	Fitzgerald	R. Lewis	Simon
Chambers	Fowler	Maxey	Stoney
Cullan	Kennedy	Mills	Venditte

Present and not voting, 3:

Barnett	Marvel	Murphy

Excused and not voting, 3:

Hefner	F. Lewis	Warner

The motion prevailed with 27 ayes, 16 nays, 3 present and not voting, and 3 excused and not voting.

Standing Committee amendments were adopted with 31 ayes, 3 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Merz moved the Call be raised. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. Mills renewed his pending amendment found in the Journal on page 560.

Mr. Kelly offered the following amendment to the Mills amendment:
Amend the Mills amendment by striking "four" and insert "three".

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 14 nays, and 18 not voting.

Mr. Kelly withdrew his amendment.

Mr. Bereuter requested a record vote on the Mills amendment.

Amendment pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 508, 534, 585, and 656.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR166.

CORRECTED STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 460. Placed on General File as amended.
Corrected Standing Committee amendment to LB 460:

1. Strike section 2.
2. Renumber original sections 3 to 5 as sections 2 to 4.
3. On page 5, strike beginning with "and" and in line 7 through "1976," in line 8.

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 806. Placed on General File as amended.
Standing Committee amendment to LB 806:

1. On page 3, line 10, strike "and taxpayers" and show as stricken.

(Signed) Frank Lewis, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Maresh asked unanimous consent to print the following amendments to LB 818 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 818

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

"Section 1. There is hereby levied a tax of one cent upon each glass or metal container which is not intended for reuse, designed and intended for ultimate sale at re-

tail of soft drinks, alcoholic liquor, and beer when sold by any wholesaler in this state. As used in this act, soft drink shall mean all carbonated beverages made from potable water, sugar, dextrose, corn syrup or corn syrup solids, and pure flavoring materials with or without added fruit acid and with or without added coloring, but shall not include pure fruit juices or malt or cereal beverages.

Sec. 2. The tax imposed by this act shall be paid to the Department of Revenue, which shall adopt appropriate rules and regulations for the administration of this act. The Department of Revenue shall deposit all receipts received pursuant to section 1 of this act with the State Treasurer, who shall credit such deposits to the Litter Control Assistance Fund, which fund is hereby created. The money in the Litter Control Assistance Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-three and one-third per cent to the various counties, and twenty-three and one-third per cent to the various municipalities. Such money shall be used for the purposes of litter clean-up along the roads and other property under the jurisdiction of the department, counties, and municipalities. The money in such fund shall be distributed monthly.

Sec. 3. This act shall become operative on August 1, 1978.".

2. In the title strike lines 2 through 6 and insert:

"FOR AN ACT relating to revenue; to levy a tax on certain soft drinks, alcoholic liquor, and beer containers as prescribed; to create a fund; to provide for disposition of the proceeds of such tax; and to provide an operative date.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 737A. By Koch, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 737, Eighty-fifth Legislature, Second Session, 1978.

UNANIMOUS CONSENT - Expedite LB 574A

Mr. Simon asked unanimous consent to expedite LB 574A. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 574A. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Simon asked unanimous consent to add his name to LB 820. No objections. So ordered.

Mrs. Maxey asked unanimous consent to add her name to LB 457. No objections. So ordered.

MOTION - Reconsider Action on LB 323

Mr. DeCamp moved to reconsider action on LB 323 on Final Reading.

Motion pending.

Laid over.

UNANIMOUS CONSENT - LB 469

Mr. Koch asked unanimous consent to lay over LB 469 for Final Reading until Thursday, February 23, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Simon asked unanimous consent to print the following amendments to LB 604 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 604

1. Insert a new setion 1 to the committee amendment as follows:

"Section 1. As used in this act, unless the context otherwise requires, domestic subscriber shall not include municipalities, cities, villages, political subdivisions, companies, corporations, partnerships, or businesses of any nature.".

2. Renumber remaining sections accordingly.

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 1:37 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. F. Lewis and Hefner who were excused; Mrs. Maxey, Messrs. Brennan, Burrows, Clark, Hasebroock, Warner, and Public Health and Welfare Committee who were excused until they arrive.

REPORT OF EMPLOYEES

February 20, 1978

TO: Patrick J. O'Donnell
FROM: Laura Ashelford
RE: Monthly report of employees

During the month of January, 1978, there were 139 full and part-time employees charged to Session Expenses.* They were paid a total of $67,570.76. There was no overtime paid. 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.
*Program 122-03 - Senators' Offices/Session Expenses - 80 employees, $52,899.98
Program 123-03 - Temporary Session Expenses - 59 employees, $14,670.78

MOTION - Readvance LB 21

Mr. Savage moved to readvance LB 21 to Final Reading.

The motion prevailed.

GENERAL FILE

LEGISLATIVE BILL 665. Considered.

The Mills amendment found in the Journal on page 560 was renewed.

Mr. Bereuter renewed his request for a record vote on the Mills amendment.

Voting in the affirmative, 32:

Bereuter	D. Dworak	Kremer	Merz	Schmit
Brennan	Fowler	Labedz	Mills	Simon
Burrows	George	Lamb	Newell	Stoney
Carsten	Hasebroock	Luedtke	Nichol	Venditte
Chambers	Kahle	Marsh	Reutzel	
Cope	Keyes	Marvel	Rumery	
DeCamp	Koch	Maxey	Savage	

Voting in the negative, 0.

Present and not voting, 6:

Barnett	E. Dvorak	Goodrich
Duis	Fitzgerald	Murphy

Excused and not voting, 11:

Clark	Kelly	R. Lewis	Rasmussen
Cullan	Kennedy	Maresh	Warner
Hefner	F. Lewis	Moylan	

The Mills amendment was adopted with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

Mr. Mills renewed his pending amendment found in the Journal on page 786.

Speaker Luedtke ruled Mr. Mills had waived closing and allowed no further debate.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 12 ayes, 11 nays, and 26 not voting.

The Chair was sustained.

Mr. Mills moved for a Call of the House. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Mills requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Brennan	E. Dvorak	Keyes	Maxey	Reutzel
Burrows	D. Dworak	Koch	Mills	Rumery
Carsten	Fowler	Luedtke	Moylan	Savage
Cullan	Goodrich	Maresh	Newell	Simon
DeCamp	Kelly	Marsh	Rasmussen	Stoney

Voting in the negative, 17:

Bereuter	George	Kremer	Merz	Warner
Clark	Hasebroock	Lamb	Murphy	
Cope	Kahle	R. Lewis	Nichol	
Duis	Kennedy	Marvel	Schmit	

Present and not voting, 5:

Barnett	Chambers	Fitzgerald	Labedz	Venditte

Excused and not voting, 2:

Hefner F. Lewis

The Mills amendment was adopted with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Cullan asked unanimous consent to bracket LB 665 until tomorrow.

Mr. DeCamp objected.

Mr. Cullan moved to bracket LB 665 until February 23, 1978.

PRESIDENT WHELAN PRESIDING

Mr. Cullan withdrew his motion to bracket.

Mr. DeCamp offered the following amendment:
1. Page 5, line 14, add new section 8, as follows:
Sec. 8 (a) Every insurer authorized to transact business in this state and providing product liability insurance shall on the

first day of January of each year or within sixty (60) days thereafter file with the Department of Insurance a report containing the information hereinafter specified. Such report shall be made upon forms provided by the Department of Insurance and shall request the following information:

(a) The name of the insurance company.

(b) 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.

(c) The various lines of insurance a company offers.

(d) The states in which the company has been admitted for product liability insurance.

(e) 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.

(f) The dollar amount collected in product liability premiums in Nebraska and in all states beginning with calendar year 1978.

(g) The amount in dollars of product liability premiums for primary coverage and for excess coverage in Nebraska and in all states.

(h) The amounts shown in answer to subsection (f) which include premises 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.

(i) Each company shall report to the Department of Insurance for each of the two years next preceding the initial report and for the year next preceding the filing of each annual report thereafter any claim or action for damages for personal injury, death or property damage claimed to have been by reason of a defect in such insured's product, if the claim resulted in: (1) A final judgment in any amount; (2) a settlement in any amount; or (3) a final disposition not resulting in payment on behalf of the insured. Every insurer authorized to transact business in this state shall be subject to the provisions of this section in regard to claims adjudicated, settled or disposition made pursuant to the laws of this state.

(j) The reports required by subsection (i) shall contain (1) The name and address of the insured; (2) type of product; (3) rating classification code of products liability coverage; (4) the insured's policy number; (5) date of occurrence which created the claim, including the state or other jurisdiction under whose jurisdiction the claim was adjudicated, settled, or disposition made; (6) date of

suit if filed; (7) date and amount of judgment or settlement, if any, and the parties involved in the distributions of such judgment or settlement and the amount received by any such party; (8) date and reason for final disposition if no judgment or settlement; (9) a summary of the occurrence which created the claim; (10) total number of claims; (11) total claims closed without payment; (12) total claims closed with payment; (13) total amount of payments; (14) total number of suits filed; (15) total number of verdicts or judgments for defendants; (16) total number of verdicts or judgments for plaintiffs; (17) total amounts for plaintiffs; and (18) such other information as the Department of Insurance may require.

(k) The Department of Insurance shall make reports required hereunder available to the public in a manner which will not reveal the names of any person, manufacturer or seller involved.

(l) There shall be no liability on the part of and no cause of action of any nature shall arise against any insurer reporting hereunder or its agents or employees, or the Department of Insurance or its employees, for any action taken by them pursuant to this act.

(m) whether or not the company set reserves for product Liability claims filed.

(n) Whether or not the company sets reserves for product liability claims for losses which have been incurred but not reported (IBNR).

(o) All reserves established in connection with the company's product liability line.

(p) How dollars reserved are treated in each of the categories listed in subsections (m), (n), and (o) for federal income tax purposes.

(q) With respect to amounts paid in claims for the year next preceding the filing of each annual report, each company shall provide the following information: (A) Total amounts reserved with respect to those claims; (B) The year in which the reserves were set; and (C) the amounts set in each year.

(r) The value of the securities held in your investment portfolio as of December 31 of the year next preceding the filing of each annual report.

(s) Any published annual reports to shareholders or policyholders shall be submitted with the report.

2. Page 5, line 14, renumber original Section 8 as Section 9.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?"

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

The motion to close debate prevailed with 26 ayes, 10 nays, and 13 not voting.

Speaker Luedtke extended the time on LB 665 to finish debate on this amendment.

The DeCamp amendment was adopted with 34 ayes, 2 nays, 5 present and not voting, and 8 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

MOTION - Place LB 588 on General File

Mr. Simon withdrew his pending motion found in the Journal on page 663 to place LB 588 on General File notwithstanding the Committee's action.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 556. Placed on General File as amended.
Standing Committee amendment to LB 556:

1. On page 4, line 18 strike "degree of sexual assault" and insert "offense under Chapter 28, article 3, which is classified as a felony or a Class I misdemeanor".

LEGISLATIVE BILL 622. Placed on General File.
LEGISLATIVE BILL 703. Placed on General File.

LEGISLATIVE BILL 714. Placed on General File as amended.
Standing Committee amendment to LB 714:

1. On page 2, line 26 after the period insert "If such report is made to the protective service unit, the unit shall immediately notify the appropriate law enforcement agency of the report and all facts relevant thereto.".

2. On page 3, line 3 reinstate "(1)"; strike lines 6 to 17 and show the old matter as stricken and insert "agency, after consultation with the protective service unit, to assign the responsibility for investigation of the report either to the agency itself, or to the division. All reports involving the alleged use of violence shall be investigated by the law enforcement agency and may be investigated without prior consultation with the division. Any report not involving the alleged use of violence may be assigned to the division for the investigation of alleged

violations of sections 28-707 and 28-708. All necessary steps shall be taken to protect the abused or neglected person. At any stage of the process, both the law enforcement agency and the division may call upon the other for assistance and to assist the persons involved."; in line 18 reinstate "(2)"; and reinstate the old matter beginning with "The" in line 23 through line 26.

3. On page 4, strike lines 9 to 12 and show as stricken and insert:

"(2) If an investigation by the division reveals that legal proceedings are necessary the results of the investigation shall be reported to the appropriate law enforcement agency which shall institute such proceedings."; and on line 20 after the period insert "The results of each case investigated by the law enforcement agency for violations of sections 28-707 and 28-708 shall be reported to the division.".

LEGISLATIVE BILL 841. Place on General File as amended.
Standing Committee amendments to LB 841:

1. On page 2, line 23 reinstate "or"; line 25 after "program" insert ", educational program, or both".

2. On page 3, line 9 strike the new matter and reinstate the stricken matter; and strike lines 10 and 11.

3. On page 4, line 12 after the underscored period insert "Persons committed to the Department of Correctional Services shall receive a copy of such rules and regulations.".

LEGISLATIVE BILL 910. Placed on General File.
LEGISLATIVE BILL 166. Indefinitely postponed.
LEGISLATIVE BILL 367. Indefinitely postponed.
LEGISLATIVE BILL 849. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

ANNOUNCEMENT

Mr. F. Lewis announced the Education Committee will hold an executive session in the East Chamber on February 27, 1978, upon adjournment.

SELECT FILE

LEGISLATIVE BILL 697. Mr. Bereuter renewed his pending amendment found in the Journal on page 778 to the Fowler pending amendment found in the Journal on page 778.

The Bereuter amendment lost with 15 ayes, 10 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Bereuter offered the following amendment to the Fowler amendment:

(1)

To amend the Fowler amendment to LB 697 by striking the words "the sponsor of a bill" and substituting the phrase "the chairman of the committee to which the bill has been referred".

The amendment was adopted with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Fowler moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

The Fowler amendment, as amended, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Bereuter offered the following amendment:

(2)

That LB 697 be amended to add a sunset clause to the bill. "This bill will be null and void after July 1, 1980, if not extended by action of the Legislature through the passage of a legislative bill."

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Bereuter offered the following amendment:

(3)

That LB 697, line 24 of page 2 be amended by deleting "any member of the Legislature" and replace it with "the chairman of the committee which held a public hearing on the bill."

Mr. Newell offered the following amendment to the Bereuter amendment:

Amend the Bereuter amendment to delete ~~Chairman~~ and add Introducer.

The amendment lost with 6 ayes, 12 nays, 23 present and not voting, and 8 excused and not voting.

The Bereuter amendment was adopted with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Bereuter moved for a Call of the House. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Venditte moved the Call be raised.

Mr. Bereuter requested a roll call vote on advancing LB 697.

Voting in the affirmative, 28:

Bereuter	Duis	Keyes	Mills	Schmit
Brennan	E. Dvorak	Koch	Murphy	Stoney
Burrows	Fowler	Labedz	Nichol	Venditte
Carsten	George	Luedtke	Reutzel	Warner
Clark	Goodrich	Marsh	Rumery	
Cope	Hasebroock	Merz	Savage	

Voting in the negative, 5:

Chambers	Fitzgerald	Kahle	Marvel	Newell

Present and not voting, 6:

Barnett	D. Dworak	Maxey
DeCamp	Kremer	Simon

Excused and not voting, 9:

Cullan	Kelly	F. Lewis	Maresh	Rasmussen
Hefner	Kennedy	R. Lewis	Moylan	

Advanced to E & R for Engrossment with 28 ayes, 5 nays, 6 present and not voting, and 9 excused and not voting.

Mr. Merz moved the Call be raised. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

POINT OF ORDER

Mr. Chambers raised a point of order whether the rule with respect to "Reconsideration" is applicable to the Committees as well as the Legislature in whole.

Mr. Kremer moved to have the matter referred to the Rules Committee.

The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 655, 659, 661, 670, 673, and 807.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. E. Dvorak asked unanimous consent to be excused Friday, February 24, 1978, all day.

Mr. Fowler asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 574A. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 407. Considered.

Mr. Carsten renewed his pending amendment found in the Journal on page 529.

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. DeCamp offered the following amendment:

AMENDMENTS TO LB 407

1. On page 2, lines 1 and 2, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. On page 3, line 5, strike "(4)" and insert "~~(4)~~ (2)"; on page 3, lines 15 and 16, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943"; strike begining with "(1)"

in line 19 through "(3)" in line 25, show as stricken, and insert "(1)".

3. On page 4, line 8, strike "(4)" and insert "~~(1)~~ (2)"; strike beginning with "The" in line 20 through "in" in line 22, show as stricken, and insert "In"; in line 27 after "record" insert "there shall be exempt from taxation (a) the first fifty per cent of the actual value of any homestead having an actual value of fifteen hundred dollars or less, and (b) the first forty-five 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".

4. Strike original section 3 and insert the following new sections:

"Sec. 3. That section 77-202.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.14. On or before January 1 of each year, the Tax Commissioner shall prescribe suitable blank forms to be used by all claimants for homestead exemption. Such forms shall contain provisions for the showing of all information which the Tax Commissioner may deem necessary to (1) enable the proper county officials to determine whether each claim for exemption under ~~subdivisions~~ subdivision (1) ~~to (3)~~ of section 77-202.13 should be allowed, and (2) enable the Tax Commissioner to determine whether each claim for exemption under subdivision ~~(1)~~ (2) of section 77-202.13 should be allowed. It shall be the duty of the county assessor of each county in this state to furnish such forms, upon request, to each person desiring to make application for homestead exemption on property located within that county. The forms so prescribed shall be used uniformly throughout the state and no application for exemption shall be allowed unless the applicant uses the regularly prescribed form in making his application.

Sec. 4. That section 77-202.15, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.15. (1) The application for homestead exemption shall be signed and sworn to by the owner of record of the property unless the owner is an incompetent, in which case it shall be signed and sworn to by the guardian. The county assessor, his duly appointed deputies, and notaries public are authorized to administer such oaths.

(2) (a) It shall be the duty of each owner who

applies for the homestead exemption provided in subdivisions (1) and (2) ~~to (4)~~ of section 77-202.13, to file an application therefor with the county assessor of the county in which the real estate is located on or before April 1, and failure to do so shall constitute a waiver of the exemption for that year.

If an owner is granted a homestead exemption as provided in ~~subdivisions (1) to (3)~~ subdivision (1) of section 77-202.13, the homestead exemption as to such property shall remain in full force and effect for each succeeding year without reapplication; Provided, the owner is in all respects entitled to the exemption granted under the provisions of sections 77-202.12 to 77-202.22; and provided further, that once a qualified claimant has filed an application for homestead exemption and the exemption has been granted for that year, no reapplication need be filed for succeeding years in which case the county assessor and Tax Commissioner shall determine whether the claimant shall qualify for the homestead exemption in such succeeding years as otherwise provided in sections 77-202.12 to 77-202.22 as though a claim were made. It shall be the duty of each veteran who wants the homestead exemption provided in subdivision ~~(4)~~ (2) of section 77-202.13 to file an application therefor with the county assessor on or before April 1 of each year, and failure to do so shall constitute a waiver of the exemption for such year.

(b) The owner of a homestead which has been granted an exemption under ~~subdivisions~~ subdivision (1) ~~to (3)~~ of section 77-202.13 and each qualified claimant who has been granted an exemption under subdivision ~~(4)~~ (2) of section 77-202.13 shall notify the county assessor by March 15 of each year of any change in the homestead exemption status occurring in the preceding year. If, by his failure to give such notice, any such property owner permits the allowance of the homestead exemption for any succeeding year after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall, upon entry of the amount thereof on the books of the county treasurer, be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful

allowance of such homestead exemption on his property shall, as an additional penalty, also forfeit his right to a homestead exemption on any other property in this state for the two succeeding years.

(3) Any purchaser or new owner of property must claim a homestead exemption as provided in this section before the allowance thereof to him on such property shall be lawful.

Sec. 5. That section 77-202.16, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.16. (1) The county assessor shall examine each application for homestead exemption filed with him for an exemption pursuant to ~~subdivisions~~ subdivision (1) ~~to (3)~~ of section 77-202.13 and shall determine whether or not such application should be approved or rejected and if approved, determine the amount of the exemption. If the application is approved, he shall mark the same approved and show thereon the amount of exemption allowed and make the proper deduction upon his assessment rolls. In case he finds that the exemption should not be allowed by reason of not being in conformity to law, he shall mark the application rejected and state thereon the reason for such rejection. In any case where the county assessor disallows or reduces an application for exemption, he shall notify the applicant of his action by mailing written notice to him at the address shown in the application, which notice shall be mailed not later than the fourth Monday in April and shall be on forms prescribed by the Tax Commissioner. All applications for exemption, showing thereon the action of the county assessor, shall be delivered to the county board of equalization on or before the fourth Monday of April of each year.

(2) The county assessor shall examine all applications for an exemption pursuant to subdivision ~~(4)~~ (2) of section 77-202.13 to determine, except for the income test, if the application should be approved or rejected. On or before the third Monday in April the county assessor shall forward the application to the Tax Commissioner who shall determine from the records of the Department of Revenue whether or not the applicant meets the required income standards. The Tax Commissioner shall, on or before August 1, certify his determinations to the county assessor. If the county assessor's and Tax Commissioner's determination is that the application should be accepted, then the county assessor shall

process the application in the same manner as an approved application under subsection (1) of this section. If the Tax Commissioner's determination is that the application does not meet the required income test or if the county assessor finds that the exemption should not be allowed or should be reduced, the county assessor shall proceed as in the case of a rejected or reduced application under subsection (1) of this section.

Sec. 6. That section 77-202.20, Revised Statutes Supplement, 1977, be amended to read as follows:

77-202.20. (1) Any person who makes any false or fraudulent claim for exemption, or any false statement or false representation of a material fact in support of such claim, or any person who assists another in the preparation of any such false or fraudulent claim, or enters into any collusion with another by the execution of a ficitious deed or other instrument for the purpose of obtaining unlawful exemption under the provisions of sections 77-202.12 to 77-202.22, shall be guilty of a Class II misdemeanor and shall be subject to a forfeiture of the exemption herein granted for a period of two years from date of conviction. Any person who shall make oath to any false or fraudulent application for homestead exemption, knowing the same to be false or fraudulent, shall be guilty of a Class I misdemeanor.

(2) In addition to the penalty provided in subsection (1) of this section, if any person files a claim for exemption as provided in subdivision ~~(1)~~ (2) of section 77-202.13 which is excessive due to misstatements by the owner filing such claim, the claim may be disallowed in full, and, if the claim has been allowed, an amount equal to the amount of taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption shall be due and shall, upon entry of the amount thereof on the books of the county treasurer, be a lien on such property until paid and a penalty equal to the amount of taxes lawfully due but claimed for exemption shall be assessed.

Sec. 7. That original sections 77-202.12, 77-202.13, 77-202.14, 77-202.15, and 77-202.16, Reissue Revised Statutes of Nebraska, 1943, and section 77-202.20, Revised Statutes Supplement, 1977, are repealed.''.

Mr. Murphy asked unanimous consent to have the amendment laid over.

Mrs. Marsh objected.

Mrs. Murphy moved to have the amendment laid over.

The Murphy motion lost with 14 ayes, 14 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused at 4:35 p.m. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 16 ayes, 14 nays, and 19 not voting.

Mr. DeCamp requested a roll call vote on the amendment.

Voting in the affirmative, 23:

Barnett	D. Dworak	Kremer	Maxey	Rumery
Burrows	Fowler	Lamb	Merz	Schmit
Chambers	George	Luedtke	Mills	Simon
Cullan	Kahle	Maresh	Moylan	
DeCamp	Koch	Marsh	Newell	

Voting in the negative, 19:

Brennan	Duis	Keyes	Murphy	Savage
Carsten	E. Dvorak	Labedz	Nichol	Stoney
Clark	Goodrich	R. Lewis	Rasmussen	Warner
Cope	Hasebroock	Marvel	Reutzel	

Present and not voting, 4:

Bereuter	Fitzgerald	Kelly	Venditte

Excused and not voting, 3:

Hefner	Kennedy	F. Lewis

The amendment lost with 23 ayes, 19 nays, 4 present and not voting, and 3 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

UNANIMOUS CONSENT - Withdraw Name

Mr. Merz asked unanimous consent to withdraw his name from LB 665. No objections. So ordered.

UNANIMOUS CONSENT - Unbracket LB 109A

Mr. Reutzel asked unanimous consent to unbracket LB 109A.

Mr. D. Dworak objected.

ADJOURNMENT

At 4:46 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, February 21, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 21, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 21, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, while working with bills and procedures of an objective nature, may we try to be objectively honest with ourselves and with others. We pray for strength to harness our unruly tongues; to carry our responsibilities; to have the same criteria for judging ourselves that we apply to others. Forgive us for often wearing a friendly mask which hides a sullen heart, and using fine words which conceal shabby thoughts. May we strive to develop an identity between our outward and our inner person, that we may see ourselves as persons of integrity. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. E. Dvorak, Hefner, and Reutzel who were excused; Mrs. Labedz, Messrs. F. Lewis, Schmit, Kremer, and Burrows who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 823, line 3, delete "Mrs." and insert "Mr.".
The Journal for the Twenty-Third Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 717. Replaced on Select File as amended. E & R amendments to LB 717:

1. In the title, line 2, strike "section" and insert "sections 8-302, 8-315 to 8-317, 8-331, and"; in line 4 insert "to delete obsolete references to constitutions;" after the semicolon; and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 551. Placed on Select File as amended. E & R amendment to LB 551:

1. On page 2, line 10, insert "prior to 1971" after "Nebraska".

LEGISLATIVE BILL 552. Placed on Select File.
LEGISLATIVE BILL 863. Placed on Select File.
LEGISLATIVE BILL 567. Placed on Select File.
LEGISLATIVE BILL 567A. Placed on Select File.
LEGISLATIVE BILL 723. Placed on Select File.
LEGISLATIVE BILL 724. Placed on Select File.
LEGISLATIVE BILL 725. Placed on Select File.

LEGISLATIVE BILL 568. Placed on Select File as amended. E & R amendments to LB 568:

1. In committee amendments, page 5, line 13, insert an underscored comma after "problems".

2. In committee amendments, page 7, line 1, strike "this" and insert "the"; and in line 4 insert "members of the" after "The".

3. In the title, line 7, insert "; and also sections 81-1201 to 81-1204, 81-1205 to 81-1213, and 81-1220 to 81-1225, Reissue Revised Statutes of Nebraska, 1943" after "section".

LEGISLATIVE BILL 571. Placed on Select File.
LEGISLATIVE BILL 628. Placed on Select File.

LEGISLATIVE BILL 756. Placed on Select File as amended. E & R amendments to LB 756:

1. In the second Warner amendment, strike "p.2" and insert "p.3".

2. In the fourth Warner amendment, strike "line 15" and insert "line 13".

LEGISLATIVE BILL 869. Placed on Select File.
LEGISLATIVE BILL 624. Placed on Select File.
LEGISLATIVE BILL 624A. Placed on Select File.

LEGISLATIVE BILL 625. Placed on Select File as amended.
E & R amendments to LB 625:

1. On page 2, line 6, strike ", shall" and insert "shall,"; in line 8 insert an underscored comma after "act"; and in line 15 strike the comma.

2. On page 3, line 18, strike the second comma and show as stricken.

(Signed) Samuel K. Cullan, Chairman

CORRECTED COMMITTEE REPORT ON LR 152
Public Health and Welfare

Statement on LR 152

Public Health and Welfare Committee
Report on LR 152

INTENT - This resolution was introduced by Senator Venditte, Senator Labedz, and Senator F. Lewis. The purpose is to petition the Congress of the United States pursuant to Article V of the United States Constitution to call a convention for the sole purpose of proposing a Right to Life amendment to the United States Constitution.

PROPONENTS - Mary Anne Tiehen, Nebraskans for a Constitutional Convention; John P. Mackey, Ad Hoc Committee in Defense of Life, Washington, D.C.; Paul R. Andre, minister, Nebraska Association of Evangilicals; Father Val J. Peter, Omaha; Jim Cunningham, Nebraska Catholic Conference, Lincoln; Ann Marie Bowen, National Right to Life Committee, Nebraska Coalition for Life, Inc., Omaha.

OPPONENTS - Dave Piester, Legal Services for Southeast Nebraska; John R. Snowden, Associate Professor, University of Nebraska College of Law, Lincoln; Barbara Gaither, Executive Director, Nebraska Civil Liberties Union; Thomas Rozmarin, Selection Research, Inc., Omaha; Betty Pingel, Second Unitarian Church, Omaha; Anne Wilson, Lobbyist, League of Women Voters of Nebraska; Jan Ellis Kohl, Nebraska Chapter of National Organization for Women; Sam Walker, Criminal Justice Department, University of Nebraska Faculty.

NEUTRAL - Judith Riddle, Lincoln; Maria Lemon, Lincoln; Sherry Estes, Omaha.
COMMITTEE ACTION - Motion was made by Senator Maresh, seconded by Senator Kennedy to report LR 152 to General File. The motion carried by a vote of 7-0-0-0 as follows: Voting AYE: Senators R. Lewis, Moylan, Kennedy, Cullan, Kelly, Maresh, and Rasmussen.

(Signed) Richard Lewis, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 660. With Emergency.

A BILL FOR AN ACT to amend sections 77-1239, 77-1240, and 77-1241, Reissue Revised Statutes of Nebraska, 1943, and section 60-1602, Revised Statutes Supplement, 1976, relating to taxation; to change provisions for taxation of cabin trailers and mobile homes; to reduce a penalty; to provide for separate schedules; to provide for notification and right of review; to provide when taxes shall become delinquent; 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:

Barnett	DeCamp	Kelly	Marvel	Rumery
Bereuter	Duis	Kennedy	Maxey	Savage
Brennan	D. Dworak	Keyes	Merz	Simon
Burrows	Fitzgerald	Koch	Mills	Stoney
Carsten	Fowler	Labedz	Moylan	Venditte
Chambers	George	Lamb	Murphy	Warner
Clark	Goodrich	R. Lewis	Newell	
Cope	Hasebroock	Luedtke	Nichol	
Cullan	Kahle	Maresh	Rasmussen	

Voting in the negative, 0.

Excused and not voting, 7:

E. Dvorak	Kremer	Marsh	Schmit
Hefner	F. Lewis	Reutzel	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 930. Title read. Considered.

MOTION - LB 406 and 406A

Mr. Chambers moved to have LB 406 and 406A read on Final Reading today.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Moylan requested a roll call vote on the Chambers motion.

Voting in the affirmative, 18:

Brennan	Fowler	F. Lewis	Mills	Savage
Burrows	Goodrich	R. Lewis	Moylan	Simon
Chambers	Koch	Maresh	Newell	
Fitzgerald	Labedz	Maxey	Nichol	

Voting in the negative, 23:

Bereuter	Duis	Kelly	Marvel	Schmit
Carsten	D. Dworak	Kennedy	Merz	Stoney
Clark	George	Keyes	Murphy	Warner
Cope	Hasebroock	Kremer	Rasmussen	
Cullan	Kahle	Lamb	Rumery	

Present and not voting, 4:

Barnett	DeCamp	Luedtke	Venditte

Excused and not voting, 4:

E. Dvorak	Hefner	Marsh	Reutzel

The Chambers motion lost with 18 ayes, 23 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 930. Considered.

Advanced to E & R for Review with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 936. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 4 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 210. Title read. Considered.

Mr. Marvel withdrew his pending amendment found in the Journal on page 871, First Session.

Mr. Koch withdrew his pending amendment found in the Journal on page 950, First Session.

Mr. Bereuter withdrew his pending amendment found in the Journal on page 952, First Session.

Mr. Bereuter renewed his pending amendment found in the Journal on page 394.

Mr. Clark requested a division of the question on the amendments.

The Chair ruled the amendment could be divided.

The first portion consists of page 1 through the semicolon on line 25 of page 2 of the amendment.

The first portion of the Bereuter amendment was adopted with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

The second portion of the amendment lost with 17 ayes, 20 nays, 8 present and not voting, and 4 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 656.

Mr. Warner offered the following amendment to the DeCamp amendment:

Amend the DeCamp amendment (Request 2750) (Journal page 656) page 2, line 24 by adding, following the word "county" the word "and municipal".

The Warner amendment was adopted with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

The DeCamp amendment, as amended, pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 244 and 327.

Correctly Engrossed

The following bills were correctly engrossed: 212, 262, 447, 574A, 580, 685, 749.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused this Tuesday afternoon, February 21, 1978.

UNANIMOUS CONSENT - Print in Journal

Mr. Mills asked unanimous consent to print the following amendments to LB 248 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 248

1. Insert a new section as follows:

"Sec. 4. That section 60-1402, Revised Statutes Supplement, 1976, be amended to read as follows:

60-1402. (1) There is hereby established the Nebraska Motor Vehicle Industry Licensing Board which shall consist of the Director of Motor Vehicles, who shall be chairman of the board, and nine members

appointed by the Governor as follows: one factory representative, one member of the general public, and one motorcycle dealer, all of whom shall be appointed from the state at large, one new motor vehicle dealer from each of the three congressional districts of the state as the districts are constituted on October 19, 1963, and two used motor vehicle dealers and one trailer dealer or combination motor vehicle or trailer dealer, not more than one used motor vehicle dealer being appointed from the same congressional district as they are constituted on October 19, 1963, and the trailer dealer or combination motor vehicle or trailer dealer being appointed from the state at large; Provided, that no member of the board shall participate in any manner in a proceeding before the board involving his licensed business.

(2) On October 19, 1963, the governor shall appoint a new motor vehicle dealer and a trailer dealer or combination motor vehicle or trailer dealer to the board. In making the appointments, the Governor shall appoint one of the new members for one year and one for two years as designated by him in making the appointments. On January 1, 1972, the Governor shall appoint one factory representative and one member of the general public to the board, designating one to serve for a term of one year and one for a term of two years. On January 1, 1974, the Governor shall appoint one motorcycle dealer to serve for a term of three years. At the expiration of the term of any appointed member of the board, the Governor shall appoint a successor for a term of three years. In the event of a vacancy on the board, the Governor shall fill such vacancy by appointing a member to serve during the unexpired term of the member whose office has become vacant. No member appointed shall serve more than two consecutive terms. The action of the majority of the members of the board shall be deemed the action of the board. All appointments made to the board, except the Director of Motor Vehicles, shall be confirmed by the Legislature if in session. In the event the Legislature is not in session all appointments including appointments to fill a vacancy shall be temporary appointments until the next meeting of the Legislature when the Governor shall nominate some person to fill the office. Any person so nominated who is confirmed by the Legislature shall hold his office during the remainder of the term. No appointed person may act as a member of the board while holding any other elective

or appointive state or federal office except the Director of Motor Vehicles. All appointed members of the board shall be paid fifty dollars for each day actually engaged in the performance of their duties and be entitled to their reasonable traveling expenses in the performance of their duties.".

2. On page 35, line 8 after "60-1401.02," insert "60-1402,".

3. Renumber remaining sections accordingly.

Mr. Newell asked unanimous consent to print the following amendments to LB 153 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 153

1. On page 2, line 26 strike "Such" and insert "The amount of such" strike "established by the" and insert "provided by law."; and strike line 27.

2. On page 3, strike beginning with "shall" in line 1 through the period in line 10 and show the old matter as striken; and strike beginning with "set" in line 23 through "Assessment" in line 24 and insert "provided by law with the maximum amount not to exceed one-third of the salary of the Governor".

Mr. Keyes asked unanimous consent to print the following amendments to LB 624 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 624

1. On page 3, line 7, strike "The", show as stricken and insert "In counties which do not have a separate juvenile court, the".

2. Insert a new section 4 as follows:

"Sec. 4. That section 43-236, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-236. The presiding judge of a separate juvenile court shall appoint a chief juvenile probation officer and a sufficient number of assistant juvenile probation officers and other employees to carry out the work of the court. Each judge shall appoint his own court reporter and other necessary personal staff. The chief juvenile probation officer shall be selected by the presiding judge with reference to experience and understanding of problems of family life and child welfare, juvenile delinquency, community organization, and training in the recognition and treatment of behavior disorders. The salaries of the chief juvenile probation

officer~~,~~ and the assistant juvenile probation officers, if any, ~~and~~ shall be paid by the state. The salaries of the other employees of the separate juvenile court shall be fixed by the presiding judge, subject to the approval of the board of county commissioners or supervisors, and shall be paid out of the general fund of the county.".

3. On page 3, line 11, strike "section 29-2255", and insert "sections 29-2255 and 43-236"; and in line 12, strike "is" and insert "are".

4. Renumber original section 4 as new section 5.

GENERAL FILE

LEGISLATIVE BILL 902. Considered.

Mr. Koch renewed his pending amendment found in the Journal on page 730.

Mr. Venditte 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. Koch moved for a Call of the House. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Bereuter	D. Dworak	Koch	Marvel	Schmit
Carsten	Fowler	Lamb	Maxey	Warner
Chambers	Kelly	R. Lewis	Savage	

Voting in the negative, 27:

Barnett	Duis	Kennedy	Merz	Simon
Brennan	Fitzgerald	Keyes	Mills	Stoney
Burrows	George	Kremer	Moylan	Venditte
Clark	Goodrich	Labedz	Nichol	
Cope	Hasebroock	Luedtke	Rasmussen	
Cullan	Kahle	Maresh	Rumery	

Present and not voting, 4:

DeCamp F. Lewis Murphy Newell

Excused and not voting, 4:

E. Dvorak Hefner Marsh Reutzel

The Koch amendment lost with 14 ayes, 27 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Duis moved the Call be raised. The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Mr. Venditte moved to reconsider action on the adoption of the Goodrich amendment found in the Journal on page 469 and voted on page 803.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?"

Mr. Venditte moved for a Call of the House. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

The motion to close debate prevailed with 27 ayes, 7 nays and 15 not voting.

Mr. Venditte moved for a Call of the House. The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Mr. Keyes moved the Call be raised. The motion prevailed with 23 ayes, 9 nays, and 17 not voting.

The Venditte motion to reconsider action on the Goodrich amendment prevailed with 26 ayes, 12 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Goodrich moved the adoption of his amendment found in the Journal on page 469.

Mr. Marvel moved the previous question. The question is, "Shall the debate now close? The motion prevailed with 34 ayes, 3 nays, and 12 not voting.

The Goodrich amendment was adopted with 28 ayes, 12 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:
Add new subsections (3) and (4) as follows:

(3) In addition to the credit authorized in Section 77-2715, there shall be allowed a credit of six dollars in calendar years 1979, and a four dollar credit in calendar year 1980 to resident individuals of a metropolitan city which increases their existing sales and use tax rate pursuant to this Section. The credit authorized by this Section shall be claimed on the 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) The Tax Commissioner shall deduct monthly from the funds to be remitted to any metropolitan city pursuant to 77-27,144 an amount that will cover the cost of the credit authorized in subsection (3) of this Section. The Tax Commissioner shall promulgate such rules and regulations as necessary to carry out the provisions of this Section.

Mr. F. Lewis offered the following amendment to the Chambers amendment:
Chambers amendment line 4 after "city", add "and residents of adjacent counties."

Mr. Venditte 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. Marvel asked unanimous consent to be excused until he returns.

The F. Lewis amendment lost with 10 ayes, 18 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Bereuter	Cullan	Kelly	Maxey	Schmit
Brennan	D. Dworak	Koch	Mills	Simon
Chambers	Fowler	F. Lewis	Newell	

Voting in the negative, 25:

Burrows	George	Keyes	Merz	Rumery
Carsten	Goodrich	Labedz	Moylan	Savage
Clark	Hasebroock	Lamb	Murphy	Stoney
Cope	Kahle	Luedtke	Nichol	Venditte
Fitzgerald	Kennedy	Maresh	Rasmussen	Warner

Present and not voting, 4:

Barnett	DeCamp	Duis	Kremer

Absent and not voting, 1:

R. Lewis

Excused and not voting, 5:

E. Dvorak	Hefner	Marsh	Marvel	Reutzel

The Chambers amendment lost with 14 ayes, 25 nays, 4 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Mr. Newell offered the following amendment:

1. On page 2 line 15 strike ~~1980~~ and reinsert 1979.

Mr. Duis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 12 nays, and 15 not voting.

Newell amendment pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 623A. By Barnett, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 623, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

LEGISLATIVE BILL 742A. By Barnett, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 742, Eighty-fifth Legislature, Second Session, 1978.

ANNOUNCEMENT

Mr. Rasmussen announced an executive session of the Government, Military, and Veterans Affairs Committee under the North Balcony tomorrow, February 22, 1978 at 2:30 p.m.

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendments to LB 448 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 448

1. Insert a new section to read:

"Sec. 2. That section 81-1117.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1117.02. Neither the data processing administrator, the Director of Administrative Services, nor any employee of such administrator or director shall release or permit the release of any data maintained in computer files to any person or persons without the express written approval of both the agency primarily responsible for collection and maintenance of such data and the employee to whom such data pertains. Any data which is a public record in its original form shall remain a public record when maintained in computer files. Any data maintained in computer files shall be made available to the Auditor of Public Accounts solely for use in the performance of audits prescribed by law.".

UNANIMOUS CONSENT - Member Excused

Mr. Bereuter asked unanimous consent to be excused during the afternoon of February 21, 1978, until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 665 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 665

1. On page 2, line 1, strike "5" and insert "6".
2. Insert a new section 2 as follows:

"Sec. 2. As used in sections 1 to 6 of this act,

(1) Product shall mean all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (article 8 of the U.C.C.) and things in action. Products also includes the unborn of young animals and growing crops and other identified things attached to realty as described in the section on goods to be severed from realty (section 2-107, U.C.C.).

(2) Products must be both existing and identified before any interest in them can pass. Products which are not both existing and identified are 'future' products. A purported present sale of future products or of any interest therein operates as a contract to sell.

(3) There may be a sale of a part interest in existing identified products.

(4) An undivided share in an identified bulk of fungible products is sufficiently identified to be sold although the quantity of the bulk is not determined. Any agreed proportion of such a bulk or any quantity thereof agreed upon by number, weight or other measure may to the extent of the seller's interest in the bulk be sold to the buyer who then becomes an owner in common.

(5) 'Lot' means a parcel or a single article which is the subject matter of a separate sale or delivery, whether or not it is sufficient to perform the contract.

(6) 'Commercial unit' means such a unit of products as by commercial usage is a single whole for purposes of sale and division of which materially impairs its character or value on the market or in use. A

commercial unit may be a single article (as a machine) or a set of articles (as a suite of furniture or an assortment of sizes) or a quantity (as a bale, gross, or carload) or any other unit treated in use or in the relevant market as a single whole.".

3. Renumber original sections 2 to 8 as 3 to 9.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 795. Placed on General File as amended.
Standing Committee amendments to LB 795:

1. On page 5, strike beginning with "Council" in line 21 through the period in line 23 and insert "To develop when used in connection with health services, shall mean to undertake those activities which on their completion will result in the offer of a new institutional health service or the incurring of a financial obligation.".

2. On page 7, lines 4 and 5 strike "site acquisition,".

3. On page 8, lines 4 and 5 strike "and specification, but shall not include" and insert "specifications,"; and in line 21 after "practice" insert ", except in the acquisition of equipment which would normally be found in the health care facility and costs in excess of one hundred fifty thousand dollars".

4. On page 9, line 2 strike "and"; in line 3 after "houses" insert ", and retirement villages"; and in line 12 strike "or" and insert "and" and strike "when a" and insert "such".

5. On page 14, lines 15 and 16 strike "a health care facility or".

6. On page 15, line 16 strike "area" and insert "agency".

7. On page 19, line 24 strike "approved" and insert "denied"; and in line 26 after "decision" insert "or lack of decision".

8. On page 20, line 2 after "decision" insert "or lack of decision"; in line 9 strike "and"; and in line 10 after "persons" insert ", and the Certificate of Need Appeal Board".

9. Strike original section 43 and insert the following:

"Sec. 43. There is hereby created a Certificate of Need Appeal Board consisting of five members appointed by the Governor, subject to confirmation by the Legislature. One member shall be appointed by the Governor from a list submitted by each health systems agency board in Nebraska and one member shall be appointed from the citizenry of

the state at large. Each list submitted by a health systems agency board whall contain the names of at least three individuals who reside within the health systems area and who are not (1) members of the health systems agency board, and (2) connected with any agency of the state or with any health care facility as an employee, a member of its governing body, its legal counsel, or as a person owning any stock or having any other financial interest in such agency or health care facility. Appointments shall be made in such a manner as to assure that not more than three of the members of such board shall be from the same political party.

Sec. 44. (1) Members of the Certificate of Need Appeal Board shall serve for terms of four years, except that of the members first appointed, two shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. As the terms of initial appointees expire, succeeding appointments shall be made in the same manner as original appointments are made and succeeding appointees shall have the same qualifications as their predecessors. An individual appointed to fill a vacancy, occurring other than by the expiration of a term of office, shall be appointed for the unexpired term of the member such individual succeeds.

(2) Members of the board shall be paid a per diem of fifty dollars for each day actually and necessarily engaged in the performance of their duties as members of such board and shall be reimbursed for their actual and necessary expenses on the same basis and subject to the same conditions as for full-time state employes.''.

10. On page 20, line 26 after ''44.'' insert ''Within fifteen days of the filing of the notice of appeal, .the Certificate of Need Appeal Board shall meet.''; and in line 27 strike ''appeal hearing officer'' and insert ''board''.

11. On page 21, strike beginning with ''The'' in line 3 through the period in line 7; and in line 20 strike ''appeal hearing officer'' and insert ''Certificate of Need Appeal Board''.

12. Strike original section 45.

13. On page 22, line 5 strike ''appeal hearing officer'' and insert ''the Certificate of Need Appeal Board''; in line 24 strike ''shall'' and insert ''may''; and in line 25 strike ''43'' and insert ''42''.

14. On page 23, line 7 after the semicolon insert ''or''; in line 11 after ''requirements'' insert a period; and strike beginning with the semicolon in line 11 through the period in line 16.

15. On page 24, lines 11 and 12 strike ''the necessary'' and insert ''a''; in line 13 strike ''the nature of the viola-

tion and"; and in lines 15 and 16 strike "At the time and place provided in the notice such" and insert "Such".

16. On page 25, line 2 after "agency" insert "or any affected person".

17. Renumber original section 44 as section 45.

LEGISLATIVE BILL 928. Placed on General File.

(Signed) Richard Lewis, Chairman

VISITORS

The President introduced 30 fourth, fifth and sixth grade students from May Morley School, Lincoln and teacher; group of ladies "Leap on Lincoln" from Polk, Colfax, Douglas, Saunders, Dodge, Platte, Sarpy, Butler, Burt, Washington, Nuckolls, Webster counties and the Panhandle; Mrs. Lorene Cullan, Hemingford, mother of Sen. Sam Cullan and friend Marian Lee Walters from Marsland; 7 foreign exchange students sponsored by the Fremont Jaycees from Iran, Brazil, Norway, Nigeria and the Dominican Republic; Sonja and Joey Placek, grandchildren of Sen. Richard Maresh.

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 2:03 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. Carsten, E. Dvorak, Hefner, and Reutzel who were excused; Public Health and Welfare Committee, Messrs. Bereuter, Brennan, and Burrows who were excused until they arrive.

ANNOUNCEMENT

Mr. George announced the Urban Affairs Committee gives notice of Executive Session to be held February 22, 1978 after adjournment under the North Balcony.

GENERAL FILE

LEGISLATIVE RESOLUTION 145. Read and considered.

LR 145 failed with 15 ayes, 16 nays, 5 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. George asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

Amend LB 407, page 4, line 15, before "veterans" insert "(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".

BILL ON FIRST READING

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

LEGISLATIVE BILL 800A. By Merz, 1st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 800, Eighty-Fifth Legislature, Second Session, 1978.

UNANIMOUS CONSENT - Unbracket LB 457

Mr. Barnett asked unanimous consent to unbracket LB 457. No objections. So ordered.

MOTION - Reconsider Action on LB 323

Mr. DeCamp moved to reconsider action on LB 323 on Final Reading.

Mr. Venditte moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The DeCamp motion to reconsider prevailed with 31 ayes, 10 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

MOTION - Return LB 574 to Select File

Mr. Maresh moved to return LB 574 to Select File for the following specific amendment:
To remove the Lamb and Simon amendment.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 407. Considered.

Mr. Fowler withdrew his pending amendment found in the Journal on page 753.

Mr. Newell withdrew his pending amendment found in the Journal on page 782.

Mr. F. Lewis offered the following amendment:
To amend LB 407 page 3, line 21 strike "fifteen hundred dollars" insert "twenty-four hundred dollars" and in line 22 and 23 strike "four thousand dollars" insert "six thousand four hundred dollars".
Add new section
The provisions of this amendment shall apply to those counties that have re-evaluated the taxable property in their counties since July 1975.

MR. MARVEL PRESIDING

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. F. Lewis requested a roll call vote on his amendment.

Mr. Kennedy moved the Call be raised. The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Voting in the affirmative, 25:

Bereuter	DeCamp	Keyes	Marvel	Schmit
Brennan	D. Dworak	Koch	Mills	Simon
Burrows	Fitzgerald	Kremer	Murphy	Stoney
Chambers	Fowler	F. Lewis	Newell	Venditte
Cullan	Kahle	Luedtke	Rumery	Warner

Voting in the negative, 18:

Barnett	Goodrich	Labedz	Maxey	Rasmussen
Clark	Hasebroock	Lamb	Merz	Savage
Cope	Kelly	R. Lewis	Moylan	
George	Kennedy	Maresh	Nichol	

Present and not voting, 1:

Duis

Excused and not voting, 5:

Carsten
E. Dvorak
Hefner
Marsh
Reutzel

The F. Lewis amendment was adopted with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

Mr. Newell re-offered his amendment found in the Journal page 782.

The amendment lost with 6 ayes, 13 nays, 17 present and not voting, and 13 excused and not voting.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

Advanced to E & R for Review with 32 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 184. Mr. DeCamp asked unanimous consent to bracket LB 184. No objections. So ordered.

LEGISLATIVE BILL 411. Title read.

Mr. Bereuter asked unanimous consent to have LB 411 laid over until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 407A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 446. Mr. Brennan asked unanimous consent to bracket until February 27, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 889

Mr. Koch asked unanimous consent to bracket LB 889 until March 7, 1978. No objections. So ordered.

ADJOURNMENT

At 4:23 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, February 22, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 22, 1978

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, be a source of consolation for the members of this House who are beginning the tedious work of preparing, studying and voting.
>
> During these months of hard work and anxiety, let your example be an inspiration and your grace a source of strength to these men and women. . .citizens of Nebraska.
>
> Let their families at home be understanding of their absence from home and bless them too with the stamina to live with conditions brought about because they serve their fellow men. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; Mrs. Labedz, Messrs. Burrows and Chambers who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fourth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Kelly asked unanimous consent to be excused Friday, February 24, 1978. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

February 21, 1978

Mr. Pat O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 165, 168, 186, 216, 276, 270, 361, and 420, and Reengrossed Legislative Bill No. 315. These bills were signed by me on February 20, 1978 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 697. Replaced on Select File as amended.
E & R amendments to LB 697:

1. In the third Bereuter amendment found on page 816 of the Journal, strike "line 24" and insert "lines 24 and 25"; and in the last line strike the period.

2. Insert the second Bereuter amendment found on page 816 of the Journal as new section 6 and in line 1 thereof strike "bill will" and insert "act shall".

3. In the title, line 5, strike the second "and"; and in line 7 insert "; and to provide for termination" after "analyses".

(Signed) Samuel K. Cullan, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 501.

A BILL FOR AN ACT to amend sections 83-1019, 83-1020, 83-1021,

83-1023, 83-1030, 83-1034, 83-1037, 83-1038, 83-1044, and 83-1045, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Mental Health Commitment Act; to provide a limited privilege; to provide for contracts with medical facilities; to change and provide time limitations for certain commitment proceedings as prescribed; to provide duties of the mental health board; 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	D. Dworak	Kennedy	Maresh	Rasmussen
Bereuter	Fitzgerald	Keyes	Marvel	Reutzel
Brennan	Fowler	Koch	Maxey	Rumery
Clark	George	Kremer	Merz	Savage
Cope	Goodrich	Labedz	Mills	Schmit
Cullan	Hasebroock	Lamb	Moylan	Simon
DeCamp	Hefner	F. Lewis	Murphy	Stoney
Duis	Kahle	R. Lewis	Newell	Venditte
E. Dvorak	Kelly	Luedtke	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 1:

Carsten

Excused and not voting, 3:

Burrows Chambers Marsh

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

GENERAL FILE

LEGISLATIVE BILL 210. Considered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 656, as amended by Mr. Warner on page 831.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The DeCamp amendment, as amended, lost with 24 ayes, 21 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Merz moved the Call be raised. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Decamp offered the following amendment to LB 210:
Amend LB 210 by including school board members.

Mr. F. Lewis was excused until he returns.

Mr. R. Lewis was excused at 9:45 a.m. until after lunch.

Mr. Kremer 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. DeCamp moved for a Call of the House. The motion prevailed with 24 ayes, 7 nays, and 18 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Barnett	DeCamp	Keyes	Murphy	Stoney
Brennan	D. Dworak	Kremer	Nichol	
Burrows	Fowler	Labedz	Rumery	
Clark	George	Maxey	Savage	
Cullan	Kelly	Moylan	Schmit	

Voting in the negative, 23:

Bereuter	E. Dvorak	Kahle	Maresh	Reutzel
Carsten	Fitzgerald	Kennedy	Marvel	Simon
Chambers	Goodrich	Koch	Mills	Warner
Cope	Hasebroock	Lamb	Newell	
Duis	Hefner	Luedtke	Rasmussen	

Present and not voting, 2:

Merz	Venditte

Excused and not voting, 3:

F. Lewis R. Lewis Marsh

The amendment lost with 21 ayes, 23 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Warner offered the following amendment:
Amend LB 210 page 3 by re-inserting the stricken language in lines 1 thru 10 and re-number.

Mr. Warner moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Warner moved the Call be raised. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

The Warner amendment lost with 22 ayes, 15 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Warner moved to indefinitely postpone LB 210.

Mr. Bereuter asked unanimous consent to have the bill laid over and a white copy printed.

Mr. Stoney objected.

Mr. Bereuter asked unanimous consent to have a white copy printed of LB 210 with all amendments incorporated. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 665 in the Journal. No objections. So ordered.

AMENDMENT TO LB 665, Section 2

Add a new subsection (5):
On the effective date of this act, every product manufactured in Nebraska shall prominently display the following warning with the letters of the word "warning" appearing in the same size type as the largest letters on the product's label. WARNING: NO RESIDENT OF NEBRASKA MAY SUE

THE MANUFACTURER OF THIS PRODUCT FOR PERSONAL INJURY, DEATH OR PROPERTY DAMAGE CAUSED BY THIS PRODUCT IF TEN YEARS HAVE PASSED FROM THE TIME THIS PRODUCT WAS FIRST SOLD OR LEASED FOR USE OR CONSUMPTION. Failure to display the warning shall be a Class IV Misdemeanor.

EXPLANATION OF VOTE

Had I been present on February 21, 1978, I would have voted "yes" on the Goodrich amendment on LB 902 and "yes" on LB 660.

(Signed) Barry L. Reutzel

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:00 Noon on Thursday, March 2, 1978 in Room 2102 of the State Capitol for the purpose of hearing the following appointment.

John C. Mitchell - Board of Educational Lands and Funds

This appointment will be considered in addition to those previously scheduled in the Legislative Journal of February 17, 1978.

(Signed) John S. Savage, Chairman

ANNOUNCEMENT

Mr. George announced the Urban Affairs Committee will meet in executive session on Wednesday, February 22, 1978, after adjournment under the North Balcony.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 721. Placed on General File as amended.
Standing Committee amendments to LB 721:

1. On page 2, line 10 after "district" insert ", but not to exceed two thousand dollars per annum"; and in lines 13 and 14 strike the new language and insert "of not to exceed seventeen cents per mile".

2. On page 3, line 4 after "district" insert ", but not to exceed two thousand dollars per annum"; strike beginning with "at" in line 6 through "board" in line 7, and insert "of

not to exceed seventeen cents per mile".

LEGISLATIVE BILL 883. Placed on General File as amended.
Standing Committee amendments to LB 883:

1. On page 2, line 20 reinstate the stricken "five" and in line 21 strike "one hundred".

2. On page 3, strike beginning with the underscored comma in line 10 through the underscored semicolon in line 11, and insert "of a dam, five dollars for"; and reinstate the stricken matter in lines 12 and 13.

3. Strike original section 2.

4. Renumber original section 3 as section 2.

LEGISLATIVE BILL 776. Indefinitely postponed.
LEGISLATIVE BILL 895. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 902. Considered.

Mr. Newell renewed his pending amendment found in the Journal on page 837.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 10 nays, and 19 not voting.

Mrs. Maxey was excused until she returns.

Mr. Stoney offered the following amendment to the Newell amendment:
Amend the Newell amendment to 1-1-80.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

The Stoney amendment to the Newell amendment was adopted with 30 ayes, 3 nays, 13 present and not voting, and 3 excused and not voting.

The Newell amendment, as amended, was adopted with 32 ayes, 6 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 902.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 18 nays, and 22 not voting.

Motion pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 660.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 925. Placed on General File.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 902. Mr. Simon moved to bracket LB 902 until Monday, February 27, 1978.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?"

Mr. Venditte moved for a Call of the House. The motion prevailed with 18 ayes, 9 nays, and 22 not voting.

The motion to close debate prevailed with 28 ayes, 7 nays, and 14 not voting.

The Simon motion to bracket LB 902 lost with 7 ayes, 24 nays, 14 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 7 nays, and 14 not voting.

The motion to indefinitely postpone lost with 11 ayes, 27 nays, 7 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. F. Lewis moved the Call be raised. The motion lost with 8 ayes, 24 nays, and 17 not voting.

Mr. Chambers offered the following amendment:
Add new section: In the event that LB 902 is passed, none of its provisions shall become operative until all available fiscal information is made available to any Senator who requests it.

SPEAKER LUEDTKE PRESIDING

Mr. Reutzel 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 Chambers amendment lost with 7 ayes, 25 nays, 13 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Goodrich moved to suspend the rules, Rule 7, Sec. 3, and vote on the advancement of LB 902.

Mr. Goodrich withdrew his motion.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. D. Dworak asked unanimous consent to add his name as a co-introducer to LR 152. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Friday, February 24, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 725

Mr. Koch asked unanimous consent to bracket LB 725 until March 13, 1978. No objections. So ordered.

VISITORS

The President introduced 17 Jr. High students and teacher from Beatrice Jr. High; 40 Senior High School students and teacher from

East Butler High School; 14 Senior High students and teacher from Platteview High School; 36 8th grade students and teachers from Lyons School.

RECESS

At 12:07 p.m., on a motion by Mr. Savage, the Legislature recessed until 1:37 p.m.

AFTER RECESS

The Legislature reconvened at 1:43 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; Mrs. Labedz, Messrs. Bereuter, Marvel, Savage, F. Lewis, Reutzel, the Business and Labor Committee, and the Agriculture and Environment Committee who were excused until they arrive.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 639A. 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.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 639, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

LEGISLATIVE BILL 135A. 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.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 135, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 259. E & R amendments found in the Journal on page 759 for the Twenty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 717. E & R amendment found in the Journal on page 826 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

PRESIDENT WHELAN PRESIDING

LEGISLATIVE BILL 551. E & R amendment found in the Journal on page 826 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 552. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 863. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 567. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 567A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 628. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 756. E & R amendments found in the Journal on page 826 for the Twenty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 869. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 625. E & R amendments found in the Journal on page 827 for the Twenty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

Mr. Duis is excused until he returns.

LEGISLATIVE BILL 723. Mr. Rasmussen offered the following amendment:

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The amendment was adopted with 25 ayes, 1 nay, 3 present and not voting, and 20 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 724. Mr. Rasmussen offered the following amendment:
Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The amendment was adopted with 27 ayes, 0 nays, 2 present and not voting, and 20 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 725. Mr. Rasmussen offered the following amendment:
Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The amendment was adopted with 26 ayes, 0 nays, 3 present and not voting, and 20 excused and not voting.

Bracketed from previous action this morning until March 13, 1978.

LEGISLATIVE BILL 568. E & R amendments found in the Journal on page 826 for the Twenty-Fourth Day were adopted.

Mr. Rasmussen offered the following amendment:
Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The amendment was adopted with 26 ayes, 0 nays, 3 present and not voting, and 20 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 571. Mr. Rasmussen offered the following amendment:
Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The amendment was adopted with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Overrule Speaker's Order

Mr. Venditte moved to overrule the Speaker's order and take up LB 902.

Mr. Venditte moved for a Call of the House. The motion lost with 11 ayes, 12 nays, and 26 not voting.

The Venditte motion to overrule the Speaker's order lost with 13 ayes, 12 nays, 4 present and not voting, and 20 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 660.

UNANIMOUS CONSENT - Member Excused

Mr. George asked unanimous consent to be excused Thursday, February 23, 1978 and Friday, February 24, 1978. No objections. So ordered.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 927. Placed on General File.
LEGISLATIVE BILL 853. Indefinitely postponed.
LEGISLATIVE BILL 931. Indefinitely postponed.

(Signed) Richard Lewis, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 877 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office. Req. #2766)

GENERAL FILE

LEGISLATIVE BILL 411. Title read. Considered.

Mr. Lamb withdrew his amendment found in the Journal on page 754.

Mr. Mills renewed his pending amendment found in the Journal on page 515.

The Mills amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Lamb offered the following amendment to LB 411:

AMENDMENTS TO LB 411

1. Strike the Committee and Kremer amendments and in lieu of the Lamb amendments found on page 754 of the Journal insert the following amendments.

2. Strike original sections 2 and 4.

3. On page 2, lines 2, 8, 11, 12, 14 and 15, 18, and 24 strike "watershed conservancy" and insert "ground water conservation"; in line 3 strike "2-1550 to 2-1565" and insert "46-614 to 46-634"; in line 6 strike "2-1549.04" and insert "46-633".

4. On page 4, line 8 strike "watershed conservancy" and insert "ground water conservation".

5. Insert a new section 3 as follows:

"Sec. 3. That original section 2-3213, Reissue Revised Statutes of Nebraska, 1943, and also sections 46-614 to 46-625, 46-627, 46-628, 46-631 to 46-634, Reissue Revised Statutes of Nebraska, 1943, section 46-629, Revised Statutes Supplement, 1976, and sections 46-626 and 46-630, Revised Statutes Supplement, 1977, are repealed.".

6. Renumber original section 3 as section 2.

Mr. Lamb offered the following amendment to his amendment:

Amend LB 411 on page 2, line 4 after existence strike "on effective date of this act" substitute "on January 1, 1980"

The amendment was adopted with 16 ayes, 4 nays, and 29 not voting.

Mr. Bereuter requested a record vote on the Lamb amendment, as amended.

Mr. Lamb moved for a Call of the House. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mr. Bereuter requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 32:

Brennan	Goodrich	Kremer	Moylan	Savage
Chambers	Hasebroock	Labedz	Murphy	Simon
Clark	Hefner	Lamb	Newell	Stoney
Cullan	Kahle	F. Lewis	Nichol	Venditte
DeCamp	Kelly	Luedtke	Rasmussen	
E. Dvorak	Kennedy	Merz	Reutzel	
D. Dworak	Keyes	Mills	Rumery	

Voting in the negative, 10:

Barnett	Carsten	George	R. Lewis	Maxey
Bereuter	Cope	Koch	Maresh	Warner

Present and not voting, 4:

Burrows	Fitzgerald	Fowler	Marvel

Excused and not voting, 3:

Duis	Marsh	Schmit

The Lamb amendment, as amended, was adopted with 32 ayes, 10 nays, 4 present and not voting, and 3 excused and not voting.

Mr. Ruetzel moved the Call be raised. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Bereuter requested a record vote to advance LB 411.

Voting in the affirmative, 29:

Brennan	Hasebroock	Labedz	Mills	Rumery
Chambers	Hefner	Lamb	Moylan	Savage
Clark	Kahle	F. Lewis	Newell	Simon
Cullan	Kennedy	Luedtke	Nichol	Stoney
D. Dworak	Keyes	Maresh	Rasmussen	Venditte
Goodrich	Kremer	Merz	Reutzel	

Voting in the negative, 7:

Barnett	Carsten	R. Lewis	Warner
Bereuter	Cope	Marvel	

Present and not voting, 10:

Burrows	E. Dvorak	Fowler	Kelly	Maxey
DeCamp	Fitzgerald	George	Koch	Murphy

Excused and not voting, 3:

Duis	Marsh	Schmit

Advanced to E & R for Review with 29 ayes, 7 nays, 10 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 700 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 700

1. Insert a new section as follows:

"Sec. 3. This act shall become operative on January 1, 1979, except that necessary actions preparatory to its implementation may be taken commencing July 1, 1978.".

2. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

Mr. Barnett asked unanimous consent to print the following amendments to LB 623 in the Journal. No objections. So ordered.

AMENDMENT TO LB 623

1. In the Committee amendments Req. 2698 on page 12, line 15 after "on" insert "January 1, 1979, except that necessary actions preparatory to its implementation may be taken commencing".

GENERAL FILE

LEGISLATIVE BILL 395. Title read. Considered.

Standing Committee amendment found in the Journal on page 789 for the Fortieth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Keyes withdrew his pending amendment found in the Journal on page 794.

Advanced to E & R for Review with 27 ayes, 3 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 92. Title read. Considered.

Mr. Goodrich renewed his pending amendment found in the Journal on page 274.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Goodrich requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Barnett	E. Dvorak	Hefner	Lamb	Nichol
Brennan	Fitzgerald	Kahle	Luedtke	Rumery
Burrows	Fowler	Kelly	Maresh	Savage
Carsten	George	Koch	Merz	Simon
Cope	Goodrich	Kremer	Mills	Stoney
Duis	Hasebroock	Labedz	Moylan	

Voting in the negative, 16:

Bereuter	DeCamp	F. Lewis	Newell
Chambers	D. Dworak	Marvel	Rasmussen
Clark	Kennedy	Maxey	Reutzel
Cullan	Keyes	Murphy	Warner

Absent and not voting, 2:

R. Lewis Venditte

Excused and not voting, 2:

Marsh Schmit

The Goodrich amendment was adopted with 29 ayes, 16 nays, 2 absent and not voting, and 2 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. Koch offered the following amendment:
Amend Goodrich amendment to LB 92:
Line 5 strike 17 insert 18

Line 7 strike 14 insert 16
Line 8 strike 11 insert 14
Line 10 strike 8 insert 12
Line 12 strike 5 insert 10
Line 14 strike 2 insert 8

The Koch amendment was adopted with 25 ayes, 3 nays, and 21 not voting.

Mr. Warner offered the following amendment:
Amend LB 92 by adding a new section "Any funds received by a county under this act shall reduce the available receipts allowed to the county under the constitutional tax levy limitation."

Amendment pending.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 884. Placed on General File as amended.
Standing Committee amendments to LB 884:

1. On page 2 line 21 strike "Medical Student Assistance Commission" and insert "Commission on Rural Health Manpower".
2. On page 4 line 2 strike "(1)"; strike beginning with "created" in line 3 through the comma in line 4; and strike lines 6 through 27.
3. On page 5 line 4 after "commission" insert ". The source of loan funds shall be as follows: (1) No more than seventy-five per cent of all loans shall be from such funds as are appropriated from the General Fund to the department for such purpose; and (2) no less than twenty-five per cent of all loans shall be from such funds as are provided by the public institutions in the state."; strike beginning with "from" in line 4 through line 6; in line 11 after "dollars" insert "for each student"; and in lines 13 and 14 strike "during a normal four-year course of study".
4. On page 7 strike beginning with "at" in line 12 through "executed" in line 13 and insert "and the loan shall bear interest from the date the loan was executed".
5. On page 8 in line 27 after the period insert "The department may also cancel the indebtedness for other extenuating circumstances which, consistent with the intent of this act, it would determine to be valid."
6. On page 9 line 20 strike "or" and after "sex"

insert ", or disability".

7. Insert the following new sections:

"Sec. 33. The Rural Health Manpower Commission shall adopt and promulgate such rules and regulations in accordance with Chapter 84, article 9, as are necessary to carry out this act.

Sec. 34. That section 71-5609, Revised Statutes Supplement, 1977, be amended to read as follows:

71-5609. The commission shall have and may exercise the following powers and duties:

(1) To provide assistance and advice in the development and continuation of a selection process to be used to select students to be trained in the various areas of medical care;

(2) To provide assistance and advice on development of a curriculum to be taught to students;

(3) To provide information and assistance in determining the number and type of internships and residencies which should be provided in the area of rural health;

(4) To provide information as to the number and type of teachers and instructors needed;

(5) To provide economic data and relevant financial infomation on the costs of providing rural health care; ~~and~~

(6) To provide information about any other matter the commission wishes to investigate in the area of rural health care; and

(7) To administer the Nebraska Medicial Student Assistance Act.

Sec. 35. That section 71-5612, Revised Statutes Supplement, 1977, be amended to read as follows:

71-5612. The commission shall cease to exist three years after September 2, 1977 unless extended by an act of the Legislature except for the duties prescribed by the Nebraska Medical Student Assistance Act.

Sec. 36. That original sections 71-5609 and 71-5612, Revised Statutes Supplement, 1977, are repealed.".

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 949 Wednesday, March 1, 1978 4:00 p.m.

(Signed) Walter George, Chairman

VISITORS

The President introduced 15 4th grade students and teacher from Sterling, Nebraska; Mr. and Mrs. Brad Bartak from Merna, Nebraska.

ADJOURNMENT

At 4:25 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, February 23, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 23, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 23, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> We bow our heads, O Lord our God, for we would be studid indeed to believe that our business is none of your business. But we bow our heads also because we know that we need help. Tensions mount, and pressures build, and criticism sharpens, and each man and woman among us stands in need of special help this week. And You only know what our special needs are, Heavenly Father, for You know us better than we know ourselves. So help us, we pray. Get our family and our house off to a good week, and give us all a good conscience at the week's end. Amen.

ROLL CALL

The roll was called and all members were present except Mr. George who was excused; Mr. Venditte who was excused until he arrives; and Messrs. Burrows and Schmit who were absent until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

UNANIMOUS CONSENT - Members Excused

Messrs. Fitzgerald and Cope asked unanimous consent to be excused Friday, February 24, 1978. No objections. So ordered.

Messrs. Maresh, Merz, Bereuter, Kremer, Keyes, and Schmit asked unanimous consent to be excused from 9:30 until noon, Thursday, February 23, 1978. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused Friday afternoon, February 24, 1978. No objections. So ordered.

REPORT

Received report from William E. Peters, State Tax Commissioner, in accordance with provisions of Statute 81-106 of examination of the Auditor of Public Accounts for fiscal year ended June 30, 1976. (Filed in the Clerk's office)

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 372.

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; to provide severability; and to repeal the original section.

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

Mr. Kelly requested a roll call vote.

Voting in the affirmative, 22:

Bereuter	Duis	Kelly	R. Lewis	Rumery
Carsten	D. Dworak	Kennedy	Maresh	Stoney
Clark	Hasebroock	Kremer	Murphy	
Cullan	Hefner	Labedz	Nichol	
DeCamp	Kahle	Lamb	Rasmussen	

Voting in the negative, 17:

Chambers	Goodrich	Marsh	Moylan	Warner
Cope	Koch	Marvel	Newell	
E. Dvorak	F. Lewis	Maxey	Reutzel	
Fowler	Luedtke	Mills	Simon	

Present and not voting, 6:

Barnett	Fitzgerald	Merz
Brennan	Keyes	Savage

Absent and not voting, 2:

Burrows Schmit

Excused and not voting, 2:

George Venditte

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 21.

A BILL FOR AN ACT to adopt the State Boat Act; to provide an operative date; and to repeal sections 81-815.01 to 81-815.20, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 39:

Bereuter	Fitzgerald	Kremer	Maxey	Rumery
Brennan	Fowler	Labedz	Merz	Savage
Carsten	Goodrich	Lamb	Mills	Schmit
Chambers	Hasebroock	F. Lewis	Moylan	Simon
Cope	Hefner	Luedtke	Newell	Stoney
Cullan	Kelly	Maresh	Nichol	Venditte
DeCamp	Keyes	Marsh	Rasmussen	Warner
E. Dvorak	Koch	Marvel	Reutzel	

Voting in the negative, 5:

D. Dworak	Kahle	Kennedy	R. Lewis	Murphy

Present and not voting, 4:

Barnett Burrows Clark Duis

Excused and not voting, 1:

George

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

LEGISLATIVE BILL 21A.

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.

Whereupon the 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	E. Dvorak	Koch	Marvel	Rumery
Bereuter	D. Dworak	Kremer	Maxey	Savage
Brennan	Fitzgerald	Labedz	Mills	Schmit
Carsten	Fowler	Lamb	Moylan	Simon
Chambers	Goodrich	F. Lewis	Newell	Stoney
Cope	Hasebroock	R. Lewis	Nichol	Venditte
Cullan	Hefner	Luedtke	Rasmussen	Warner
DeCamp	Kelly	Marsh	Reutzel	

Voting in the negative, 3:

Kahle Kennedy Murphy

Present and not voting, 3:

Burrows Clark Duis

Excused and not voting, 4:

George Keyes Maresh Merz

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

LEGISLATIVE BILL 469.

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.

Be it enacted by the people of the State of Nebraska,

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 VIII, of the Constitution of Nebraska, by adding thereto a new section 12, which is hereby proposed by the Legislature:

"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 bond, 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 fifteen 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 have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to provide that cities and villages may acquire and redevelop substandard or blighted property, issue bonds or other evidence of indebtedness for the redevelopment and pay off such bonds by the receipt of additional property taxes from new valuations on property in such project.

For
Against''

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 30:

Barnett	Duis	Hefner	Luedtke	Reutzel
Bereuter	E. Dvorak	Kahle	Marsh	Rumery
Brennan	Fitzgerald	Koch	Marvel	Savage
Carsten	Fowler	Kremer	Mills	Schmit
Cope	Goodrich	Labedz	Moylan	Simon
DeCamp	Hasebroock	F. Lewis	Newell	Stoney

Voting in the negative, 15:

Burrows	Cullan	Kennedy	Maxey	Rasmussen
Chambers	D. Dworak	Lamb	Murphy	Venditte
Clark	Kelly	R. Lewis	Nichol	Warner

Excused and not voting, 4:

George	Keyes	Maresh	Merz

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

LEGISLATIVE BILL 508.

A BILL FOR AN ACT relating to schools; to provide financial support to certain school districts by public power districts 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, 43:

Barnett	Duis	Kelly	Marvel	Rumery
Bereuter	E. Dvorak	Kennedy	Maxey	Savage
Brennan	D. Dworak	Koch	Mills	Schmit
Burrows	Fitzgerald	Labedz	Moylan	Simon
Chambers	Fowler	Lamb	Murphy	Stoney
Clark	Goodrich	F. Lewis	Newell	Venditte
Cope	Hasebroock	R. Lewis	Nichol	Warner
Cullan	Hefner	Luedtke	Rasmussen	
DeCamp	Kahle	Marsh	Reutzel	

Voting in the negative, 0.

Present and not voting, 1:

Carsten

Excused and not voting, 5:

George	Keyes	Kremer	Maresh	Merz

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

LEGISLATIVE BILL 585.

A BILL FOR AN ACT to amend section 84-907, Revised Statutes Supplement, 1977, relating to rules of administrative agencies; to extend the time of notice of proposed rule changes; to provide for availability of proposed changes; 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	Cope	Fowler	Koch	Maxey
Bereuter	Cullan	Goodrich	Labedz	Mills
Brennan	DeCamp	Hasebroock	Lamb	Moylan
Burrows	Duis	Hefner	R. Lewis	Murphy
Carsten	E. Dvorak	Kahle	Luedtke	Newell
Chambers	D. Dworak	Kelly	Marsh	Nichol
Clark	Fitzgerald	Kennedy	Marvel	Reutzel

Rumery	Schmit	Stoney	Warner
Savage	Simon	Venditte	

Voting in the negative, 1:

F. Lewis

Present and not voting, 1:

Rasmussen

Excused and not voting, 5:

George	Keyes	Kremer	Maresh	Merz

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

LEGISLATIVE BILL 655. With Emergency.

A BILL FOR AN ACT to amend section 44-156, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to allow refunds 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 with the emergency clause attached?' "

Voting in the affirmative, 39:

Barnett	Cullan	Hasebroock	Marsh	Rumery
Bereuter	DeCamp	Hefner	Marvel	Savage
Brennan	Duis	Kahle	Maxey	Schmit
Burrows	E. Dvorak	Kelly	Mills	Simon
Carsten	D. Dworak	Kennedy	Moylan	Stoney
Chambers	Fitzgerald	Koch	Newell	Venditte
Clark	Fowler	Labedz	Rasmussen	Warner
Cope	Goodrich	Lamb	Reutzel	

Voting in the negative, 0.

Present and not voting, 5:

F. Lewis	R. Lewis	Luedtke	Murphy	Nichol

Excused and not voting, 5:

George Keyes Kremer Maresh 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 656. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Professional Association Mutual Insurance Company 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, 41:

Barnett	Duis	Kelly	Maxey	Schmit
Bereuter	E. Dvorak	Kennedy	Mills	Simon
Burrows	D. Dworak	Koch	Moylan	Stoney
Carsten	Fitzgerald	Labedz	Newell	Venditte
Chambers	Fowler	Lamb	Nichol	Warner
Clark	Goodrich	R. Lewis	Rasmussen	
Cope	Hasebroock	Luedtke	Reutzel	
Cullan	Hefner	Marsh	Rumery	
DeCamp	Kahle	Marvel	Savage	

Voting in the negative, 0.

Present and not voting, 3:

Brennan F. Lewis Murphy

Excused and not voting, 5:

George Keyes Kremer Maresh 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 659.

A BILL FOR AN ACT to amend sections 81-8,279, 81-8,280, 81-8,282, and 81-8,285, Reissue Revised Statutes of Nebraska, 1943, relating to real estate appraiser licenses; to provide for only one class of license; to provide for reciprocity; to reduce the experience requirement; to clarify fee provisions; to provide for probation; and to repeal the original sections, and also section 81-8,281, 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	DeCamp	Kahle	Marvel	Savage
Bereuter	Duis	Kelly	Maxey	Schmit
Brennan	E. Dvorak	Koch	Mills	Simon
Burrows	D. Dworak	Kremer	Moylan	Stoney
Carsten	Fitzgerald	Labedz	Newell	Venditte
Chambers	Fowler	Lamb	Nichol	Warner
Clark	Goodrich	F. Lewis	Rasmussen	
Cope	Hasebroock	Luedtke	Reutzel	
Cullan	Hefner	Marsh	Rumery	

Voting in the negative, 0:

Present and not voting, 3:

Kennedy	R. Lewis	Murphy

Excused and not voting, 4:

George	Keyes	Maresh	Merz

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

LEGISLATIVE BILL 661. With Emergency.

A BILL FOR AN ACT to amend sections 57-104 and 57-905, Reissue Revised Statutes of Nebraska, 1943, relating to minerals, oil, and gas; to provide duties of prospectors for minerals; to provide powers of the

Oil and Gas Conservation Commission; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of the 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	Duis	Kelly	Marsh	Reutzel
Bereuter	E. Dvorak	Kennedy	Marvel	Rumery
Burrows	D. Dworak	Koch	Maxey	Savage
Carsten	Fitzgerald	Kremer	Mills	Schmit
Chambers	Fowler	Labedz	Moylan	Simon
Clark	Goodrich	Lamb	Murphy	Stoney
Cope	Hasebroock	F. Lewis	Newell	Venditte
Cullan	Hefner	R. Lewis	Nichol	Warner
DeCamp	Kahle	Luedtke	Rasmussen	

Voting in the negative, 0.

Present and not voting, 1:

Brennan

Excused and not voting, 4:

George	Keyes	Maresh	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 670.

A BILL FOR AN ACT to amend section 25-1017, Reissue Revised Statutes of Nebraska, 1943, relating to garnishment; to provide for interest and costs as prescribed; and to repeal the original section.

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

Voting in the affirmative, 44:

Barnett	Duis	Kelly	Marsh	Reutzel
Bereuter	E. Dvorak	Kennedy	Marvel	Rumery
Brennan	D. Dworak	Koch	Maxey	Savage
Carsten	Fitzgerald	Kremer	Mills	Schmit
Chambers	Fowler	Labedz	Moylan	Simon
Clark	Goodrich	Lamb	Murphy	Stoney
Cope	Hasebroock	F. Lewis	Newell	Venditte
Cullan	Hefner	R. Lewis	Nichol	Warner
DeCamp	Kahle	Luedtke	Rasmussen	

Voting in the negative, 0.

Present and not voting, 1:

Burrows

Excused and not voting, 4:

George	Keyes	Maresh	Merz

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

LEGISLATIVE BILL 673.

A BILL FOR AN ACT to amend section 39-669.13, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to provide for the payment of certain fees by any person convicted of driving while under the influence of alcoholic liquor or of any drug; 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	Cullan	Hasebroock	Kremer	Marvel
Bereuter	Duis	Hefner	Labedz	Maxey
Brennan	E. Dvorak	Kahle	Lamb	Moylan
Carsten	Fitzgerald	Kelly	F. Lewis	Newell
Clark	Fowler	Kennedy	Luedtke	Nichol
Cope	Goodrich	Koch	Marsh	Rasmussen

Reutzel	Savage	Stoney	Warner
Rumery	Simon	Venditte	

Voting in the negative, 0.

Present and not voting, 8:

Burrows	DeCamp	R. Lewis	Murphy
Chambers	D. Dworak	Mills	Schmit

Excused and not voting, 4:

George	Keyes	Maresh	Merz

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

LEGISLATIVE BILL 807. With Emergency.

A BILL FOR AN ACT to amend section 23-174.10, Reissue Revised Statutes of Nebraska, 1943, relating to county zoning; to provide an additional purpose; to provide that a county which has adopted zoning regulations may regulate junk and salvage yards; 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	Duis	Koch	Maxey	Savage
Bereuter	E. Dvorak	Kremer	Mills	Simon
Brennan	D. Dworak	Labedz	Moylan	Stoney
Carsten	Fitzgerald	Lamb	Murphy	Venditte
Chambers	Fowler	F. Lewis	Newell	Warner
Clark	Goodrich	R. Lewis	Nichol	
Cope	Hasebroock	Luedtke	Rasmussen	
Cullan	Hefner	Marsh	Reutzel	
DeCamp	Kahle	Marvel	Rumery	

Voting in the negative, 1:

Schmit

Present and not voting, 3:

Burrows Kelly Kennedy

Excused and not voting, 4:

George Keyes Maresh 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 930. Placed on Select File.
LEGISLATIVE BILL 936. Placed on Select File.

LEGISLATIVE BILL 407. Placed on Select File as amended.
E & R amendments to LB 407:

1. On page 2, lines 1 and 2, page 3, lines 15 and 16, page 5, line 2, and in the title, line 3, strike "Revised Statutes Supplement, 1976," and insert "Reissue Revised Statutes of Nebraska, 1943,".

2. In lieu of the Maxey amendment, insert "or mobile home" after "residence" on page 2, line 5, and after "residence" in lines 3 and 4 of the Carsten amendment found on page 528 of the Journal.

3. In the Carsten amendment found on page 528 of the Journal, line 6, insert an underscored comma after "state".

4. In line 6 of the Carsten amendment found on page 529 of the Journal, insert an underscored comma after "instrument".

5. On page 3, line 4, strike the new and reinstate the stricken matter; and in line 5 strike "under subdivision (4) of" and show stricken; and in lieu of the Lewis amendment to page 3, in line 21, strike "fifteen" and insert "~~fifteen~~ twenty-four", in line 22 strike "four" and insert "~~four~~ six", and in line 23 insert "four hundred" after "thousand".

6. In the Labedz amendments found on page 732 of the Journal, on page 1, line 8, strike "under this act"; and on page 2, line 8, strike the semicolon and insert an underscored comma.

7. Insert the new section added by the Lewis amendment as section 3; in line 1 thereof strike "the"; and in the last line thereof insert an underscored comma after "July".

8. Renumber the operative date section as section 4 and original section 3 as section 5.

9. In the title, line 8, insert "to provide applicability; to provide an operative date;" after the semicolon.

LEGISLATIVE BILL 407A. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

GENERAL FILE

LEGISLATIVE BILL 541. Title read. Considered.

Mr. F. Lewis offered the following amendment:
Lt. Gov 35,000
Strike 32000 and insert 35000

Mr. F. Lewis withdrew his amendment.

Mr. Warner moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Warner moved the Call be raised. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Advanced to E & R for Review with 30 ayes, 6 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 153. Title read. Considered.

Standing Committee amendment found in the Journal on page 462 for the Eleventh Day was considered.

Mr. Burrows offered the following amendment to the Standing Committee amendment:
To amend the Committee amendment to LB 153 on Line 9 strike ~~equal to~~ and insert not more than

The amendment was adopted with 22 ayes, 6 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Newell offered the following amendment to the Standing Committee amendment:

AMENDMENTS TO LB 153

1. Strike the Committee Amendments

2. On page 2, line 24 strike "one-third" and insert "one-fourth"; in line 26 strike "Such" and insert "The amount of such" strike "established by the" and insert "provided by law."; and strike line 27.

3. On page 3, strike beginning with "shall" in line 1 through the period in line 10 and show the old matter as striken; and strike beginning with "set" in line 23 through "Assessment" in line 24 and insert "provided by law with the maximum amount not to exceed one-fourth of the salary of the Governor."

The amendment lost with 10 ayes, 16 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Reutzel moved to change the Speaker's Order and continue with LB 153 until noon.

The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. F. Lewis offered the following amendment:
Strike committee amendment.
New language: The Members of the Legislature's salary shall be one dollar per year and all actual expenses.

Mr. F. Lewis withdrew his amendment.

Standing Committee amendment, as amended, was adopted with 28 ayes, 2 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Newell withdrew his pending amendment found in the Journal on page 833.

Advanced to E & R for Review with 30 ayes, 2 nays, 10 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. R. Lewis asked unanimous consent to be excused Friday afternoon, February 24, 1978. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 23, 1978 at 11:12 a.m., was the following bill: 660.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

February 21, 1978

Mr. Pat O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 233, 380, 380A, and 441.

These bills were signed by me on February 21, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

February 21, 1978

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 Accountability and Disclosure Commission (6-year term expiring July 1, 1984) requiring legislative confirmation:

Mimi Waldbaum, 1327 So. 91st Ave, Omaha 68124

I respectfully submit this reappointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Mimi Waldbaum
NE Accountability & Disclosure Com.
Committee on Committees

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

February 23, 1978

The Committee on Committees will meet at 12:00 Noon on Thursday, March 2, 1978 in Room 2102 of the State Capitol for the purpose of hearing the following appointment.

Richard S. Westin - Nebraska Arts Council

This appointment will be considered in addition to those previously scheduled for this date.

February 23, 1978

The confirmation hearing of Dr. Bruce Cowgill to the Nebraska Game and Parks Commission previously scheduled for March 16, 1978 has been rescheduled for Tuesday, March 7, 1978 at 12:00 Noon in Room 2102 of the State Capitol.

All other appointees previously scheduled for these two dates will be considered as published in the Journal.

(Signed) John S. Savage, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 501.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 501.

UNANIMOUS CONSENT - LB 476

Mr. Koch asked unanimous consent to have LB 476 laid over until Tuesday, February 28, 1978.

Mr. Reutzel asked unanimous consent to be excused until 1:30 p.m. No objections. So ordered.

MOTION - "A" Bills

Mr. Simon moved that any bill carrying an "A" Bill for a General Fund appropriation or any enabling legislation containing a General Fund appropriation within the bill be bracketed on Final Reading until the appropriations bills for State Agency's request have been considered and enacted by the Legislature. Any bill which provides a greater increase in the General Fund receipts than the amount of General Fund appropriations shall be exempt from the above provision.

The motion prevailed with 25 ayes, 0 nays, 24 not voting.

MOTION - Return LB 534 to Select File

Mr. Murphy moved to return LB 534 to Select File for the following specific amendment:

1. On page 2, line 26 strike "may" and insert "shall".

The motion prevailed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 534. The Murphy specific amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Reconsider Action on LB 620

Mr. F. Lewis renewed his pending motion found in the Journal on page 745 to reconsider action on the Chambers motion to place LB 620 on General File.

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.

Voting in the affirmative, 25:

Barnett	Cope	Fitzgerald	Maxey	Nichol
Brennan	Cullan	Fowler	Mills	Savage
Burrows	DeCamp	Koch	Moylan	Schmit
Carsten	Duis	F. Lewis	Murphy	Simon
Chambers	D. Dworak	Marvel	Newell	Venditte

Voting in the negative, 17:

Bereuter	Hasebroock	Kremer	Marsh	Warner
Clark	Hefner	Labedz	Rasmussen	
E. Dvorak	Kahle	Lamb	Rumery	
Goodrich	Kelly	R. Lewis	Stoney	

Present and not voting, 1:

Luedtke

Absent and not voting, 1:

Kennedy

Excused and not voting, 5:

George	Keyes	Maresh	Merz	Reutzel

The motion to reconsider action prevailed with 25 ayes, 17 nays, 1 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. F. Lewis moved to place LB 620 on General File in accordance with Rule 3, Sec. 10b.

The motion prevailed with 25 ayes, 15 nays, 4 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

MOTION - Reconsider Action on LB 372

Mr. Schmit moved to reconsider action on LB 372 on Final Reading.

Motion pending.

VISITORS

The President introduced 40 F.F.A. members and advisor from Waverly; members from the 2nd Congressional District Democratic Womens Club; Keo Franzen, James Brad Robinson, Lisa Robinson, Richard Fiegenschuh, Barbara Schlaman, Rick Cole, Nancy Holling, Jeff Elsen, Ranae Radcliffe, John Marguardt, students who go to Sidney Junior and Senior High School, and sponsors, Mr. Dick Osterday and Mr. Paul Sheaman.

RECESS

At 11:52 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., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. George who was excused; and Mrs. Maxey and Mr. Schmit who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 189 in the Journal. No objections. So ordered.

1. Strike original sections 1, 3, and 8 and insert the following:

"Sec. 2. That section 81-1506, Revised Statutes Supplement, 1977, be amended to read as follows:

81-1506. (1) It shall be unlawful for any person:

(a) To cause pollution of any air, waters or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters or land of the state; or

(b) To discharge or emit any wastes into any air, waters or land of the state which reduce the quality of such air, waters or land below the air, water or land quality standards established therefor by the council. Any such action is hereby declared to be a public nuisance. It shall be prima facie evidence that a livestock operation is not a nuisance if:

(i) Reasonable techniques are employed to keep dust, noise, insects, and odor at a minimum;

(ii) It is in compliance with applicable regulations adopted by the council and zoning regulations of the local governing body having jurisdiction; and

(iii) The action is brought by or on behalf of a person whose date of lawful possession of the land claimed to be affected by a livestock operation is subsequent either to the issuance of an appropriate permit by the department for such operation, or to the operation of the feedlot and an on-site inspection by the department is made, before or after filing of the suit, and the inspection reveals that no permit is required for such operation.

(2) It shall be unlawful for any person to carry on any of the following activities unless he holds a current permit or certification therefor from the department, as is required by it, for the disposal of all wastes which are or may be discharged or emitted thereby into the air, waters or land of the state:

(a) Discharges for which a permit is required under the National Pollutant Discharge Elimination System created by the ~~Federal~~ federal Water Pollution Control Act Amendments of 1972 in which case the issuance of such permits shall be according to rules and regulations adopted by the council pursuant to subsection (11) of section 81-1505 and to which other provisions of this section shall not apply;

(b) The construction, installation, modification or operation of any disposal system or part thereof or any extension or addition thereto;

(c) The increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit;

(d) The construction, installation, or operation of any industrial, commercial, or other establishment or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge or emission of wastes into the air, waters or land of the state or would otherwise alter the physical, chemical or biological properties of any air, waters or land of the state in any manner not already lawfully authorized; ~~or~~

(e) The construction or use of any new outlet for the discharge of any wastes into the air, waters or land of the state; or

(f) The conduct of any activity including the construction or operation of facilities which may result in any discharge into the waters of the state and for which a federal license or permit is required pursuant to the federal Water Pollution Control Act Amendments of 1972, Public Law 92-500.

The department, under such conditions as it may prescribe, shall for the review, recommendations and written approval of the director require the submission of such plans, specifications and other information as it deems necessary to carry out the provisions of sections 81-1501 to 81-1532 or to carry out the rules and regulations adopted pursuant to the provisions of sections 81-1501 to 81-1532. When deemed necessary by the director, such plans and specifications shall be prepared and submitted by a professional engineer duly registered to practice in the State of Nebraska.

(3) If within thirty days of the receipt of plans, specifications or other information required pursuant to this section the department determines that the proposed construction, installation or establishment will not be in accordance with the requirements of sections 81-1501 to 81-1532 or applicable rules and regulations, it shall issue a preliminary order prohibiting the construction, installation or establishment of the air, water or land contaminant source or sources. Failure of such an order to issue within the time prescribed in this subsection shall be deemed a determination that the construction, installation or establishment may proceed, if it is in accordance with the plans, specifications or other information, if any, required to be submitted.

(4) In addition to any other remedies available on account of the issuance of a preliminary order disapproving construction, installation, or establishment

and prior to invoking any such remedies, the person aggrieved thereby shall, upon request and in accordance with rules of practice and procedure of the department, be entitled to a hearing on the order. Following such hearing, the preliminary order may be affirmed, modified or withdrawn by a final order of the director which order shall be subject to review as provided in section 81-1509.

(5) Nothing in this section shall be construed to authorize the department to specify the type, design, method of installation or type of construction of any equipment of manufacturing processes, or the kind or composition of fuels permitted to be sold, stored or used.

(6) Failure by the department to issue an order pursuant to this section shall not relieve any person from compliance with any emission or discharge control requirements or with any other provision of law.

Sec. 7. That original sections 19-2107, 81-1505, 81-1509, 81-1518, and 81-1528, Reissue Revised Statutes of Nebraska, 1943, and section 81-1506, Revised Statutes Supplement, 1977, are repealed.".

2. On page 8 lines 24 and 25, page 21, lines 6 and 7, page 23, lines 25 and 26, and page 25, lines 17 and 18, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

3. Renumber original sections 2, 4, 5, 6, and 7, as sections 1, 3, 4, 5, and 6, respectively.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 259, 551, 552, 567, 567A, 628, and 863.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 697. E & R amendments found in the Journal on page 848 for the Twenty-Fifth Day were adopted.

Mr. Venditte requested a machine vote to advance LB 697.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

MOTION - Change Speaker's Order

Mr. Keyes moved to change the Speaker's order and set LB 640 for consideration on Tuesday, February 28, 1978, for one hour only.

The motion lost with 8 ayes, 14 nays, and 27 not voting.

MOTION - LB 574

Mr. Maresh withdrew his pending motion found in the Journal on page 844 to return LB 574 to Select File.

GENERAL FILE

LEGISLATIVE BILL 385. Title read. Considered.

Mr. Rasmussen moved to indefinitely postpone.

Mr. DeCamp 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. Bereuter requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 19:

Bereuter	Duis	Kahle	R. Lewis	Rasmussen
Chambers	D. Dworak	Kelly	Maresh	Rumery
Clark	Goodrich	Kremer	Moylan	Warner
Cullan	Hefner	Lamb	Murphy	

Voting in the negative, 20:

Barnett	E. Dvorak	F. Lewis	Merz	Savage
Brennan	Fowler	Luedtke	Newell	Simon
Cope	Hasebroock	Marsh	Nichol	Stoney
DeCamp	Labedz	Marvel	Reutzel	Venditte

Present and not voting, 9:

Burrows	Fitzgerald	Keyes	Maxey	Schmit
Carsten	Kennedy	Koch	Mills	

Excused and not voting, 1:

George

The motion to indefinitely postpone lost with 19 ayes, 20 nays, 9 present and not voting, and 1 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

Mr. Bereuter requested a record vote to advance LB 385.

Mr. DeCamp requested a roll call vote to advance LB 385.

Voting in the affirmative, 18:

Barnett	E. Dvorak	F. Lewis	Merz	Stoney
Brennan	Fowler	Luedtke	Newell	Venditte
Cope	Hasebroock	Marsh	Savage	
DeCamp	Labedz	Marvel	Simon	

Voting in the negative, 26:

Bereuter	Duis	Kennedy	Mills	Schmit
Burrows	D. Dworak	Kremer	Moylan	Warner
Carsten	Goodrich	Lamb	Murphy	
Chambers	Hefner	R. Lewis	Rasmussen	
Clark	Kahle	Maresh	Reutzel	
Cullan	Kelly	Maxey	Rumery	

Present and not voting, 4:

Fitzgerald	Keyes	Koch	Nichol

Excused and not voting, 1:

George

Failed to advance to E & R for Review with 18 ayes, 26 nays, 4 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to strike the enacting clause.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 21 nays, and 4 not voting.

Mr. Bereuter requested a record vote on the Chambers amendment to strike the enacting clause.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 21:

Bereuter	Duis	Kelly	Maxey	Warner
Carsten	D. Dworak	Kremer	Moylan	
Chambers	Goodrich	Lamb	Murphy	
Clark	Hefner	R. Lewis	Rasmussen	
Cullan	Kahle	Maresh	Rumery	

Voting in the negative, 19:

Brennan	Hasebroock	Luedtke	Newell	Simon
Cope	Kennedy	Marsh	Reutzel	Stoney
DeCamp	Labedz	Marvel	Savage	Venditte
E. Dvorak	F. Lewis	Merz	Schmit	

Present and not voting, 8:

Barnett	Fitzgerald	Keyes	Mills
Burrows	Fowler	Koch	Nichol

Excused and not voting, 1:

George

The Chambers amendment lost with 21 ayes, 19 nays, 8 present and not voting, and 1 excused and not voting.

Mr. Hefner moved the Call be raised. The motion prevailed with 24 ayes, 4 nays, and 21 not voting.

Mr. Bereuter was excused until he returns.

LEGISLATIVE BILL 92. Title read. Considered.

Mr. Warner withdrew his pending amendment found in the Journal on page 864.

Mr. F. Lewis offered the following amendment to LB 92:
Line 5, strike seventeen insert 12, line 7 strike fourteen and insert 8, strike lines 8-15.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mr. F. Lewis requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Burrows	D. Dworak	F. Lewis	Rasmussen	Stoney
Carsten	Fitzgerald	Marsh	Reutzel	Venditte
Clark	Fowler	Maxey	Rumery	Warner
Cullan	Keyes	Murphy	Schmit	
DeCamp	Koch	Newell	Simon	

Voting in the negative, 22:

Barnett	Goodrich	Kremer	Maresh	Nichol
Brennan	Hasebroock	Labedz	Marvel	Savage
Cope	Hefner	Lamb	Merz	
Duis	Kahle	R. Lewis	Mills	
E. Dvorak	Kennedy	Luedtke	Moylan	

Present and not voting, 2:

Chambers Kelly

Excused and not voting, 2:

Bereuter George

The amendment lost with 23 ayes, 22 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Nichol moved the Call be raised. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

MR. MARVEL PRESIDING

Messrs. Nichol and Savage were excused at 3:30 p.m. until they return.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mr. Goodrich requested a roll call vote to advance LB 92.

Voting in the affirmative, 24:

Barnett	E. Dvorak	Hefner	Lamb	Newell
Brennan	Fitzgerald	Kahle	Luedtke	Nichol
Burrows	Fowler	Koch	Maresh	Rumery
Carsten	Goodrich	Kremer	Merz	Simon
Cope	Hasebroock	Labedz	Moylan	

Voting in the negative, 22:

Chambers	D. Dworak	R. Lewis	Murphy	Venditte
Clark	Kelly	Marsh	Rasmussen	Warner
Cullan	Kennedy	Marvel	Reutzel	
DeCamp	Keyes	Maxey	Schmit	
Duis	F. Lewis	Mills	Stoney	

Excused and not voting, 3:

Bereuter	George	Savage

Failed to advance to E & R for Review with 24 ayes, 22 nays, and 3 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 932. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

Agriculture and Environment

LEGISLATIVE BILL 926. Placed on General File as amended.
Standing Committee amendments to LB 926:

1. On page 3, line 15 strike "55" and insert "52".

2. Strike original section 9 and insert a new section 9 as follows:

"Sec. 9. The committee shall establish the criteria or guidelines for the applications to be submitted for the matching grants available under section 5 of this act within thirty days after the effective date of this act. Applications for such matching grants may be submitted within sixty days after the guidelines or criteria have been publicly announced.".

3. On page 6, line 23 strike "seventy" and insert "ten"; strike "effective date" and insert "application"; and in line 24 strike "of this act" and insert "deadline"; and strike "shall" and insert "are qualified to".

4. Insert a new section 16 as follows:

"Sec. 16. If no applications are received during the first application period, then a second application period will go into effect whereby only two grants will be awarded of up to, but not more than, one million dollars each and no grant shall be provided unless the initial cost of a grain alcohol plant is at least two million dollars.".

5. Insert a new section 20 as follows:

"Sec. 20. The committee shall become a member of any national gasohol promotion group. There is hereby appropriated thirty thousand dollars to the Agricultural Products Industrial Utilization Committee Membership Fund which is hereby created for purposes of membership in any national gasohol promotion group.".

6. Renumber original sections 16 to 18 as sections 17 to 19 respectively. Renumber original section 19 as section 21.

(Signed) Loran Schmit, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 534.

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 167.

Introduced by Cullan, 49th District; Keyes, 3rd District.

WHEREAS, the State of Nebraska is an important railroad link in the transportation of energy producing natural resources; and

WHEREAS, the railroads operating in Nebraska should continue to meet the transportation needs of this nations energy demands; and

WHEREAS, the citizens of the State of Nebraska are being increasingly influenced by railroad transportation and development; and

WHEREAS, the communities of the state which exist in areas of increasing railroad development are becoming, and will continue to be, impacted by such developments; and

WHEREAS, within these communities the schools, public facilities, railroad crossings, and other human needs are being strained by the effects of railroad development and transportation; and

WHEREAS, the citizens of Nebraska depend on a fair and adequate taxation system to provide the needed revenue for all public facilities necessary to protect health, safety, and welfare.

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

1. That an interim study be conducted by a committee selected by the Legislature from its membership to examine current railroad taxation in Nebraska.

2. That such study shall include, but not be limited to the following:

a. an analysis of alternative railroad taxation programs or proposals such as the payment of state sales taxes by the railroads, the feasibility of eliminating all taxes on real property and the adoption of a gross income taxation system;

b. a review of taxes on property leased by the various railroads in the state;

c. an analysis of the rates charged against rolling stock within the state;

d. an analysis and proposals for the elimination of terminal property taxation;

e. development of instructional guidelines for local real property tax assessments; and

f. examination of the relationships and consequences incurred between increased coal transportation and the resultant increased value of property within the State of Nebraska;

g. depreciation procedures on railroad property;

h. a review of taxation of leased rolling stock.

3. The committee shall be authorized to spend no more than fifty thousand dollars in necessary expenses to assure the quality and usefulness of this study to the Legislature.

4. The committee shall organize their recommendations into an acceptable form to be presented to the next regular session of the Legislature for consideration.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 168.

Introduced by DeCamp, 40th District; Schmit, 23rd District; Maresh, 32nd District; Lamb, 43rd District; Venditte, 7th District; Kahle, 37th District; Hefner, 19th District; Burrows, 30th District.

WHEREAS, the first session of the Eighty-fourth Legislature of the State of Nebraska passed LB 335 into law; and

WHEREAS, LB 335 provides that it is the public policy of the State of Nebraska to protect and foster the health and general welfare of its people by requiring that all meat or meat products, poultry or poultry products, and dairy products sold, delivered, held, or offered for sale in the State of Nebraska be subject to adequate food sanitation inspection and regulation requirements; and

WHEREAS, LB 335 prohibits the sale, delivery, holding, or offering for sale of any of these products that are processed in an establishment located outside the United States which is not subjected to food sanitation inspection and regulation equal to or greater than the food sanitation inspection and regulation required by the State of Nebraska of food handlers located in the State of Nebraska; and

WHEREAS, LB 335 placed the burden of inspection of these products upon the Department of Agriculture; and

WHEREAS, it should be determined whether these inspections as required by LB 335 have ever, or are being made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISALTURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska State Legislature request that the Director of the Department of Agriculture of the State of Nebraska report the

following information to the Clerk of the Legislature for publication in the Legislative Journal:

A. The procedures that have been taken by the Department of Agriculture to implement LB 335 from the effective date of the act until the present time; and

B. If no procedures have been or are being taken by the Department of Agriculture to implement LB 335 from its effective date to the present, or during any part of that time period, a list of reasons why such action was not, or is not, being taken.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 818. Mr. Fowler asked unanimous consent to bracket LB 818 until Monday, February 27, 1978.

Mr. Clark objected.

Mr. Fowler moved to bracket LB 818 until Monday, February 27, 1978.

Mr. Fowler moved for a Call of the House. The motion prevailed with 17 ayes, 16 nays, and 16 not voting.

Mr. Fowler requested a roll call vote.

Voting in the affirmative, 20:

Barnett	Cullan	Hasebroock	Merz	Rasmussen
Carsten	DeCamp	R. Lewis	Mills	Reutzel
Chambers	D. Dworak	Marvel	Murphy	Schmit
Cope	Fowler	Maxey	Newell	Warner

Voting in the negative, 24:

Brennan	Fitzgerald	Kennedy	Lamb	Rumery
Burrows	Goodrich	Keyes	F. Lewis	Simon
Clark	Hefner	Koch	Maresh	Stoney
Duis	Kahle	Kremer	Marsh	Venditte
E. Dvorak	Kelly	Labedz	Moylan	

Present and not voting, 1:

Luedtke

Excused and not voting, 4:

Bereuter George Nichol Savage

The Fowler motion to bracket LB 818 lost with 20 ayes, 24 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Title read. Considered.

The Standing Committee amendments found in the Journal on page 507 for the Twelfth Day were adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Maresh renewed his pending amendment found in the Journal on page 806.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

The Maresh amendment lost with 13 ayes, 23 nays, 9 present and not voting, and 4 excused and not voting.

Mr. F. Lewis moved to indefinitely postpone.

Motion pending.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 553. Placed on General File as amended.
Standing Committee amendment to LB 553:

1. On page 2, line 7, after "offenses" insert "involving penetration by force or against the will of the victim".

LEGISLATIVE BILL 739. Placed on General File.
LEGISLATIVE BILL 76. Indefinitely postponed.
LEGISLATIVE BILL 644. Indefinitely postponed.
LEGISLATIVE BILL 824. Indefinitely postponed.
LEGISLATIVE BILL 827. Indefinitely postponed.
LEGISLATIVE BILL 886. Indefinitely postponed.

LEGISLATIVE BILL 914. Indefinitely postponed.

(Signed) Jerry Koch, Chairman

UNANIMOUS CONSENT - Members Excused

Mrs. Labedz and Mr. Moylan asked unanimous consent to be excused on Friday, February 24, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 640

Mr. Newell asked unanimous consent to bracket LB 640 until February 28, 1978. No objections. So ordered.

UNANIMOUS CONSENT -Change of Order

Mr. Chambers asked unanimous consent to have LB 711 trade places with LB 408 on General File. No objections. So ordered.

POINT OF PERSONAL PRIVILEGE

Mr. DeCamp spoke to the members on a point of personal privilege regarding a subpoena he received today.

VISITORS

Visitors of Sen. Brennan on February 21, 1978 were Margaret Bessette, Freda Glass and Ella Mae Glup of Omaha.

ADJOURNMENT

At 4:29 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, February 24, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 24, 1978

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 24, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, may the members of this legislature not become frustrated with decision making. Give to them a renewed sense of the meaning of life lest they grow shallow and empty.
>
> Guide us beyond self-interest, lest we lose all interest. Enable us to develop a maturity of life so we are not confined to the prison of our own interests, but have a vision of service for fulfilling the high mission which calls us to this place. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Cope, E. Dvorak, George, Fitzgerald, Kelly, Keyes, Koch, and Moylan who were excused; Messrs. F. Lewis, R. Lewis, Reutzel, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 881, delete lines 23 and 24 and insert:
Advanced to E & R for Review with 29 ayes, 8 nays, 8 present and not voting, and 4 excused and not voting.
The Journal for the Twenty-Sixth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

February 23, 1978

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

Dear Mr. President and Senators:

I am returning LB 526 with my veto and my objections thereto.

In LB 526, you change the date when the Governor must submit his budget message and recommendations to you from the 30th legislative day to January 15th of each year. For a new Governor, you have provided until February 1 to submit his message and budget recommendations.

In making such provisions, the Legislature is unnecessarily and unwisely further attempting to invade executive authority and responsibility. These new provisions in effect remove any connection between the presentation of the budget message and the conduct of legislative business - unless, of course, the Legislature itself would also agree to meet on a calendar day basis rather than a legislative day schedule.

The history of the presentation of the executive budget message shows no instance when the date such message and recommendation was delivered has hindered its thorough and timely consideration by the Legislature. Rather, the effect of these provisions would hamstring any governor as he attempts to assess budgetary needs and anticipated revenues, collect information, and prepare his budget bills.

In my estimation, after eight years of budget messages and recommendations to your body, such additional time is essential to preserve sound and conservative budgeting. I cannot accept this disregard on your part for one of any governor's most important duties and responsibilities. This is a bill for which there was absolutely no demonstrated need or demand, but which would have serious consequences for Nebraska governors far into the future.

Because of the size of the vote on passage of this bill, I assume that most will consider it easy to override this veto. In what I assume will be haste on the part of some to override with vengeance, I urge your study and debate on this matter which is not routine.

Hopefully there are one or two Senators who would care enough to investigate the negative effects of this measure on future governors before the juggernaut of the appropriations committee rolls over the body with assurances that this is a good bill. For what it is worth from the only person who has had eight years of experience in this particular area, it is a bad and ill-conceived measure.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

MOTION - Override Veto on LB 526

Mr. Warner moved that LB 526 be enacted notwithstanding the objections of the Governor.

Motion pending.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registerd as of February 23, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Crosby, Guenzel, Davis, Kessner & Kuester: Crosby, Robert B. (withdrawn 2/21/78), Reinsurance Association of America; Davis Donn E. (withdrawn 2/21/78), Reinsurance Association of America; Sedgwick, James L. (withdrawn 2/21/78), Reinsurance Association of America; Sedgwick, James L. - Nebraska Association of Industrial Loan & Investment Companies.

Huff, Charles P. - Lincoln, Pearle Vision Centers, Inc.

Humpal, John E. (withdrawn 2/21/78) - Nebraska State Medical Association

Iverson, Casey J. - Bassett, Nebraska Committee for Freedom of Choice

Noren & Burns: Noren, Charles F. - Lincoln, Masek's Rocky Mountain Kawasaki, Ltd.

Schultz, Ted E. - Lincoln, Nebraska Health Care Association

Reregistration from Febr. 17 through Febr. 23

Gehring, Stephen E. - Lincoln, Iowa Beef Processors, Inc.
Kohl, Jan Ellis - Lincoln, National Organization For Women

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 717. Replaced on Select File as amended.
E & R amendments to LB 717:

1. In the title, line 7, insert ", and also section 8-307, Reissue Revised Statutes of Nebraska, 1943" before the period.

LEGISLATIVE BILL 411. Placed on Select File as amended.
E & R amendments to LB 411:

1. In lieu of the Lamb amendment to the Lamb amendments, on page 2, lines 1 and 2, and page 4, line 5 strike "the effective date of this act" and insert "January 1, 1980"; and on page 2, line 4, strike "the effective date of this act," and insert "such date".

2. On page 2, lines 5 and 18, strike "discontinued" and insert "dissolved"; and in line 7 strike "discontinuance" and insert "dissolution".

3. On page 4, line 8, strike "discontinued" and insert "dissolved".

4. In the title, strike lines 2 to 13 and insert:
"FOR AN ACT relating to ground water conservation districts; to provide for the dissolution of such districts; to provide that board members shall serve as advisory memmbers of natural resources district boards; to provide duties; to provide for expenses; to amend section 2-3213, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections, and also sections 46-614 to 46-625, 46-627, 46-628, 46-631 to 46-634, Reissue Revised Statutes of Nebraska, 1943, section 46-629, Revised Statutes Supplement, 1976, and sections 46-626 and 46-630, Revised Statutes Supplement, 1977".

LEGISLATIVE BILL 395. Placed on Select File as amended.
E & R amendment to LB 395:

1. In committee amendments, line 4, insert "the first" after "strike".

(Signed) Samuel K. Cullan, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 24, 1978, at 8:45 a.m., was the following bill: 501.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 568, 571, 625, 723, 724, 756, and 869.

Correctly Enrolled

The following bills were correctly enrolled: 21, 21A, 469, 508, 585, 655, 656, 659, 661, 670, 673, and 807.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 21, 21A, 469, 508, 585, 655, 656, 659, 661, 670, 673, and 807.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 212. Laid over at the request of Speaker Luedtke.

LEGISLATIVE BILL 244.

A BILL FOR AN ACT to amend section 77-27,150, Revised Statutes Supplement, 1977, relating to taxation; to change provisions for the 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.

Whereupon the 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	Cullan	Kennedy	Maxey	Rumery
Bereuter	Duis	Kremer	Merz	Savage
Brennan	D. Dworak	Lamb	Murphy	Schmit
Burrows	Goodrich	Luedtke	Newell	Simon
Carsten	Hasebroock	Maresh	Nichol	Stoney
Chambers	Hefner	Marsh	Rasmussen	Warner
Clark	Kahle	Marvel	Reutzel	

Voting in the negative, 0.

Present and not voting, 3:

DeCamp	Fowler	Mills

Excused and not voting, 12:

Cope	George	Koch	R. Lewis
E. Dvorak	Kelly	Labedz	Moylan
Fitzgerald	Keyes	F. Lewis	Venditte

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

LEGISLATIVE BILL 262.

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.

Whereupon the 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	Clark	Duis	Hefner	Lamb
Bereuter	Cullan	D. Dworak	Kahle	R. Lewis
Carsten	DeCamp	Hasebroock	Kremer	Luedtke

Maresh	Merz	Nichol	Simon
Marsh	Mills	Reutzel	Stoney
Maxey	Murphy	Schmit	Warner

Voting in the negative, 10:

Brennan	Chambers	Goodrich	Marvel	Rasmussen
Burrows	Fowler	Kennedy	Newell	Savage

Present and not voting, 1:

Rumery

Excused and not voting, 11:

Cope	George	Koch	Moylan
E. Dvorak	Kelly	Labedz	Venditte
Fitzgerald	Keyes	F. Lewis	

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

LEGISLATIVE BILL 327. Mr. Newell asked unanimous consent to have LB 327 laid over. No objections. So ordered.

LEGISLATIVE BILL 447. With Emergency.

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; 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, 33:

Bereuter	D. Dworak	R. Lewis	Mills	Savage
Carsten	Hasebroock	Luedtke	Murphy	Schmit
Chambers	Hefner	Maresh	Newell	Simon
Clark	Kahle	Marsh	Nichol	Stoney
Cullan	Kennedy	Marvel	Rasmussen	Warner
DeCamp	Kremer	Maxey	Reutzel	
Duis	Lamb	Merz	Rumery	

Voting in the negative, 0.

Present and not voting, 5:

Barnett	Brennan	Burrows	Fowler	Goodrich

Excused and not voting, 11:

Cope	George	Koch	Moylan
E. Dvorak	Kelly	Labedz	Venditte
Fitzgerald	Keyes	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 574. Mr. Simon asked unanimous consent to have LB 574 and LB 574A laid over. No objections. So ordered.

LEGISLATIVE BILL 580.

A BILL FOR AN ACT to amend section 71-1630, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for consecutive terms of office for board of health members; and to repeal the original section.

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

Voting in the affirmative, 35:

Barnett	Cullan	Kennedy	Marvel	Rasmussen
Bereuter	Duis	Kremer	Maxey	Reutzel
Brennan	D. Dvorak	Lamb	Merz	Rumery
Burrows	Fowler	R. Lewis	Mills	Savage
Carsten	Goodrich	Luedtke	Murphy	Schmit
Chambers	Hasebroock	Maresh	Newell	Stoney
Clark	Hefner	Marsh	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 3:

DeCamp	Kahle	Simon

Excused and not voting, 11:

Cope	George	Koch	Moylan
E. Dvorak	Kelly	Labedz	Venditte
Fitzgerald	Keyes	F. Lewis	

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

LEGISLATIVE BILL 685. With Emergency.

A BILL FOR AN ACT to amend section 71-4410, Reissue Revised Statutes of Nebraska, 1943, relating to rabies; to harmonize with the Nebraska Criminal Code; to provide for seizure of animals 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, 38:

Barnett	DeCamp	Kennedy	Maxey	Rumery
Bereuter	Duis	Kremer	Merz	Savage
Brennan	D. Dworak	Lamb	Mills	Schmit
Burrows	Fowler	R. Lewis	Murphy	Simon
Carsten	Goodrich	Luedtke	Newell	Stoney
Chambers	Hasebroock	Maresh	Nichol	Warner
Clark	Hefner	Marsh	Rasmussen	
Cullan	Kahle	Marvel	Reutzel	

Voting in the negative, 0.

Excused and not voting, 11:

Cope	George	Koch	Moylan
E. Dvorak	Kelly	Labedz	Venditte
Fitzgerald	Keyes	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 749. With Emergency.

A BILL FOR AN ACT relating to civil procedure; to require a report of all criminal homicide cases as prescribed; to provide duties; and to declare an emergency.

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

Voting in the affirmative, 38:

Barnett	DeCamp	Kennedy	Maxey	Rumery
Bereuter	Duis	Kremer	Merz	Savage
Brennan	D. Dworak	Lamb	Mills	Schmit
Burrows	Fowler	R. Lewis	Murphy	Simon
Carsten	Goodrich	Luedtke	Newell	Stoney
Chambers	Hasebroock	Maresh	Nichol	Warner
Clark	Hefner	Marsh	Rasmussen	
Cullan	Kahle	Marvel	Reutzel	

Voting in the negative, 0.

Excused and not voting, 11:

Cope	George	Koch	Moylan
E. Dvorak	Kelly	Labedz	Venditte
Fitzgerald	Keyes	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.

ATTORNEY GENERAL'S OPINION

Opinion No. 196
February 22, 1978

Dear Senator Goodrich:

You have asked our opinion as to the amendment to LB 407 added by Senator Lewis on February 21, 1978. This amendment is in two parts. The first part simply increases the amount of the ordinary homestead exemptions, and we see no constitutional difficulties with

that part, and as we understand it, your question is not directed to that portion of the amendment.

The second portion of the amendment adds a new section to LB 407, which provides:

> "The provisions of this amendment shall apply to those counties that have re-evaluated the taxable property in their counties since July 1975."

With respect to this new section, we see several difficulties. First, we are not sure what it means. When it speaks of "this amendment" is it referring to the changes of section 77-202.13 which would be made by the first part of the amendment? If so, it will certainly be obscure when incorporated as a new section in the statutes, as a determination of what changes were made by "this amendment" will require an extensive search back through the legislative history of the sections in question. The same is true if "this amendment" is construed to refer to all of the changes made by LB 407, as finally passed.

It may be that the intention was to deny homestead exemptions to residents of counties which have not revalued their taxable property since July, 1975. This intention has not been expressed clearly enough so that any court could so construe it, and if it had been, it would be of very doubtful constitutionality.

Article III, Section 18 of the Nebraska Constitution forbids unreasonable classification, and this would appear to be a clear example of such classification. Presumably the purpose of such a provision would be to penalize a county for not having reevaluated its taxable property since July, 1975. This penalty, however, is not imposed upon the county, as such, or even all the taxpayers of the county, but only upon an arbitrarily selected portion of the taxpayers, being those who would otherwise be entitled to a homestead exemption. We can see no rational justification for penalizing this particular class of taxpayers, so if that is what the amendment was intended to do, we have grave doubts as to its constitutional validity.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pjs
cc: Patrick O'Donnell
Acting Clerk of the Legislature

MOTION - Return LB 567A to Select File

Messrs. Bereuter, Kahle and Warner moved to return LB 567A to Select File for the following specific amendment:
On page 2 in line 2 strike "sixty-nine thousand seven hundred fifty-one" and insert "forty thousand six hundred and thirty-eight" and in line 3 after "Fund" strike the remainder of the line, and in line 4 strike "Federal Funds", and at the end of line 8 insert: "Included in the General Fund appropriation is one thousand dollars for the development of a program statement for the restoration of the Antonia Farm House."

The motion prevailed with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 567A. The Bereuter, Kahle, and Warner specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Maresh asked unanimous consent to be excused at 9:40 a.m. until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 168. Read and considered.

LR 168 was adopted with 28 ayes, 0 nays, 9 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 950. By Speaker Luedtke, at request of Governor.

A BILL FOR AN ACT to amend sections 83-170 and 83-1,105, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Treatment and Corrections Act; to change provisions relating to sentences; to redefine a term; and to repeal the original sections.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will have an executive meeting Sunday, February 25, 1978 at 4:00 p.m., Room 1003.

SELECT FILE

LEGISLATIVE BILL 424. Mr. Murphy offered the following amendment:
Strike Schmit amendment found on page 552 of the Journal.

Amendment pending.

Mr. DeCamp asked unanimous consent to bracket LB 424 until receipt of an Attorney General's Opinion. No objections. So ordered.

LEGISLATIVE BILL 624. Mr. Reutzel asked unanimous consent to have LB 624 and LB 624A laid over. No objections. So ordered.

LEGISLATIVE BILL 457. Mr. Barnett asked unanimous consent to have LB 457 laid over. No objections. So ordered.

LEGISLATIVE BILL 930. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 936. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 407. E & R amendments found in the Journal on page 880 for the Twenty-Sixth Day were adopted.

Mr. Newell asked unanimous consent to have LB 407 and LB 407A laid over. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 818. Considered.

Mr. F. Lewis renewed his pending motion found in the Journal on page 900 to indefinitely postpone.

Mr. Bereuter asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. F. Lewis requested a roll call vote to indefinitely postpone.

Voting in the affirmative, 19:

Brennan	Hefner	R. Lewis	Murphy	Simon
Clark	Kennedy	Luedtke	Nichol	Stoney
Goodrich	Kremer	Marsh	Rasmussen	Venditte
Hasebroock	F. Lewis	Merz	Savage	

Voting in the negative, 18:

Barnett	DeCamp	Kahle	Mills	Schmit
Carsten	Duis	Lamb	Newell	Warner
Chambers	D. Dworak	Marvel	Reutzel	
Cullan	Fowler	Maxey	Rumery	

Present and not voting, 1:

Burrows

Excused and not voting, 11:

Bereuter	Fitzgerald	Keyes	Maresh
Cope	George	Koch	Moylan
E. Dvorak	Kelly	Labedz	

The motion to indefinitely postpone prevailed with 19 ayes, 18 nays, 1 present and not voting, and 11 excused and not voting.

Mr. Venditte moved the Call be raised. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

MESSAGE FROM THE GOVERNOR

February 23, 1978

Mr. Pat O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 660.
This bill was signed by me on February 23, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORT
Committee on Committees

February 23, 1978

Mr. President:

The Committee on Committees desires to report favorably upon the appointments and reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body, and suggests a record vote.

Dr. Warren Bosley - State Board of Health
Loren Belker - State Board of Health
Dr. Jack (Raymond) Swanson - State Board of Health
Dr. Richard M. Evans - State Board of Health
Dr. W. J. Higgins - State Board of Health
John E. Olsson - State Board of Health
Dr. Howard Nelson - State Board of Health
George F. Sullivan - State Board of Health
Mrs. Emmett (Phyllis) Smith - State Board of Health
Dr. Robert C. Rosenlof - State Board of Health
*Dr. A. B. Pittman - State Board of Health
Robert B. Baburek - Public Employees Retirement Board
Charles O. Morehouse - Public Employees Retirement Board
W. Gale Rumpeltes - Public Employees Retirement Board
Larry Kunc - Public Employees Retirement Board

Committee Vote: For: (7) Senators Savage, Burrows, Koch, Moylan, Murphy, Cope, and Mills. Against: None. Excused and Not Voting: (5) Senators Marsh, F. Lewis, Labedz, Dworak, and Rasmussen. Absent and Not Voting: (1) Senator DeCamp.

*Explanation of advancement of Dr. A. B. Pittman's name for confirmation by the full Legislature.

Dr. A. B. Pittman failed to submit a Statement of Financial Interest as required by the Nebraska Political Accountability Act.

On a motion by Senator Koch, seconded by Senator Mills it was recommended that all persons names, including Dr. Pittman's should be submitted to the full Legislature for consideration.

This motion was amended to state that clarification of the requirements for filing a Statement of Financial Interest be requested from the Political Accountability Commission.

The motion as amended was approved by all committee members in attendance.

We then sent a letter to the Commission and received the following reply which will be quoted:

> "Even though his refusal or failure to so file may constitute a violation of the Act, it is submitted that the body having the power of confirmation is not prohibited from confirming the appointment. However, there may be other legal issues upon his attempting to assume the duties of his office, with or without confirmation under such circumstances, such as whether any governmental actions he takes or participates in as such officer are valid."

After receiving this opinion from the Political Accountability Commission, I canvassed the entire committee and was authorized to submit Dr. Pittman's name to the Legislature, 11 in support to 2 opposed.

Dr. Pittman was reappointed to the Board of Health on July 27, 1977 for a term scheduled to expire on September 14, 1978, he has been serving on the Board without legislative confirmation of his reappointment since July 1977.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT - Corrected Statement of LB 795

Mr. R. Lewis asked unanimous consent to have a corrected committee statement on LB 795 placed in the bill books. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 691. Placed on General File as amended.
Standing Committee amendment to LB 691:

1. On page 2, lines 8 and 24 strike "twenty" and insert "seventeen".

LEGISLATIVE BILL 564. Placed on General File as amended.
Standing Committee amendments to LB 564:

1. On page 3, line 5 strike "on active duty" and insert "in the active service of the state"; in line 10 strike "payments" and insert "credit"; in lines 11 and 12 strike "made" and insert "granted"; in line 12 strike "payment" and insert "credit"; and in line 13 after "birthday." insert "All persons eligible for tuition credit under this section shall obtain a certificate of eligibility from the Adjutant General of the Nebraska National Guard and present such certificate to the educational institution in the same manner as provided for regular members of the Nebraska National Guard under seection 85-506.".

2.Strike original section 4.

3. Insert the following new sections:

"Sec. 4. Upon receipt of a certificate described in section 85-506 or section 3 of this act, the educational institution shall endorse on the certificate the dollar amount of the tuition credit granted pursuant to either section 85-506 or section 3 of this act, and return such certificate to the Nebraska National Guard officer issuing the certificate. Within thirty days after receipt of the duly endorsed certificate, the Nebraska National Guard shall reimburse the educational institution for the amount of the credit granted and endorsed on the certificate.

Sec. 5. The Adjutant General may authorize a payment to encourage individuals to enlist or reenlist in units of the Nebraska National Guard whenever the strength level of such units is so low as to adversely affect the ability of such units to meet their state or federal mission, if the sum of such payments does not exceed the amount appropriated for this purpose. The Adjutant General may devise and change a formula to distribute incentive payments to members of the Nebraska Army National Guard and the Air National Guard, so as to encourage enlistments, reenlistments, or both, subject to the following restrictions. The payments shall be restricted to enlisted persons who have less than twelve years of total military service.

The payments shall not exceed the rate of one hundred dollars per year of service but may be provided in advance of service, except that no more than three hundred dollars shall be paid in advance of performed service to any one individual at any time.''.

4. Renumber original section 5 as section 6.

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 248 in the Journal. No objections. So ordered.

Page 30, Line 15 & 16 (17)...reads ''has failed to comply with the provisions of Chapter 60, ~~Article 17 or 23~~.'' *
Amend to read:
(17) ''has failed to comply with the provisions of Chapter 60, Article 23 or has been convicted by the court for failure to comply with Article 17.''

*Article 17 Motor Vehicle Inspection Law - Article 23 Odometer law

Mr. Barnett asked unanimous consent to print the following amendments to LB 153 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 153

1. Strike all amendments.

2. On page 2, line 22 after ''receive'' insert ''a per diem of thirty-five dollars for each day actually and necessarily engaged in the performance of such individual's duties as a member of the Legislature. In addition to such per diem, each member shall be reimbursed for actual and necessary expenses, including traveling expenses.''; and strike the new matter in lines 23 through 27.

3. On page 3, strike beginning with ''shall'' in line 1 through the period in line 10 and show the old matter as stricken.

MOTION - Suspend Rules

Mr. Rasmussen moved to suspend Rule 3, Section 5 to set a committee hearing on LB 941.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

NOTICE OF COMMITTEE HEARING
Government, Military & Veterans Affairs

LB 941 Thursday, March 2, 1978 1:30 p.m.

(Signed) Dennis Rasmussen, Chairman

GENERAL FILE

LEGISLATIVE BILL 92. Mr. Goodrich asked unanimous consent to bracket LB 92 and LB 92A until Tuesday, February 28, 1978. No objections. So ordered.

LEGISLATIVE BILL 99. Mr. F. Lewis asked unanimous consent to have LB 99 laid over.

Mr. Fowler objected.

Mr. F. Lewis asked unanimous consent to have LB 99 laid over. No objections. So ordered.

LEGISLATIVE BILL 271. Title read. Considered.

Standing Committee amendment found in the Journal on page 829 for the Forty-Second Day, First Session, was adopted with 25 ayes, 0 nays, 11 excused and not voting, and 13 present and not voting.

Mr. Kennedy asked unanimous consent to be excused at 11:30 a.m. until he returns. No objections. So ordered.

Mr. Barnett asked unanimous consent to have LB 271 laid over until Monday, February 27, 1978. No objections. So ordered.

ANNOUNCEMENTS

Mr. DeCamp announced a special executive session under the North balcony at recess today of the Banking, Commerce & Insurance Committee.

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at recess today.

Mr. Carsten announced a meeting of the special committee on LR 156 on Monday evening, February 27, 1978 at 7:00 p.m. in room 1113, Judiciary Committee Hearing Room.

CORRECTED STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 711. Placed on General File as amended. Corrected Standing Committee amendment to LB 711:

1. On page 2, strike beginning with "six" in line 24 through the first "of" in line 25 and insert "a reasonable time after".

(Signed) Wally Barnett, Chairman

UNANIMOUS CONSENT - Bracket LB 672

Mr. Mills asked unanimous consent to bracket LB 672 until March 7, 1978. No objections. So ordered.

VISITORS

The President introduced 40 8th grade students and principal from St. Mary's School, David City; 10 11th and 12th grade students and instructor from the Government Class of Murdock.

RECESS

At 11:46 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:41 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Cope, E. Dvorak, George, Fitzgerald, Kelly, Koch, Moylan, Duis, R. Lewis, and Rumery who were excused; Messrs. Bereuter, Brennan, Cullan, D. Dworak, Kennedy, Kremer, F. Lewis, Mills, and Simon who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 198. Title read. Considered.

Standing Committee amendment found in the Journal on page 1749 for the Seventy-Fourth Day, First Session, was adopted with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

Mrs. Maxey moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

LEGISLATIVE BILL 198A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

ANNOUNCEMENT

Mr. Kremer announced an executive session of the Public Works Committee at 12 Noon on Monday, February 27, 1978, in Room 2102.

EXPLANATION OF VOTE

Had I been present during the full consideration of LB 818, I would have voted in opposition to indefinite postponement.

(Signed) Douglas Bereuter

UNANIMOUS CONSENT - Member Excused

Mr. Hefner asked unanimous consent to be excused Monday, February 27, 1978. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee
950	Judiciary

(Signed) Richard Marvel, Chairman, Larry D. Stoney, John S. Savage, William E. Nichol, Steve Fowler, Douglas Bereuter, Roland Luedtke, Jack Mills.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 168.

GENERAL FILE

LEGISLATIVE BILL 689. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 682. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 6 nays, 4 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 570. Title read. Considered.

Standing Committee amendments found in the Journal on page 458 for the Eleventh Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 561. 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.

LEGISLATIVE BILL 897. 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.

LEGISLATIVE BILL 664. Title read. Considered.

Mr. Newell offered the following amendment:

AMENDMENTS TO LB 664

1. Insert two new sections as follows:

"Sec. 20. All works of art acquired under this act shall become the property of the State of Nebraska. The artist shall retain no ownership, control, or authority of any kind over the work of art or its future disposition. In the event the state makes a net profit through the sale or reproductions of the work of art it may pay a portion of that profit to the artist.

Sec. 21. The Nebraska Arts Council shall maintain an inventory of all works of art purchased under this act and shall inspect each work of art at least once each calendar year to determine its condition. The Nebraska Arts Council may recommend procedures for regular maintenance, preservation, and security and for the repair of any damaged work of art.".

2. Renumber original section 20 as section 22.

Mr. Lamb offered the following amendment to the Newell amendment:

Newell amendment line 7 after "may" insert "not".

The Lamb amendment was adopted with 17 ayes, 3 nays, 16 present and not voting, and 13 excused and not voting.

The Newell amendment, as amended, lost with 7 ayes, 19 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 25 ayes, 6 nays, 5 present and not voting, and 13 excused and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 21 ayes, 4 nays, and 24 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 697.

(Signed) Samuel K. Cullan, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 197
February 23, 1978

Dear Senator Maresh:

This letter is in response to your inquiry concerning whether the Department of Roads pursuant to section 60-1308, R.R.S. 1943, has the authority to require any truck to deviate from its normal route to be weighed at a state scale. If the Department does have this power, you have asked at what distance would trucks not be required to deviate from their normal course.

Weighing stations were created by the Legislature for the expressed purpose of promoting public safety, preserving and protecting the state highways and bridges, preventing immoderate and destructive use of the same, and to enforce the motor vehicle registration laws. Department of Roads' personnel designated as peace officers to operate weigh stations have the authority to enforce the laws relating to size, weight, load, and registration of said vehicles, buses, motor trucks, truck-tractors, and trailers.

Section 60-1308, states:

> "The driver of any towed vehicle, motor truck, truck-tractor, or trailer, who shall fail to stop at or who shall knowingly pass or by-pass any state weighing station, when the same is open and being operated by peace officers,. . . .shall be deemed guilty of a misdemeanor. . . ."

The question then becomes whether failure to deviate from a normal route constitutes knowingly passing or bypassing a state weigh station. This question has never been addressed by the Legislature in adopting or amending this section. General rules of construction require words and phrases be construed according to the common and approved usage of the language.

Webster's Dictionary defines bypass as: "moving by an indirect or side path, or to go around." Knowingly implies a cognitive act. Therefore, applying those definitions, it would appear to be a violation of this section to travel around or by an indirect path and in so doing, purposefully, bypass or avoid a state weigh station.

As long as the driver of a specified vehicle does not plot his course so as to take a path which he knows will bypass the state weigh station he may plan his business course and it is not required that he deviate

from his intended route, nor can the Department of Roads require him to deviate from his route. Whether a driver has intentionally avoided a weigh station is a subjective determination, to be made by the peace officer, based on the facts in each case.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Linda A. Akers
Assistant Attorney General

LAA:pjs
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 818 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 818

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

"Section 1. It is hereby declared to be the intent of the Legislature that this act, temporary in nature for a trial period of four years, is designed to improve and, if possible, to (1) eliminate littering in the state; (2) promote the conservation of energy by promoting and encouraging recycling, resource recovery, and the separation of recoverable resources from waste materials; (3) grant financial assistance to political subdivisions in the furtherance of its purposes; (4) establish a revolving fund to be used only for the purposes of this act and to assess certain industries on an equitable basis in order to finance the operation of this act and in that connection to receive grants in aid from the federal government or any other private or public source; and (5) create employment among our youthful unemployed insofar as it is possible to do so in carrying out the provisions of this act.

Sec. 2. Money received by the state from any and all sources pertaining to the operation of this act, including federal grants, gifts from private sources, and license fees, if any, shall be credited to a special fund in the state treasury to be known as the Anti-littering and Recycling Fund.

Sec. 3. The local subdivisions of government shall establish a youth corps for the purpose of furnishing employment to unemployed youth on a part-time basis and shall

cooperate with any and all governmental and private programs aimed at providing jobs for youth.

Sec. 4. To aid in defraying the cost of administration of this act, there is hereby levied and there shall be collected an annual litter tax equal to the gross proceeds of products manufactured and the sales of which are consummated within this state, including by-products, multiplied by one and one half hundredths of one per cent in the case of manufacturers, and equal to the gross proceeds of the sales consummated within this state multiplied by one and one half hundredths of one per cent in the case of such sales at wholesale and at retail. Such tax shall be collected and administered by the Department of Revenue. The tax imposed by this section shall be due on the first day of each calendar quarter and shall be delinquent thirty days thereafter. The pertinent provisions, specifically including penalty provisions, of sections 77-2705 to 77-2710, 77-2712, 77-27,125 to 77-27,131, and 77-27,133 to 77-27,135, Reissue Revised, Statutes of Nebraska, 1943, and sections 77-2711 and 77-2713, Revised Statutes Supplement, 1977, shall be applicable to the administration and collection of the tax imposed by this section.

Sec. 5. The tax imposed by section 4 of this act shall be calculated only on the value of products or the gross proceeds of sales or products falling into the following categories; (1) food for human or pet consumption; (2) groceries; (3) cigarettes and other tobacco products; (4) soft drinks and carbonated waters; (5) beer and other malt beverages; (6) household paper and paper products; (7) glass containers; (8) metal containers; (9) plastic or fiber containers made of synthetic material; (10) cleaning agents and toiletries; and (11) nondrug and drugstore sundry products.

Sec. 6. Any assessments set forth in sections 4 and 5 of this act shall not apply to gross sales involving any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing, raising, or slaughtering and related processing of such animal, bird, or insect.

Sec. 7. It is the legislative intent that funds made available by this act shall be used to supplement and not replace existing funding for the same purposes and that the money in the fund be expended in each year adhering as closely as possible to the percentages specified below:

(1) Eighty per cent of the fund shall be allocated to counties and municipalities equally and shall be distributed based on the same criteria as distributions made under

the Highway Allocation Fund; and

(2) Twenty per cent of the fund shall be allocated to eligible public agencies that apply either grants or loans for (a) the planning, design, construction, operation, and maintenance or recycling projects, and (b) research, study, and the exploration of new techniques aimed at reducing littering and encouraging recycling.

The Department of Revenue shall establish guidelines relative to the eligibility of such agencies, which guidelines shall be consistent with the policy and purposes of this act.

Sec. 8. This act shall become operative on January 1, 1979, and shall cease to exist on December 31, 1982.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 897A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 897, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

ANNOUNCEMENT

Mr. Maresh announced an executive session of Business and Labor Committee Monday, February 27, 1978 at 1:30 p.m. under the North Balcony.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 911. Placed on General File as amended.
Standing Committee amendments to LB 911:

1. On page 4, line 16 after the second comma insert "and"; in line 17 strike ", and (g)" and show as stricken; and in line 20 after the second comma insert "and", and strike ", and (g)" and show as stricken.

2. On page 5, line 4 strike "Nebraska Pesticides and Devices Act" show as stricken, and insert "provisions of sections 2-2601 to 2-2619".

3. On page 6, strike beginning with "Nebraska" in line 8 through "Act" in line 9 show as stricken, and insert "provisions of sections 2-2601 to 2-2619".

4. Insert a new section 4 as follows:

"Sec. 4. No information furnished to the Department of Agriculture under section 81-2,162.03 which would reveal the formulation of any product registered under such section shall be disclosed by the department to any person, unless the department has been given prior written permission to do so by the

registrant of the product.".

5. Insert a new section 6 as follows:

"Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval according to law.".

6. Renumber original section 4 as section 5.

(Signed) Loran Schmit, Chairman

Mr. Nichol asked unanimous consent to be excused for fifteen minutes. No objections. So ordered.

UNANIMOUS CONSENT - Change of Order

Mr. Chambers asked unanimous consent to take up LB 618 on General File at this time.

Speaker Luedtke objected.

Mr. Chambers moved to take up LB 618 on General File at this time.

The motion lost with 13 ayes, 3 nays, and 33 not voting.

GENERAL FILE

LEGISLATIVE BILL 668. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 632. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 460 for the Eleventh Day and printed separate from the Journal (Req. #2713) was adopted with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

Mr. Barnett asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to LB 632:

Page 18, on line 13, beginning with "or", strike all language through line 16, up to and including "same".

Amendment pending. Laid over.

LEGISLATIVE BILL 816. Title read. Considered.

Standing Committee amendment found in the Journal on page 461 for the Eleventh Day 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, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 707. 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 558. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 18 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 796. 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.

UNANIMOUS CONSENT - Member Excused

Speaker Luedtke asked unanimous consent to be excused Monday, February 27, 1978. No objections. So ordered.

ANNOUNCEMENT

Speaker Luedtke announced we will not meet next Friday, March 3, 1978.

VISITORS

The President introduced 40 Craig Junior High School students and sponsors from Oakland, Nebraska; Mrs. Pat Pettigrew, a former neighbor of Senator Shirley Marsh, from Fort Worth, Texas.

ADJOURNMENT

At 4:03 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:30 a.m., Monday, February 27, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 27, 1978

LEGISLATIVE JOURNAL

TWENTY-EIGHTH DAY - FEBRUARY 27, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 27, 1978

Pursuant to adjournment, the Legislature met at 9:30 a.m., Mr. Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

Father in Heaven, there are 49 people gathered here from various and sundry reasons. In each of them, there is a variety of motivation. Each of them represents a variety of people with a variety of needs.

Help these 49 to clarify in their own minds their chief motivating force.

Let them come to grips with the will to power, financial enchantment, a feeling of fulfillment, prominence, and service. Help them to admit to themselves when their motivation is selfish. Help them see that while all of these motives may well be there, their genuine concern for their neighbors must be paramount.

And let their Chaplain keep in mind that it may well be that these 49 are the good sheep that the Good Shepherd left to go in search of the one, the 50th member. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner and Luedtke who were excused; and Messrs. Burrows, F. Lewis, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 199
February 23, 1978

Dear Senator Maxey:

You have asked whether LB 407, as amended, would extend the homestead exemption to mobile homes. We conclude that it would. Section 1 of LB 407 would amend section 77-202.12, R.R.S. 1943, to read in part as follows:

> "As used in sections 77-202.12 to 77-202.22, unless the context otherwise requires:
>
> "(1) Homestead shall mean either (a) a residence or mobile homes and the land surrounding it, not exceeding one acre, in this state actually occupied as such by a natural person who is the owner of record thereof as of January 1 in each year, or (b) a residence or mobile homes permanently affixed to land leased by the owner of the residence which lease extends for at least the entire year for which the exemption is claimed, which is located within this state and is actually occupied by the person who is the owner of record as of January 1 in each year, or is so occupied by the surviving spouse and minor children, if any, of such owner of record, or so much thereof as shall be so occupied: . . ."

The language of the act clearly extends the homestead exemption to mobile homes. (We note, incidentally, that in the above quoted section of LB 407, the term "mobile homes" should be put in the singular, to conform to the rest of the sentence.) The question arises as to whether Article VIII, Section 2, of the Nebraska Constitution authorizes the homestead exemption to mobile homes. This section provides in part:

> ". . . The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

A discussion of the type of property to which a homestead may attach is found in 40 Am.Jur.2d 135, Homestead, Section 30, where we find:

"The question whether the homestead right may be asserted with respect to a building, independent of the land upon which it is erected, has produced conflicting decisions. Some authorities hold that the claim of homestead is not sustainable in such circumstances; other have adopted the view that if the head of a family owns a house and occupies it with his family, although he owns no interest or estate in the land on which it stands, it is the home of the family, and is embraced in the spirit and purpose of the homestead law. It has been held, though not without exception, that in view of the policy of the homestead laws to secure to the householder a home, a homestead may be claimed in a dwelling house owned by the claimant and located on property leased by him.

"A house trailer is a sufficient type of property to support a homestead where it is affixed to the ground but not where it rests on land but is not attached thereto."

It may be argued that the voters, in approving the constitutional provision quoted above, had in mind the ordinary meaning of "homestead," and intended it to apply only to real estate, or, at least, intended the limitations discussed in American Jurisprudence to apply. However, we need not decide that question, because another provision of Article VIII, Section 2, of the Constitution would clearly cover mobile homes, even if they do not strictly come within the ordinary meaning of "homesteads." This provision is:

". . . The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation. . . ."

It certainly would be reasonable classification to provide the same exemption to mobile homes occupied as residences as is given to ordinary residences, and the exemption can be sustained under the last-quoted constitutional provision, even if there is some doubt as to the applicability of the first.

The same considerations apply to your question concerning dwellings occupied on leased land, but we wish to point out one area which might cause some difficulties, with respect to both mobile homes and other residences located on leased grounds. The amendatory language of LB 407 requires both the residences and the mobile homes to be "permanently" affixed to the land (even though the lease may be for only a year). The general law is that anything permanently affixed to land becomes a part of the land, and becomes the property of the owner of the land. The theory by which the owner of a mobile home or other residence can retain an ownership interest in the mobile home

or residence is that they are not permanently affixed to the land, but can be removed at the expiration of the lease.

Therefore, if the bill is passed with the word "permanently" in the language we have quoted, it may be successfully argued that the mobile home or residence does not qualify, because it is not permanently affixed to the land, and that if it is permanently affixed to the land, the leasee who affixed it is no longer the owner, and that it now belongs to the lessor, and, again, does not qualify for the exemption.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

EXPLANATION OF VOTE

If I had been present on February the 24th, I would have voted "yes" on the motion to indefinitely postpone LB 818.

(Signed) Harold T. Moylan

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 541. Placed on Select File as amended.
E & R amendment to LB 541:

1. On page 2, lines 1 and 2, and lines 12 and 13, page 3, line 8, and in the title, line 3, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 153. Placed on Select File as amended.
E & R amendments to LB 153:

1. In lieu of the Burrows amendment, in committee amendments, page 2, line 9, strike "equal to" and insert "of not more than".

2. In the title, strike lines 6 and 7 and insert "Legislature shall be not less than the median family income for the State of Nebraska; to eliminate expense limitation; to".

(Signed) Samuel K. Cullan, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 27, 1978, at 8:23 a.m., were the following bills: 21, 21A, 469, 508, 585, 655, 656, 659, 661, 670, 673, and 807.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 567A.

Correctly Engrossed

The following bills were correctly engrossed: 930 and 936.

Correctly Enrolled

The following bills were correctly enrolled: 244, 262, 447, 580, 685, and 749.

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 327. Laid over until Tuesday, February 28, 1978 at the request of Mr. Newell.

LEGISLATIVE BILL 574. Laid over until Tuesday, February 28, 1978 at the request of Mr. Simon.

MOTION - Approve Appointments

Mr. Savage moved the adoption of the Committee on Committee report found in the Journal on page 916 of the Governor appointments of Dr. Warren Bosley, Loren Belker, Dr. Jack Swanson, Dr. Richard M. Evans, Dr. W. J. Higgins, John E. Olsson, Dr. Howard Nelson, George F. Sullivan, Mrs. Emmett Smith, Dr. Robert C. Rosenlof, Robert B. Baburek, Charles O. Morehouse, W. Gale Rumpeltes, and Larry Kunc and requested Dr. Pittman be voted on separately after the others.

Voting in the affirmative, 35:

Barnett	Fitzgerald	Koch	Marvel	Reutzel
Bereuter	George	Kremer	Maxey	Rumery
Clark	Hasebroock	Labedz	Mills	Savage
Cope	Kahle	Lamb	Moylan	Simon
Duis	Kelly	R. Lewis	Murphy	Stoney
E. Dvorak	Kennedy	Maresh	Nichol	Venditte
D. Dworak	Keyes	Marsh	Rasmussen	Warner

Voting in the negative, 0.

Present and not voting, 9:

Brennan	Chambers	DeCamp	Goodrich	Schmit
Carsten	Cullan	Fowler	Merz	

Excused and not voting, 5:

Burrows	Hefner	F. Lewis	Luedtke	Newell

The appointments with exception of Dr. Pittman were confirmed with 35 ayes, 0 nays, 9 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 lost with 19 ayes, 19 nays, and 11 not voting.

Mr. Kahle moved to defer action on the Pittman appointment until April 3, 1978.

The motion prevailed with 30 ayes, 6 nays, 9 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 665. Considered.

Mr. Chambers requested a ruling of the Chair on whether LB 665 could be taken up since it hadn't officially been unbracketed.

Mr. Marvel ruled the bill no longer has bracketing status since it was taken out of order on February 20, 1978.

Mr. Chambers renewed his pending amendment found in the Journal on page 839.

The amendment lost with 8 ayes, 23 nays, 14 present and not voting, and 4 excused and not voting.

MR. SAVAGE PRESIDING

Mr. Fowler renewed his pending amendment found in the Journal on page 851.

Mr. DeCamp moved to overrule the Speaker's order and continue beyond the one hour limit on this bill.

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

The DeCamp motion to overrule the Speaker's order prevailed with 28 ayes, 6 nays, 12 present and not voting, and 3 excused and not voting.

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

The Fowler amendment lost with 8 ayes, 22 nays, 16 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved to suspend the rules, Rule 6, Sec. 2 and Rule 7, Sec. 3, to vote on the advancement of LB 665.

Mr. Moylan 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. DeCamp moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Goodrich requested a roll call vote on the DeCamp motion.

Voting in the affirmative, 30:

Bereuter	E. Dvorak	Kennedy	Maresh	Reutzel
Carsten	George	Keyes	Marsh	Rumery
Clark	Goodrich	Koch	Merz	Savage
Cope	Hasebroock	Kremer	Moylan	Schmit
DeCamp	Kahle	Labedz	Nichol	Stoney
Duis	Kelly	Lamb	Rasmussen	Venditte

Voting in the negative, 13:

Barnett	Chambers	Fowler	Maxey	Warner
Brennan	Cullan	R. Lewis	Mills	
Burrows	D. Dworak	Marvel	Simon	

Present and not voting, 3:

Fitzgerald	Murphy	Newell

Excused and not voting, 3:

Hefner	F. Lewis	Luedtke

The motion prevailed with 30 ayes, 13 nays, 3 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 22 ayes, 19 nays, and 8 not voting.

NOTICE OF COMMITTEE HEARING
Appropriations

Appropriations Committee hearing Monday, February 27, 1978, will be in Room 1019.

(Signed) Jerome Warner, Chairman

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in executive session Monday, February 27, 1978, in the Supreme Court Hearing Room at 1:30 p.m.

MESSAGE FROM THE GOVERNOR

February 24, 1978

Mr. Pat O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 501.
This bill was signed by me on February 24, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

UNANIMOUS CONSENT - Print in Journal

Mr. Simon asked unanimous consent to print the following amendments to LB 202 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 202

1. On page 2, line 11 strike "a written" and insert "an".

2. On page 4, line 5 after "are" insert "(a)"; in line 8 after "franchise" insert ", (b) insolvency, the institution of bankruptcy or receivership proceedings, (c) default in payment of an obligation or failure to account for the proceeds of a sale of goods by the franchisee to the franchisor or a subsidiary of the franchisor, (d) falsification of records or reports required by the franchisor, (e) the existence of an imminent danger to public health or safety, or (f) loss of the right to occupy the premises from which the franchise is operated by either the franchisee

or the franchisor,"; and in line 11 strike "at any time following such conviction".

3. Strike original section 7 and insert the following:

"Sec. 7. This act shall apply to franchises granted prior to the effective date of this act and to any renewal or amendment thereof. This act shall not apply to franchises which are subject to any other statute of this state.".

VISITORS

The President introduced 75 second grade students and teachers from Huntington Elementary School, Lincoln; and 25 first grade students and teacher from Arnold Elementary School, Lincoln.

RECESS

Mr. Marvel moved to recess until 1:30 p.m. The motion prevailed with 20 ayes, 8 nays, and 21 not voting.

At 12:04 p.m., on a motion by Mr. Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:42 p.m., Mr. Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner and Luedtke who were excused; and Mrs. Maxey who was excused until she arrives.

UNANIMOUS CONSENT - Member Excused

Mr. Reutzel asked unanimous consent to be excused Tuesday afternoon, February 28, 1978 for the balance of the week. No objections. So ordered.

ANNOUNCEMENT

Mr. R. Lewis announced the Public Health and Welfare Committee will meet in an executive session at 11:00 a.m., Tuesday, February 28, 1978.

UNANIMOUS CONSENT - Unbracket LB 109A

Mr. Reutzel asked unanimous consent to unbracket LB 109A. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Barnett asked unanimous consent to be excused March 6, 7, and 8, 1978. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 665. Considered.

Mr. DeCamp renewed his motion to advance LB 665.

Mr. Koch 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, 0 nays, and 30 not voting.

Mr. Chambers requested a record vote on the motion to close debate.

Voting in the affirmative, 28:

Carsten	George	Koch	Merz	Savage
Clark	Goodrich	Labedz	Mills	Schmit
Cope	Hasebroock	Lamb	Moylan	Stoney
DeCamp	Kahle	Maresh	Nichol	Warner
Duis	Kelly	Marsh	Rasmussen	
E. Dvorak	Keyes	Marvel	Rumery	

Voting in the negative, 6:

Brennan	Cullan	Fowler
Chambers	D. Dworak	Simon

Present and not voting, 12:

Barnett	Fitzgerald	F. Lewis	Newell
Bereuter	Kennedy	R. Lewis	Reutzel
Burrows	Kremer	Murphy	Venditte

Excused and not voting, 3:

Hefner Luedtke Maxey

The motion to close debate prevailed with 28 ayes, 6 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a record vote on the motion to advance LB 665.

Voting in the affirmative, 35:

Barnett	George	Koch	Merz	Reutzel
Bereuter	Goodrich	Kremer	Mills	Rumery
Carsten	Hasebroock	Labedz	Moylan	Savage
Clark	Kahle	Lamb	Murphy	Schmit
Cope	Kelly	F. Lewis	Newell	Stoney
DeCamp	Kennedy	Maresh	Nichol	Venditte
Duis	Keyes	Marsh	Rasmussen	Warner

Voting in the negative, 7:

Brennan	Chambers	Fowler	Simon
Burrows	D. Dworak	R. Lewis	

Present and not voting, 4:

Cullan E. Dvorak Fitzgerald Marvel

Excused and not voting, 3:

Hefner Luedtke Maxey

Advanced to E & R for Review with 35 ayes, 7 nays, 4 present and not voting, and 3 excused and not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 864. Placed on General File.

LEGISLATIVE BILL 917. Placed on General File as amended.
Standing Committee amendments to LB 917:

1. On page 3, line 7 after "which" insert "through eminent domain proceedings"; in line 9 strike "ninety" and insert "~~ninety~~ forty-five"; in line 21 after "shall" insert "(1)"; and in line 23 after "property" insert ", (2) include a statement of the authority for the acquisition, (3) include the nature of and necessity and purpose for which the land shall be used, (4) include the title, right, or interest in the property to be acquired, (5) specifiy the amount of property needed for the public purpose, (6) include the reasons for selecting the particular location or route, and (7) state that if approval of any other agency is required, the condemner shall set forth such approval in writing".

2. On page 6, line 8 after "therein" insert "through eminent domain proceedings".

3. On page 7, line 1 strike "alleged" and insert "required"; in line 20 after "with" insert "the condemned"; and in line 21 after "market" insert "values".

4. Insert a new section 8 as follows:

"Sec. 8. That section 81-8,277, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,277. Sections 81-8,276 to 81-8,287 shall not apply to:

(1) Real estate appraisers who are salaried employees of:

(a) The federal government;

(b) Any bank, building and loan association, or small loan company licensed by the state or supervised or regulated by or through federal enactments covering financial institutions; Provided, that any person so employed who also practices as an independent real estate appraiser for others shall be subject to sections 81-8,276 to 81-8,287 and be licenced prior to engaging in such other appraising; or

(c) Any agency of the state government or political subdivision which appraises real estate;

(2) A licensed real estate broker or a licensed real estate salesman, who is exempt from the provisions of sections 81-8,276 to 81-8,287 where he appraises real estate in the ordinary course of his real estate brokerage business, except when a separate fee is paid therefor;

(3) A trainee employed either directly or indirectly by a licensed real estate appraiser; ~~or~~

(4) Any person or any employee thereof, who renders an estimate or opinion of value of real estate or any interest therein when such estimate or opinion of value is for the purpose of real estate taxation; or

(5) Any person who renders an estimate or opinion of value of real estate or any interest therein or damages thereto when such estimate or opinion is offered as testimony in any condemnation proceeding".

5. On page 8, line 4 strike "and" and after "81-8,276" insert ", and 81-8,277".

LEGISLATIVE BILL 590. Indefinitely postponed.
LEGISLATIVE BILL 759. Indefinitely postponed.
LEGISLATIVE BILL 858. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Merz asked unanimous consent to be excused the afternoon of March 1, 1978 and all day on March 7, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 665 in the Journal. No objections. So ordered.

(1)
P. 4, lines 4 and 5; reinstate stricken matter, strike new matter.

(2)
P. 5, lines 10 - 13, strike new matter.

(3)
In committee amendment: Strike "breach of warranty"

(4)
Page 3, line 17 - Strike period and add: "or, unless the seller or lessor knew or should have known of the defective condition".

GENERAL FILE

LEGISLATIVE BILL 902. Considered.

Mr. Merz moved to advance LB 902.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?"

Mr. Merz moved for a Call of the House. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

The motion to close debate prevailed with 26 ayes, 8 nays, and 15 not voting.

Mr. Merz moved the Call be raised. The motion lost with 8 ayes, 23 nays, and 18 not voting.

Mr. D. Dworak requested a record vote to advance LB 902.

Voting in the affirmative, 26:

Brennan	Fitzgerald	Keyes	Moylan	Stoney
Burrows	George	Koch	Newell	Venditte
Clark	Goodrich	Kremer	Rasmussen	
Cope	Hasebroock	Labedz	Reutzel	
Cullan	Kahle	Maresh	Rumery	
E. Dvorak	Kennedy	Merz	Simon	

Voting in the negative, 13:

Bereuter	D. Dworak	R. Lewis	Mills	Warner
Carsten	Kelly	Marsh	Savage	
Chambers	Lamb	Marvel	Schmit	

Present and not voting, 8:

Barnett	Duis	F. Lewis	Murphy
DeCamp	Fowler	Maxey	Nichol

Excused and not voting, 2:

Hefner Luedtke

Advanced to E & R for Review with 26 ayes, 13 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

MOTION - Reconsider Action on LB 372

Mr. Schmit asked unanimous consent to have his motion to reconsider action on LB 372 laid over until Wednesday, March 1, 1978.

MR. BARNETT PRESIDING

Mr. Koch objected.

Mr. Schmit moved to have the motion laid over until March 1, 1978.

Mr. Koch withdrew his objection.

No objections. So ordered. The motion was laid over until March 1, 1978.

MOTION - Place LB 555 on General File

Mr. Duis moved to place LB 555 on General File in accordance with Rule 3, Sec. 10b.

Motion pending.

Mr. Duis asked unanimous consent to consider the motion on LB 555 Tuesday, February 28, 1978. No objections. So ordered.

MR. MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 717. E & R amendment found in the Journal on page 905 for the Twenty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 624. Mr. Barnett asked unanimous consent to bracket LB 624 and LB 624A until March 6, 1978. No objections. So ordered.

LEGISLATIVE BILL 457. Mr. Barnett renewed his pending amendment found in the Journal on page 519.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mrs. Marsh offered the following amendments to LB 457:

AMENDMENTS TO LB 457

1. Add two new sections as follows:

"Sec. 2. No fourth-class school district shall be divided into school districts pursuant to section 1 of this act, until an election has been held as provided in section 3 of this act.

Sec. 3. The election commissioner shall submit the question of dividing the fourth-class school district and electing members by district at the first regular

election held within such district in the following language: Shall this school district be divided into six districts and one member of this school district be elected from each such district? If a majority of the votes cast upon such question shall be in favor of such district division then the election commissioner shall proceed to divide such district into six districts and election of members shall be by such districts as provided in section 1 of this act. If a majority of those voting on the question shall be opposed to such district division then such school district shall not be divided and the board shall continue to be elected as provided in section 79-902, Reissue Revised Statutes of Nebraska, 1943.".

2. Strike amendment 3 of the Barnett amendments.

The amendment lost with 7 ayes, 12 nays, 28 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Brennan asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 411. E & R amendments found in the Journal on page 905 for the Twenty-Seventh Day were adopted.

Mr. Kremer asked unanimous consent to have LB 411 laid over until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 395. E & R amendment found in the Journal on page 905 for the Twenty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Reutzel asked unanimous consent to be excused for the balance of the day. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Merz asked unanimous consent to print the following amendments to LB 153 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 153

1. Strike all amendments.

2. On page 2 strike the new matter and reinstate the stricken matter; and in line 22 strike "four" and insert "~~four~~ eight".

3. On page 3 strike beginning with "shall" in line 1 through the period in line 10 and show the old matter as stricken.

Mr. Mills asked unanimous consent to print the following amendments to LB 689 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 689

1. Insert a new section 2 as follows:

"Sec. 2. That section 71-5403, Revised Statutes Supplement, 1977, be amended to read as follows:

71-5403. (1) Except as limited (a) by this section, when a medical practitioner designates that no drug product selection is permitted, and (b) by subsection (1) of section 71-5404, unless the purchaser instructs otherwise, the pharmacist may drug product select a drug product with the same generic name in the same strength, quantity, dose, and dosage form as the prescribed drug which is, in the pharmacist's professional opinion, therapeutically equivalent, except that products designated as controlled substances as listed in Schedule I or II of section 28-4,117 shall not be interchanged. It shall be the responsibility of the purchaser or the ultimate user to advise or instruct the pharmacist that he does not desire drug product selection, and it shall not be mandatory for the pharmacist to drug product select against his professional judgment.

(2) The department may promulgate necessary rules and regulations, upon the joint recommendation of the Board of Examiners in Medicine and Surgery and the Board of Examiners in Pharmacy, relating to (a) bioavailability, (b) fraudulent or misleading advertising pertaining to drug product selection, and (c) the control of conditions in which the prescribing practitioner or purchaser should be advised when drug product selection has been made by the pharmacist.

(3) A medical practitioner duly authorized to prescribe drugs, medicinal substances, or controlled substances may specify in writing or by telephonic communication on each prescription that there shall be no drug product selection for the specified brand name drug

in any prescription. The phrase no drug product selection or the notation N.D.P.S. shall be specified on the prescription form or orally communicated by the medical practitioner. The pharmacist shall note N.D.P.S. on the face of the prescription if such is communicated orally by the prescribing medical practitioner.

(4) Each pharmacy shall post a sign in a location easily seen by patrons at the counter where prescriptions are dispensed stating that this pharmacy may be able to ~~drug product~~ select a less expensive drug product which is therapeutically equivalent to the one prescribed by the prescriber unless the purchaser does not approve. The sign shall be provided by the department, at a cost to the pharmacy which shall not exceed the actual cost of printing to the department, and the printing on the sign shall be in block letters not less than one inch in height.

(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.".

2. On page 4, line 18 strike "section" and insert "sections"; and in line 19, strike "is" and insert "and section 71-5403, Revised Statutes Supplement, 1977, are".

3. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

4. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend section 71-162, Reissue Revised Statutes of Nebraska, 1943, and section 71-5403, Revised Statutes Supplement, 1977, relating to public health and welfare; to change a license fee as prescribed; to change the wording of a sign as prescribed; to repeal the original sections; and to declare an emergency.".

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 892. Placed on General File as amended.
Standing Committee amendments to LB 892:

1. Strike the original sections.

2. Insert the following new sections:

"Section 1. An employer or employer trust group policy or contract delivered or issued for delivery in this state which provides hospital, surgical, or major medical coverage, or any combination of such coverages, on an expense incurred or service basis by an insurance company or health maintenance organization for employees or their families, but not a policy or contract which provides benefits for specific diseases or for accidental injuries only, shall provide that an employee whose hospital, surgical or major medical coverage under the group policy or contract would otherwise be terminated because of the involuntary termination of employment of such employee, for reasons other than misconduct in connection with employment, shall be entitled to continue such coverage subject to the provisions of the group policy or contract and the following conditions:

(1) Such coverage shall be continued on a monthly renewal basis until the earliest of the following dates:

(a) The date of expiration of a period of six months following the date the coverage of the terminated employee would otherwise be terminated;

(b) The date the terminated employee becomes eligible for other group hospital, surgical, or medical coverage, whether insured or self-insured, or the date the terminated employee becomes eligible for Medicare;

(c) The date of expiration of the monthly period for which premiums were paid in the event of a nonpayment of premium; or

(d) The date the terminated employee exercises the privilege provided under the group policy or contract for conversion to an individual or family policy or contract;

(2) The monthly premium rate charged for such coverage shall be the same as the total rate which would have been charged had the terminated employee still been employed. The experience of such coverage shall be charged to the group policy or contract which is in force; and

(3) The interruption of employment due to a labor dispute shall not be considered to be an involuntary termination of employment.

Sec. 2. Not later than ten days following the date of termination of employment of the employee, the employer shall send a notice by certified mail with return receipt requested to the terminated employee at his or her home address as shown on the records of the employer. Such notice shall set forth: (1) The right of the terminated employee to elect to continue coverage in accordance with

section 1 of this act and the election form to be used in exercising such right; (2) the amount of monthly premiums; and (3) the manner and time in which the election form must be completed and returned and the premiums must be paid.

Sec. 3. If the terminated employee elects to continue such coverage, the election form and the first monthly premium shall be sent by certified mail with return receipt requested to the employer within ten days after the date of receipt of the notice. Premiums shall be paid to the employer unless the group policy or contracts is terminated after the termination date of the terminated employee and is not replaced by another group policy or contract, or by a self-insured plan. In such event, premiums shall be submitted by the terminated employee to the insurance company or health maintenance organization after receipt of notice from such company or organization. The employer shall notify the insurance company or health maintenance organization of the names, addresses, and premium payments of all terminated employees within ten days after termination of the group policy or contract.''.

(Signed) John DeCamp, Chairman

UNANIMOUS CONSENT - Bracket Bills

Mr. Venditte asked unanimous consent to bracket LB 187 until March 10, 1978.

Mr. DeCamp objected.

Mr. Venditte moved to bracket LB 187 until March 10, 1978.

Mr. Venditte withdrew his motion.

Mr. DeCamp moved the Speaker be directed to place LB 187 on the Speaker's order for March 10, 1978.

Mr. Marvel ruled all motions on bracketing out of order and to be taken up with the Speaker when he returns in the morning.

GENERAL FILE

LEGISLATIVE BILL 99. Title read. Considered.

MR. BARNETT PRESIDING

Mr. George renewed his pending amendment found in the Journal on page 569.

Amendment pending.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 950 Thursday, March 9, 1978 12:00 Noon

(Signed) Wally Barnett, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 169.

Introduced by Mills, 44th District; Nichol, 48th District.

WHEREAS, it is proposed that the State of Nebraska be the recipient of an all faiths chapel and meeting hall to be a gift for the voluntary use of all persons at the Nebraska Veterans' Home at Scottsbluff, Nebraska; and

WHEREAS, no such chapel and meeting hall is now available at such Nebraska Veterans' Home; and

WHEREAS, persons of all faiths have made plans for providing such a chapel and meeting hall; and

WHEREAS, the location and plans for such chapel and meeting hall shall be subject to the approval and supervision of the Director of Public Institutions.

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

1. That such chapel and meeting hall, upon the terms and conditions above set out, be and is hereby approved, and its acceptance by the Director of Public Institutions is hereby authorized.

Laid over.

VISITORS

The President introduced 9 American Government students and instructor from Nebraska Wesleyan University, Lincoln, Nebraska; Messrs. Carl Caniglia and Gary Petersen from Omaha, Nebraska.

ADJOURNMENT

At 4:31 p.m., on a motion by Mr. Marvel, the Legislature adjourned until 9:00 a.m., Tuesday, February 28, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 28, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 28, 1978

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

O God, our Father, at the dawning of another new day, we are grateful for fresh hopes for facing old problems, and for Thine assurance of ultimate victory.

So grant to this body of men and women wisdom to perceive the issues facing them, love to understand the problems before them, and power to act toward a solution. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Carsten, F. Lewis, Reutzel, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 198. Placed on Select File.
LEGISLATIVE BILL 198A. Placed on Select File.
LEGISLATIVE BILL 689. Placed on Select File.
LEGISLATIVE BILL 682. Placed on Select File.

LEGISLATIVE BILL 570. Placed on Select File as amended.
E & R amendments to LB 570:

1. In the committee amendment, lines 2 and 3, strike "legislation" and insert "act".

2. In the title, line 7, insert "to delete a provision for honorable discharge;" after the semicolon.

LEGISLATIVE BILL 561. Placed on Select File as amended.
E & R amendments to LB 561:

1. On page 2, line 8, insert an underscored comma after "officer"; in line 12 strike the comma; and in lines 17 and 18, strike ", however," and show as stricken.

2. On page 3, line 2, strike the comma and show as stricken.

LEGISLATIVE BILL 897. Placed on Select File as amended.
E & R amendment to LB 897:

1. On page 3, line 18, insert a comma after "students".

LEGISLATIVE BILL 664. Placed on Select File as amended.
E & R amendments to LB 664:

1. On page 2, lines 14 and 23, strike "and".

2. On page 3, line 9, page 7, line 13, and page 9, line 17, strike "can" and insert "may".

3. On page 4, strike the comma in line 6 and in line 11.

4. On page 6, lines 23 and 25, reinstate "and".

5. On page 7, line 14, strike the comma.

6. On page 8, insert "and" at the end of line 24.

7. On page 9, line 1, reinstate "and"; and in lines 21 insert an underscored comma after "Colleges".

8. In the title, lines 4 and 5, strike "create a commission" and insert "provide for committees"; and in line 8, insert "of the University of Nebraska" after "Regents".

LEGISLATIVE BILL 668. Placed on Select File.
LEGISLATIVE BILL 816. Placed on Select File.
LEGISLATIVE BILL 707. Placed on Select File.
LEGISLATIVE BILL 558. Placed on Select File.
LEGISLATIVE BILL 796. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 244, 262, 447, 580, 685, and 749.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 259. With Emergency.

A BILL FOR AN ACT to amend sections 8-403.01 to 8-403.03, 8-409, 8-410, 8-411, 8-439, and 8-446, Reissue Revised Statutes of Nebraska, 1943, relating to industrial loan and investment companies; to provide an additional standard; to clarify a provision; to increase the minimum capital; to change directors' qualifications; to change prohibited activities; to correct internal references; to prohibit certain advertising; 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.

Whereupon the President stated: "All provisions of 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	E. Dvorak	Kelly	Marsh	Rumery
Bereuter	Fitzgerald	Keyes	Maxey	Savage
Burrows	George	Koch	Mills	Schmit
Clark	Goodrich	Kremer	Moylan	Simon
Cope	Hasebroock	Labedz	Murphy	Stoney
Cullan	Hefner	Lamb	Newell	Venditte
Duis	Kahle	Luedtke	Nichol	Warner

Voting in the negative, 9:

Chambers	Fowler	R. Lewis	Marvel	Rasmussen
D. Dworak	Kennedy	Maresh	Merz	

Present and not voting, 2:

DeCamp Reutzel

Excused and not voting, 3:

Brennan Carsten 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 534.

A BILL FOR AN ACT relating to outdoor advertising; to provide procedures for retention of certain signs, displays, or devices; and to repeal section 39-618.03, 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, 44:

Barnett	D. Dworak	Keyes	Marvel	Reutzel
Bereuter	Fitzgerald	Koch	Maxey	Rumery
Burrows	Fowler	Kremer	Merz	Savage
Clark	George	Labedz	Mills	Schmit
Cope	Goodrich	Lamb	Moylan	Simon
Cullan	Hasebroock	R. Lewis	Murphy	Stoney
DeCamp	Hefner	Luedtke	Newell	Venditte
Duis	Kelly	Maresh	Nichol	Warner
E. Dvorak	Kennedy	Marsh	Rasmussen	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Kahle

Excused and not voting, 3:

Brennan Carsten F. Lewis

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

LEGISLATIVE BILL 551.

A BILL FOR AN ACT to amend section 49-803, Reissue Revised Statutes of Nebraska, 1943, relating to citation of statutes; to provide how the reissued statutes of Nebraska, 1943, should be cited; 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	E. Dvorak	Kelly	Marsh	Reutzel
Bereuter	D. Dworak	Kennedy	Marvel	Rumery
Burrows	Fitzgerald	Keyes	Maxey	Savage
Chambers	Fowler	Koch	Merz	Schmit
Clark	George	Kremer	Mills	Simon
Cope	Goodrich	Labedz	Moylan	Stoney
Cullan	Hasebroock	Lamb	Murphy	Venditte
DeCamp	Hefner	Luedtke	Newell	Warner
Duis	Kahle	Maresh	Nichol	

Voting in the negative, 0.

Present and not voting, 2:

R. Lewis Rasmussen

Excused and not voting, 3:

Brennan Carsten F. Lewis

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

LEGISLATIVE BILL 552. With Emergency.

A BILL FOR AN ACT to amend Laws 1977, LB 518, section 12, relating to taxation; to correct erroneous internal references; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 45:

Barnett	E. Dvorak	Kelly	Maresh	Nichol
Bereuter	D. Dworak	Kennedy	Marsh	Reutzel
Burrows	Fitzgerald	Keyes	Marvel	Rumery
Chambers	Fowler	Koch	Maxey	Savage
Clark	George	Kremer	Merz	Schmit
Cope	Goodrich	Labedz	Mills	Simon
Cullan	Hasebroock	Lamb	Moylan	Stoney
DeCamp	Hefner	R. Lewis	Murphy	Venditte
Duis	Kahle	Luedtke	Newell	Warner

Voting in the negative, 0.

Present and not voting, 1:

Rasmussen

Excused and not voting, 3:

Brennan Carsten 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 628. With Emergency.

A BILL FOR AN ACT to amend section 82-118, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Historical Society; to allow the transfer of federal funds to individuals; 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	E. Dvorak	Kelly	Maresh	Rasmussen
Bereuter	D. Dworak	Kennedy	Marsh	Reutzel
Burrows	Fitzgerald	Keyes	Marvel	Rumery
Chambers	Fowler	Koch	Maxey	Savage
Clark	George	Kremer	Merz	Schmit
Cope	Goodrich	Labedz	Mills	Simon
Cullan	Hasebroock	Lamb	Moylan	Stoney
DeCamp	Hefner	R. Lewis	Newell	Venditte
Duis	Kahle	Luedtke	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 1:

Murphy

Excused and not voting, 3:

Brennan Carsten 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 863.

A BILL FOR AN ACT relating to decedent's estates; to provide notice to the Attorney General of the administration of certain estates.

Whereupon the 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	E. Dvorak	Kelly	Marsh	Rasmussen
Bereuter	D. Dworak	Kennedy	Marvel	Reutzel
Burrows	Fitzgerald	Koch	Maxey	Rumery
Chambers	Fowler	Kremer	Merz	Savage
Clark	George	Labedz	Mills	Schmit
Cope	Goodrich	Lamb	Moylan	Simon
Cullan	Hasebroock	R. Lewis	Murphy	Stoney
DeCamp	Hefner	Luedtke	Newell	Venditte
Duis	Kahle	Maresh	Nichol	Warner

Voting in the negative, 1:

Keyes

Excused and not voting, 3:

Brennan Carsten F. Lewis

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

LEGISLATIVE BILL 327.

A BILL FOR AN ACT to amend section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, relating to sales and income tax; to provide that rates be set so that total sales and use tax revenue should not exceed total individual income tax revenue in any year; and to repeal the original section.

Mr. Newell 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, 28:

Barnett	Fitzgerald	Koch	Maxey	Schmit
Brennan	Fowler	Labedz	Merz	Simon
Burrows	George	R. Lewis	Moylan	Stoney
Carsten	Goodrich	Luedtke	Newell	Venditte
Cullan	Hasebroock	Maresh	Reutzel	
DeCamp	Keyes	Marsh	Savage	

Voting in the negative, 20:

Bereuter	Duis	Kahle	Lamb	Nichol
Chambers	E. Dvorak	Kelly	Marvel	Rasmsusen
Clark	D. Dworak	Kennedy	Mills	Rumery
Cope	Hefner	Kremer	Murphy	Warner

Excused and not voting, 1:

F. Lewis

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

LEGISLATIVE BILL 574. Mr. Kahle moved to return LB 574 to Select File for the following specific amendment:
Strike the Simon-Dworak amendment to LB 574

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Kahle requested a roll call vote on the motion.

Voting in the affirmative, 19:

Brennan	Fitzgerald	Kahle	R. Lewis	Murphy
Carsten	George	Kelly	Marvel	Rasmussen
Cope	Hasebroock	Kennedy	Mills	Warner
DeCamp	Hefner	Kremer	Moylan	

Voting in the negative, 28:

Barnett	Duis	Koch	Maxey	Schmit
Bereuter	E. Dvorak	Labedz	Merz	Simon
Burrows	D. Dworak	Lamb	Newell	Stoney
Chambers	Fowler	Luedtke	Nichol	Venditte
Clark	Goodrich	Maresh	Reutzel	
Cullan	Keyes	Marsh	Rumery	

Present and not voting, 1:

Savage

Excused and not voting, 1:

F. Lewis

The Kahle motion lost with 19 ayes, 28 nays, 1 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 574. With Emergency.

A BILL FOR AN ACT relating to indentification(sic); to provide for issuance of motor vehicle operators' licenses by other than the county of residence as prescribed; to provide for temporary permits as

prescribed; to provide for color-photograph identification cards as prescribed; to provide fees and duties; to amend sections 60-405, Reissue Revised Statutes of Nebraska, 1943, and section 60-406.04, Revised Statutes Supplement, 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, 40:

Barnett	Duis	Hefner	Luedtke	Reutzel
Bereuter	E. Dvorak	Kahle	Maresh	Rumery
Burrows	D. Dworak	Kennedy	Marsh	Savage
Chambers	Fitzgerald	Keyes	Maxey	Schmit
Clark	Fowler	Koch	Merz	Simon
Cope	George	Kremer	Moylan	Stoney
Cullan	Goodrich	Labedz	Newell	Venditte
DeCamp	Hasebroock	Lamb	Nichol	Warner

Voting in the negative, 6:

Carsten	R. Lewis	Mills
Kelly	Marvel	Rasmussen

Present and not voting, 2:

Brennan Murphy

Excused and not voting, 1:

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 574A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 574, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 43:

Barnett	E. Dvorak	Kennedy	Marsh	Rumery
Bereuter	D. Dworak	Keyes	Marvel	Savage
Burrows	Fitzgerald	Koch	Maxey	Schmit
Chambers	George	Kremer	Merz	Simon
Clark	Goodrich	Labedz	Mills	Stoney
Cope	Hasebroock	Lamb	Moylan	Venditte
Cullan	Hefner	R. Lewis	Newell	Warner
DeCamp	Kahle	Luedtke	Nichol	
Duis	Kelly	Maresh	Reutzel	

Voting in the negative, 0.

Present and not voting, 5:

Brennan	Carsten	Fowler	Murphy	Rasmussen

Excused and not voting, 1:

F. Lewis

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 541A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 541, Eighty-fifth Legislature, First Session, 1977; to amend section 1, Legislative Bill 930, Eighty-fifth Legislature, Second Session, 1978, to repeal the original section; and to declare an emergency.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 435. Placed on General File as amended.
Standing Committee amendment to LB 435:

1. Strike original sections 1 to 12 and insert two sections as follows:

"Section 1. The Board of Educational Lands and Funds shall provide for the orderly sale of all school lands to family farm operations.

Sec. 2. For the purposes of this act a family farm operation shall mean an activity conducted by one or more of the owners residing on or actually engaged in such activity which is solely or primarily for the production of livestock or one or more agricultural products or commodities, producing such livestock, products, or commodities in sufficient quanitity to be capable of contributing materially to the owners' support.".

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 541. E & R amendment found in the Journal on page 935 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 153. E & R amendments found in the Journal on page 935 for the Twenty-Eighth Day were adopted.

Mr. Newell asked unanimous consent to bracket until Thursday, March 2, 1978. No objections. So ordered.

MOTION - Request Return of LB 508

Mr. Rumery moved to direct the Clerk to request the Governor to return LB 508 to the Legislature for further consideration.

The motion prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Reutzel asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

ANNOUNCEMENTS

Speaker Luedtke announced today is Senator Fitzgerald's birthday.

Speaker Luedtke announced former Speaker Burbach is in Sacred Heart Hospital at Yankton, South Dakota.

UNANIMOUS CONSENT - Members Excused

Mr. Kremer asked unanimous consent to be excused for 30 minutes. No objections. So ordered.

The Public Health and Welfare Committee asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Place LB 555 on General File

Mr. Duis renewed his pending motion found in the Journal on page 947 to place LB 555 on General File in accordance with Rule 3, Sec. 10b.

Mr. Duis moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Duis requested a roll call vote on the motion to raise LB 555.

Voting in the affirmative, 26:

Bereuter	Hasebroock	Kremer	Murphy	Venditte
Carsten	Hefner	Labedz	Nichol	Warner
Cope	Kahle	Lamb	Rasmussen	
Duis	Kelly	R. Lewis	Rumery	
E. Dvorak	Kennedy	Maresh	Savage	
Fitzgerald	Keyes	Marvel	Schmit	

Voting in the negative, 11:

Barnett	Chambers	Luedtke	Simon
Brennan	Fowler	Marsh	Stoney
Burrows	Goodrich	Maxey	

Present and not voting, 9:

Clark	D. Dworak	Koch	Mills	Newell
Cullan	George	Merz	Moylan	

Excused and not voting, 3:

DeCamp	F. Lewis	Reutzel

The motion prevailed with 26 ayes, 11 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Bereuter moved the Call be raised. The motion lost with 13 ayes, 19 nays, and 17 not voting.

MOTION - Override Veto on LB 526

Mr. Warner renewed his pending motion found in the Journal on page 904 to override the Governor's veto on LB 526.

Mr. Nichol moved the Call be raised. The motion lost with 15 ayes, 20 nays, and 14 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:

Bereuter	D. Dworak	Kremer	Merz	Schmit
Burrows	Fitzgerald	Lamb	Mills	Stoney
Carsten	Goodrich	R. Lewis	Murphy	Warner
Clark	Hasebroock	Luedtke	Nichol	
Cope	Hefner	Marsh	Rasmussen	
Cullan	Kelly	Marvel	Rumery	
Duis	Koch	Maxey	Savage	

Voting in the negative, 11:

E. Dvorak	Kennedy	Maresh	Simon
George	Keyes	Moylan	Venditte
Kahle	Labedz	Newell	

Present and not voting, 4:

Barnett	Brennan	Chambers	Fowler

Excused and not voting, 3:

Decamp	F. Lewis	Reutzel

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. Carsten moved the Call be raised. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 201
February 27, 1978

Dear Senator DeCamp:

We are in receipt of your letter of February 7, 1978, wherein the Banking, Commerce & Insurance Committee requests an opinion setting forth authority for creation of a "Consumer Protection Agency" within the office of the Attorney General. We first wish to state that the term "agency" has never been utilized by this office either formally or informally. We do have a "Division of Consumer Protection" to which certain staff members have been assigned and whose duties are to enforce those laws dealing with the purchase and sale of goods and services to Nebraska residents.

Article 4, Section 1 of the Nebraska Constitution reads in part as follows:

> "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 such other executive departments as set forth herein or as may be established by law. . . . Officers in the executive department of the state shall perform such duties as may be provided by law." (Emphasis added)

The Division of Consumer Protection has as its primary function enforcement of the Nebraska Consumer Protection Act, Section 59-1601, et seq., R.S.Supp., 1976, (hereinafter referred to as the N.C.P.A.), and the Uniform Deceptive Trade Practices Act, Section 87-301 et seq., R.S.Supp., 1976, (hereinafter referred to as the U.D.T.P.A.). This office has placed special emphasis on enforcement of the N.C.P.A. and in particular Section 1602 which reads:

"Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce shall be unlawful."

Section 1608 of the N.C.P.A. authorizes the attorney general to initiate legal actions to restrain prohibited acts. That section reads as follows:

"(1) The Attorney General may bring an action in the name of the state against any person to restrain and prevent the doing of any act prohibited by sections 59-1601 to 59-1622; and the prevailing party may, in the discretion of the court, recover the costs of such action including a reasonable attorney's fee.

(2) The court may make such additional order or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any act prohibited in sections 59-1601 to 59-1622."

Sections 59-1610 and 1611 of the N.C.P.A. additionally and specifically authorizes action by the attorney general.

The U.D.T.P.A. also authorizes action by the attorney general. Section 87-303.05 of that act provides:

"Whenever the Attorney General has cause to believe that a person has engaged in or is engaging in any deceptive trade practice or unconscionable act listed in section 87-302 or 87-303.01, he may apply for and obtain, in an action in any district court of this state, a temporary restraining order, or injunction, or both, pursuant to the rules of civil procedure, prohibiting such person from continuing such practices, or engaging therein, or doing any act in furtherance thereof. The court may make such orders or judgments as may be necessary to prevent the use or employment by such person of any such deceptive trade practice, or which may be necessary to restore to any other person any money or real or personal property which may have been acquired by means of any such practice.

When the Attorney General has authority to institute a civil action or other proceeding pursuant to the provisions of sections 87-301 to 87-306, in lieu thereof, he may accept an assurance of

discontinuance of any deceptive trade practice or unconscionable act listed in section 87-302 or 87-303.01. Such assurance may include a stipulation for the voluntary payment by the alleged violator of the costs of investigation by the Attorney General and of any amount or amounts necessary to restore to any person any money or real or personal property which may have been acquired by such alleged violator by means of any such practice. Proof by a preponderance of evidence of a violation of such assurance shall constitute prima facie evidence of a deceptive practice as listed in section 87-302 or 87-303.01 in any civil action or proceeding thereafter commenced by the Attorney General."

Additional authority is specifically granted to the attorney general in Sections 87-303.02 through 303.04 of the U.D.T.P.A.

In faithful performance of the constitutional duties imposed by Article 4, Section 1, members of the staff have been directed to investigate and prosecute violations of the N.C.P.A. and the U.D.T.P.A. For the sole purpose of office organization, three staff members are assigned to the "Division of Consumer Protection." They are: (1) An attorney who spends approximately 60% of his time on consumer protection matters; (2) a parttime investigator; and, (3) a parttime secretary.

While the U.D.T.P.A. was substantially amended in 1974 by LB 327, which bill was part of a package of consumer protection legislation offered by Senator Waldron, it does not in any manner create a consumer protection agency. Neither does the N.C.P.A. which was also passed in 1974. Both of these Acts, however, authorize the attorney general to investigate and prosecute unfair and deceptive practices.

We thus would state in response to your letter that it is our belief that you have erroneously presumed that this office has "created a Consumer Protection Agency." Staffing and designation of a "Division of Consumer Protection" was done with intent to faithfully and vigorously enforce statutes enacted by the Legislature prohibiting certain acts and practices in the purchase and sale of goods and services.

We trust this is in full response to your request. Please advise if we can be of further assistance.

Very truly yours,
(Signed) Paul L. Douglas
Attorney General

PLD:dnj
cc: Clerk of the Legislature

EXPLANATION OF VOTE

Had I been present, I would have voted "no" on the Duis motion to raise LB 555.

(Signed) Barry Reutzel

ANNOUNCEMENT

Messrs. Warner and F. Lewis announced the members of the Postsecondary Education Advisory Committee will be available on Wednesday, March 1 and Thursday March 2, from adjournment until approximately 6:00 p.m. in room 1019 to visit with Legislators and review the provisions of LB 846 and LB 897. The purpose of these meetings and discussions will be to discuss the technical aspects and implications of each of the proposals.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 202 in the Journal. No objections. So ordered.

AMENDMENT TO LB 202

1. On page 2, line 17 after "otherwise" insert ". Franchise shall not include any arrangement, agreement, or contract, either expressed or implied, for the sale, distribution, or marketing of petroleum products at wholesale, retail, or otherwise".

Mr. Newell asked unanimous consent to print the following amendments to LB 664 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 664

1. Insert two new sections as follows:

"Sec. 20. All works of art acquired under this act shall become the property of the State of Nebraska. The artist shall retain no ownership, control, or authority of any kind over the work of art or its future disposition. In the event the state makes a net profit through the sale of reproductions of the work of art it may pay a portion of that profit to the artist.

Sec. 21. The Nebraska Arts Council shall maintain an inventory of all works of art purchased under this act and shall inspect each work of art at least once each calendar year to determine its condition. The Nebraska Arts Council may recommend procedures for regular maintenance,

preservation, and security and for the repair of any damaged work of art.".

2. Renumber original section 20 as section 22.

Mr. Warner asked unanimous consent to print the following amendment to LB 611 in the Journal. No objections. So ordered.

AMENDMENT TO LB 611

(A)

1. In the standing committee amendments, section 9, page 5, line 1 strike "two" and insert "~~two~~ four"; in line 2 strike "twelve" and insert "~~twelve~~ fifteen"; in line 3 strike "or," and insert "~~or,~~ . If a grade crossing is eliminated by closing a street, road or highway, the cost of such closing shall include the cost of relocating the involved street, road, or highway and may also include the costs of improving an existing alternate grade crossing for signalization and surfacing within the immediate vicinity, but not to exceed one mile and"; in line 8 strike "two" and insert "~~two~~ four"; and in line 10 strike "twelve" and insert "~~twelve~~ fifteen".

BILL ON FIRST READING

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

LEGISLATIVE BILL 351A. By Simon, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 351, Eighty-fifth Legislature, Second Session, 1978.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 781. Placed on General File as amended.
Standing Committee amendment to LB 781:

1. On page 2, line 8 strike "fifty" and insert "fifty-six".

LEGISLATIVE BILL 805. Placed on General File.

LEGISLATIVE BILL 832. Placed on General File as amended.
Standing Committee amendments to LB 832:

1. On page 2, line 7 after "property" insert "(1)"; and in line 9 after "improved," insert "and (2) which shall be benefited and assessed as a result of such improvements as stated in the petition,".

2. On page 3, line 7 after "property" insert "(1)"; and in line 9 after "improved," insert "and (2) which shall be benefited and assessed as a result of such improvements,"; and in line 26 before "Any" insert "(1)".

3. On page 4, line 6 strike "pursuant to section 4 of this act"; in line 7 strike "Sec. 4." and insert "(2)"; strike beginning with the underscored comma in line 12 through "improvements" in line 15; strike beginning "the" in line 17 through the underscored comma in line 19 and insert "property";
in line 20 strike "currently"; and in line 21 strike "current".

4. On page 5, line 4 after "tracks" insert "at grade level"; strike beginning with "included" in line 11 through the undersocred period in line 13 and insert "shared equally by the railroad and the municipality.".

5. Renumber original sections 5 to 7 as sections 4 to 6 respectively.

LEGISLATIVE BILL 861. Placed on General File as amended.
Standing Committee amendment to LB 861:

1. 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 801. Indefinitely postponed.
LEGISLATIVE BILL 835. Indefinitely postponed.

(Signed) Walter George, Chairman

UNANIMOUS CONSENT - Members Excused

Mr. Koch asked unanimous consent to be excused Wednesday, March 1, 1978 and Thursday, March 2, 1978. No objections. So ordered.

Mr. Marvel asked unanimous consent to be excused until 2:30 p.m. today. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 99. Mr. Fitzgerald asked unanimous consent to have LB 99 bracketed until March 6, 1978. No objections. So ordered.

LEGISLATIVE BILL 446. Mr. Brennan asked unanimous consent to have LB 446 bracketed until March 6, 1978. No objections. So ordered.

LEGISLATIVE BILL 202. Mr. Murphy offered the following amendment:

Amend LB 202 on page 4, line 23, after "notice" insert "by certified mail".

The amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Murphy offered the following amendment:
Amend LB 202 by striking section 10.

The amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet in executive session at 6:30 p.m. on March 1, 1978 in room 2102.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 687. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT - Unbracket LB 98

Mr. Murphy asked unanimous consent to unbracket LB 98 on General File. No objections. So ordered.

VISITORS

The President introduced 20 4th grade students, teacher and parents from St. Mary's Catholic School, Lincoln; 18 Concordia College seniors and teacher from Seward.

RECESS

At 11:57 a.m., on a motion by Mr. Savage, 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. Koch, Newell, and Reutzel who were excused; and Messrs. DeCamp, Kelly, Marvel, and Mrs. Maxey who were excused until they arrive.

ANNOUNCEMENT

Speaker Luedtke announced a luncheon tomorrow, Statehood Day, at Ferguson House for the members and spouses.

UNANIMOUS CONSENT - Member Excused

Mr. E. Dvorak asked unanimous consent to be excused at 3:00 o'clock February 28, 1978. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 395, 457, and 717.

Correctly Enrolled

The following bills were correctly enrolled: 259, 534, 551, 552, 628, 863, 327, 574, and 574A.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 259, 534, 551, 552, 628, 863, 327, 574, and 574A.

GENERAL FILE

LEGISLATIVE BILL 202. Mr. Simon offered the following amendment:

AMENDMENT TO LB 202

1. On page 7, lines 5 and 6 strike "Such franchisee, if successful, shall also" and insert "The prevailing party in any action brought pursuant to this section shall".

The amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Mr. Simon withdrew his pending amendment found in the Journal on page 940.

Mr. Murphy offered the following amendment:
Amend LB 202 - On page 3, Sec 2, by adding a new subsection "(7) For the purposes of this act, good cause for terminating, canceling, or failing to renew a franchise shall be limited to failure by the franchisee to substantially comply with those requirements imposed upon him by the franchise". Also strike on page 4, lines 14 through 18 starting with the word "For".

The amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Laid over at the request of Mr. Simon.

LEGISLATIVE BILL 192. Mr. Burrows asked unanimous consent to bracket LB 192 and 192A until March 7, 1978. No objections. So ordered.

LEGISLATIVE BILL 476. Title read. Considered.

Mr. George offered the following amendment:

(1)
AMENDMENTS TO LB 476

1. On page 3, line 23 after the period "The governmental body created by this act shall make financing available for new or existing housing to serve those people which private industry is unable to serve at current interest rates.".

2. On page 16, line 6 after the period insert "Mortgage commitments or actual mortgages shall be originated through and serviced by any bank, trust company, savings and loan association, mortgage banker, or other financial institutions authorized to transact business in this state.".

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. George offered the following amendment:

(2)

To amend LB 476, page 7, line 24: strike "his" and insert "the".

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

MRS. MARSH PRESIDING

Mr. George moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. George requested a roll call vote to advance LB 476.

Voting in the affirmative, 26:

Bereuter	Fitzgerald	Kremer	Merz	Venditte
Brennan	Fowler	Labedz	Moylan	Warner
Cope	George	F. Lewis	Rasmussen	
Cullan	Goodrich	R. Lewis	Rumery	
DeCamp	Hasebroock	Luedtke	Simon	
E. Dvorak	Kelly	Marsh	Stoney	

Voting in the negative, 13:

Carsten	D. Dworak	Kennedy	Maresh	Schmit
Chambers	Hefner	Keyes	Mills	
Clark	Kahle	Lamb	Nichol	

Present and not voting, 4:

Barnett	Burrows	Duis	Murphy

Absent and not voting, 1:

Savage

Excused and not voting, 5:

Koch	Marvel	Maxey	Newell	Reutzel

Advanced to E & R for Review with 26 ayes, 13 nays, 4 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mrs. Labedz moved the Call be raised. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

SPEAKER LUEDTKE PRESIDING

UNANIMOUS CONSENT - Members Excused

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

Mr. Venditte asked unanimous consent to be excused Wednesday, March 1, Thursday, March 2, and Friday, March 3, 1978. No objections. So ordered.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 444. Placed on General File.
LEGISLATIVE BILL 601. Placed on General File.
LEGISLATIVE BILL 663. Placed on General File.
LEGISLATIVE BILL 793. Placed on General File.

(Signed) Frank Lewis, Chairman

UNANIMOUS CONSENT - Bracket LB 351

Mr. Venditte asked unanimous consent to bracket LB 351 until March 7, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused March 1, 2, 3, 1978. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 28, 1978, at 3:00 p.m., were the following bills: 749, 262, 244, 447, 580, 685, 259, 534, 551, 552, 628, 863, 327, 574, and 574A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Committee on Committees

February 28, 1978

The Committee on Committees desires to report favorably upon the appointments and reappointments listed below which were submitted by Governor J. James Exon. The Committee suggest that the appointments be confirmed by the Legislative Body and suggests a record vote.

Dr. Ben Meckel - State Highway Commission

Dr. Ben Meckel - Rural Health Manpower Commission

Dr. Dwaine Peetz - Rural Health Manpower Commission

Dr. Clarence Davis - Rural Health Manpower Commission

Judith Basart - Rural Health Manpower Commission

Reed Gilmore - Oil & Gas Conservation Commission

John Mason - Oil & Gas Conservation Commission

Hobart Boswell - Commission on Fire Fighting Personnel Standards and Education

John J. Gabbarron - Commission on Fire Fighting Personnel Standards and Education

Committee Vote: For: (10) Senators Savage, Marsh, Burrows, Koch, Labedz, Moylan, D. Dworak, Murphy, Cope, and Mills. Against: None. Excused and Not Voting: (2) Senators F. Lewis and Rasmussen. Absent and Not Voting: (1) Senator DeCamp.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 595 in the Journal. No objections. So ordered.

AMENDMENT TO LB 595

(Starting with page three, line five, insert the following):
5. 71-1,134. ~~Section 71-1,133~~ This act shall
6. not be construed to include ~~the following classes:~~

7. ~~(1)~~ merchants or dealers who sell glasses as
8. merchandise in an established place of business, and
9. who do not profess to be optometrists or practice
10. optometry as herein defined; or restrict, expand, or
11. otherwise alter practices or acts governed by other
12. statutes.

COMMUNICATIONS ON LB 526

February 28, 1978

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 526 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 526 notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:br
cc: Governor Exon

CERTIFICATE

Legislative Bill 526 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 28th day of February, 1978.

(Signed) Roland Luedtke, Presiding Officer
Speaker of the Legislature

GENERAL FILE

LEGISLATIVE BILL 202. Considered.

Mr. Simon re-offered his amendment found in the Journal on page 940.

Mr. DeCamp renewed his pending amendment found in this day's Journal on page 972 to the Simon amendment.

The amendment was adopted with 18 ayes, 0 nays, 23 present and not voting, and 8 excused and not voting.

Mr. Murphy offered the following amendment to the Simon amendment:
Strike the first two lines of the Simon amendment found on page 940.

The amendment was adopted with 15 ayes, 0 nays, 26 present and not voting, and 8 excused and not voting.

The Simon amendment, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

MR. F. LEWIS PRESIDING

Mr. Simon moved for a Call of the House. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Simon requested a roll call vote to advance LB 202.

Voting in the affirmative, 25:

Barnett	DeCamp	Hasebroock	Maresh	Rumery
Brennan	Fitzgerald	Kremer	Marsh	Savage
Burrows	Fowler	F. Lewis	Maxey	Schmit
Chambers	George	R. Lewis	Mills	Simon
Cullan	Goodrich	Luedtke	Moylan	Stoney

Voting in the negative, 13:

Bereuter	Cope	Hefner	Lamb	Warner
Carsten	Duis	Kahle	Nichol	
Clark	D. Dworak	Keyes	Rasmussen	

Present and not voting, 4:

Kelly	Kennedy	Marvel	Murphy

Excused and not voting, 7:

E. Dvorak	Labedz	Newell	Venditte
Koch	Merz	Reutzel	

Advanced to E & R for Review with 25 ayes, 13 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 795A. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Kennedy, 21st District; Cullan, 49th District; Maresh, 32nd District, Moylan, 6th District; Kelly, 35th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 795, Eighty-fifth Legislature, Second Session, 1978.

LEGISLATIVE BILL 928A. By Speaker Luedtke, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 928, Eighty-fifth Legislature, Second Session, 1978.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 784. Placed on General File as amended.
Standing Committee amendments to LB 784:

1. On page 2, line 3, strike "Within sixty days following" show as stricken and insert "Following"; in line 7, strike "a" and insert "~~a~~ one or more"; and strike "hearing" and insert "~~hearing~~ meetings"; in line 10, strike beginning with "(2)" through "hearings" in line 22, and insert:

"(2) Prior to the adoption, amendment, or repeal of any control authorized in this act, the district shall hold a public hearing to consider testimony regarding such adoption, amendment, or repeal. The text of the control or controls proposed for adoption, amendment, or repeal shall be made available to the public at least thirty days prior to the hearing. The hearing"; in line

23, after "area" insert "and shall include testimony from representatives of the Conservation and Survey Division of the University of Nebraska and the Nebraska Natural Resources Commission"; in line 24 strike "all such hearings and of the" show the old matter as stricken, and insert "the hearing"; and in line 25 strike "director's orders".

2. Insert a new section 2 as follows:

"Sec. 2. The director shall by order approve or disapprove the adoption, amendment, or repeal of any control authorized in this act. The director may hold a public hearing to consider testimony reguarding such controls, prior to issuing the order. The director shall consult with the district and fix a time, place, and date for such a hearing. Public notice of the time and place of such a hearing, if one is held, and of the director's order, shall be given in the manner provided in section 46-658. Failure of the director to approve or disapprove such controls within sixty days of their receipt, or, if a hearing is held by the director, within sixty days after the hearing, shall be conclusive evidence of the director's approval.".

3. On page 3, lines 3 and 4, strike the new matter and reinstate the stricken matter; and in line 5 strike beginning with the first "the" in line 5 through "Commission," in line 8 and show the old matter as stricken.

4. On page 4, line 25 strike beginning with "a" in line 25 through "conducted" in line 26 show as stricken and insert "the designation of a control area"; in line 26, strike "46-665" and insert "46-658"; and in line 27, strike "conducting such hearing" show as stricken and insert "encompassed in whole or in part by such control area".

5. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT - Members Excused

Messrs. Cope, Kelly, Savage, and Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 640. Laid over at the request of Mr. Burrows.

LEGISLATIVE BILL 711. Laid over at the request of Mr. Chambers.

LEGISLATIVE BILL 92. Considered.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Goodrich requested a roll call vote to advance LB 92.

Voting in the affirmative, 25:

Barnett	Fitzgerald	Hefner	Kremer	Nichol
Brennan	Fowler	Kahle	Lamb	Rasmussen
Burrows	George	Kelly	Luedtke	Rumery
Carsten	Goodrich	Kennedy	Maresh	Savage
Cope	Hasebroock	Keyes	Moylan	Simon

Voting in the negative, 16:

Bereuter	Duis	Marsh	Murphy
Chambers	D. Dworak	Marvel	Schmit
Clark	F. Lewis	Maxey	Stoney
Cullan	R. Lewis	Mills	Warner

Absent and not voting, 1:

DeCamp

Excused and not voting, 7:

E. Dvorak	Labedz	Newell	Venditte
Koch	Merz	Reutzel	

Advanced to E & R for Review with 25 ayes, 16 nays, 1 absent and not voting, and 7 excused and not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

LEGISLATIVE BILL 92A. Title read. Considered.

Mr. Goodrich withdrew his pending amendment found in the Journal on page 274 for the Fifth Day.

Laid over at the request of Mr. Goodrich.

UNANIMOUS CONSENT - Print in Journal

Mrs. Maxey asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

AMENDMENT TO LB 407

1. In the Carsten amendment found on page 528 of the Journal in line 3 strike "permanently affixed to" and insert "located on", and strike beginning with "which" in line 4 through "claimed" in line 6.

2. On page 2, line 11 after "occupied" insert ". For purposes of this subdivision mobile home shall include a cabin trailer or mobile home which has become attached to real estate and a mobile home or cabin trailer whose owner is required to obtain a permit pursuant to section 60-1602 for such cabin trailer or mobile home".

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused Thursday, March 2, 1978. No objections. So ordered.

ADJOURNMENT

At 4:24 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, March 1, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - MARCH , 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 1, 1978

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty God, before whose face the generations of men rise and pass away, we thank you for this day for the opportunity of celebrating the birthday of our State. We remember in gratitude this native land—and all who have sacrificed so much to keep her strong and right.
>
> We are thankful that our land was born and nurtured in liberty, and that those who settled on these plains were men and women who desired the opportunity to build here a better place in which all could live together in harmony and justice.
>
> We are thankful that when there have been dangers before our State there have been those who have risen to defend her—placing their State's welfare above private gain.
>
> So may this Nebraska celebration remind us anew of the importance of a continuing heritage, served by the Senators here and those who assist them, and by all the people of the State, that together we may have a sense that this land is not only our land, but Your land, of the people, for the people, and by the people. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Koch, Reutzel, and Venditte who were excused; Messrs. Burrows and D. Dworak who were excused until they arrive; and

Messrs. Fowler, Nichol, and Schmit who were absent until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. F. Lewis asked unanimous consent to be excused for the remainder of the week. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 665. Placed on Select File as amended.
E & R amendments to LB 665:

1. On page 2, line 4, insert an underscored comma after "seller".

2. In committee amendment 2, line 4, strike "acts" and insert "act".

3. In new section 8, page 1, line 1, strike "(a)"; redesignate subdivisions (a)" to "(j)" and "(m)" to "(s)" as subdivisions "(1)" to "(17)" respectively; in subdivision "(9)" redesignate subdivision "(1)" to "(3)" ad "(a)" to "(c)"; in subdivision "(10)" redesignate subdivisions "(1)" to "(18)" as "(a)" to "(q)"; at the end of each numbered subdivision except "(16)" and "(17)" strike the period and insert an underscored semicolon; at the end of subdivision "(16)" strike the period and insert "; and".

4. In new section 8, page 1, insert an underscored comma after "shall" in line 2 and "after" in line 4; in line 3 strike "(60)"; in line 5 strike "hereinafter specified" and insert "specified in this section"; in line 12 strike "a" and insert "the"; and in line 24 strike "subsection (f)" and insert "subdivision (7) of this section".

5. In new section 8, page 2, insert an underscored comma at the end of lines 5 and 7 and after "death" in line 8, in line 9 strike "such" and insert "the"; in lines 15 and 22 strike "disposition made" and insert "disposed of"; and in line 17 strike "subsection (i)" and insert "subdivision (9) of this section" and insert an underscored colon after "contain".

6. In new section 8, page 3, strike subdivisions "(k)" and "(l)" and insert them as new sections 9 and 10 respectively.

7. In new section 8, page 3, line 15, strike "set" and insert "sets"; in line 22 strike "are treated";

in line 19 strike "(IBNR)" and in line 23 strike "subsections (M), (N), and (O)" and insert "subdivisions (11) to (13) of this section are treated".

8. In new section 8, page 4, line 2, strike "your" and insert "the company's" and strike line 6 and insert "holders.".

9. In new section 9, line 1, strike "(k)"; in line 2 strike "hereunder" and insert "by section 8 of this act"; and in line 3 insert an underscored comma after "manufacturer".

10. Renumber original section 8 as section 11.

11. In the title, line 6, insert "to require reports as prescribed; to provide immunity;" after the semicolon.

11. In new section 10, line 1, strike "(1)"; in lines 2 and 3 strike "hereunder" and insert "under section 8 of this act".

LEGISLATIVE BILL 902. Placed on Select File as amended.

E & R amendments to LB 902:

1. On page 2 line 4, insert ", except a city of the metropolitan class," after "municipality"; and in committee amendment 1, line 3, strike ", except a city of the metropolitan class".

2. For correlation purposes, on page 2, lines 2 and 23, and in the title, line 3, insert "as amended by section 1, Legislative Bill 394, Eighty-fifth Legislature, First Session, 1976," after the second comma; and on page 2 insert "After the effective date of this act, no sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 2 and 3 of this act." at the end of line 11.

3. In lieu of the Newell amendment as amended, on page 2, line 15, strike "October" and insert "January".

4. Because of the Newell amendment as amended, in the last line of committee amendment 2, strike "October" and insert "January".

5. Insert the Goodrich amendment after the second "time" in the last line of committee amendment 1; in line 1 thereof insert an underscored semicolon before "Provided" and strike "however,"; and in line 4 strike "herein" and insert "for in this section".

6. On page 2, line 15, insert an underscored comma after "1980".

7. In committee amendment 2, line 2, strike "their" and insert "its".

8. In the title, line 5, insert "for cities of the

metropolitan class'' after ''rate'' and after the semicolon insert ''to provide an exception;'';in line 7, strike ''and'' and insert ''to require reports; to provide severability;''; and in line 8 insert ''; and to declare an emergency'' after ''section''.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 812. Placed on General File.
LEGISLATIVE BILL 813. Placed on General File.
LEGISLATIVE BILL 814. Placed on General File.

(Signed) Richard Lewis, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 568. With Emergency.

A BILL FOR AN ACT to amend section 81-193, Revised Statutes Supplement, 1977, relating to termination of agencies, boards, and commissions; to provide for the continued existence of the Department of Economic Development; to repeal the original section; and also sections 81-1201 to 81-1204, 81-1205 to 81-1213, and 81-1220 to 81-1225, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Voting in the affirmative, 38:

Barnett	E. Dvorak	Kennedy	Marsh	Rasmussen
Bereuter	Fitzgerald	Keyes	Marvel	Rumery
Carsten	George	Kremer	Maxey	Savage
Chambers	Goodrich	Lamb	Merz	Simon
Clark	Hasebroock	F. Lewis	Mills	Stoney
Cope	Hefner	R. Lewis	Moylan	Warner
Cullan	Kahle	Luedtke	Murphy	
Duis	Kelly	Maresh	Newell	

Voting in the negative, 1:

DeCamp

Present and not voting, 1:

Brennan

Absent and not voting, 3:

Fowler Nichol Schmit

Excused and not voting, 6:

Burrows Koch Reutzel
D. Dworak Labedz 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 571. With Emergency.

A BILL FOR AN ACT to amend section 80-401.01, Reissue Revised Statutes of Nebraska, 1943, relating to soldiers and sailors; to provide an eligibility date in defining Vietnam veterans; 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	DeCamp	Kelly	Marsh	Rumery
Bereuter	Duis	Kennedy	Marvel	Savage
Brennan	E. Dvorak	Keyes	Maxey	Simon
Burrows	Fitzgerald	Kremer	Merz	Stoney
Carsten	George	Lamb	Mills	Warner
Chambers	Goodrich	F. Lewis	Moylan	
Clark	Hasebroock	R. Lewis	Murphy	
Cope	Hefner	Luedtke	Newell	
Cullan	Kahle	Maresh	Rasmussen	

Voting in the negative, 0.

Absent and not voting, 3:

Fowler Nichol Schmit

Excused and not voting, 5:

D. Dworak Koch Labedz Reutzel 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 625.

A BILL FOR AN ACT to amend sections 29-2249, 29-2250, and 29-2252, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedures; to create the Nebraska Probation System Committee; 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, 40:

Barnett	Cullan	Hefner	R. Lewis	Moylan
Bereuter	DeCamp	Kahle	Luedtke	Newell
Brennan	Duis	Kelly	Maresh	Rasmussen
Burrows	E. Dvorak	Kennedy	Marsh	Rumery
Carsten	Fitzgerald	Keyes	Marvel	Savage
Chambers	George	Kremer	Maxey	Simon
Clark	Goodrich	Lamb	Merz	Stoney
Cope	Hasebroock	F. Lewis	Mills	Warner

Voting in the negative, 0.

Present and not voting, 1:

Murphy

Absent and not voting, 3:

Fowler Nichol Schmit

Excused and not voting, 5:

D. Dworak Koch Labedz Reutzel 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 697. Mr. DeCamp moved to return LB 697 to Select File for the following specific amendment:

Add a new section, "No law or proposal shall be deemed to be void or invalid because of failure, for whatever reason, to comply with the provisions of this act."

The motion prevailed with 36 ayes, 0 nays, 6 present and not voting, 2 absent and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 697. The DeCamp specific amendment found in this day's Journal was considered and laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 723. With Emergency.

A BILL FOR AN ACT to amend section 81-193, Revised Statutes Supplement, 1977, relating to termination of agencies, boards, and commissions; to provide for the continued existence of the Board of Examiners in Massage; 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	Carsten	Cullan	Fitzgerald	Hefner
Bereuter	Chambers	Duis	George	Kahle
Brennan	Clark	E. Dvorak	Goodrich	Kelly
Burrows	Cope	D. Dworak	Hasebroock	Kennedy

Keyes	Luedtke	Maxey	Newell	Savage
Kremer	Maresh	Merz	Nichol	Simon
Lamb	Marsh	Mills	Rasmussen	Stoney
F. Lewis	Marvel	Moylan	Rumery	Warner

Voting in the negative, 0.

Present and not voting, 3:

DeCamp	R. Lewis	Murphy

Absent and not voting, 2:

Fowler	Schmit

Excused and not voting, 4:

Koch	Labedz	Reutzel	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 724. With Emergency.

A BILL FOR AN ACT to amend section 81-193, Revised Statutes Supplement, 1977, relating to termination of agencies, boards, and commissions; to provide for the continued existence of the Board of Registration for Sanitarians; 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	Cullan	Hasebroock	F. Lewis	Mills
Bereuter	DeCamp	Hefner	R. Lewis	Moylan
Brennan	Duis	Kahle	Luedtke	Murphy
Burrows	E. Dvorak	Kelly	Maresh	Newell
Carsten	D. Dworak	Kennedy	Marsh	Nichol
Chambers	Fowler	Keyes	Marvel	Rasmussen
Clark	George	Kremer	Maxey	Rumery
Cope	Goodrich	Lamb	Merz	Savage

Simon Stoney Warner

Voting in the negative, 0.

Present and not voting, 1:

Fitzgerald

Absent and not voting, 1:

Schmit

Excused and not voting, 4:

Koch Labedz Reutzel 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 756. Mr. Warner asked unanimous consent to bracket LB 756 until Monday, March 6, 1978. No objections. So ordered.

LEGISLATIVE BILL 869.

A BILL FOR AN ACT to amend section 84-306.03, Reissue Revised Statutes of Nebraska, 1943, and section 84-306.01, Revised Statutes Supplement, 1977, relating to claims against the state; to provide provisions relating to reimbursement for certain airplane travel; 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:

Bereuter	DeCamp	Kelly	Merz	Savage
Brennan	Duis	Kennedy	Mills	Simon
Burrows	E. Dvorak	Keyes	Moylan	Stoney
Carsten	Fitzgerald	Kremer	Murphy	Warner
Chambers	George	R. Lewis	Newell	
Clark	Goodrich	Luedtke	Nichol	
Cope	Hasebroock	Marsh	Rasmussen	
Cullan	Kahle	Maxey	Rumery	

Voting in the negative, 5:

D. Dworak Hefner Lamb Maresh Marvel

Present and not voting, 3:

Barnett Fowler F. Lewis

Absent and not voting, 1:

Schmit

Excused and not voting, 4:

Koch Labedz Reutzel 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 796 in the Journal. No objections. So ordered.

(Amendments printed separately from the Journal and on file in the Clerk's office. Req. #2774)

Mr. Barnett asked unanimous consent to print the following amendments to LB 247 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 247

1. On page 20, line 26 after "a" insert "Class IV"; strike line 27 and insert "misdemeanor.".
2. On page 21, strike lines 1 and 2.

Mr. Barnett asked unanimous consent to print the following amendments to LB 87 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 87

1. On page 2, strike beginning with "imprisoned" in line 18 through "imprisoned" in line 21 show as stricken and insert "guilty of a Class IV misdemeanor".
2. On page 3, strike beginning with "imprisoned" in line 8 through "dollars" in line 11, show as stricken, and insert "guilty of a Class III misdemeanor".
3. On page 4, strike beginning with "imprisoned" in line 5 through "years" in line 7, show as stricken,

9 and insert "guilty of a Class IV felony,".

Mr. Barnett asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

AMENDMENT TO LB 523

1 1. On page 2, strike beginning with "fined" in
2 line 12 through the period in line 15 and insert "guilty
3 of a Class II misdemeanor.".

MOTION - Rule Change

Mr. Carsten offered the following rule change:

1. Amend Rule 5, Sec. 5(d) to read:

~~(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.~~

(d) Each member shall be limited as an introducer or co-introducer to a total of 10 bills for the two-year period consisting of the first and second regular sessions of each Legislature. Each committee shall be limited as an introducer to a total of 10 bills for each regular session of the Legislature. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Bills introduced under Rule 5, Sec. 3(a), bills introduced at the request of the Governor, and Appropriation bills will not be included in the limitation.

Referred to the Rules Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 169. Read and considered.

LR 169 was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 170.

Introduced by Simon, 31st District.

WHEREAS, manufacturers have made good faith efforts to secure product liability insurance for the products they manufacture; and

WHEREAS, because of large increases in the premiums for such insurance, in some instances as much as two thousand per cent, the cost of such insurance is prohibitive; and

WHEREAS, in many areas of the United States no insurance company will provide product liability insurance at any cost; and

WHEREAS, a state by state product liability insurance plan may not be effective because of the interstate nature of the problem; and

WHEREAS, if each state developed its own product liability insurance program, many conceptual and administrative difficulties could result.

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

1. That the Nebraska Legislature encourages the United States Congress to develop a residual product liability insurance market at the national level.

2. That a copy of this resolution be delivered to each member of the Nebraska Congressional delegation.

Laid over.

SELECT FILE

LEGISLATIVE BILL 411. Mr. Kremer offered the following amendment:

That we strike the Lamb amendment to LB 411 on page 860.

Mr. Bereuter requested a record vote on the amendment.

Mr. Kremer moved for a Call of the House. The motion prevailed with 20 ayes, 5 nays, and 24 not voting.

Mr. Kremer requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Barnett	DeCamp	Hefner	Marsh
Bereuter	Fowler	Keyes	Maxey
Burrows	George	Kremer	Schmit
Cope	Hasebroock	Luedtke	Warner

Voting in the negative, 27:

Brennan	D. Dworak	F. Lewis	Moylan	Savage
Carsten	Fitzgerald	R. Lewis	Murphy	Simon
Clark	Kahle	Maresh	Newell	Stoney
Cullan	Kelly	Marvel	Nichol	
Duis	Kennedy	Merz	Rasmussen	
E. Dvorak	Lamb	Mills	Rumery	

Present and not voting, 1:

Chambers

Absent and not voting, 1:

Goodrich

Excused and not voting, 4:

Koch	Labedz	Reutzel	Venditte

The amendment lost with 16 ayes, 27 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Mills offered the following amendments:

AMENDMENTS TO LB 411

1. Insert a new section to read:

"Sec. 3. This act shall become operative on January 1, 1982.".

2. In the Lamb amendments, renumber section 3 as section 4.

3. In line 8 of the title, as amended, insert "to provide an operative date;" after the semicolon.

The amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 779A. By Education Committee: F. Lewis, 45th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 779, Eighty-fifth Legislature, Second Session, 1978.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 541.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 198. Mrs. Maxey asked unanimous consent to bracket LB 198 and LB 198A. No objections. So ordered.

Mr. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

MR. HEFNER PRESIDING

LEGISLATIVE BILL 689. Mr. Mills renewed his pending amendment found in the Journal on page 949.

MR. BARNETT PRESIDING

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 682. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 570. E & R amendments found in the Journal on page 956 for the Twenty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 561. E & R amendments found in the Journal on page 956 for the Twenty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 897. E & R amendment found in the Journal on page 956 for the Twenty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 668. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 816. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 707. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 558. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. R. Lewis asked unanimous consent to be excused at 11:00 a.m., until after recess. No objections. So ordered.

MOTION - Reconsider Action on LB 372

Mr. Schmit renewed his pending motion found in the Journal on page 887 to reconsider action on LB 372 on Final Reading.

SPEAKER LUEDTKE PRESIDING

Mr. Stoney requested a record vote on the Schmit motion.

Mr. Kelly moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Kelly requested a roll call vote on the Schmit motion.

Voting in the affirmative, 22:

Burrows	Duis	Kahle	Maresh	Rumery
Carsten	D. Dworak	Kelly	Moylan	Schmit
Clark	George	Kennedy	Murphy	
Cullan	Hasebroock	Kremer	Nichol	
DeCamp	Hefner	Lamb	Rasmussen	

Voting in the negative, 20:

Bereuter	E. Dvorak	Keyes	Maxey	Savage
Brennan	Fitzgerald	Luedtke	Merz	Simon
Chambers	Fowler	Marsh	Mills	Stoney
Cope	Goodrich	Marvel	Newell	Warner

Present and not voting, 1:

Barnett

Excused and not voting, 6:

Koch	F. Lewis	Reutzel
Labedz	R. Lewis	Venditte

The motion to reconsider action on LB 372 lost with 22 ayes, 20 nays, 1 present and not voting, and 6 excused and not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 919. Placed on General File as amended.
Standing Committee amendments to LB 919:

1. On page 2, line 7 strike "(1)", and strike beginning "date" in line 7 through "limits" in line 12, show the old matter as stricken, and insert "actual receipt of the notice".
2. Strike original section 2.
3. On page 4, lines 10 and 11 strike "sections 48-634 and 48-638" and insert "section 48-634", and in line 11 strike "are" and insert "is".
4. Renumber original section 3 as section 2.

LEGISLATIVE BILL 890. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT - Bracket LB 142

Mr. Bereuter asked unanimous consent to bracket LB 142 on General File until March 15, 1978. No objections. So ordered.

MOTION - Approve Appointments

Mr. Savage moved for the adoption of the Committee on Committees report found in the Journal on page 980 of the following Governor appointments: Dr. Ben Meckel, Dr. Dwaine Peetz, Dr. Clarence Davis, Judith Basart, Reed Gilmore, John Mason, Hobart Boswell, John J. Gabbarron.

Voting in the affirmative, 28:

Barnett	Cullan	Hasebroock	Mills	Schmit
Brennan	DeCamp	Kelly	Moylan	Simon
Burrows	D. Dworak	Kennedy	Murphy	Stoney
Carsten	Fitzgerald	Luedtke	Rasmussen	Warner
Chambers	George	Maresh	Rumery	
Clark	Goodrich	Marvel	Savage	

Voting in the negative, 0.

Present and not voting, 15:

Bereuter	E. Dvorak	Kahle	Lamb	Merz
Cope	Fowler	Keyes	Marsh	Newell
Duis	Hefner	Kremer	Maxey	Nichol

Excused and not voting, 6:

Koch	F. Lewis	Reutzel
Labedz	R. Lewis	Venditte

The appointments were confirmed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

MOTION - Place LB 679 on General File

Mr. Kelly moved to placed LB 679 on General File pursuant to Rule 3, Sec. 10.

Motion pending.

MESSAGE FROM SECRETARY OF STATE

February 28, 1978

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

RE: LB 526, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on February 28, 1978 at 4:22 P.M., LB 526. Along with LB 526, I hereby acknowledge receipt of your cover letter and signed certificate by Roland Luedtke, Presiding Officer and Speaker of the Legislature the contents of which are as follows:

> "Legislative Bill 526 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 28th day of February, 1978."

Further, I hereby acknowledge that LB 526, 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

BILL ON FIRST READING

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

LEGISLATIVE BILL 691A. By George, 16th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 691, Eighty-fifth Legislature, Second Session, 1978.

UNANIMOUS CONSENT - Print in Journal

Speaker Luedtke asked unanimous consent to print the following on Statehood Day in the Journal. No objections. So ordered.

"FOCUS ON NEBRASKA"
A photographic essay
by James Denney

This is a photo show about Nebraska — it's people and places.

There are 56 photographs, each measuring 11 inches by 14 inches and each is contained in a 16 inches by 20 inches frame. Each photograph has a title. The community where or near where the photograph was taken is listed along with the date.

The show is Nebraska as it appears and has appeared over the past 20 years. Most of the photographs — taken in color and black and white — were published in The Omaha World-Herald's Sunday Magazine of the Midlands. They were used to illustrate stories about Nebraska and Nebraskans.

The lone exception is a black and white shot of Nebraska-born movie actor Henry Fonda talking to Director George Marshall on the set of "How The West Was Won". This picture was shot in South Dakota's Black Hills during the filming of the movie.

All of the rest were taken in Nebraska. They range from the reflection of lights on the Missouri River at South Sioux City during Rivercade to a game in Memorial Stadium in Lincoln to high clouds over Chimney Rock near Bayard. You see Johnny Carson back home. There's a meadow lark on a fence post at Fort Robinson and a "Big Red Machine" — a combine — rolling through a wheat field near McCook. There's the peace and quiet of a lazy fall day at Santee.

The show opened in the Stuhr Museum of the Prairie Pioneer in March 1976, as a bicentennial project. It then was put on the road, sponsored by Stuhr, for exhibiting in other museums, libraries and locales across the state.

Last year on Statehood Day (March 1, 1977) in recognition of Nebraska's 110th anniversary of Statehood, the exhibit was shown in the National Visitors Center in Washington, D.C., with members of the Nebraska Congressional delegation and other Nebraskans present for the showing.

Later, it was moved to the National Heritage Theatre near the White House for a special two-week showing.

The exhibit has been showing in Nebraska at the following places: Gage County Museum, Beatrice; Holdrege Public Library; Plainsmen

Museum, Aurora; Ralston Public Library; Imperial Public Schools; The Mall Shopping Center, North Platte; First National Bank, Fairbury; Gene Eppley Library, University of Nebraska - Omaha; Scottsbluff Public Library; Thayer County Museum, Belvidere; Art Gallery, Doane College, Crete; Lincoln Public Library; University of Nebraska - Lincoln East Campus Student Union; Westroads Shopping Center, Omaha; Student Union, Kearney State College; Art Gallery, Dana College, Blair, Nebraska; Palisade Public Library; Dawson County Museum, Lexington; Art Gallery, Brownvillve.

The exhibit in the Statehouse on March 1, 1978, in honor of the State's 111th Anniversary, will mark the end of the exhibit's tour.

VISITORS

The President introduced Mary Raff and Marie Cook from Omaha; 47 1st grade students, teachers and parents from Meadow Lane Elementary School, Lincoln; 23 pre-school students, teachers and parents from Waverly; 15 senior students and instructor from the Modern Problems Class, Giltner Public School, Giltner.

RECESS

At 11:22 a.m., on a motion by Mr. Savage, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Merz, Koch, F. Lewis, Reutzel and Venditte were excused; and Messrs. Marvel, D. Dworak, Schmit, Brennan and Simon 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 169.

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 385 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 385

1. On page 7, strike beginning with the comma in line 22 through the period in line 25, show as stricken, and insert "be guilty of a Class IV misdemeanor. Each day the violation continues shall be a separate offense."; and in line 27 strike ", upon conviction" show as stricken and insert "be guilty of a Class I misdemeanor.".

2. On page 8, strike lines 1 and 2 and show as stricken.

Mr. Barnett asked unanimous consent to print the following amendment to LB 248 in the Journal. No objections. So ordered.

AMENDMENT TO LB 248

1. On page 11, line 10 after "a" insert "Class V"; and strike beginning with "and" in line 10 through "dollars" in line 12 and show as stricken.

Mr. Barnett asked unanimous consent to print the following amendment to LB 331 in the Journal. No objections. So ordered.

AMENDMENT TO LB 331

1. On page 3, line 10 after "a" insert "Class V", after "misdemeanor" insert a period, and strike beginning with "and" through the period in line 12

GENERAL FILE

LEGISLATIVE BILL 640. Title read. Considered.

Mr. Duis asked unanimous consent to have LB 640 laid over. No objections. So ordered.

LEGISLATIVE BILL 177. Title read. Considered.

Mr. D. Dworak withdrew his pending amendment found in the Journal on page 760 for the Thirty-Ninth Day, First Session.

Mr. Mills moved to indefinitely postpone.

The motion prevailed with 26 ayes, 6 nays, 9 present and not voting, and 8 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 729. Title read. Considered.

MR. NICHOL PRESIDING

Mr. Lamb moved to indefinitely postpone LB 729.

Mr. Hefner 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. Barnett requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 26:

Bereuter	E. Dvorak	Keyes	Marvel	Savage
Burrows	D. Dworak	Kremer	Mills	Stoney
Carsten	Goodrich	Lamb	Moylan	
Clark	Hasebroock	R. Lewis	Newell	
Cullan	Hefner	Maresh	Nichol	
Duis	Kahle	Marsh	Ramussen	

Voting in the negative, 10:

Barnett	Fowler	Kennedy	Maxey	Simon
Brennan	Kelly	Luedtke	Rumery	Warner

Present and not voting, 5:

Chambers	Cope	Fitzgerald	George	Murphy

Excused and not voting, 8:

DeCamp	Labedz	Merz	Schmit
Koch	F. Lewis	Reutzel	Venditte

The motion to indefinitely postpone prevailed with 26 ayes, 10 nays, 5 present and not voting, and 8 excused and not voting.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 98. Title read. Considered.

Mr. Murphy moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 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 Review with 30 ayes, 4 nays, 9 present and not voting, and 6 excused and not voting.

Messrs. Duis and Nichol asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 711. Title read. Considered.

The corrected Standing Committee amendment found in the Journal on page 921 for the Twenty-Seventh Day was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Bereuter asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Chambers offered the following amendment:
Page 5: Strike lines 1-5 (Section 7)

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Chambers asked unanimous consent to bracket LB 711 until March 6, 1978. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 171.

Introduced by Barnett, 26th District; Bereuter, 24th District; Brennan, 9th District; Burrows, 30th District; Carsten, 2nd District; Chambers, 11th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Duis, 39th District; E. Dvorak, 8th District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Hasebroock, 18th District; Hefner, 19th District; Kahle, 37th District; Kelly, 35th

District; Kennedy, 21st District; Keyes, 3rd District; Kremer, 34th District; Lamb, 43rd District; Luedtke, 28th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Maxey, 46th District; Merz, 1st District; Mills, 44th District; Moylan, 6th District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Rasmussen, 41st District; Rumery, 42nd District; Savage, 10th District; Schmit, 23rd District; Simon, 31st District; Stoney, 4th District; Warner, 25th District.

WHEREAS, the month of March will be observed as YOUTH ART MONTH to give recognition to the importance of music, dance, dramatics, creative writing and visual arts in our schools and communities; and

WHEREAS, childhood is the time to develop interest and skills that will last a lifetime; and

WHEREAS, through meaningful arts activities children develop initiative, self-expression, creative ability, discipline and an awareness and appreciation of beauty; and

WHEREAS, the importance of the arts in education, daily life and recreation is properly widely recognized; and

WHEREAS, a YOUTH ART EXHIBIT will be displayed, beginning March 6th, in the Rotunda of the State Capitol Building and other public areas throughout the State of Nebraska for the entire month of March.

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

1. That the Legislature DOES HEREBY PROCLAIM the month of March, 1978, as YOUTH ART MONTH in Nebraska, and does urge all citizens to take interest in, support, and encourage the art programs presented in schools and youth organizations.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 92A in the Journal. No objections. So ordered.

AMENDMENT TO LB 92A

On page 2, line 1 strike "thirteen" and insert "one"; on line 2, strike "forty-five thousand" and insert "eighty-one thousand three hundred"; on line 3, strike "1977" and insert "1978"; and on line 4, strike "1978" and insert "1979".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 210 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 210

1. Strike original sections 1 and 2 and all amendments thereto and insert two new sections as follows:

"Section 1. Pursuant to section 49-302, Reissue Revised Statutes of Nebraska, 1943, specific provision is hereby made for the revival of sections 32-1136 to 32-1143, 32-1144 to 32-1148, 32-1150 to 32-1155, 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.

Sec. 2. That Chapter 49, article 14, Revised Statutes Supplement, 1976, and amendments thereto and Laws 1976, LB 987, section 141, are repealed.

Mr. Barnett asked unanimous consent to print the following amendments to LB 640 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 640

1. On page 4, line 5 after the underscored period insert "As used in this section mobile home shall include a mobile home attached to real estate and a mobile home or cabin trailer whose owner is required to obtain a permit pursuant to section 60-1602 for such cabin trailer or mobile home.".

2. On page 5, line 8 after "taxes" insert "and motor vehicle taxes imposed upon motor vehicles in lieu of an ad valorem tax,".

Mr. Bereuter asked unanimous consent to print the following amendment to LB 707 in the Journal. No objections. So ordered.

AMENDMENT TO LB 707

1. On page 3, line 10 after the period insert "Any filing or recording costs incurred pursuant to this section shall be paid from the Nebraska Water Conservation Fund.".

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 572. Indefinitely postponed.
LEGISLATIVE BILL 740. Indefinitely postponed.

(Signed) Richard Lewis, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 836 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 836

Section 3, page 4, line 18 - After the semicolon, insert: "(8) a copy of the written statement described in Section 8(2) of this act or in lieu thereof, a copy of the application containing the written statement referred to in Section 8(2) of this act."

Section 3, page 4, line 18 - After "and" delete: "(8)" and in lieu thereof, insert "(9)".

Section 4, page 5, lines 18-21 - Delete that entire sentence and in lieu thereof insert: "The agent, shall, at the time said statement is submitted, pay to the Department the tax on such business in the same manner as other foreign companies."

Section 8, page 8, lines 1 and 2 - Delete the following: ", such writing shall be attached to or be a part of the affidavit required by Section 9 of this act".

Section 9, page 8, - Delete all of Section 9.

Section 10, page 9, line 4 - After "insurer;" insert the following: "(4) a sworn statement by the surplus lines agent with regard to the coverages described in the quarterly report, that to the best of his knowledge and belief, he could not reasonably procure such coverage from a company admitted to do business in Nebraska;".

Section 10, page 9, line 4 - Change "(4)" to "(5)".

Section 10, page 9, lines 5, 6 and 7 - Delete the following sentence: "Such quarterly report shall have attached to it the affidavits required by Section 9 of this act."

Section 4, page 5, line 8 - Change "13" to "12".

Section 5, page 5, line 27 - Change "13" to "12".

Section 6, page 6, line 17 - Change "13" to "12".

Section 7, page 7, line 10 - Change "13" to "12".

Section 11, page 9, line 11 - Change "13" to "12".

Section 13, page 10, line 19 - Change "13" to "12".

Section 12, page 10, line 12 - Change "13" to "12".

Renumber Section 10, as Section 9; Section 11, as Section 10; Section 12, as Section 11; Section 13, as Section 12; and Section 14, as Section 13.

UNANIMOUS CONSENT - Member Excused

Mr. Bereuter asked unanimous consent to be excused Thursday, March 2, 1978. No objections. So ordered.

Mr. Hefner asked unanimous consent to be excused Thursday and Friday, March 2 and 3, 1978. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 169. Title read. Considered.

Mr. Stoney withdrew his pending amendment found in the Journal on page 1283, First Session.

Mr. Stoney renewed his pending amendment found in the Journal on page 314.

The Stoney amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Savage asked unanimous consent to print the following amendments to LB 945 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 945

1. Insert a new section 2 as follows:

"Sec. 2. The Game and Parks Commission is hereby authorized to install equipment at the Angora transmission site to replace the destroyed equipment. There is hereby appropriated six thousand seven hundred eighty-eight dollars from the General Fund for the period ending June 30, 1978, to the Game and Parks Commission, Agency No. 33 for Program 336, to replace the destroyed equipment.".

2. Renumber original section 2 as section 3.

ADJOURNMENT

At 4:30 p.m., on a motion by Mr. Clark, the Legislature adjourned until 9:00 a.m., Thursday, March 2, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - MARCH 2, 1978

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 2, 1978

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father, into the calm and confidence of Thy presence we would bring our drained and driven souls that the benediction of Thy peace may fall upon our restless lives. In this difficult year of many decisions, be Thou our pillar of cloud by day and our fire by night, as patiently and obediently we strive to follow the light which Thou hast placed within each of us.
>
> Save us from living on a small scale in a great day, from toying with the tiny when we ought to be lured by the titanic. In these days of decision, be swift our souls to answer Thee, be jubilant our feet! So through our actions may Thy purposes be furthered. In Thy name. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz and Messrs. Bereuter, Carsten, Hefner, Koch, F. Lewis, Marvel, Nichol, Reutzel, and Venditte who were excused; Messrs. Burrows, Chambers, D. Dworak, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 993, Line 5, delete "two-thirds", insert "majority".

Page 993, Line 6, delete "with the emergency clause".
The Journal for the Thirtieth Day was approved, as corrected.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 1, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick O'Donnell
Clerk of the Legislature

Baer, John R.F. - Illinois, Schwinn Bicycle Company
Ryan, James E. - Lincoln, Nebraska Press Advertising Service
Tews and Radcliffe: Radcliffe, Walter H. - Lincoln, Nebraska Mortgage Association
Townley, Jay C. - Illinois, Schwinn Bicycle Company

REREGISTRATIONS FROM FEBRUARY 24TH THROUGH MARCH 1, 1978

Gaither, Barbara A. - Lincoln, Nebraska Civil Liberties Union
Tews and Radcliffe: Tews, David D. - Lincoln, Nebraska Mortgage Association

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 476. Placed on Select File as amended.
E & R amendments to LB 476:

1. On page 6, line 26, strike "herein" and insert "in this act".

2. On page 11, line 12, strike "above" and insert "in this section"; and in line 22 strike "by the fund".

3. On page 15, line 1, strike "Invest" and insert "To invest"; in line 6 strike the semicolon and insert a comma; in line 12 strike "Collect" and insert "To collect"; in line 15 strike "Cooperate" and insert "To cooperate"; in line 18 strike "Sell" and insert "To sell"; and in line 21 strike "Do" and insert "To do".

4. On page 17, line 4, strike "the foregoing" and insert "such".

5. On page 18, line 15, strike "hereunder" and insert "under this act".

6. On page 20, line 2, strike the last comma; and in line 10 strike "section" and insert "act".

7. On page 22, strike line 14 and insert "of section 10-126, Reissue Revised Statutes of Nebraska, 1943,".

8. On page 25, line 1, strike ", which" and insert "which,".

9. On page 28, line 16, strike "these" and insert "such"; and in lines 23 and 24, strike "this section" and insert "section 44 of this act".

10. On page 29, line 9, strike "hereby".

11. On page 30, line 1, strike "such"; and in line 17 strike "savings banks and".

12. On page 31, line 15, strike "herein" and insert "in this act"; and in line 21 strike "hereby".

13. On page 32, line 4, strike "other".

LEGISLATIVE BILL 202. Placed on Select File as amended.
E & R amendments to LB 202:

1. On page 3, line 1, strike "and"; in line 7 strike the period and insert "; and"; and in lines 11 and 27, strike "where" and insert "when".

2. In lieu of the Murphy amendment thereto, on page 3, after line 7 insert:

"(7) Good cause for terminating, canceling, or failure to renew a franchise shall be limited to failure by the franchisee to substantially comply with the requirements imposed upon him by the franchise.".

3. On page 4, line 2, strike "aforementioned"; and in line 4, strike "where" and insert "when".

4. In the Murphy amendment to page 4, line 23, strike the period.

5. On page 5, line 8, strike "hereunder".

6. On page 6, line 3, strike "franchise" and insert "franchisee"; in line 6 strike "heir" and insert "heirs"; in line 7 strike the comma; and in line 8 strike "provided".

7. On page 7, line 4, strike ", and where" and insert "and, when".

8. Renumber original sections 11 and 12 as sections 10 and 11.

LEGISLATIVE BILL 92. Placed on Select File as amended.
E & R amendment to LB 92:

1. In the Goodrich amendment, line 4, insert "that" after "except".

LEGISLATIVE BILL 689. Replaced on Select File as amended.
E & R amendment to LB 689:

1. Strike the Mills amendment to page 4, line 18.

(Signed) Samuel K. Cullan, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 171. Read and considered.

LR 171 was adopted with 29 ayes, 0 nays, and 20 not voting.

Mr. Rasmussen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 897 to Select File

Mr. Warner moved to return LB 897 to Select File for the following specific amendment:

AMENDMENT TO LB 897

Page 6, line 15, insert new sections and renumber remaining sections. Insert the following:

Section ___ Each public postsecondary system and institution and the Nebraska Coordinating Commission for Postsecondary Education shall file on or before January 15 of each year with the Legislative Performance Review and Audit Committee a report of information system expenditures that includes the following information:

(a) A report of all expenditures which are the direct result of the implementation of the information system requirements established by the Committee.

(b) A report of all system/institutional information system implementation activities.

Section ___ The Legislative Performance Review and Audit Committee shall review all system and institutional information system expenditure reports and may recommend to the Executive Board of the Legislative Council reimbursements for costs directly associated with the implementation of the Committee's information system requirements be provided.

The motion prevailed with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 897. The Warner specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 568, 571, 625, 723, 724 and 869.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 568, 571, 625, 723, 724 and 869.

GENERAL FILE

LEGISLATIVE BILL 623. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 459 and printed separate from the Journal (Req. #2698) were adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Barnett withdrew his pending amendment found in the Journal on page 862.

Mr. Barnett moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 623A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 3 nays, 8 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 442. Placed on General File as amended.
Standing Committee amendments to LB 442:

1. On page 2, after line 7, insert "(a) Systematic observation and assessment of children in order to gather information on the child's functioning strengths, weaknesses, learning characteristics, and vocational potential;" in line 8 strike "(a)" and insert "(b)"; in line 10 strike "(b)" and insert "(c)"; strike beginning with "placements" in line 10 through "settings" in line 11, and insert "implementation of the individualized educational plans"; in line 11 strike "and"; in line 12 strike "(c)"; and insert "(d)"; in line 13 after "and" insert "(e) Development of a transitional plan as to coordination of services linking education and employment opportunities; and"; in line 18 strike "facility" and insert "program"; in line 20 strike "center" and insert "program"; in line 23 strike ", age five", after "to" insert "age", and strike "years"; and in line 27 strike "and".

2. On page 3, strike lines 1 and 2 and insert "(4) Utilization of diagnostic services on a contractual basis with other state agencies; and (5) Coordinated delivery of the services available within the State Department of Education for handicapped individuals."; in line 3 strike "center" and insert "program"; in line 5 strike "board" and insert "State Department of Education", and after "shall" insert "in consultation with appropriate state agencies"; strike beginning with "The" in line 8 through the period in line 9; in line 11 strike "of the" and insert "for the school-age", and after "services" insert "or by state agencies"; in lines 14, 22, 25, and 27 strike "center" and insert "program"; and in line 27 strike "program" and insert "care component".

3. On page 4, strike beginning with "to" in line 3 through "transportation" in line 4; and strike beginning with "center" in line 4 through "week" in line 7, and insert "program".

4. Strike original sections 11, 12, 13, and 15.

5. Insert the following new sections:

"Sec. 11. The State Board of Education shall have the power and it shall be its duty to accept, on behalf of the Diagnostic Resource Center at Cozad, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of such school, its students, or both; and upon accpetance(sic) of any devise, donation, or bequest as provided in this section, to administer and carry out any devise or bequest in accordance with its terms and conditions. If not prohibited by the terms and conditions of any devise, donation, or bequest, it may sell, convey, exchange, or lease such property as it deems best and deposit all money derived from any such sale or lease in the State Department of Education Trust Fund. However, lease agreements should give priority first to state agencies and second to regional or local agencies. In the case of lease agreements with regional or local agencies, such lease agreements shall not exceed a period of one year.

Sec. 12. The State Department of Education and the Department of Public Welfare shall enter into a written agreement under which the State Department of Education shall furnish to the Department of Public Welfare evaluations, diagnoses and treatment for children who are otherwise served by the Department of Public Welfare. The Department of Public Welfare shall, under the agreement, reimburse the State Department of Education for the costs of such services to children.

Sec. 13. That section 43-617, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-617. The State Department of Education is hereby authorized to set up one or more approved ~~residential~~ schools for ~~trainable mentally retarded~~ handicapped children. These schools shall offer residential facilities for ~~trainable mentally retarded~~ handicapped children which facilities shall be under the control and supervision of the State Department of Education.

Sec. 14. That section 43-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-619. All money derived from any source other than state General Fund appropriations by any school as provided by the provisions of sections 43-617 and 43-618, shall be remitted to the state treasury and by the State

Treasurer credited to the ~~Nebraska School for the Mentally Retarded~~ State Department of Education Cash Fund~~, which fund is hereby created,~~ and such money shall be made available to any such school for purposes of education, training, or maintenance of students.

Sec. 15. That section 43-620, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-620. ~~In addition to the school for mentally retarded children maintained at Cozad under the provisions of sections 43-617 to 43-619, a~~ A public school district, combination of public school districts, educational service unit, or combination of educational service units may set up one or more approved schools for mentally retarded children. The control and supervision of such schools shall be under the governing body or bodies by which they were set up; Provided, that every school shall comply with the rules and regulations as adopted by the State Department of Education.

Sec. 17. That original sections 43-617, 43-619, and 43-620, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

6. On page 12, line 27 strike "1977" and insert "1978".

7. Renumber original sections 14 and 16 as 16 and 18 respectively.

LEGISLATIVE BILL 871. Placed on General File as amended.
Standing Committee amendments to LB 871:

1. Strike the original sections.

2. Insert the following new sections:

"Section 1. That section 43-467, Revised Statutes Supplement, 1977, be amended to read as follows:

43-647. Except as provided in section 4 of this act, each ~~Each~~ school district shall pay an amount equal to the average per pupil cost of the servicing agency of the preceding year or the cost as agreed upon pursuant to the contract to the agency providing the educational program for every child who is a resident of the district and attending an educational program not operated by the school district, including programs operated by the State Department of Education, the Department of Public Institutions, and any other servicing agency whose programs are approved by the State Department of Education.

Sec. 2. That section 79-1903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

79-1903. All the residents of this state who are acoustically handicapped to such an extent that they cannot acquire an education in the public schools of this state, and who are of suitable age and capacity, and of good moral character, shall be entitled to an education in the Nebraska School for the Deaf without charge except as provided by section ~~43-647~~ 4 of this act.

Sec. 3. That section 79-2003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2003. The State Department of Education shall be responsible for the education and welfare of all persons visually handicapped to such an extent that they cannot acquire an education in the public schools of the state and who are not otherwise provided for, and who are of suitable age and capacity, and of good moral character without charge except as provided by section ~~43-647~~ 4 of this act.

Sec. 4. The school district of residence of each student who attends the Nebraska School for the Visually Handicapped or the Nebraska School for the Deaf shall pay an amount equal to the school district's adjusted average per pupil cost of the preceding year plus ten per cent of the allowable excess cost. The remainder of the cost for each student shall be accounted for in the budget for the Nebraska School for the Visually Handicapped or the Nebraska School for the Deaf.

Sec. 5. That original sections 79-1903 and 79-2003, Reissue Revised Statutes of Nebraska, 1943, and section 43-647, Revised Statutes Supplement, 1977, are repealed.".

(Signed) Frank Lewis, Chairman

Public Health and Welfare

LEGISLATIVE BILL 839. Placed on General File as amended.
Standing Committee amendments to LB 839:

1. Strike original section 1.

2. On page 5, line 16 after "County" insert "or the district court of residence of any party".

3. On page 6, line 3 after the period insert "If the court rules in favor of the appealing party, all costs of the action, including a reasonable attorney's fee for the appealing party, shall be assessed against the Board of Nursing.".

4. On page 6, line 4 strike "sections 71-1,132.11 and" and insert "section" and in line 6 strike "are" and insert "is".
5. Renumber remaining sections accordingly.

(Signed) Richard Lewis, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 411, 558, 561, 570, 668, 682 and 816.

(Signed) Samuel K. Cullan, Chairman

GENERAL FILE

LEGISLATIVE BILL 169. Laid over at the request of Mr. Barnett.

LEGISLATIVE BILL 92A. Title read. Considered.

Mr. Goodrich renewed his pending amendment found in the Journal on page 1010.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Goodrich amendment was adopted with 25 ayes, 6 nays, 5 present and not voting, and 13 excused and not voting.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mr. Goodrich requested a roll call vote to advance LB 92A.

Voting in the affirmative, 22:

Barnett	Fitzgerald	Kelly	Maresh	Savage
Brennan	George	Keyes	Merz	Simon
Cope	Goodrich	Kremer	Moylan	
Duis	Hasebroock	Lamb	Newell	
E. Dvorak	Kahle	Luedtke	Rumery	

Voting in the negative, 12:

Chambers	DeCamp	R. Lewis	Mills
Clark	D. Dworak	Marsh	Stoney
Cullan	Kennedy	Maxey	Warner

Present and not voting, 2:

Fowler	Murphy

Excused and not voting, 13:

Bereuter	Hefner	F. Lewis	Rasmussen	Venditte
Burrows	Koch	Marvel	Reutzel	
Carsten	Labedz	Nichol	Schmit	

Failed to advance to E & R for Review with 22 ayes, 12 nays, 2 present and not voting, and 13 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Duis, Keyes, and Luedtke asked unanimous consent to be excused. No objections. So ordered.

MR. SAVAGE PRESIDING

GENERAL FILE

LEGISLATIVE BILL 700. Laid over at the request of Mr. Barnett.

ANNOUNCEMENT

Mr. Savage announced that tomorrow is Clerk Pat O'Donnell's birthday and today is Senator Reutzel's birthday.

GENERAL FILE

LEGISLATIVE BILL 722. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 460 and printed separate from the Journal (Req. #2700) were adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 172.

Introduced by Mills, 44th District.

WHEREAS, college basketball is a source of great interest to sports minded Nebraskans during the most inclement times of the year; and

WHEREAS, the college basketball regular playing season is drawing to a close; and

WHEREAS, the Creighton University team has won the last game of its season and thereby won the Missouri Valley League championship, which entitles them to compete for their conference championship; and

WHEREAS, the University of Nebraska at Lincoln team won the last game of its regular season which entitles them to play in the Big Eight post season tournament to determine the league's representative in the NCAA national championships.

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

1. That the Legislature notes the fine season records of both teams and extends its congratulations for past victories.

2. That the Members of the Legislature wish each member of each team the very best in the post season league and championship games yet to be played.

Mr. Mills moved to suspend the rules to consider LR 172.

The motion prevailed with 31 ayes, 0 nays, 3 present and not voting, and 15 excused and not voting.

LR 172 was adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

Mr. Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 569. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 461 and printed separate from the Journal (Req. #2701) were adopted with 26 ayes, 0 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.

LEGISLATIVE BILL 591. 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.

Mr. Fowler asked unanimous consent to be excused at 11:30 a.m. until after recess. No objections. So ordered.

LEGISLATIVE BILL 586. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 582. Title read. Considered.

Mr. Maresh offered the following amendment:
In Line 7 after purpose add "The Game Commission shall not provide fish for those in commercial fish business without cost."

The amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Rumery moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Lamb moved the Call be raised. The motion prevailed with 12 ayes, 4 nays, and 33 not voting.

Mrs. Marsh asked unanimous consent to be excused at 11:45 a.m. until she returns. No objections. So ordered.

LEGISLATIVE BILL 688. Title read. Considered.

Standing Committee amendment found in the Journal on page 465 for the Eleventh Day was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Kremer moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 564A. By Rasmussen, 41st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 564, Eighty-fifth Legislature, Second Session, 1978.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 184 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 184

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

"Section 1. It is hereby declared to be the intent of the Legislature that this act, temporary in nature for a trial period of four years, is designed to improve and, if possible, to (1) eliminate littering in the state; (2) promote the conservation of energy by promoting and encouraging recycling, resource recovery, and the separation of recoverable resources from waste materials; (3) grant financial assistance to political subdivisions in the furtherance of its purposes; (4) establish a revolving fund to be used only for the purposes of this act and to assess certain industries on an equitable basis in order to finance the operation of this act and in that connection to receive grants in aid from the federal government or any other private or public source; and (5) create employment among our youthful

unemployed insofar as it is possible to do so in carrying out the provisions of this act.

Sec. 2. Money received by the state from any and all sources pertaining to the operation of this act, including federal grants, gifts from private sources, and license fees, if any, shall be credited to a special fund in the state treasury to be known as the Anti-littering and Recycling Fund.

Sec. 3. The local subdivisions of government shall establish a youth corps for the purpose of furnishing employment to unemployed youth on a part-time basis and shall cooperate with any and all governmental and private programs aimed at providing jobs for youth.

Sec. 4. To aid in defraying the cost of administration of this act, there is hereby levied and there shall be collected an annual litter tax equal to the gross proceeds of products manufactured and the sales of which are consummated within this state, including by-products, multiplied by one and one half hundredths of one per cent in the case of manufacturers, and equal to the gross proceeds of the sales consummated within this state multiplied by one and one half hundredths of one per cent in the case of such sales at wholesale and at retail. Such tax shall be collected and administered by the Department of Revenue. The tax imposed by this section shall be due on the first day of each calendar quarter and shall be delinquent thirty days thereafter. The pertinent provisions, specifically including penalty provisions, of sections 77-2705 to 77-2710, 77-2712, 77-27,125 to 77-27,131, and 77-27,133 to 77-27,135, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2711 and 77-2713, Revised Statutes Supplement, 1977, shall be applicable to the adminstration and collection of the tax imposed by this section.

Sec. 5. The tax imposed by section 4 of this act shall be calculated only on the value of products or the gross proceeds of sales or products falling into the following categories: (1) Food for human or pet consumption; (2) groceries; (3) cigarettes and other tobacco products; (4) soft drinks and carbonated waters; (5) beer and other malt beverges; (6) household paper and paper products; (7) glass containers; (8) metal containers; (9) plastic or fiber containers made of synthetic material; (10) cleaning agents and toiletries; and (11) nondrug and drugstore sundry products.

Sec. 6. Any assessments set forth in sections 4 and 5 of this act shall not apply to gross sales involving any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the

person performs only the growing, raising, or slaughtering and related processing of such animal, bird, or insect.

Sec. 7. It is the legislative intent that funds made available by this act shall be used to supplement and not replace existing funding for the same purposes and that the money in the fund be expended in each year adhering as closely as possible to the percentages specified below:

(1) Ninety per cent of the fund shall be allocated to counties and municipalities equally and shall be distributed based on the same criteria as distributions made under the Highway Allocation Fund. There shall be established in each county and municipality an Anti-Littering and Recycling Fund; and

(2) Ten per cent of the fund shall be allocated to the Department of Roads for the reduction of litter and encouraging and promoting recycling.

The Department of Revenue shall establish guidelines relative to the eligibility of such agencies, which guidelines shall be consistent with the policy and purposes of this act.

Sec. 8. This act shall become operative on January 1, 1979, and shall cease to exist on December 31, 1982.".

UNANIMOUS CONSENT - Unbracket LB 184

Mr. DeCamp asked unanimous consent to unbracket LB 184 on General File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 109A. Mr. Mills moved to indefinitely postpone.

Motion pending.

VISITORS

The President introduced Senator Mills' daughter, Jody Mills and friend from Big Springs; and Page, Jenny Schizas introduced AFS Students, Mrs. Auden Ravnun, director, Marit Hansen from Norway, Veronica Herrera from Chili, Takashi Taniquchi from Japan, Rosan Maia from Brazil, Jaleh Sadri from Iran, Ursula Vohryzka from Austria, and Elmy Chase from Paraguay.

RECESS

At 12 noon, on a motion by Mr. Hasebroock, 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 Mrs. Labedz, Messrs. Bereuter, Burrows, Carsten, Clark, Duis, Hefner, F. Lewis, R. Lewis, Marvel, Nichol, Rasmussen, Reutzel, Stoney, and Venditte who were excused; Mrs. Maxey, Messrs. Brennan, Keyes, Rasmussen, Savage, Schmit, and Stoney who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 535 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 535

1. On page 8, line 3 after "be" insert "guilty of a Class III Misdemeanor."; strike beginning with "guilty" in line 4 through the period in line 7 and show as stricken.

2. On page 9, line 12 after "a" insert "Class III" strike beginning with the comma through the period in line 15, show as stricken, and insert an underscored period; in line 20 after "be" insert "guilty of a Class III misdemeanor,"; and strike lines 21 to 23 showing the old matter as stricken.

MESSAGE FROM THE GOVERNOR

March 2, 1978

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

Dear Mr. President and Senators:

Pursuant to your request of February 28, 1978, I am hereby returning LB 508 for your further consideration.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah2
Enclosure

GENERAL FILE

LEGISLATIVE BILL 606. Title read and considered.

Standing Committee amendments found in the Journal on page 466 for the Eleventh Day were adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 599. Title read and considered.

Standing Committee amendment found in the Journal on page 481 for the Eleventh Day was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 600. Title read and considered.

Standing Committee amendment found in the Journal on page 481 for the Eleventh Day was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 641. Title read and considered.

Standing Committee amendments found in the Journal on page 481 for the Eleventh Day were adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 26 ayes, o nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 836. Title read. Considered.

Mr. DeCamp renewed his pending amendments found in the Journal on page 1012.

The amendments lost with 18 ayes, 0 nays, 16 present and not voting, and 15 excused and not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. DeCamp requested a roll call vote on the motion to advance to E & R for Review.

Voting in the affirmative, 31:

Barnett	George	Lamb	Mills	Simon
Burrows	Goodrich	R. Lewis	Moylan	Stoney
Chambers	Hasebroock	Luedtke	Murphy	Warner
Cope	Kahle	Maresh	Rasmussen	
Cullan	Kelly	Marsh	Rumery	
DeCamp	Kennedy	Maxey	Savage	
E. Dvorak	Kremer	Merz	Schmit	

Voting in the negative, 0.

Present and not voting, 5:

Brennan	D. Dworak	Fitzgerald	Fowler	Newell

Excused and not voting, 13:

Bereuter	Duis	Koch	Marvel	Venditte
Carsten	Hefner	Labedz	Nichol	
Clark	Keyes	F. Lewis	Reutzel	

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

Mrs. Marsh moved the Call be raised. The motion lost with 10 ayes, 19 nays, and 20 not voting.

ANNOUNCEMENT

Speaker Luedtke announced the County Extension Luncheon set for March 3, 1978 has been cancelled and rescheduled for April 3, 1978.

UNANIMOUS CONSENT - Member Excused

Mr. Kennedy asked unanimous consent to be excused at 2:30 p.m. until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 826. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 772. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 2 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 662. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

MOTION - Reconsider Action on LB 508

Mr. Kremer moved to reconsider action on final passage of LB 508.

Motion pending.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 846. Placed on General File as amended.
Standing Committee amendments to LB 846:

1. On page 4, line 10 strike "unique" and insert "particular"; in line 16 strike "and"; and in line 17 after "services" insert "; and (6) cultural and recreational activities".

2. On page 5, line 3 after the underscored period insert "Cooperative program delivery may include consortia arrangements where shared responsibilities are determined with role and mission or accreditation authority being a consideration. Cooperative program delivery assumes a

shared commitment of system, area, or institution resources to include fiscal commitment, credit hour, production tuition income, and facilities."; and strike beginning with "Such" in line 25 through the underscored period in line 26 and insert "The primary intent of the institution offering vocational-technical programs shall be that such programs are terminal programs.".

3. On page 6, line 20 after "prepare" insert "an individual for", and after "certification" insert "or licensure"; and in line 21 strike "accrediting or certification" and insert "certifying or licensing".

4. On page 8, line 17 after "All" insert "direct"; in line 18 strike "programs" and insert "courses" and after "shall" insert ", on the average,"; in line 19 after "charges" insert "or designated grants and contracts"; and after line 19 insert "This section shall not apply to the Cooperative Extension Service of the University of Nebraska.".

5. On page 9 strike beginning with "Notwithstanding" in line 11 through "the" in line 12 and insert "The"; after line 16 insert an underscored period; strike line 17 and in line 27 after "new" insert "cooperative".

6. On page 10, line 1 after "for" insert "such"; in lines 5 and 9 after "new" insert "cooperative"; in line 8 strike "and"; after "program" in line 13 insert "; and

(4) The boards are directed to carry out the provisions of this section with respect to a cooperative graduate program in business administration in Kearney prior to September 1, 1978"; in line 16 after "level" insert "and all baccalaureate professional programs"; in line 21 strike "primary" and insert "sole statewide"; and in line 22 after the underscored period insert "All baccalaureate and baccalaureate-transfer programs in agriculture and natural resources initiated after July 1, 1977, at state colleges and technical community colleges, shall be conducted in cooperation with the University of Nebraska.".

7. Strike original sections 26 and 27 and insert the following:

"Sec. 26. It is recognized that as the state's land grant institution the University of Nebraska is engaged in instruction, research, and public service, and that these three parts of the university's mission are interdependent. However, when viewed in its entirety, the university's first priority shall be undergraduate instruction, the unversity's second priority shall be graduate and professional instruction and research, and the university's third priority shall be public service.

Sec. 27. The University of Nebraska may continue to offer the associate degree, diploma, and certificate-in-course in agriculturally-related fields, nursing, radiologic technology, radiation therapy, nuclear medicine technology, and engineering technology. The University of Nebraska shall not offer associate degrees or less than associate-degree-level diplomas or certificates-in-course after September 1, 1980, in other than designated programs.".

8. On page 12, line 3 strike "Physician's training shall focus on" and insert "Special emphasis and priority shall be placed on education and training of physicians for"; in line 9 after "professions" insert "programs" and after "research" insert "and public"; in line 10 strike "medical training" and insert "the health professions."; and strike lines 11 through 14.

9. Strike original sections 29 to 31 and insert the following:

"Sec. 29. The University of Nebraska at Omaha shall continue to be the primary unit within the University of Nebraska for urban oriented programs. There shall be no duplication of administrative responsibility for any urban oriented program among units of the university.

Sec. 30. The University of Nebraska-Lincoln shall continue to be the primary unit within the University of Nebraska for doctoral and postdoctoral programs except in health-related disciplines. There shall be no duplication of administrative responsibility for any doctoral or postdoctoral program among units of the university.

Sec. 31. The University of Nebraska Medical Center shall continue to be the primary unit within the University of Nebraska for programs in the health-related disciplines. There shall be no duplication of administrative responsibility for any health-related program among units of the university.

Sec. 32. The University of Nebraska shall have sole responsibility for associate degree programs in nursing and for baccalaureate, first professional, master's, and doctoral programs in the health professions to include medicine, dentistry, pharmacy, nursing, and the allied health professions, with the exception of the baccalaureate nursing program at Kearney State College and baccalaureate programs in the allied health professions established at the state colleges prior to June 1, 1977. The University of Nebraska and the state colleges shall establish by July 1, 1978 a joint advisory committee to insure coordinated program development and delivery in nursing education and in the allied health professions. The state colleges

may develop new baccalaureate programs in the allied health professions in cooperation with the University of Nebraska.".

10. On page 14, line 7 after "service" insert "and continuing education"; after the underscored period in line 9 insert "Delivery of such services may be coordinated with community colleges and the University of Nebraska and other private and public entities through consortia or similar arrangements.".

11. Strike original section 36 and insert the following:

"Sec. 36. The state colleges may continue to deliver academic transfer and preprofessional associate degree programs for which a degree may be awarded. The state colleges shall not independently award the associate degree, diploma, or certificate for terminal vocational technical programs after September 1, 1980.".

12. On page 15, in lines 17 and 25 strike "professional".

13. On page 16 in lines 4 and 12 strike "professional".

14. On page 17, line 5 strike "Terminal vocational" and insert "Vocational" and strike "degree".

(Signed) F. Lewis, Chairman

Public Works

LEGISLATIVE BILL 942. Placed on General File as amended.
Standing Committee amendments to LB 942:

1. On page 2, lines 14 through 17 strike the underscored matter and insert "except that a person who gives compensation for the purpose of riding in a motor vehicle which is being used for carpooling shall be considered to be a guest. The term guest".

2. On page 2 line 24, page 10 line 8, and page 12 line 23, strike "ten" and inset(sic) "eleven", and after "passengers" insert ", including the operator,".

3. On page 3 line 4, page 10 line 18, and page 13 line 3, after "ten" insert ", but less than twenty-one," and after "passengers" insert ", including the operator,".

4. Insert a new section as follows:

"Sec. 4. That section 60-329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-329. For each passenger car having a seating capacity of ten persons or less and used for hire, the registration fee shall be six dollars plus an additional four dollars for every person such car is equipped to

carry in addition to the driver. For every passenger motor vehicle of ten-passenger capacity or less and not used for hire, including a carpool vehicle, the registration fee shall be fifteen dollars. For buses used exclusively to carry children to and from school, and other school activities, the registration fee shall be ten dollars. For motor vehicles equipped to carry more than ten persons for hire, the fee shall be based on the weight of said vehicle. To ascertain the weight, the unladen weight in pounds shall be used. There shall be added to such weight in pounds the number of persons said vehicle is equipped to carry times two hundred, the sum thereof being the weight of said vehicle for license purposes. The unladen weight shall be ascertained by scale weighing of the vehicle fully equipped and as used upon the highways under the supervision of a member of the Nebraska State Patrol or an employee of the Department of Roads as a peace officer, as the case may be, and certified by such patrol member or peace officer to the Department of Motor Vehicles or county treasurer. The fee therefor shall be as follows:

(1) If said vehicle weighs thirty-two thousand pounds and less than thirty-four thousand pounds, it shall be licensed as a twelve ton truck as provided in section 60-331 and pay the same fee as therein provided;

(2) If said vehicle weighs thirty thousand pounds and less than thirty-two thousand pounds, it shall be licensed as an eleven ton truck as provided in section 60-331 and pay the same fee as therein provided;

(3) If said vehicle weighs twenty-eight thousand pounds and less than thirty thousand pounds, it shall be licensed as a ten ton truck as provided in section 60-331 and pay the same fee as therein provided;

(4) If said vehicle weighs twenty-two thousand pounds and less than twenty-eight thousand pounds, it shall be licensed as a nine ton truck as provided in section 60-331 and pay the same fee as therein provided;

(5) If said vehicle weighs sixteen thousand pounds, and less than twenty-two thousand pounds, it shall be licensed as an eight ton truck as provided in section 60-331 and pay the same fee as therein provided; and

(6) If said vehicle weighs less than sixteen thousand pounds, it shall be licensed as a five ton truck as provided in section 60-331 and pay the same fee as therein provided; Provided, that upon registration of motor vehicles equipped to carry ten passengers or more

and engaged entirely in the transportation of passengers for hire within municipalities or in and within a radius of five miles thereof the fee shall be seventy-five dollars, and for vehicles equipped to carry more than ten passengers and not for hire, including vanpool vehicles, the registration fee shall be thirty dollars. For passenger cars leased for hire where no driver or chauffeur is furnished by the lessor as part of the consideration paid for by the lessee, incident to the operation of the leased motor vehicle, the fee shall be fifteen dollars. Registration which is in the name of one spouse may be transferred to the husband and wife for a fee of one dollar and fifty cents. So long as one registered name on a registration of a noncommercial vehicle remains the same, other names may be deleted therefrom or new names added thereto for a fee of one dollar and fifty cents.".

5. On page 16 at the end of line 7 insert "60-329,".

6. Renumber original sections 4 to 6 as sections 5 to 7.

LEGISLATIVE BILL 149. Indefinitely postponed.
LEGISLATIVE BILL 579. Indefinitely postponed.
LEGISLATIVE BILL 615. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 833. Title read. Considered.

Standing Committee amendment found in the Journal on page 485 for the Eleventh Day was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Mr. George moved the Call be raised. The motion lost with 12 ayes, 13 nays, and 24 not voting.

Mr. R. Lewis offered the following amendment:

1. On page 4, line 5 strike "forty" and insert "fifteen"; and in line 6 strike "twenty" and insert "five".

Mr. Savage 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 R. Lewis amendment lost with 9 ayes, 15 nays, 11 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Messrs. Kelly, R. Lewis, and Rasmussen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 802. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Mr. Brennan moved the Call be raised. The motion lost with 12 ayes, 15 nays, and 22 not voting.

LEGISLATIVE BILL 618. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 829. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 3 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 767. Title read. Considered.

Standing Committee amendments found in the Journal on page 498 for the Twelfth Day were adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 771. Title read. Considered.

Standing Committee amendments found in the Journal on page 499 for the Twelfth Day were adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 172 and LR 171.

NOTICE OF COMMITTEE HEARING
Committee on Committees

March 2, 1978

The Committee on Committees will meet at 12:00 Noon on Thursday, March 16, 1978 in Room 2102 of the State Capitol for the purpose of hearing appointments and reappointments submitted by Governor J. James Exon, as follows:

Richard S. Westin - Nebraska Arts Council
Ramona Freeman - Rural Health Manpower Commission
Margaret Sullivan - Public Employees Retirement Board
John C. Mitchell - Board of Educational Lands and Funds

The reappointment of Burnham Yates to the Economic Development Advisory Board previously scheduled for this date has been cancelled.

The above appointments will be considered in addition to those previously scheduled in the Legislative Journal, February 17, 1978.

March 2, 1978

The Committee on Committees will meet at 12:00 Noon on Wednesday, March 22, 1978 in Room 2102 of the State Capitol for the purpose of hearing appointments and reappointments submitted by Governor J. James Exon, as follows:

Burnham Yates - Economic Development Advisory Committee
Neil Colerick - Economic Development Advisory Committee
Joe Patrick - Special Education Apepal Board
Marjorie Hartnett - Special Education Appeal Board
Dorothy Ley - Nebraska Arts Council
Dr. Gary Ensz - Rural Health Manpower Commission

Mimi Waldbaum - Political Accountability and Disclosure Commission
Russell Salak - Commission on Fire Fighting Personnel Standards and Education

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

General File Amendment to LB 632

32-503.01

All partisan and nonpartisan candidates for elective offices shall be nominated: (1) By a primary held in accordance with Chapter 32, article 5, or (2) by nomination papers signed and filed as provided by section 32-504. If a candidate for an elective office is the incumbent of ~~another~~ a partisan or non partisan elective office, the filing of the requisite nomination papers of such incumbent for any ~~other~~ partisan or nonpartisan elective office shall be perfected at least seventy-five days prior to the date of the primary, notwithstanding sections 32-504 and 32-515. All other candidates shall file for a partisan or nonpartisan elective office at least sixty days prior to the date of the primary. If any person holding an elective office created by act of the Legislature shall be elected to any other elective office, his office to which first elected shall become vacated~~, and the county attorney shall notify the elected official and the governing board on which he serves of such vacancy.~~

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 560 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 560

1. Insert the following new sections:

"Sec. 2. That section 23-378, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-378. The county boards of counties, and the governing bodies of cities and villages, may provide ambulance service as a governmental service either within or without the county or municipality, as the case may be. The county board or governing body may contract with any city, person, firm, or corporation to provide such service. Each may enter into an agreement with the other under the Interlocal Cooperation Act for the purpose of

providing necessary ambulance service, or may provide separate service for itself. Public funds may be expended therefor, and a reasonable service fee may be charged to the user. Before any such ambulance service is established under the authority of this section, the county board or the governing bodies of cities and villages shall hold a public hearing after giving at least ten days' notice thereof, which notice shall include a brief summary of the general plan for providing such ambulance service, including an estimate of the initial cost and the possible continuing cost of operating such service. If the board or governing body after such hearing determines that ~~public~~ ambulance service is needed, it may proceed as authorized in this section. The authority granted in this section shall be cumulative and supplementary to any existing powers heretofore granted. Any county board of counties and the governing bodies of cities and villages may pay their cost for such service out of available general funds, or may levy a tax for the purpose of providing necessary ambulance service, which levy shall be in addition to all other taxes and shall be in addition to restrictions on the levy of taxes provided by statute; Provided, that when a fire district provides ambulance service the county shall pay the cost for the county ambulance service by levying a tax on that property not in a fire district providing ambulance service.

Sec. 3. That section 35-514.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-514.02. A rural or suburban fire protection district may provide ambulance service either within or without the district, ~~and~~ may enter into agreement under the Interlocal Cooperation Act for the purpose of providing necessary ambulance service, may contract with any city, person, firm, or corporation to provide such service, may expend funds of the district and may charge a reasonable fee to the user. Before any such ambulance service is established under the authority of this section, the rural or suburban fire protection district shall hold a public hearing after giving at least ten days' notice thereof, which notice shall include a brief summary of the general plan for providing such ambulance service, including an estimate of the initial cost and the possible continuing cost of operating such service. If the board after such hearing determines that ~~public~~ ambulance service is needed, it may proceed as authorized

in this section. The authority granted in this section shall be cumulative and supplementary to any existing powers heretofore granted. Any such fire protection district may pay the cost for such service out of available funds, or may levy a tax for the purpose of providing necessary ambulance service, which levy shall be in addition to any other tax for such fire protection district and shall be in addition to restrictions on the levy of taxes provided by statute; Provided, when such fire protection district levies a tax for the purpose of providing ambulance service the taxpayers of such district shall be exempt from any tax levied under the provisions of section 23-378.".

2. On page 3, line 24, strike "section" and insert "sections", and after "23-343.07," insert "23-378, and 35-514.02,"; and in line 25 strike "is" and insert "are".

3. Renumber original section 2 as section 4.

GENERAL FILE

LEGISLATIVE BILL 583. Title read. Considered.

Messrs. Fowler and Barnett offered the following amendment:
To amend LB 583 to add on line 13 "and one person who shall be deceased"

The amendment lost with 5 ayes, 22 nays, 5 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 2 present and not voting, and 17 excused not voting.

LEGISLATIVE BILL 675. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 761. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 732. 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 732A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 671. Title read. Considered.

Standing Committee amendment found in the Journal on page 499 for the Twelfth Day 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 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 676. Title read. Considered.

Standing Committee amendment found in the Journal on page 500 for the Twelfth Day 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 676A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 575. Title read. Considered.

Standing Committee amendment found in the Journal on page 500 for the Twelfth Day was adopted with 25 ayes, 3 nays, 5 present and not voting, and 16 excused and not voting.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 26:

Barnett	D. Dworak	Keyes	Maxey	Newell
Cope	George	Kremer	Merz	Rumery
Cullan	Goodrich	Lamb	Mills	Savage
DeCamp	Hasebroock	Luedtke	Moylan	Schmit
E. Dvorak	Kahle	Maresh	Murphy	Simon

Stoney

Voting in the negative, 3:

Fowler	Marsh	Warner

Present and not voting, 4:

Brennan	Burrows	Chambers	Fitzgerald

Excused and not voting, 16:

Bereuter	Hefner	Labedz	Nichol
Carsten	Kelly	F. Lewis	Rasmussen
Clark	Kennedy	R. Lewis	Reutzel
Duis	Koch	Marvel	Venditte

Advanced to E & R for Review with 26 ayes, 3 nays, 4 present and not voting, and 16 excused and not voting.

ADJOURNMENT

At 4:15 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:30 a.m., Monday, March 6, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - MARCH 6, 1978

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 6, 1978

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear Lord, we thank you for the leisure time which has been ours during this past weekend, the time we have spent with families and friends, the opportunity to be away from the busy-ness and the business of this chamber. We pray that such weekends can be opportunities for lifting our eyes above the immediate and seeing the larger horizons of tomorrow. Day by day, for these past weeks, just as our state has been deluged by snow and ice, by cold and fog, and it seems at times that winter might never end, so also in our lives as Senators we are deluged by bills and decisions, by conversations and pressures, so that it seems the end will never come.
>
> Yet, here we are, in the second half of this session. May we find in it not just the down-hill time of our dedication, but a heightening of our sensitivities to the issues that are before us, an enlarging of the friendships with one another, a formulating of the decisions that are required of us, and a fulfilling of the dreams that brought us to this place: to serve you and the people of this state to the best of our abilities. In our Master's name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Barnett who was excused; and Messrs. Chambers, F. Lewis, Merz, Murphy, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 1978, at 9:15 a.m., were the following bills: 724, 723, 625, 571, 568, and 869.

(Signed) Janet M. Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 98. Placed on Select File.

LEGISLATIVE BILL 623. Placed on Select File as amended.
E & R amendments to LB 623:

(All references are to committee amendments.)

1. On page 1, line 4, strike "This" and insert "Sections 1 to 27 of this"; in line 13 insert "sections 1 to 27 of" after "in"; and in line 22 insert an underscored comma after "Placing" and "menace".

2. On page 5, insert "sections 1 to 27 of" after "under" in lines 9 and 24, "Under" in line 17, and "to" in line 20.

3. On page 6, insert "sections 1 to 27 of" after "of" in lines 3 and 8, "out" in line 15, the first "of" in line 26, and "by" in line 27.

4. On page 7, lines 12 and 14, strike "from"; in line 21 insert an underscored comma after "cause"; and in line 23 strike "pursued" and insert "entered".

5. On page 8, line 8, insert "section 25 of" after "under"; in line 14 strike "problem" and insert "problems"; and in line 15 insert "sections 1 to 27 of" after "of".

6. On page 10, line 15, insert an underscored comma after "spouse" in line 15; and in line 16 insert "sections 1 to 27 of" after "by".

7. On page 12, line 13, insert an underscored comma after "spouse"; and in line 14 insert "sections 1 to 27 of" after "by".

LEGISLATIVE BILL 623A. Placed on Select File.

LEGISLATIVE BILL 722. Placed on Select File as amended.
E & R amendments to LB 722:

(All references are to committee amendments)

1. On page 7, line 22, strike "to" and insert "toward".

2. On page 8, line 6, insert "instructor" after "barber"; and in line 12 strike "barbering" and insert "barber instructing".

3. On page 20, line 11, insert "that" after "declares".

4. Renumber sections 2 to 24 in committee amendments as sections 1 to 23 and original section 1 as section 24.

5. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT relating to barbering; to provide for the continued existence of the Board of Barber Examiners; to revise statutes regulating barbering; to amend sections 71-201, 71-202, 71-202.01, 71-203, 71-206, 71-208, 71-208.07, 71-209, 71-210, 71-212, 71-216, 71-218, 71-219, 71-219.02, 71-222, 71-222.01, 71-223.01, 71-223.04, 71-225, 71-227, and 71-232, Reissue Revised Statutes of Nebraska, 1943, and section 81-193, Revised Statutes Supplement, 1977; and to repeal the original sections, and also sections 71-201.01, 71-226, 71-229, and 71-233, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 591. Placed on Select File.
LEGISLATIVE BILL 586. Placed on Select File.

LEGISLATIVE BILL 582. Placed on Select File as amended.
E & R amendment to LB 582:

1. In the Maresh amendment, insert "and Parks" after "Game".

LEGISLATIVE BILL 688. Placed on Select File as amended.
E & R amendment to LB 688:

1. In the title, line 3, insert "; and to provide for injunctions" after "permit".

LEGISLATIVE BILL 606. Placed on Select File as amended.
E & R amendment to LB 606:

1. In the title, line 5, insert "to provide for fees;" after the semicolon.

LEGISLATIVE BILL 599. Placed on Select File.

LEGISLATIVE BILL 600. Placed on Select File as amended.
E & R amendment to LB 600:

1. On page 2, line 17, strike "that";
insert an underscored comma after "1977" in lines 18 and 24;
and in line 24 strike "said" and insert "such".

LEGISLATIVE BILL 897. Replaced on Select File as amended.
E & R amendments to LB 897:

1. Insert the new sections added by the
Warner amendment as sections 10 and 11 and renumber
original sections 10 to 12 as sections 12 to 14.

2. In new section 10, redesignate subdivisions
as "(1)" and "(2)"; in line 9 strike the period and insert
"; and"; and in line 10 strike "system/institutional" and
insert "system and institutional".

3. In new section 11, line 4, insert "that"
after "Council".

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 395.

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.

Whereupon the 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:

Bereuter	D. Dworak	Kennedy	Marsh	Simon
Burrows	Fitzgerald	Keyes	Maxey	Stoney
Carsten	Fowler	Koch	Mills	Venditte
Clark	George	Kremer	Moylan	Warner
Cope	Hasebroock	Labedz	Nichol	
Cullan	Hefner	Lamb	Rasmussen	
DeCamp	Kahle	R. Lewis	Rumery	
Duis	Kelly	Luedtke	Savage	

Voting in the negative, 4:

E. Dvorak	Maresh	Newell	Reutzel

Present and not voting, 3:

Brennan	Goodrich	Marvel

Excused and not voting, 6:

Barnett	F. Lewis	Murphy
Chambers	Merz	Schmit

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

LEGISLATIVE BILL 457.

A BILL FOR AN ACT relating to school districts; to provide membership and district election of board of education members of fourth-class school districts as prescribed; and to repeal section 79-902, 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, 28:

Brennan	Fowler	Keyes	Marvel	Reutzel
Burrows	George	Kremer	Maxey	Rumery
Clark	Hasebroock	Labedz	Mills	Simon
Cope	Kahle	R. Lewis	Moylan	Venditte
D. Dworak	Kelly	Luedtke	Newell	
Fitzgerald	Kennedy	Maresh	Rasmussen	

Voting in the negative, 14:

Bereuter	Duis	Koch	Nichol	Stoney
Carsten	E. Dvorak	Lamb	Savage	Warner
Cullan	Hefner	Marsh	Schmit	

Present and not voting, 2:

DeCamp Goodrich

Excused and not voting, 5:

Barnett Chambers F. Lewis Merz Murphy

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

LEGISLATIVE BILL 717.

A BILL FOR AN ACT to amend sections 8-302, 8-315 to 8-317, 8-331, and 8-355, Reissue Revised Statutes of Nebraska, 1943, relating to building and loan associations; to delete obsolete references to constitutions; to provide the same advantages as federal savings and loan associations; and to repeal the original sections, and also section 8-307, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 44:

Bereuter	E. Dvorak	Kelly	Maresh	Reutzel
Brennan	D. Dworak	Kennedy	Marsh	Rumery
Burrows	Fitzgerald	Keyes	Marvel	Savage
Carsten	Fowler	Koch	Maxey	Schmit
Clark	George	Kremer	Mills	Simon
Cope	Goodrich	Labedz	Moylan	Stoney
Cullan	Hasebroock	Lamb	Newell	Venditte
DeCamp	Hefner	R. Lewis	Nichol	Warner
Duis	Kahle	Luedtke	Rasmussen	

Voting in the negative, 0.

Excused and not voting, 5:

Barnett Chambers F. Lewis Merz Murphy

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

LEGISLATIVE BILL 756. Mr. Warner moved to bracket LB 756 until March 13, 1978.

The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

MOTION - Introduce Bills

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. #1497)

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

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. #1498)

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 951. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Goodrich, 20th District; Fowler, 27th District; Hasebroock, 18th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1978, to June 30, 1979; to recite limitations on expenditures; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 952. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Goodrich, 20th District; Fowler, 27th District; Hasebroock, 18th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1978, to June 30, 1979; to recite limitations on expenditures; to provide severability; and to declare an emergency.

MOTION - Return LB 707 to Select File

Mr. Bereuter moved to return LB 707 to Select File for the specific amendment found in the Journal on page 1011.

MR. MARVEL PRESIDING

The motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 707. The Bereuter specific amendment found in the Journal on page 1011 was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 109A. Mr. Mills renewed his pending motion found in the Journal on page 1029 to indefinitely postpone.

The motion prevailed with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 624 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 624

1. On page 2, line 1 after "appointed" insert "on or before January 1, 1978,"; in lines 1 and 2 strike "under section 29-2255"; in line 10 insert an underscored period after "act"; strike beginning with the first underscored comma in line 10 through line 11; in line 15 strike "(1)" and show as stricken; in line 16 strike "county or" show as stricken, and insert "separate"; in line 18 after "officers" insert "pursuant to section 43-236." and strike beginning with "in" in line 18 through line 26 and show as stricken.

2. On page 3, strike lines 1 through 10 and show as stricken; in line 12 strike "is" and insert "and also section 43-207, Reissue Revised Statutes of Nebraska, 1943, are".

Mr. Bereuter asked unanimous consent to print the following amendment to LB 847 in the Journal. No objections. So ordered.

AMENDMENT TO LB 847

1. On page 2, line 25 after "taxes" insert ", except that the Auditor of Public Accounts shall, upon request of a county, approve the use and reproduction of a county's

general ledger or other existing forms if such ledger or other forms clearly indicate the sources of all funds received or collected and an accounting of any expenses incurred in the collection of ad valorem taxes".

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 879. Placed on General File as amended.
Standing Committee amendment to LB 879:

1. On page 2 strike the new matter and reinstate the stricken matter; and in line 6 strike the reinstated "one-fourth" and show as stricken and insert "one half".

(Signed) Maurice A. Kremer, Chairman

MOTION - Reconsider Action on LB 508

Mr. Kremer renewed his pending motion found in the Journal on page 1033 to reconsider action on final passage of LB 508.

The motion prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

MOTION - Return LB 508 to Select File

Mr. Rumery moved to return LB 508 to Select File for the following specific amendment:

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The motion prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 508. The Rumery specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Request Governor to Return LB 574 and LB 574A

Mr. Maresh moved to direct the Clerk to request the Governor to return LB 574 and LB 574A to the Legislature for further consideration.

The motion prevailed with 27 ayes, 3 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 153. Mr. Newell asked unanimous consent to bracket until Wednesday, March 22, 1978. No objections. So ordered.

LEGISLATIVE BILL 624. Mr. Warner asked unanimous consent to have LB 624 and LB 624A laid over until March 7, 1978. No objections. So ordered.

LEGISLATIVE BILL 697. The DeCamp specific amendment found in the Journal on page 993 was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 407. Mr. George renewed his pending amendment found in the Journal on page 843.

PRESIDENT WHELAN PRESIDING

The amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. George withdrew his pending amendment on page 753.

Mrs. Labedz offered the following amendment:
Amend LB 407 by adding a new section as follows:
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.

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Carsten offered the following amendment:

AMENDMENT TO LB 407

1. On page 2, line 14 strike the second "or" and show as stricken; in line 15 after "spouse" insert ", or the beneficiary of a trust of which the trustee is the record title owner and the beneficiary-occupant (a) has a specific right to occupy the premises as stated in the trust instrument,(b) has the right to amend or revoke the trust to obtain such power of occupancy or of title, or (c) has the power to withdraw the homestead premises from the trust and place the record title in such occupant's name".

The amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mrs. Maxey renewed her pending amendment found in the Journal on page 986.

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. George asked unanimous consent to add his name to LB 407. No objections. So ordered.

Mrs. Labedz asked unanimous consent to bracket LB 407 and LB 407A until March 20, 1978. No objections. So ordered.

LEGISLATIVE BILL 664. E & R amendments found in the Journal on page 956 for the Twenty-Ninth Day were adopted.

Mr. Newell renewed his pending amendment found in the Journal on page 972.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Lamb offered the following amendment:

Page 7, line 6, strike "one" insert "one-fourth"

The amendment lost with 14 ayes, 13 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Lamb requested a machine vote to advance LB 664.

Mr. Newell moved for a Call of the House. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for Engrossment with 27 ayes, 11 nays, 7 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

President Whelan announced the birthday cake is in honor of Mrs. Maxey and Messrs. Reutzel, Moylan and Brennan.

Mr. Rasmussen asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 796. Messrs. Venditte and DeCamp offered the following amendments:

AMENDMENTS TO LB 796

1. Insert a new section as follows:

"Sec. 2. That section 53-194.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-194.01. No law enforcement officer shall have any interest in an establishment or place of business which has a liquor license.

This section shall not prohibit a law enforcement officer from holding a membership in any nonprofit organization holding a liquor license~~. Such officer shall not participate~~ or from participating in any manner in the management or administration of the nonprofit organization.".

2. On page 2, line 15 after "section" insert "53-194.01, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 16 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Venditte-DeCamp amendment was adopted with 28 ayes, 3 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Kelly renewed his pending amendment referred to in the Journal on page 996 and printed separate.

Mr. D. Dworak offered the following amendments to the Kelly amendment:

AMENDMENTS TO LB 796

Sec. 53-103. Reissue Revised Statutes of Neb., 1943, be amended as follows:

1. On page 9, strike lines 22 and 24 and show the old matter as stricken and insert:

"(23) Minor shall mean (a) for purposes of consumption on the premises, any person under nineteen years of age, and (b) for purposes of consumption off the premises, any person under twenty-one years of age, regardless of marital status.".

2. On page 42, line 1 after "president" insert "or chairperson".

3. On page 55, strike lines 1 to 9 and show the old matter as stricken; in line 10 strike "(3)" and insert "(2)"; and in line 18 strike "(4)" and insert "(3)".

4. Insert two new sections as follows:

"Sec. 25. That section 53-180.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-180.02. No minor may sell or dispense or have in his possession or physical control any alcoholic liquor in any tavern or in any other place including public streets, alleys, roads, highways, upon property owned by the State of Nebraska or any subdivision thereof, or inside any vehicle while in or on any other place including but not limited to the public streets,

Mr. DeCamp asked unanimous consent to be excused for 10 minutes. No objections. So ordered.

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 D. Dworak amendment lost with 9 ayes, 18 nays, 18 present and not voting, and 4 excused and not voting.

Mr. F. Lewis offered the following amendment to the Kelly amendment:
Strike page 8 line 2
Strike twenty-one insert 39.

Mr. F. Lewis withdrew his amendment.

Kelly amendment pending.

REFERENCE COMMITTEE REPORT

LB	Committee
951	General File
952	General File

(Signed) Richard Marvel, Chairman; Roland Luedtke; Steve Fowler; Larry Stoney; John S. Savage; and William E. Nichol.

COMMUNICATIONS ON LB 574 and LB 574A

March 6, 1978

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 you the return of LB 574 to the Legislature for further consideration.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:br

March 6, 1978

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 you the return of LB 574A to the Legislature for further consideration.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:br

RESOLUTIONS

LEGISLATIVE RESOLUTION 173.

Introduced by Stoney, 4th District.

WHEREAS, Nebraska takes pride in the competitive spirit and accomplishment of its young athletes; and

WHEREAS, the annual state girls 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, SECOND SESSION:

That the members of the Legislature extend their congratulations and best wishes to the members of the Omaha Burke High School girls basketball team for winning the Class A championship in Nebraska's statewide basketball tournament for 1978.

Laid over.

LEGISLATIVE RESOLUTION 174.

Introduced by DeCamp, 40th District.

WHEREAS, the U.S.A. produces grains in excess of domestic needs; and

WHEREAS, the U.S.A. production of grain is dependent upon the weather for which the American farmer has no control; and

WHEREAS, as a foreign nation may control the U.S. market by either purchasing or not purchasing grain from the U.S. market; and

WHEREAS, the American farmer lacks the financial resources to control his or her own market; and

WHEREAS, the American farmer lacks the ability to control production; and

WHEREAS, the American farmer lacks public support to gain a fair market price for his grain.

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

1. That the Internal Revenue Service provide income tax incentives for private capitol to invest in farm grains.

2. That this incentive provide that income for a private individual may be carried forward for one year and a day by the one hundred per cent ownership of farm grains.

3. That any profits may be taken at capitol gain rates for federal income tax purposes.

4. That this resolution be forwarded to the President of the United States, members of Congress and the Secretary of Agriculture Bergland so that appropriate action may be taken to implement this plan at the earliest date possible.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendments to LB 877 in the Journal. No objections. So ordered.

(1)

p. 2, sec. 2, line 12 - strike "Grand Island" and insert "Kearney"
p. 2, sec. 2, line 14 - strike "Grand Island" and insert "Kearney"
p. 2, sec. 3, line 24 - strike "Grand Island" and insert "Kearney"
p. 3, sec. 5, line 14 - strike "Grand Island" and insert "Kearney"

(2)

Strike all of section 6 on page 3, lines 17 through 24.

(3)

Indefinitely postpone LB 877.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 665 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 665

1. Strike the DeCamp amendments adopted 2/20/78.

2. Insert a new section 8 as follows:

"Sec. 8. Every insurance company doing business in this state which insures against product liability losses, unless otherwise provided by Chapter 44, shall make and file with the Department of Insurance, on or before April 1 of each year, a report for the year ending December 31 immediately preceding, upon a form to be prescribed and which may be furnished by the department, which form shall at least include the substance of the information hereinafter specified, as follows:

(1) The name of the insurance company.

(2) The kind or lines of insurance which the company writes and the states in which the company issues policies providing insurance against product liability losses.

(3) The amount of product liability insurance premium collected in Nebraska and nationwide beginning with calendar year 1978 on policies insuring only against product liability losses, on policies including insurance against product liability losses where the premium is divisible and identifiable and policies for excess coverage on product liability losses indicating the premium allocated to Nebraska and the total nationwide premium.

(4) The amount of product liability insurance premium not shown in response to subdivision (3) of this section for insurance which includes coverage for product liability where the premium is not divisible but is allocated for experience purposes, for Nebraska only and nationwide.

(5) Information for product liability insurance experience allocated to Nebraska and for product liability insurance experience nationwide showing (a) total amount of earned premiums; (b) total amount of incurred losses including all loss adjustment expense; (c) amount of incurred losses including all loss adjustment expense represented by reserves other than incurred but not reported reserves; and (d) amount of reserves represented by incurred but not reported reserves together with the formula used to develop such incurred but not reported reserves and the allocation thereof to each state.

(6) For any claim, loss, or action for bodily injury, death or property damage allocated to Nebraska experience where there has been a final judgment, a settlement in any amount, or a final disposition not resulting in a loss payment on behalf of the insured, information shall be furnished as to (a) each claim file number; (b) description of type of product involved in each claim; (c) rating classification

code for the product involved in each claim; (d) date of occurrence from which each claim arose; (e) state or other jurisdiction wherein each claim was adjudicated, settled, or other disposition made; (f) date legal action commenced, if filed; (g) date and amount of final judgment or settlement, if any, and the number of plaintiffs or claimants involved in the disposition of the judgment or settlement together with the amount received by each such party; (h) date and basis for final disposition of each claim if no final judgment or settlement; (i) brief description of the occurrence out of which the claim arose; (j) total number of all claims; (k) total number of all claims closed without payments; (l) total number of claims closed with payments as a result of final judgment and total amount paid thereon; (m) total number of claims closed with payment based on a settlement prior to final judgment, if any suit filed, and total amount paid thereon; (n) total number of claims closed with payment based on a settlement prior to final judgment, and total amount paid thereon; (o) total number of suits filed; (p) total number of final verdicts or final judgments for defendants; (q) total number of final verdicts or final judgments for plaintiffs; and (r) such other information as the Department of Insurance may require.

(7) The Department of Insurance shall make the reports required hereunder available to the public in a manner which shall not reveal the names of any manufacturer, distributor, seller or other person involved.

(8) There shall be no liability on the part of and no cause of action of any nature shall arise against any insurer making a report hereunder or any of its agents or employees, or the Department of Insurance or any of its employees, for any report or action taken by them pursuant to this section.".

3. Renumber original section 8 as section 9.

Mr. George asked unanimous consent to print the following amendment to LB 867 in the Journal. No objections. So ordered.

AMENDMENT TO LB 867

1. On page 2, line 7 after the period insert "If such approval is granted, no racing shall occur on Sunday until after 1:00 p.m.".

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 785. Placed on General File as amended.
Standing Committee amendments to LB 785:

Strike original section 1 and insert as follows:

"Section 1. That section 46-658, Revised Statutes Supplement, 1976, be amended to read as follows:

46-658. (1) An area may be designated a control area if it shall be determined, following evaluation of relevant hydrologic data, history of developments, and projection of effects of current and new development, that ~~there is an inadequate ground water supply to meet present or reasonably foreseeable needs for beneficial use of such water supply. In determining the adequacy of such ground water supply,~~ uncontrolled development and utilization of the ground water supply has caused or is likely to cause within the reasonably foreseeable future the existence of any of the following conditions:

(a) An inadequate ground water supply to meet present or reasonably foreseeable needs for beneficial use of such water supply;

(b) Dewatering of an aquifer, resulting in a deterioration of the quality of such ground water sufficient to make such ground water unsuitable for the present purposes for which it is being utilized;

(c) A reduction in the flow of any natural stream to the extent that then vested surface water appropriations or other beneficial uses of water recognized by state law would be significantly and adversely affected; or

(d) Other conditions exist which require that the area be designated as a control area for the protection of the public welfare.

In making such determinations the director's considerations shall include, but not be limited to, a finding ~~of the existence of any of the following conditions: (a) Conflicts~~ that conflicts between users are occurring or may be reasonably anticipated, ~~;~~ or that substantial ~~(b) Substantial~~ economic hardships exist or are foreseeable as a direct result of current or anticipated ground water development or utilization. ~~decline; or~~

~~(c) Other conditions exist that indicate the inadequacy of the ground water supply or that require the area be designated as a control area for protection of the public welfare.~~

(2) A hearing to designate a control area may be initiated by a district whenever it has information, sufficient in the opinion of the board of directors, to require that any portion of such district should be designated as a control area. The board of directors shall report such information to the director with a request that a hearing be held to determine if a control area should be established. The request shall be accompanied by a general description of the area proposed for inclusion in such control area.

(3) (a) Within thirty days after a hearing has been initiated pursuant to subsection (2) of this section, the director shall consult with the district and fix a time and place for a public hearing to consider the information supplied and to hear any other evidence. The hearing shall be held within one hundred twenty days after it has been initiated, shall be open to the public, and shall be located within, or in reasonable proximity to, the area proposed for designation as a control area. If from information submitted by the district or otherwise available to the director, the director has reason to believe that area other than that identified by the district should be considered for inclusion in any control area which would be established as a result of such request, he shall so notify the district or districts whose boundaries encompass such additional area. Notice of the hearing shall be published in ~~a newspaper of~~ such newspapers as are necessary to provide for general circulation within the geographic area at least once a week for three consecutive weeks, the last publication to be not less than seven days prior to the hearing. The notice shall provide a general description of all area which will be considered by the director for inclusion in the control area.

(b) The hearing ~~After the hearing, which~~ shall include testimony of representatives of the Conservation and Survey Division of the University of Nebraska and the Nebraska Natural Resources Commission. ~~, and the results of any studies or investigations conducted by the director as he deems necessary.~~ The director may conduct any studies or investigations as are deemed necessary, the results of which shall be made a part of the hearing record. After considering the hearing record the director shall issue an order declaring that the area shall or shall not be designated a control area. Notice of the order shall be provided in the same manner as that required for the hearing.

(c) If the director ~~shall determine~~ determines that an area should be designated as a control area, he shall, ~~by order,~~ following consultation with such state agencies and the district or districts affected, define such area geographically and stratigraphically in the order establishing the control area. ~~Notice of the order shall be provided in the same manner as that provided for the hearing.~~ In establishing the boundaries of the control area, the director shall consider, in addition to the considerations enumerated in subsection (1) of this section, socio-economic and administrative factors directly affecting the implementation of local ground water management and control. If the director determines that contiquous area within the jurisdictional limits of one or more districts other than the district or districts which initiated the hearing conducted pursuant to this subsection is subject to the conditions identified in this section and is therefor appropriate for inclusion in such control area, he shall so notify such other district or districts prior to issuance of the order designating the control area. Such additional area shall not be included in the control area unless any such other district consents in writing to such inclusion within sixty days of such notification by the director. The director shall defer issuance of any order affecting such control area designation until the consent of the district is received or the sixty days have elapsed, whichever comes first.

(4) Modification in control area boundaries or dissolution of a control area may be accomplished utilizing the procedure established in this section for the initial designation of such areas as control areas, but hearings for designation, ~~or~~ modification, or dissolution of such control area may not be initiated more often than once a year.".

(Signed) Maurice Kremer, Chairman

UNANIMOUS CONSENT - Bracket LB 612

Mr. Reutzel asked unanimous consent to bracket LB 612 on General File until March 7, 1977. No objections. So ordered.

VISITORS

The President introduced 85 State Government students and their instructor from West Point, Nebraska; 6 Boy Scouts, Pack 43, Den 2, and their Scout Master from Kearney, Nebraska; 27 fourth grade students and teacher from General Arnold Elementary School, Lincoln, Nebraska; and 14 Political Science students and instructors from Chadron State College, Chadron, Nebraska.

RECESS

At 12:03 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., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Barnett who was excused; Mrs. Labedz, Messrs. Duis, Merz, Murphy, and Simon who were excused until they arrive; Mrs. Marsh and Mr. Schmit who were absent.

SELECT FILE

LEGISLATIVE BILL 796. Mr. Kelly renewed his pending amendment referred to in the Journal on page 996.

Mr. Kelly requested a record vote on his amendment.

Mr. Kelly moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Kelly requested a roll call vote.

Voting in the affirmative, 20:

Burrows	Cope	Kelly	Maresh	Nichol
Carsten	Cullan	Kennedy	Marvel	Rasmussen
Chambers	Hefner	Kremer	Maxey	Rumery
Clark	Kahle	Lamb	Moylan	Stoney

Voting in the negative, 18:

Brennan	Fitzgerald	Hasebroock	R. Lewis	Simon
DeCamp	Fowler	Koch	Luedtke	Warner
E. Dvorak	George	Labedz	Mills	
D. Dworak	Goodrich	F. Lewis	Newell	

Present and not voting, 5:

Bereuter	Duis	Keyes	Savage	Venditte

Absent and not voting, 2:

Marsh	Schmit

Excused and not voting, 4:

Barnett	Merz	Murphy	Reutzel

The Kelly amendment lost with 20 ayes, 18 nays, 5 present and not voting, 2 absent and not voting, and 4 excused and not voting.

Mr. Bereuter moved the Call be raised. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 175.

Introduced by Luedtke, 28th District; Bereuter, 24th District; Brennan, 9th District; Carsten, 2nd District; Chambers, 11th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Duis, 39th District; E. Dvorak, 8th District; D. Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Hasebroock, 18th District; Hefner, 19th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; F. Lewis, 45th District; R. Lewis, 38th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Maxey, 46th District; Mills, 44th District; Moylan, 6th District; Newell, 13th District; Nichol, 48th District; Rasmussen, 41st District; Reutzel, 15th

District; Rumery, 42nd District; Savage, 10th District; Schmit, 23rd District; Simon, 31st District; Stoney, 4th District; Venditte, 7th District; Warner, 25th District.

WHEREAS, former State Senator Terry Carpenter has had a most noteworthy career in Nebraska political life; and

WHEREAS, Mr. Carpenter established a record of public service in the Unicameral as an astute and vigorous participant in the legislative process; and

WHEREAS, since his departure from public life he has retained interest in the public affairs of Nebraska; and

WHEREAS, Mr. Carpenter is experiencing a serious bout of illness and hospitalization.

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

That the Members of the Legislature extend best wishes to Senator Terry Carpenter, and acknowledge Senator Carpenter's many years of dedicated and conscientious service in Nebraska's government.

Mr. Nichol moved to suspend the rules, Rule 4, Sec. 6, and consider LR 175 today.

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

LR 175 was adopted with 42 ayes, 0 nays, and 7 not voting.

GENERAL FILE

LEGISLATIVE BILL 92A. Considered.

Mr. Chambers moved to indefinitely postpone LB 92A.

The motion lost with 8 ayes, 17 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 7 nays, 13 present and not voting, and 3 excused and not voting.

EXPLANATION OF VOTE

If I had been present, I would have voted for Resolution 175.

(Signed) Shirley Marsh

MESSAGE FROM THE GOVERNOR

March 6, 1978

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

Dear Mr. President and Senators:

Pursuant to your requests of today's date, I am hereby returning LB 574 and LB 574A for your further consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:ah
Enclosures

UNANIMOUS CONSENT - Print in Journal

Mr. Mills asked unanimous consent to print the following amendment to LB 586 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 586

1. On page 2, line 8 strike "1978" and insert "1979".

GENERAL FILE

LEGISLATIVE BILL 640. Title read. Considered.

Standing Committee amendments found in the Journal on page 496 for the Twelfth Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Newell renewed his second pending amendment found in the Journal on page 720.

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Marvel asked unanimous consent to be excused for 30 minutes. No objections. So ordered.

Mr. Newell renewed his first pending amendment found in the Journal on page 720.

Mr. Newell moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Newell amendment was adopted with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Cullan offered the following amendment:
to amend LB 640, page 4, lines 16 and 17, strike "all persons of a household" and insert "the claimant and spouse".

Mr. Cullan moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The Cullan amendment was adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Mrs. Labedz moved to indefinitely postpone LB 640.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 8 nays, and 22 not voting.

The Labedz motion to indefinitely postpone is pending.

MOTION - Reconsider Action on LB 574

Mr. D. Dworak moved to reconsider action on final passage of LB 574.

The motion prevailed with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

MOTION - Return LB 574 to Select File

Mr. D. Dworak moved to return LB 574 to Select File for the following specific amendment:

AMENDMENTS TO LB 574
FINAL READING COPY

1. On page 3, line 22 strike "incapacitated,"; strike beginning with the underscored comma in line 23 through the underscored comma in line 25.

2. On page 4, strike beginning with "pay" in line 25 through "credited" in line 26 and insert "credit the remainder of the fees".

3. On page 5, strike lines 2 and 3 and insert "negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the photographs. All costs incurred by the department under this section shall be paid by the state out of appropriations made to the Department of Motor Vehicles. All costs of taking and affixing the photographs shall be paid by the county.".

4. Insert a new section as follows:

"Sec. 8. Sections 4 to 7 of this act shall become operative on January 1, 1979. The other sections of this act shall become operative on their effective date.".

5. Renumber original sections 8 and 9 as sections 9 and 10.

6. In the title line 11 after the semicolon insert "to provide an operative date;".

The motion prevailed with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 574. The D. Dworak specific amendment found in this day's Journal was adopted with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

EXPLANATION OF VOTE

Had I been present when the following bills were read on Final Reading, I would have voted accordingly:

Wednesday, March 1, 1978
LB 568e, aye; LB 571e, aye; LB 625, aye; LB 697, aye; LB 723e, aye; LB 724e, aye; LB 869, aye.
Thursday, March 2, 1978
LB 567, aye; LB 567A, aye; LB 930e, aye; LB 936e, aye.

(Signed) Jerry Koch

MESSAGE FROM THE GOVERNOR

March 3, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 21, 21A, 259, 262, 447, 551, 552, 568, 580, 585, 628, 655, 656, 659, 661, 670, 673, 685, 723, 724, 749, 807, 863, and Reengrossed Legislative Bills Nos. 244, 469, and 534.

These bills were signed by me on March 3, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 794. Placed on General File as amended.
Standing Committee amendments to LB 794:

1. Insert a new section as follows:

"Section 1. That section 71-3503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3503. As used in sections 71-3501 to 71-3519, unless the context otherwise requires:

(1) Radiation shall mean (a) ionizing radiation including gamma rays, X-rays, alpha and beta particles, and other atomic or nuclear particles or rays, (b) any electromagnetic radiation which can be generated during

the operations of electronic products to such energy density levels as to present a biological hazard to the public health and safety, and (c) any sonic, ultrasonic, or infrasonic waves which are emitted from an electronic product as a result of the operation of an electronic circuit in such product and to such energy density levels as to present a biological hazard to the public health and safety;

(2) Radioactive material shall mean any material, solid, liquid or gas, that emits radiation spontaneously, whether occurring naturally or produced artificially;

(3) Radiation device shall mean any device that produces radiation when associated control devices are operated or operable;

(4) Source of radiation shall mean any radioactive material or any device or equipment emitting or capable of producing radiation;

(5) Undesirable radiation shall mean radiation in such quantity and under such circumstances as determined from time to time by regulations adopted by the Department of Health;

(6) Person shall mean any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States ~~Atomic Energy~~ Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States ~~Atomic Energy~~ Nuclear Regulatory Commision, or any successor thereto;

(7) Registration shall mean registration with the Department of Health pursuant to its rules and regulations;

(8) Department shall mean the Department of Health;

(9) Coordinator shall mean the Director of Health;

(10) Council shall mean the radiation advisory council as provided for in sections 71-3501 to 71-3519;

(11) Electronic product shall mean any manufactured product, device, assembly, or assemblies of such products or devices which, during operation in an electronic circuit, can generate or emit a physical field of radiation;

(12) License shall mean (a) a general license

issued pursuant to regulations promulgated by the Department of Health without the filing of an application to permit the licensee to transfer, acquire, own, possess, or use quantities of or devices or equipment utilizing by-products, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially, or (b) a specific license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of or devices or equipment utilizing by-products, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially;

(13) By-product material shall mean any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(14) Source material shall mean (a) uranium, thorium, or any other material which the Governor declares by order to be source material after the United States ~~Atomic Energy~~ Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, or (b) ores containing one or more of such materials in such concentration as the Governor declares by order to be source material after the United States ~~Atomic Energy~~ Nuclear Regulatory Commission, or any successor thereto, has determined the material in such concentration to be source material; ~~and~~

(15) Special nuclear material shall mean (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Governor declares by order to be special nuclear material after the United States ~~Atomic Energy~~ Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but shall not include source material, or (b) any material artificially enriched by any such materials, but shall not include source material; and ~~.~~

(16) Users of radioactive material shall mean: (a) physicians using radioactive material for human use; (b) natural persons using radioactive material for education, research, or development purposes; (c) natural persons using radioactive material for manufacture or distribution purposes; (d) natural persons using radioactive material for industrial purposes; and (e) natural persons using radioactive material for any other similar purpose.".

2. On page 3, line 12 strike "such" and after "regulations" insert "adopted by the department pursuant to sections 71-3501 to 71-3519".

3. On page 6, line 2 after "regulations" insert "adopted by the department pursuant to sections 71-3501 to 71-3519".

4. On page 8, line 11 after "regulations" insert "establishing qualifications pertaining to the education, knowledge of radiation safety procedures, training, experience, utilization, facilities, equipment, and the radiation protection program that an individual user of radioactive material pursuant to subdivision (16) of section 71-3503 must possess prior to using any source of radioactive material.".

5. On page 8 strike lines 12 through 27.

6. On page 9 strike lines 1 through 13.

7. Insert a new section as follows:

"Sec. 5. That section 71-3515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3515. It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own or possess any source of radiation unless registered with the department as required by section 71-3507 or unless licensed by the department as required by sections 71-3505 and 71-3509. ~~when registration or licensing is required in accordance with the provisions of sections 71-3501 to 71-3519.~~".

8. On page 9, line 14 after "sections" insert "71-3503,"; and in line 15 strike "and" and after "71-3508," insert "and section 71-3515,".

9. Renumber original sections 1, 2, 3, and 4 as sections 2, 3, 4, and 6 respectively.

(Signed) Richard Lewis, Chairman

GENERAL FILE

LEGISLATIVE BILL 184. Title read. Considered.

Mr. Schmit withdrew his pending amendment found in the Journal on page 703.

Mr. Schmit moved to withdraw the Standing Committee amendments found in the Journal on page 997 for the First Session. The motion prevailed with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1027.

Mr. Fowler raised a point of order on the DeCamp amendment.

The Chair ruled the amendment out of order and not germane to the bill.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3d, to consider the amendment.

Mr. Bereuter requested a record vote on the DeCamp motion.

Voting in the affirmative, 30:

Brennan	Fitzgerald	Kelly	Luedtke	Rasmussen
Burrows	George	Keyes	Marsh	Reutzel
Carsten	Goodrich	Koch	Marvel	Rumery
Cope	Hasebroock	Labedz	Maxey	Schmit
DeCamp	Hefner	F. Lewis	Merz	Simon
E. Dvorak	Kahle	R. Lewis	Moylan	Warner

Voting in the negative, 11:

Bereuter	Cullan	Kremer	Mills
Chambers	D. Dworak	Lamb	Stoney
Clark	Fowler	Maresh	

Present and not voting, 6:

Duis	Newell	Savage
Kennedy	Nichol	Venditte

Excused and not voting, 2:

Barnett	Murphy

The motion prevailed with 30 ayes, 11 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Savage 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. Bereuter requested a record vote on the DeCamp amendment.

Voting in the affirmative, 29:

Brennan	Fitzgerald	Kennedy	Marsh	Savage
Burrows	George	Keyes	Marvel	Schmit
Carsten	Goodrich	Koch	Merz	Simon
Clark	Hasebroock	Labedz	Moylan	Venditte
DeCamp	Hefner	F. Lewis	Rasmussen	Warner
E. Dvorak	Kahle	Luedtke	Rumery	

Voting in the negative, 8:

Bereuter	Fowler	Maresh	Reutzel
D. Dworak	Lamb	Mills	Stoney

Present and not voting, 10:

Chambers	Cullan	Kelly	R. Lewis	Newell
Cope	Duis	Kremer	Maxey	Nichol

Excused and not voting, 2:

Barnett	Murphy

The DeCamp amendment was adopted with 29 ayes, 8 nays, 10 present and not voting, and 2 excused and not voting.

Mr. DeCamp moved to advance LB 184.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Advanced to E & R for Review with 29 ayes, 8 nays, 10 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. #1500).

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations (Req. #1502).

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 953. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Rumery, 42nd District; Cope, 36th District; Goodrich, 20th District; Fowler, 27th District; Savage, 10th District; Marsh, 29th District; Hasebroock, 18th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1978, to June 30, 1979; and to declare an emergency.

LEGISLATIVE BILL 954. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd District; Goodrich, 20th District; Hasebroock, 18th District; Marsh, 29th District; Savage, 10th 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, 1978, to June 30, 1979; and to declare an emergency.

MOTION - Suspend Rules

Mr. Marvel moved to suspend the rules, Rule 3, Sec. 19, and place LB 953 and LB 954 directly on General File.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

ANNOUNCEMENT

Mr. Maresh announced the Business and Labor Committee will hold an executive session on Thursday, March 9, 1978, at 2:30 p.m., in the Supreme Court Hearing Room.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 820. Placed on General File as amended.
Standing Committee amendments to LB 820:

1. On page 2, line 15 strike "7" and insert "6"; in line 19 after "area" insert "or which has heat flow of three and four-tenths British Thermal Units per hour per square foot of floor area".

2. On page 3, line 1 strike "or", and after line 1 insert a new subdivision (6) as follows:

"(6) Any building or portion thereof within the jurisdiction or under the inspection of any county, city, or village or a federal agency which has adopted or shall after the effective date of this act adopt an ordinance or resolution which shall be submitted to and approved by the agency providing standards for lighting and thermal efficiency that are not less effective in conserving energy than those provided for in this act, and further provides for the inspection of buildings to which this act applies to determine compliance with those standards."; and in line 2, strike "(6)" and insert "(7)".

3. Strike original section 5.

4. On page 3, strike beginning with "1979" in line 16 through the colon in line 17 and insert "1980. Additions or alterations to existing buildings may be made without making the entire building comply, but additions must comply with the standards adopted pursuant to this act."; and strike lines 18 to 27.

5. On page 4, strike lines 4 and 5 and insert "shall meet or exceed the standards adopted and approved by the agency by regulation for lighting and thermal design and operation.".

6. Insert a new section 9 as follows:

"Sec. 9. (1) The standards adopted by the agency shall include provisions imposing requirements for lighting and thermal design and operation reasonably consistent with recognized and accepted standards, including but not limited to standards published by the Building Officials Conference of America, the Interantionl(sic) Conference of Building Officials, the National Bureau of Standards, the United States Department of Housing and Urban Development, Council of American Building Officials, the American Society of Heating, Refrigeration, and Air-Conditioning Engineers, Inc., National Conference of States of Building Codes and Standards, Inc., or a combination thereof.

(2) By January 1, 1979, the agency shall present

the standards proposed by the agency for final adopted to the lighting and thermal standards advisory board created under section 17 of this act.

(3) The standard shall be stated in terms of required levels of performance, so as to facilitate the prompt acceptance of new building materials and methods. If generally recognized standards of performance are not available, the standards of the agency shall provide for acceptance of materials and methods whose performance has been found by the agency, on the basis of reliable test and evaluation data presented by the proponent, to be substantially equal to those specified.

(4) In adopting standards, the agency shall consider the probable economic benefits for required additional investments to meet the standards.".

7. Strike original section 11.

8. Strike original section 14 and insert a new section 13 as follows:

"Sec. 13. The agency is hereby charged with the administration of the provisions of this act. The agency may adopt, amend, alter, or repeal general rules and regulations of procedure for carrying out and administering the provisions of this act, subject to any limitations contained in this act. The initial rules and regulations for the administering of this act shall be promulgated by the agency and approved by the advisory board by March 1, 1979, and such regulations shall include provisions regarding (1) compliance inspection, (2) training, (3) appeal, (4) obtaining of statistical data, and (5) certification form, processing fee, and receipt. The agency shall provide the necessary support to the lighting and thermal standards advisory board in carrying out the responsibilities of the board under the provisions of this act.".

9. Strike original section 15.

10. Strike beginning with "fail" in line 19 through "certify" in line 20 and insert "file an intentionally false certification of"; and in line 25 after the period insert "Any person who shall file an unintentionally erroneous certification of compliance or order, instruct, or direct another to do so shall do all things necessary to bring the building in compliance with the requirements of this act, and such person's liability under this section shall be exclusive and shall not extend beyond one year after the general contractor provides the electrical utility supplier with the unintentionally erroneous certification.".

11. Insert a new section 15 as follows:

"Sec. 15. The Governor shall appoint seven citizens

of the state with the approval of the Legislature to a Lighting and Thermal Standards Advisory Board. Board membership shall include one person from each of the following catagories: (1) Electrical utility suppliers, (2) architecture from a recommendation list containing at least three names from the Nebraska Society of Architects, (3) professional engineering from a recommendation list containing at least three names from the Nebraska Chapter of the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc., (4) building inspection, (5) home builders from a recommendation list containing at least three names from the Nebraska State Home Builders Association, (6) general building construction from a recommendation list containing at least three names from the Nebraska Building Chapter of Associated General Contractors of America, and (7) the general public. No business entity shall be represented by more than one member of the advisory board at any time. Of the initial members of the advisory board, four shall be appointed for a term of one year and three shall be appointed for a term of two years. Thereafter, all appointments shall be for a term of two years. All such members shall serve until their successors are appointed and qualified. No member shall serve more than two successive two-year terms. Vacancies in the membership of the advisory board for any cause shall be filled by appointment by the Governor in the same manner as appointment for the unexpired term. Members shall receive no compensation but shall be reimbursed for actual and necessary expenses on the same basis and subject to the same conditions as full-time state employees. The agency shall not adopt or approve any rule, regulation, or standard under this act until it has first been approved by the advisory board.".

12. On page 5, line 26 strike "1979" and insert "1978"; and strike line 27.

13. On page 6, strike lines 1 to 4 and insert "Lighting and Thermal Standards Advisory Board, in conjunction with the Director of the State Energy Office,"; in line 5 strike "results of the" and insert "standards and the"; in line 6 strike "adopted" and insert "considered for adoption"; in line 7 strike "sections 3 to 16 of", and strike "be"; and in line 8 strike "based on", insert "include", and after "limited" insert "to"; in line 10 after "state" insert ", especially as related to energy conservation,"; and in line 21 after the period insert "The agency shall be responsible for arranging such hearings for the purpose of receiving citizen comment on standards and the application and enforcement procedures to be promul-

gated under this act.".

14. Renumber original sections 6 to 9 as sections 5 to 8 respectively. Renumber original sections 12 and 13 as sections 11 and 12 respectively. Renumber original sections 16 and 17 as sections 14 and 16 respectively. Renumber original section 18 as section 17.

(Signed) Richard Lewis, Chairman

Judiciary

LEGISLATIVE BILL 852. Placed on General File.

LEGISLATIVE BILL 901. Placed on General File as amended.
Standing Committee amendments to LB 901:

1. On page 2, line 25, strike "three" and insert "four"; and in lines 25 and 26 strike "discovery of the cause of action." and insert "alleged act or omission in rendering or failure to render professional services providing the basis for such action; Provided, if the cause of action is not discovered and could not be reasonably discovered within such two-year period, then the action may be commended within one year from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier; and provided further, that in no event may any action be commenced to recover damages for professional negligence or breach of warranty in rendering or failure to render professional services more than fifteen years after the date of rendering or failure to render such professional service which provides the basis for the cause of action."

(Signed) William E. Nichol, Vice Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 404 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office. Req. #2837)

MOTION - Place LB 638 on General File

Mr. Lamb moved to place LB 638 on General File pursuant to Rule 3, Sec. 10b.

Motion pending.

VISITORS

The President introduced former senator, Mr. Dick Ely of Guide Rock, Nebraska.

ADJOURNMENT

At 4:30 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, March 7, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - MARCH 7, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 7, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear Lord, just as a turtle never makes progress until it sticks it's neck out, so may we realize that we often have to stick out our necks: in standing up to the pressure groups, in resisting the temptation always to side with our friends, in wanting to take the easy way, or trying to be popular. May our vision of what this state can yet become make us more willing to be vulnerable to criticism when we know our beliefs to be right, so that when this session may end, though we may not have always sided with the majority, we may know that we have done our best, and stuck to our guns, have stood for our convictions, and thus merited your benediction: "Well done, good and faithful servant." Amen.

ROLL CALL

The roll was called and all members were present except Mr. Barnett who was excused; Mrs. Labedz, Messrs. Chambers, DeCamp, R. Lewis, and Newell who were excused until they arrive; Mrs. Marsh, Messrs. E. Dvorak, and Venditte who were absent until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 508.

Correctly Engrossed

The following bill was correctly engrossed: 707.

Correctly Enrolled

The following bills were correctly enrolled: 395, 457, and 717.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 395, 457, and 717.

COMMUNICATION

Acknowledged receipt of Resolution from the International Association of Chiefs of Police regarding electronic radar detection devices and mandatory use of front seat restraints. (On file in the Clerk's office.)

UNANIMOUS CONSENT - Print in Journal

Mrs. Maxey asked unanimous consent to print the following amendment to LB 198 in the Journal. No objections. So ordered.

AMENDMENT TO LB 198

1. In the Standing Committee amendment on page 1, line 3 strike "To" and insert "Commencing on the effective date of this act, to"; and in line 8 strike "commencing July 1, 1977" and insert "and who have retired prior to the effective date of this act".

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Maxey asked unanimous consent to add her name to LB 375. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 170. Read and considered.

Mr. Simon asked unanimous consent to bracket LR 170 until after LB 665 is passed. No objections. So ordered.

LEGISLATIVE RESOLUTION 173. Read and considered.

LR 173 was adopted with 29 ayes, 0 nays, and 20 not voting.

MOTION - Place LB 638 on General File

Mr. Lamb renewed his pending motion found in the Journal on page 1084 to place LB 638 on General File, pursuant to Rule 3, Sec. 10b.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 15 nays, and 22 not voting.

Mr. Maresh 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. F. Lewis requested a record vote on the Lamb motion.

Mr. Lamb moved for a Call of the House. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Mr. Lamb requested a roll call vote.

Voting in the affirmative, 20:

Bereuter	Duis	Hefner	Kremer	Merz
Carsten	D. Dworak	Kahle	Labedz	Murphy
Clark	George	Kelly	Lamb	Rasmussen
Cullan	Hasebroock	Kennedy	Maresh	Stoney

Voting in the negative, 19:

Brennan	Fowler	Luedtke	Newell	Simon
Cope	Keyes	Marvel	Reutzel	Venditte
E. Dvorak	Koch	Maxey	Rumery	Warner
Fitzgerald	F. Lewis	Mills	Schmit	

Present and not voting, 5:

Burrows DeCamp Goodrich Moylan Nichol

Absent and not voting, 2:

Marsh Savage

Excused and not voting, 3:

Barnett Chambers R. Lewis

The motion lost with 20 ayes, 19 nays, 5 present and not voting, 2 absent and not voting, and 3 excused and not voting.

LB 638 stands indefinitely postponed.

Mr. George moved the Call be raised. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LR 175.

(Signed) J. R. Murphy

ANNOUNCEMENT

Mr. D. Dworak announced an executive session of the Miscellaneous Subjects Committee at 11:00 a.m., March 7, 1978, under the South Balcony.

UNANIMOUS CONSENT - Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendments to LB 187 in the Journal. No objections. So ordered.

AMENDMENTS TO THE WHITE COPY AMENDMENTS TO LB 187 (Request 2794)

1. On page 9, line 26 strike "or nonintoxicating malt liquor".

2. On page 10, lines 7 and 8 strike "or nonintoxicating malt liquors"; strike beginning with "some" in line 12 through "trunk" in line 14 and insert "the rear of the vehicle beyond the reach of the driver or any passenger in a front seat"; and in line 18 strike "23 or 24" and insert "12 or 13".

3. On page 11, lines 4 and 18 strike "26 or 27" and insert "15 or 16".

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 689. E & R amendments found in the Journal on page 1017 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 897. E & R amendment found in the Journal on page 1049 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 665. E & R amendments found in the Journal on page 988 for the Thirtieth Day were adopted.

Laid over temporarily.

LEGISLATIVE BILL 902. Laid over temporarily.

LEGISLATIVE BILL 476. E & R amendments found in the Journal on page 1015 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 202. E & R amendments found in the Journal on page 1016 for the Thirty-First Day were adopted.

Mr. Rasmussen moved to indefinitely postpone.

Motion pending.

Mr. Luedtke asked unanimous consent to be excused until he returns.

LEGISLATIVE BILL 92. E & R amendment found in the Journal on page 1016 for the Thirty-First Day was adopted.

Mr. Cullan requested a machine vote to advance LB 92.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Goodrich requested a roll call vote to advance LB 92.

Voting in the affirmative, 31:

Brennan	George	Kremer	Moylan	Schmit
Burrows	Goodrich	Labedz	Newell	Simon
Carsten	Hasebroock	Lamb	Nichol	Venditte
Cope	Hefner	F. Lewis	Rasmussen	
DeCamp	Kahle	Maresh	Reutzel	
Duis	Keyes	Merz	Rumery	
Fitzgerald	Koch	Mills	Savage	

Voting in the negative, 11:

Bereuter	E. Dvorak	Kennedy	Stoney
Clark	D. Dworak	Marvel	Warner
Cullan	Kelly	Murphy	

Present and not voting, 2:

Fowler Maxey

Excused and not voting, 5:

Barnett Chambers R. Lewis Luedtke Marsh

Advanced to E & R for Engrossment with 31 ayes, 11 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 98. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 623. E & R amendments found in the Journal on page 1047 for the Thirty-Second Day were adopted.

Mr. Cullan requested a machine vote to advance LB 623.

Advanced to E & R for Engrossment with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 623A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 722. E & R amendments found in the Journal on page 1048 for the Thirty-Second Day were adopted.

Laid over temporarily.

LEGISLATIVE BILL 591. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 582. E & R amendment found in the Journal on page 1048 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 688. E & R amendment found in the Journal on page 1048 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 606. E & R amendment found in the Journal on page 1048 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 599. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 600. E & R amendment found in the Journal on page 1049 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 722. Mr. Rasmussen offered the following amendment to LB 722:

1. In committee amendments, page 10, line 4, strike "successfully completes" and insert "fails".

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

Laid over at the request of Mr. Rasmussen.

LEGISLATIVE BILL 586. Mr. Mills renewed his pending amendment found in the Journal on page 1070.

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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 889A. By Koch, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 889, Eighty-fifth Legislature, Second Session, 1978.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 202 in the Journal. No objections. So ordered.

AMENDMENT TO LB 202

1. On page 4, line 14 after the period insert the following: "This section shall not prohibit a franchise from providing that the franchise is not renewable or that the franchise is only renewable if the franchisor or frnachisee meets certain specified conditions.".

Mr. Reutzel asked unanimous consent to print the following amendments to LB 774 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 774

1. Strike original sections 1 and 2 and insert two new sections as follows:

"Section 1. That section 49-1493, Revised Statutes Supplement, 1976, be amended to read as follows:

49-1493. The individuals listed in subdivisions (1) to (10) of this section shall file with the commission a statement of financial interests as provided in sections 49-1496 and 49-1497 for the preceding calendar year on or before April 1 of each year in which such individual holds such a position. An individual who leaves office shall, within thirty days after leaving office, file a statement covering the period since the previous statement was filed. Disclosure of the interest named in sections 49-1496 to 49-1498 shall be made by:

(1) An individual holding a state executive office as provided in Article IV, Constitution of

Nebraska, including the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, and the heads of such other executive departments as set forth in the Constitution or as may be established by law;

(2) An individual holding the office of Commissioner of Education, member of the State Board of Education, or member of the Board of Regents of the University of Nebraska;

(3) A member of the Board of Parole;

(4) A member of the Public Service Commission;

(5) A member of the Legislature;

(6) A member of the board of directors or an office of a district organized under the provisions of Chapter 70;

(7) A member of any board or commission of the state or any county having a population of one hundred thousand or more which examines or licenses a business, trade, or profession, or which determines rates for or otherwise regulates a business;

(8) A member of a land-use planning commission, zoning commission, or authority of the state or any county having a population of one hundred thousand or more;

(9) An elected ~~county~~ official of a county having a population of one hundred thousand or more; and

(10) An official or employee of the state designated by rules and regulations of the commission, who is responsible for taking or recommending official action of a nonministerial nature with regard to:

(a) Contracting or procurement;

(b) Administering or monitoring grants or subsidies;

(c) Land-use planning or zoning;

(d) Inspecting, licensing, regulating, or auditing any person; or

(e) Any similar action.

Sec. 2. That original section 49-1493, Revised Statutes Supplement, 1976, is repealed.".

GENERAL FILE

LEGISLATIVE BILL 640. Considered.

Mrs. Labedz renewed her pending motion to indefinitely postpone.

Mr. Newell moved for a Call of the House. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Mr. Newell requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 27:

Carsten	Hasebroock	Kremer	Nichol	Stoney
Clark	Hefner	Labedz	Rasmussen	Venditte
Cope	Kahle	Lamb	Reutzel	Warner
Duis	Kelly	Maxey	Rumery	
E. Dvorak	Kennedy	Moylan	Savage	
George	Keyes	Murphy	Schmit	

Voting in the negative, 13:

Brennan	DeCamp	Koch	Marvel	Simon
Burrows	D. Dworak	F. Lewis	Mills	
Cullan	Fowler	Maresh	Newell	

Present and not voting, 3:

Bereuter	Fitzgerald	Luedtke

Absent and not voting, 1:

Goodrich

Excused and not voting, 5:

Barnett	Chambers	R. Lewis	Marsh	Merz

The motion prevailed with 27 ayes, 13 nays, 3 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

LEGISLATIVE BILL 99. Mr. F. Lewis asked unanimous consent to bracket LB 99 until March 14, 1978. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Rules

The Rules Committee will meet Wednesday, March 8, 1978, at 8:00 a.m., in Room 1019.

(Signed) John DeCamp, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendments to LB 889 in the Journal. No objections. So ordered.

(1)

Insert on Page 2, following line 24 and before line 25:
Programs serving children below age three shall, to the greatest extent possible, be based upon providing parent training in the home environment.

(2)

Proposed Amendment to LB 889

Purpose: Substitution of a block grant concept for the current excess cost language

Page 2 Remove line 25 through line 6, page 3.
Replace with:
Programs and budgets of agencies serving such students shall be approved by the Department of Education. The school districts of residence shall then receive grants for up to 90% of the approved contract costs of the servicing agency during the year in which the programs are offered. Budgets shall be determined on the basis of program costs of the previous year.
Page 4 Sec. 4. Line 13. Delete "reimbursement" and replace with "grants".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 175.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 446. Title read. Considered.

Standing Committee amendment found in the Journal on page 600 for the Thirty-First Day was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Brennan withdrew his pending amendment found in the Journal on page 683, First Session.

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

LEGISLATIVE BILL 541A. Title read. Considered.

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

LEGISLATIVE BILL 897A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 210. Considered.

Mr. Warner withdrew his motion to indefinitely postpone temporarily.

Mr. DeCamp asked unanimous consent to add his name to LB 210. No objections. So ordered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1011.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 8 nays, and 20 not voting.

PRESIDENT WHELAN PRESIDING

Mr. DeCamp moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Newell requested a record vote on the DeCamp amendment.

Voting in the affirmative, 28:

Brennan	Clark	DeCamp	George	Kahle
Burrows	Cope	Duis	Hasebroock	Kelly
Carsten	Cullan	Fitzgerald	Hefner	Kennedy

Kremer	R. Lewis	Moylan	Rasmussen	Savage
Lamb	Merz	Murphy	Reutzel	
F. Lewis	Mills	Nichol	Rumery	

Voting in the negative, 12:

Bereuter	Luedtke	Newell	Stoney
Fowler	Maresh	Schmit	Venditte
Koch	Marvel	Simon	Warner

Present and not voting, 6:

E. Dvorak	Goodrich	Labedz
D. Dworak	Keyes	Maxey

Excused and not voting, 3:

Barnett	Chambers	Marsh

The amendment was adopted with 28 ayes, 12 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Simon moved to indefinitely postpone LB 210.

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

Mr. Simon requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 10:

Bereuter	Goodrich	Luedtke	Newell	Stoney
Fowler	Koch	Maxey	Simon	Warner

Voting in the negative, 25:

Brennan	Cullan	Hasebroock	Lamb	Nichol
Burrows	DeCamp	Hefner	R. Lewis	Rasmussen
Carsten	Duis	Kahle	Maresh	Reutzel
Clark	D. Dworak	Kelly	Moylan	Rumery
Cope	George	Kremer	Murphy	Savage

Present and not voting, 11:

E. Dvorak	Keyes	Marvel	Schmit
Fitzgerald	Labedz	Merz	Venditte
Kennedy	F. Lewis	Mills	

Excused and not voting, 3:

Barnett	Chambers	Marsh

The motion to indefinitely postpone lost with 10 ayes, 25 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Warner asked unanimous consent to withdraw his name from LB 210. No objections. So ordered.

Mr. Fitzgerald asked unanimous consent to be excused until after recess. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

Mr. Newell moved to recess until 1:30 p.m.. The motion lost with 4 ayes, 30 nays, and 15 not voting.

Mr. Bereuter requested a roll call vote to advance LB 210.

Voting in the affirmative, 26:

Brennan	DeCamp	Hefner	F. Lewis	Rumery
Burrows	Duis	Kahle	Moylan	Savage
Carsten	E. Dvorak	Kelly	Murphy	
Clark	D. Dworak	Kennedy	Nichol	
Cope	George	Kremer	Rasmussen	
Cullan	Hasebroock	Lamb	Reutzel	

Voting in the negative, 17:

Bereuter	Koch	Marvel	Schmit	Warner
Chambers	R. Lewis	Maxey	Simon	
Fowler	Luedtke	Mills	Stoney	
Goodrich	Maresh	Newell	Venditte	

Present and not voting, 3:

Keyes Labedz Merz

Excused and not voting, 3:

Barnett Fitzgerald Marsh

Advanced to E & R for Review with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

VISITORS

The President introduced Dan Hawkes and Lee Sesemann from Omaha; 6 senior students and teacher from Wilcox, Nebraska; 80 Council of Youth members from Nebraska; and 200 high school American Government and History Students attending a Youth Government Day.

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 1:40 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Barnett and Mrs. Marsh who were excused; and Messrs. Cullan, Hefner, F. Lewis, Marvel, Newell, and Warner who were excused until they arrive.

BILL ON FIRST READING

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

LEGISLATIVE BILL 700A. By Carsten, 2nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 700, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendments to LB 202 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 202

1. On page 3, line 25 strike "sixty" and insert "thirty".

2. On page 5, line 4 strike "relating to" and insert "including, but not limited to,".

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 733. Placed on General File as amended.
Standing Committee amendments to LB 733:

1. On page 2, lines 9 and 23 strike "twelve" and insert "eleven".

2. On page 3, line 20 strike "two" and insert "one"; and in line 21 strike "twelve" and insert "eleven".

LEGISLATIVE BILL 923. Placed on General File.

LEGISLATIVE BILL 924. Placed on General File as amended.
Standing Committee amendments to LB 924:
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office. Req. #2775)

(Signed) Jerome Warner, Chairman

SELECT FILE

LEGISLATIVE BILL 665. Mr. Chambers withdrew his pending amendments found in the Journal on page 945.

Mr. Chambers re-offered his amendments (3) and (4) found in the Journal on page 945 and moved their adoption as one amendment.

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1062.

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

MR. DUIS PRESIDING

Advanced to E & R for Engrossment with 25 ayes, 6 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 902. E & R amendments found in the Journal on page 989 for the Thirtieth Day were adopted.

Mr. Chambers offered the following amendment:
Strike the enacting clause.

PRESIDENT WHELAN PRESIDING

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?"

Mr. Venditte moved for a Call of the House. The motion prevailed with 18 ayes, 10 nays, and 21 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to close debate lost with 23 ayes, 13 nays, and 13 not voting.

Mr. Stoney 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, 24 nays, 8 present and not voting, and 3 excused and not voting.

Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 571, 625, and 869 and Reengrossed Legislative Bill No. 327.

These bills were signed by me on March 6, 1978 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 641. Placed on Select File as amended.
E & R amendment to LB 641:

1. In the title, line 2, strike "and 8-167" and insert ", 8-167, and 8-826"; in line 6 insert "to delete a duty;" after the semicolon; and in lines 7 and 8 strike "sections 8-825 and 8-826" and insert "section 8-825".

LEGISLATIVE BILL 836. Placed on Select File as amended.
E & R amendments to LB 836:

1. On page 2, line 6, strike "hereinafter" and show stricken; and in line 7 insert "in section 44-140" after "provided".

2. On page 3, line 14, insert "that" after "determines"; strike the comma in lines 22 and 25; and in line 22 strike "that" and insert "the".

3. On page 4, line 1, strike "days advanced" and insert "days' "; in lines 1 and 2 strike "licensed surplus lines"; and in line 24 strike "surplus lines".

4. On page 7, line 12, insert "and" after the comma.

5. On page 8, line 1, strike "such" and insert "which"; in line 11 strike "surplus lines"; and in line 21 strike "above".

6. On page 9, line 3, strike "surplus lines"; in line 22 strike "Require" and insert "That" and strike "to"; and in lines 26 and 27 strike "persons surplus lines agents" and insert "agent's".

7. On page 10, line 3, strike the first comma and strike "herein" and insert "in this section"; and in

line 4 strike "by" and insert "be".

LEGISLATIVE BILL 826. Placed on Select File as amended.
E & R amendment to LB 826:

1. On page 4, lines 3 and 4, strike "cooperative credit".

LEGISLATIVE BILL 772. Placed on Select File.
LEGISLATIVE BILL 662. Placed on Select File.

LEGISLATIVE BILL 833. Placed on Select File as amended.
E & R amendment to LB 833:

1. In the title, line 5, insert "examinations," after "for", insert a comma after "licenses", and insert "to provide a registration fee;" after the semicolon.

LEGISLATIVE BILL 802. Placed on Select File.
LEGISLATIVE BILL 618. Placed on Select File.

LEGISLATIVE BILL 829. Placed on Select File as amended.
E & R amendment to LB 829:

1. On page 2, strike the comma in lines 4, 11, and 19.

LEGISLATIVE BILL 767. Placed on Select File.

LEGISLATIVE BILL 771. Placed on Select File as amended.
E & R amendment to LB 771:

1. In the title, strike lines 2 to 4 and insert:
"FOR AN ACT to amend section 44-1620.01, Revised Statutes Supplement, 1977, relating to the Nebraska State Insurance Program; to provide for coverage of dependents; and to".

LEGISLATIVE BILL 583. Placed on Select File.

LEGISLATIVE BILL 675. Placed on Select File as amended.
E & R amendments to LB 675:

1. On page 4, line 19, insert "payment of" after "except".
2. On page 6, line 18, strike "required by" and insert "of".

LEGISLATIVE BILL 761. Placed on Select File.

LEGISLATIVE BILL 732. Placed on Select File as amended.
E & R amendment to LB 732:

1. On page 2, line 22, strike the comma.

LEGISLATIVE BILL 732A. Placed on Select File.

LEGISLATIVE BILL 671. Placed on Select File as amended.
E & R amendment to LB 671:

1. In the title, line 5, strike "paternity information" and insert "of surnames".

LEGISLATIVE BILL 676. Placed on Select File as amended.
E & R amendments to LB 676:

1. On page 2, line 22, strike "approved" and insert "approves".

2. On page 3, line 2, strike the period and insert a comma.

3. On page 5, lines 7 and 8, strike the comma; in line 14 strike "thereunder" and insert "under this act"; in line 22 strike "and such" and insert "which"; and in line 25 strike ", and amendments thereto".

4. On page 6, line 9, strike "the seek and" and insert "and seek the".

5. On page 7, line 1, strike "statute" and insert "act".

6. In the title, line 8, strike "and"; and in line 9 insert "; and to declare an emergency" after "penalties".

LEGISLATIVE BILL 676A. Placed on Select File.

LEGISLATIVE BILL 575. Placed on Select File as amended.
E & R amendment to LB 575:

1. In the title, line 5, insert "to reduce the minimum age;" after the semicolon.

LEGISLATIVE BILL 92A. Placed on Select File.

LEGISLATIVE BILL 184. Placed on Select File as amended.
E & R amendments to LB 184:

1. In the DeCamp amendment, page 2, line 24, strike "or" and insert "of".

2. In the title, strike lines 2 and 6 and insert:
"FOR AN ACT relating to littering; to adopt a program to reduce littering and encourage recycling; to impose a tax and provide for the use thereof;

to provide for termination; and to provide an operative date.".

LEGISLATIVE BILL 697. Replaced on Select File as amended.
E & R amendments to LB 697:

1. Insert the new section added by the DeCamp amendment as section 6 and renumber the new section added by the Bereuter amendment as section 7.

2. In the title of the Final Reading bill, line 7, insert "to provide for interpretation;" after the semicolon.

LEGISLATIVE BILL 796. Replaced on Select File as amended.
E & R amendment to LB 796:

1. In the title, line 2, insert "53-194.01, Reissue Revised Statutes of Nebraska, 1943, and section"; in line 4 insert "to delete a prohibition;" after the semicolon; and in line 5 strike "section" and insert "sections".

(Signed) Samuel K. Cullan, Chairman

SELECT COMMITTEE REPORT
Committee on Committees

The Committee on Committees desires to report favorably upon the appointments and reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote.

Dr. Bruce Cowgill - Game and Parks Commission
John Shoemaker - Power Review Board
Paul Dutton - Power Review Board
Sarah Bates - Public Welfare, Institutions and Corrections Advisory Committee
Herbert H. Davis - Economic Development Advisory Committee
William M. Fenton - Manufactured Housing Advisory Committee
Harold Dwyer - Manufactured Housing Advisory

Committee vote: For: (8) Senators Savage, Burrows, Labedz, Moylan, D. Dworak, Murphy, Cope, and Mills. Against: None. Excused and Not Voting: (5) Senators Marsh, F. Lewis, Koch, Rasmussen, and DeCamp.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 351 in the Journal. No objections. So ordered.

(Amendments printed separately from the Journal and on file in the Clerk's office. Req. #2840)

Mr. Koch asked unanimous consent to print the following amendments to LB 871 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 871

1. Insert new sections 1 and 2 as follows:

"Section 1. That section 43-626, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-626. Whenever a child is forced to leave temporarily the school district of which ~~he~~ the child is a resident in order to ~~secure~~ attend an appropriate special education program ~~or treatment,~~ and must reside in a residential facility, boarding home, or foster home for the duration of ~~his~~ the special education program ~~or treatment, the parent or guardian of such child~~ the State of Nebraska shall provide for the ordinary and reasonable cost of the residential care during the duration of the special education program. The state shall not be required to pay such cost unless placement of the child in a special education program requiring residential care was made by the resident school district with prior approval by the Department of Education. The provisions of this section shall not apply to state-level treatment facilities operated by the Department of Public Institutions. ~~, but no parent or guardian shall be required to pay the cost of residential care for such child under such circumstances when the parent or guardian shall have filed an affidavit, or other satisfactory evidence, with the State Board of Education showing that he is not possessed of an estate or income sufficient to pay for the residential care without depriving himself, or others dependent upon him, of reasonable support and maintenance.~~

Sec. 2. That section 43-627.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-627.01. The State Department of Education

shall adopt and promulgate ~~appropriate~~ rules and regulations ~~for making the determinations required by sections 43-626 and 43-627.~~ to regulate costs under section 43-626, to limit the program to handicapped children who are forced to leave their resident school districts for educational reasons and for whom daily transportation is not reasonable, and to carry out this act pursuant to Chapter 84, article 9. The rule may provide for contracts with the Department of Public Welfare to assist in the administration of this act. Such rules and regulations shall be consistent with those adopted by the Department of Public Institutions under the provisions of section 83-371.".

2. Insert nine new sections as follows:

"Sec. 4. A parent, guardian, competent student of age of majority, or a school district may initiate a hearing on matters related to the initiation, change, or termination or the refusal to initiate, change, or terminate the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education or records relating thereto.

Sec. 5. The Department of Education shall conduct hearings, initiated under section 1 of this act, using hearing officers who shall prepare a report containing findings of facts based on the evidence presented, and decisions based on such findings. After reviewing such findings and decisions the Commissioner of Education shall then recommend or direct such action as may be necessary.

Sec. 6. The Department of Education may employ, retain, or approve such qualified hearing officers as are necessary to conduct hearings provided by this act. The hearing officers shall not be persons who are employees or officers of a local public agengy(sic) which is involved in the education or care of the child. A person who otherwise qualifies to conduct a hearing under this act is not an employee of the agency solely because the person is paid by the agency to serve as a hearing officer. No hearing officer shall participate in any way in any hearing or matter in which the hearing officer may have a conflict of interest.

Sec. 7. Any party at a hearing conducted under section 2 of this act has the right to:

(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children;

(2) Present evidence and confront, cross-examine,

and compel the attendance of witness;

(3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(4) Obtain a written or electronic verbatim record of the hearing; and

(5) Obtain written findings of fact and decisions.

The hearing officer may also produce evidence on the officer's own motion.

Sec. 8. The hearing officer shall have the power by subpoena to compel the appearance of witnesses and the production of any relevant evidence. Any witness compelled to attend or produce evidence shall be entitled to the fees and expenses allowed in district court. Any failure to respond to such subpoena shall be certified by the hearing officer to the district court of Lancaster County for enforcement or for punishment as for contempt of the district court.

Sec. 9. Any party aggrieved by the findings, decision, recommendations, or orders of the Department of Education shall have a right to bring a civil action in the district court of the county of which the child is a legal resident or in a district court of the United States without regard to the amount in controversy within thirty days of the receipt of such findings or decision.

Sec. 10. Any appeals pending under sections 43-651.01 to 43-652.03, Revised Statutes Supplement, 1976, on the effective date of this legislation shall be transferred to the Department of Education.

Sec. 11. The Department of Education shall adopt and promulgate rules and regulations to carry out this act pursuant to Chapter 84, article 9.

Sec. 12. That original sections 43-676 and 43-627.01, Reissue Revised Statutes of Nebraska, 1943, and section 43-645, Revised Statutes Supplement, 1977, and also sections 43-651.01 to 43-652.03, Revised Statutes Supplement, 1976, are repealed.".

3. Strike original section 2.

4. Renumber original section 1 as section 3.

Mr. Chambers asked unanimous consent to print the following amendments to LB 184 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 184

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

"Section 1. As used in this act, unless the context otherwise requires:

(1) Beverage shall mean beer or other malt beverages, mineral waters, soda water, and similar carbonated soft drinks in liquid form intended for human consumption;

(2) Beverage container shall mean the individual, separate, sealed glass, metal or plastic bottle, can, jar, or carton containing a beverage;

(3) Commission shall mean the Nebraska Liquor Control Commission;

(4) Dealer shall mean any person in this state who engages in the sale of beverages in beverage containers to a consumer;

(5) Distributor shall mean any person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sale;

(6) In this state shall mean within the exterior limits of the State of Nebraska and include all territory within such limits owned by or ceded to the United States of America;

(7) Manufacturer shall mean any person who bottles, cans, or otherwise fills beverage containers for sale to any distributor or dealer;

(8) Place of business of a dealer shall mean the location at which a dealer sells or offers for sale beverages in beverage containers to consumers; and

(9) Use or consumption shall include the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purpose of sale.

Sec. 2. Every beverage container sold or offered for sale in this state shall have a refund value of not less than five cents.

Sec. 3. Except as provided in sections 4 and 6 of this act:

(1) A dealer shall not refuse to accept from any person any empty beverage containers of the kind, size, and brand sold by the dealer, or refuse to pay to such person the refund value of a beverage container as established by section 2 of this act; and

(2) A distributor shall not refuse to accept from a dealer or any redemption center any empty beverage

container of the kind, size, and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage container as established by section 2 of this act.

Sec. 4. (1) A dealer may refuse to accept from a person, and a distributor may refuse to accept from a dealer any empty beverage container which does not state thereon a refund value as established by section 2 of this act.

(2) Notwithstanding the provisions of subsection (1) of this section, no dealer shall be required to accept from a person, nor shall a distributor be required to accept from a dealer, any container which is unsafe or unsanitary beyond a reasonable degree.

Sec. 5. (1) Every beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the beverage container, the refund value of the container.

(2) Subsection (1) of this section shall not apply to glass beverage containers designed for beverages having a brand name permanently marked thereon which, on the operative date of this act, had a refund value of not less than five cents.

Sec. 6. The commission may, by rule and regulation, develop procedures to license and establish redemption centers for the return of beverage containers. Such redemption centers may be operated by dealers or any other person, and manufacturers or distributors shall reimburse the operator of such a redemption center or any dealer an amount which is at least twenty per cent of the amount of the deposit returned to the consumer. Upon licensing such a redemption center, the commission may authorize dealers to refuse to redeem beverage containers if the retailers make available a redumption(sic) center which meets the public convenience and necessity.

Sec. 7. Any person who violates section 2, 3, or 5 of this act shall be guilty of a Class V misdemeanor.

Sec. 8. The commission shall adopt rules and regulations under section 6 of this act prior to the operative date of this act.

Sec. 9. No beverage container shall be sold or offered for sale at retail in this state in a metal container designed and so constructed that part of the container is detachable in opening the container nor shall any beverage be sold in containers connected to

each other with plastic rings or similar devices which are not classified as biodegradeable by the commission.

Sec. 10. The provisions of this act shall become operative on January 1, 1979, except that the provisions of section 8 of this act shall become operative on its effective date and section 9 of this act shall become operative on September 1, 1979.".

2. In the title, strike lines 2 through 6 and insert:

"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.".

UNANIMOUS CONSENT - Members Excused

Messrs. Kennedy and Merz asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 282. Considered.

Mr. Koch moved to advance LB 282.

Mr. Koch moved for a Call of the House. The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Mr. Koch requested a roll call vote to advance LB 282.

Voting in the affirmative, 20:

Brennan	Cullan	Goodrich	Luedtke	Newell
Burrows	DeCamp	Koch	Maxey	Savage
Carsten	Fitzgerald	Labedz	Mills	Schmit
Chambers	Fowler	F. Lewis	Moylan	Simon

Voting in the negative, 23:

Bereuter	D. Dworak	Keyes	Marvel	Rumery
Clark	Hasebroock	Kremer	Murphy	Stoney
Cope	Hefner	Lamb	Nichol	Venditte
Duis	Kahle	R. Lewis	Rasmussen	
E. Dvorak	Kelly	Maresh	Reutzel	

Present and not voting, 1:

George

Excused and not voting, 5:

Barnett Kennedy Marsh Merz Warner

Failed to advance to E & R for Review with 20 ayes, 23 nays, 1 present and not voting, and 5 excused and not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Maresh asked unanimous consent to be excused at 3:45 p.m. No objections. So ordered.

LEGISLATIVE BILL 889. Title read. Considered.

Mr. F. Lewis renewed his pending amendments (1) and (2) found in this day's Journal.

The F. Lewis amendment (1) was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The F. Lewis amendment (2) was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

MR. SAVAGE PRESIDING

Mr. Fitzgerald moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Advanced to E & R for Review with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 202 in the Journal. No objections. So ordered.

1. On page 2, line 13 after "person" insert "for a franchise fee".

RESOLUTION

LEGISLATIVE RESOLUTION 176.

Introduced by Savage, 10th District and Fowler, 27th District.

WHEREAS, Joseph W. Seacrest, retired publisher and former president of the Lincoln Journal, died on March 5, 1978, at the age of 82; and

WHEREAS, Mr. Seacrest's career in publishing spanned a half century beginning in 1927 with the Lincoln Journal, which under his direction won a Pulitzer Prize in 1949 for "most distinquished and meritorious service rendered by an American newspaper"; and

WHEREAS, Joseph Seacrest served in the aviation division of the armed forces in World War I, and was chairman of the salvage division of the Nebraska State Defense Committee during World War II; and

WHEREAS, he actively participated in Scottish Rite Masonry, where he (1) served as Sovereign Grand Inspector General of the Scottish Rite Masons in Nebraska and as an Active Member and Officer of the Supreme Council of that organization, (2) was a Past Potentate of Sesostris Shrine Temple, and (3) was a fifty-year member of Lincoln Masonic Lodge 19, Ancient Free and Accepted Masons; and

WHEREAS, he enjoyed a highly active and visible life in government, education, and civic affairs as well as leadership in fraternal orders; and

WHEREAS, his public service to his community, his state and his country bore the hallmark of integrity, loyalty and benevolence; and

WHEREAS, World-Herald Publisher Harold Andersen summed it up with his statement "Our state is the better for his having lived and worked among us.".

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

1. That the Legislature extend its sympathies to the family of Joseph W. Seacrest.

2. That the Members of the Legislature recognize the many and valued contributions of Joe Seacrest to the quality of life in his city and state.

Laid over.

UNANIMOUS CONSENT - Bracket LB 159

Mr. Goodrich asked unanimous consent to bracket LB 159 until April 10, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 121

Mr. Kelly asked unanimous consent to bracket LB 121 on General File until March 15, 1978. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 351A. Mr. Simon moved to indefinitely postpone LB 351A.

Motion pending.

MOTION - Place LB 757 on General File

Mr. Duis moved to place LB 757 on General File pursuant to Rule 3, Sec. 10b.

Laid over until March 13, 1978 at the request of Mr. Duis.

BILL ON FIRST READING

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

LEGISLATIVE BILL 955. By Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 81-1108.36, Reissue Revised Statutes of Nebraska, 1943, relating to state buildings; to name the Nebraska Educational Telecommunications Building; and to repeal the original section.

ADJOURNMENT

At 4:18 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, March 8, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - MARCH 8, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 8, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord, we ask You to give us the willingness to be a good listener in our conversations and the business we are part of. That we accept the wisdom and knowledge of others in dialogue and discussion and willingly open our minds to receive what others offer. Let us control hostility and anger and seek to communicate truth and understanding. May we be helped by you, O Lord, who receives and accepts our prayers and pleas and may we in seeing You as our model, wish to act in imitation of You in our relations with our fellow associates, especially when others are affected. May we have this guidance and direction from You, God our Father. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett and F. Lewis who were excused; and Messrs. D. Dworak, Merz, and Simon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Bottom of page 1101 insert:
Mr. Chambers moved to indefinitely postpone.
Motion pending.
MESSAGE FROM THE GOVERNOR
March 6, 1978
Mr. Patrick O'Donnell

Clerk of the Legislature
State Capitol Building
The Journal for the Thirty-Third Day was approved as corrected.

UNANIMOUS CONSENT - Member Excused

Mr. F. Lewis asked unanimous consent to be excused for the remainder of the week. No objections. So ordered.

REPORT OF EMPLOYEES

March 7, 1978

MONTHLY REPORT OF EMPLOYEES

During the month of February, 1978, there were 146 full and part-time employees charged to Session Expenses:

Program 122-03 - Senators' Offices/Session Expenses, 84 employees, $58,765.32
Program 123-03 - Temporary Session Expenses, 62 employees, $24,264.20

Included in the total of $83,029.52 is $90.51 for overtime, as well as the state's share of OASDI and retirement and insurance contributions.
Detailed information is on file in the Accounting and Budgeting Office of the Legislative Council.

COMMUNICATION

Department of Agriculture

March 2, 1978

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

RE: LR 168

Dear Mr. O'Donnell:

Pursuant to the provisions of the above-entitled Legislative Resolution, the following report is hereby presented to the Nebraska State Legislature:

A. Only surveillance procedures have been taken by the Department of Agriculture to implement LB 335, First Session, Eighty-Fourth Legislature of Nebraska, 1975. This surveillance is done at the time of regular grocery store inspection.
B. During the Legislature's consideration of LB 335, the Department was asked to submit a fiscal note advising the Legislature of the potential cost involved in implementing LB 335. This was done, and an approriations bill was introduced by Senator Burrows. Subsequently, on April 8, 1975, Senator Burrows asked to withdraw the "A" bill. This was done by a vote of 30/0/19. (See Legislative Journal, 1975, at page 1187.)

The primary effect of the above-described action was to render our Department unable to proceed with implementation of LB 335, inasmuch as funding was essential to implementation of the intent and purposes of the bill. Secondly, such action indicated a legislative intent not to proceed at that time with implementation of the bill. Certainly, no intent to the contrary was ever forthcoming from the Legislature. No appropriations have subsequently been made to the Department.

While consideration of the constitutionality of LB 335 was rendered unnecessary by the lack of needed funding, should funding become available in the future, due consideration should be given to this aspect of the bill, since it involves an effect on interstate commerce in an area regulated federally.

Should further information be desired regarding this matter, please advise.

Sincerely,
Department of Agriculture
(Signed) Roger Sandman,
Director

RS/WA/sb

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 411. Mr. Mills moved to return LB 411 to Select File for the following specific amendment:

1. In the Final Reading bill, on page 2, line 2, page 3, line 12, and page 6, line 18, strike "1980" and insert "1982".

The motion prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 558.

A BILL FOR AN ACT to amend section 16-691, Reissue Revised Statutes of Nebraska, 1943, relating to first-class cities; to change signature requirements on orders for disbursement of funds; 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	E. Dvorak	Kelly	Marsh	Rumery
Brennan	D. Dworak	Kennedy	Marvel	Savage
Burrows	Fitzgerald	Keyes	Mills	Schmit
Carsten	Fowler	Koch	Moylan	Simon
Clark	George	Kremer	Murphy	Stoney
Cope	Goodrich	Labedz	Newell	Venditte
Cullan	Hasebroock	Lamb	Nichol	Warner
DeCamp	Hefner	Luedtke	Rasmussen	
Duis	Kahle	Maresh	Reutzel	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	R. Lewis	Maxey

Excused and not voting, 3:

Barnett	F. Lewis	Merz

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

LEGISLATIVE BILL 561.

A BILL FOR AN ACT to amend section 25-1013, Reissue Revised Statutes of Nebraska, 1943, relating to district court remedies; to provide for service of process 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:

Bereuter	Duis	Kahle	Luedtke	Rasmussen
Brennan	E. Dvorak	Kelly	Marsh	Reutzel
Burrows	D. Dworak	Kennedy	Marvel	Rumery
Carsten	Fitzgerald	Keyes	Maxey	Savage
Chambers	Fowler	Koch	Mills	Schmit
Clark	George	Kremer	Moylan	Simon
Cope	Goodrich	Labedz	Murphy	Stoney
Cullan	Hasebroock	Lamb	Newell	Venditte
DeCamp	Hefner	R. Lewis	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 1:

Maresh

Excused and not voting, 3:

Barnett F. Lewis Merz

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

LEGISLATIVE BILL 570.

A BILL FOR AN ACT to amend sections 55-135, 55-136, 55-138, and 55-143, Reissue Revised Statutes of Nebraska, 1943, relating to the Military Code; to provide an additional cause for separation; to provide that the Adjutant General may make appointments as prescribed; to delete a provision for honorable discharge; 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:

Bereuter	E. Dvorak	Kennedy	Marvel	Savage
Brennan	D. Dworak	Keyes	Maxey	Schmit
Burrows	Fitzgerald	Koch	Mills	Simon
Carsten	Fowler	Kremer	Moylan	Stoney
Chambers	George	Labedz	Murphy	Venditte
Clark	Goodrich	Lamb	Newell	Warner
Cope	Hasebroock	R. Lewis	Nichol	
Cullan	Hefner	Luedtke	Rasmussen	
DeCamp	Kahle	Maresh	Reutzel	
Duis	Kelly	Marsh	Rumery	

Voting in the negative, 0.

Excused and not voting, 3:

Barnett	F. Lewis	Merz

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

LEGISLATIVE BILL 668. Mr. Duis moved to return LB 668 to Select File for the following specific amendment:
To reinsert stricken language and after the word deed in line 5 page 2 to insert the word and

The motion prevailed with 28 ayes, 8 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 682.

A BILL FOR AN ACT relating to the Legislature; to create the office of the Nebraska Unicameral Research Institute and the position of Unicameral Research Institute Director; and to provide duties.

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

Voting in the affirmative, 34:

Bereuter	Cullan	Kahle	Luedtke	Reutzel
Brennan	DeCamp	Kelly	Marsh	Rumery
Burrows	D. Dworak	Keyes	Marvel	Savage
Carsten	Fitzgerald	Koch	Maxey	Schmit
Chambers	Fowler	Kremer	Murphy	Simon
Clark	Hasebroock	Labedz	Newell	Warner
Cope	Hefner	R. Lewis	Rasmussen	

Voting in the negative, 11:

Duis	Kennedy	Mills	Stoney
E. Dvorak	Lamb	Moylan	Venditte
Goodrich	Maresh	Nichol	

Present and not voting, 1:

George

Excused and not voting, 3:

Barnett	F. Lewis	Merz

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

LEGISLATIVE BILL 816.

A BILL FOR AN ACT to amend section 39-6,139, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to provide for auxiliary driving lamps 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:

Bereuter	Cope	D. Dworak	Hasebroock	Keyes
Brennan	Cullan	Fitzgerald	Hefner	Koch
Burrows	DeCamp	Fowler	Kahle	Kremer
Carsten	Duis	George	Kelly	Labedz
Clark	E. Dvorak	Goodrich	Kennedy	Lamb

R. Lewis	Marvel	Murphy	Reutzel	Simon
Luedtke	Maxey	Newell	Rumery	Stoney
Maresh	Mills	Nichol	Savage	Venditte
Marsh	Moylan	Rasmussen	Schmit	Warner

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Barnett F. Lewis Merz

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

GENERAL FILE

LEGISLATIVE BILL 187. Title read and considered.

Standing Committee amendments found in the Journal on page 980 for the Forty-Eighth Day, First Session, lost with 4 ayes, 18 nays, 24 present and not voting, and 3 excused and not voting.

Mr. DeCamp withdrew his pending amendments found in the Journal on pages 422, 589, and 750, Req. #2755, printed separately.

Mr. DeCamp offered the following amendments:
(Printed separately from the Journal and on file in the Clerk's office. - Req. #2833).

Mr. Clark offered the following amendment:
Delete sections 12-13-14 from DeCamp amendment.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Clark amendment was adopted with 22 ayes 3 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Marvel asked unanimous consent to be excused until 3:00 p.m. No objections. So ordered.

Mr. Decamp moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. DeCamp requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 20:

Brennan	DeCamp	George	Luedtke	Rumery
Burrows	D. Dworak	Goodrich	Marsh	Savage
Carsten	Fitzgerald	Keyes	Maxey	Schmit
Clark	Fowler	Koch	Moylan	Simon

Voting in the negative, 20:

Cope	Hefner	Kremer	Maresh	Reutzel
Duis	Kahle	Labedz	Mills	Stoney
E. Dvorak	Kelly	Lamb	Murphy	Venditte
Hasebroock	Kennedy	R. Lewis	Rasmussen	Warner

Present and not voting, 4:

Bereuter	Chambers	Cullan	Nichol

Absent and not voting, 1:

Newell

Excused and not voting, 4:

Barnett	F. Lewis	Marvel	Merz

The DeCamp amendment, as amended, lost with 20 ayes, 20 nays, 4 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

SPEAKER LUEDTKE PRESIDING

REFERENCE COMMITTEE REPORT

LB	Committee
955	General File

(Signed) Richard Marvel, Chairman; Jack Mills; Larry Stoney; John Savage; W. E. Nichol; R. Lewis; Roland Luedtke; Douglas Bereuter; Steve Fowler.

BILL ON FIRST READING

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

LEGISLATIVE BILL 839A. By D. Dworak, 22nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 839, Eighty-fifth Legislature, Second Session, 1978.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 8, 1978, at 10:00 a.m., were the following bills: 395, 457, and 717.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 574.

Correctly Engrossed

The following bill was correctly engrossed: 664.

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 174. Read and considered.

Laid over at the request of Mr. DeCamp.

LEGISLATIVE RESOLUTION 176. Read and considered.

LR 176 was adopted with 35 ayes, 0 nays, and 14 not voting.

MOTION - Approve Report

Mr. Savage moved the adoption of the Committee on Committees report found in the Journal on page 1105 of the following Governor appointments: Dr. Cowgill, Mr. Shoemaker, Mr. Dutton, Ms. Bates, Mr. Davis, Mr. Fenton, and Mr. Dwyer.

Voting in the affirmative, 28:

Burrows	E. Dvorak	Kennedy	Marsh	Savage
Carsten	George	Koch	Mills	Simon
Clark	Hasebroock	Lamb	Moylan	Stoney
Cope	Hefner	R. Lewis	Murphy	Warner
Cullan	Kahle	Luedtke	Rasmussen	
Duis	Kelly	Maresh	Rumery	

Voting in the negative, 0.

Present and not voting, 17:

Bereuter	D. Dworak	Keyes	Newell	Venditte
Brennan	Fitzgerald	Kremer	Nichol	
Chambers	Fowler	Labedz	Reutzel	
DeCamp	Goodrich	Maxey	Schmit	

Excused and not voting, 4:

Barnett	F. Lewis	Marvel	Merz

The appointments were confirmed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 697. E & R amendments found in the Journal on page 1105 for the Thirty-Third Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 796. E & R amendment found in the Journal on page 1105 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 411. The Mills specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 668. The Duis specific amendment found in this day's Journal was renewed and laid over.

LEGISLATIVE BILL 902. Mr. Chambers asked unanimous consent to withdraw his pending motion to indefinitely postpone.

Mr. Stoney objected.

Mr. Chambers moved to withdraw his motion to indefinitely postpone.

Mr. Goodrich 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 motion to withdraw his motion to indefinitely postpone prevailed with 27 ayes, 3 nays, 15 present and not voting, and 4 excused and not voting.

The motion was withdrawn.

Mr. Chambers offered the following amendment:
Strike all references to "City of the metropolitan class"

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 14 ayes, 12 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Bereuter	Fowler	Lamb	Murphy
Chambers	Kelly	R. Lewis	Reutzel
Cullan	Kennedy	Marsh	Schmit
D. Dworak	Koch	Maxey	Warner

Voting in the negative, 27:

Brennan	E. Dvorak	Kahle	Mills	Savage
Burrows	Fitzgerald	Keyes	Moylan	Stoney
Carsten	George	Kremer	Newell	Venditte
Clark	Goodrich	Labedz	Nichol	
Cope	Hasebroock	Luedtke	Rasmussen	
Duis	Hefner	Maresh	Rumery	

Present and not voting, 1:

DeCamp

Absent and not voting, 1:

Simon

Excused and not voting, 4:

Barnett	F. Lewis	Marvel	Merz

The amendment lost with 16 ayes, 27 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Nichol moved the Call be raised. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. Schmit offered the following amendment:

AMENDMENT TO LB 902

1. On page 2, line 19 strike "not".

Amendment pending.

Laid over until this afternoon.

ANNOUNCEMENT

Mr. Rasmussen announced an executive session of the Government, Military and Veterans Affairs Committee Thursday, March 9, 1978, at 2:00 p.m. under the North Balcony.

MOTION - Place LB 602 on General File

Mr. Schmit moved to raise LB 602 from committee pursuant to Rule 3, Section 10(B).

Motion pending.

MOTION - Place LB 894 on General File

Mr. Schmit moved to raise LB 894 from committee pursuant to Rule 3, Section 10b.

Motion pending.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 679. Indefinitely postponed.
LEGISLATIVE BILL 746. Indefinitely postponed.
LEGISLATIVE BILL 752. Indefinitely postponed.

(Signed) Donald N. Dworak, Chairman

RECESS

At 12:03 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. Reutzel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett, F. Lewis, Kremer, Merz, and Murphy who were excused; Messrs. Marvel, Mills and Rasmussen who was excused until they arrive.

SELECT COMMITTEE REPORT
Rules

The Rules Committee met Wednesday, March 8, 1978 and acted favorably on the proposed rule changes submitted by Senator Shirley Marsh, found on page 720; Senator John DeCamp, found on page 713; and Senator Roland Luedtke, found on page 729 of the Legislative Journal.

(Signed) John DeCamp, Chairman

Laid over.

SELECT FILE

LEGISLATIVE BILL 641. E & R amendment found in the Journal on page 1102 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 836. E & R amendments found in the Journal on page 1102 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 826. E & R amendment found in the Journal on page 1103 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 772. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 662. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 833. E & R amendment found in the Journal on page 1103 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 802. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 618. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 829. E & R amendment found in the Journal on page 1103 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 767. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 771. E & R amendment found in the Journal on page 1103 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 583. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 675. E & R amendments found in the Journal on page 1103 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 761. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 732. E & R amendment found in the Journal on page 1104 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 732A. Advanced to E & R for Engrossment.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 671. Laid over at the request of Mr. D. Dworak.

LEGISLATIVE BILL 676. E & R amendments found in the Journal on page 1104 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 676A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 575. E & R amendment found in the Journal on page 1104 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 92A. Mr. Cullan requested a machine vote to advance LB 92A.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Goodrich requested a roll call vote to advance LB 92A.

Voting in the affirmative, 27:

Brennan	Duis	Hasebroock	Lamb	Newell
Burrows	E. Dvorak	Hefner	Luedtke	Nichol
Carsten	Fitzgerald	Kahle	Maresh	Rumery
Cope	George	Keyes	Mills	Savage
DeCamp	Goodrich	Koch	Moylan	Schmit

Simon Venditte

Voting in the negative, 13:

Bereuter	Cullan	Kennedy	Maxey	Warner
Chambers	D. Dworak	R. Lewis	Reutzel	
Clark	Kelly	Marsh	Stoney	

Present and not voting, 2:

Fowler Labedz

Excused and not voting, 7:

Barnett	F. Lewis	Merz	Rasmussen
Kremer	Marvel	Murphy	

Advanced to E & R for Engrossment with 27 ayes, 13 nays, 2 present and not voting, and 7 excused and not voting.

Mr. Maresh moved the Call be raised. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 173.

UNANIMOUS CONSENT - Member Excused

Mr. D. Dworak asked unanimous consent to be excused at 2:15 p.m. for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 902. Mr. DeCamp asked unanimous consent to bracket LB 902 until March 13, 1978. No objections. So ordered.

LEGISLATIVE BILL 202. Mr. Koch renewed his pending amendment found in the Journal on page 1092.

Mr. Simon offered the following amendment to the Koch amendment: Amend Koch amendment on LB 202 page 1092 in the Journal - to strike the word ~~specified~~ on line 5 and insert the word "reasonable".

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

The Koch amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Rasmussen withdrew his pending motion to indefinitely postpone.

Mr. Rasmussen withdrew his pending amendment found in the Journal on page 1100.

Mr. Hefner withdrew his pending amendment found in the Journal on page 1112.

Mr. Simon offered the following amendment:

(1)

1. In the Simon amendment 3 on page 941 of the Journal strike beginning with "This" in line 16 through the period in line 18.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Simon offered the following amendment:

(2)

1. On page 2, line 13 after "person" insert "for a franchise fee"; and in line 17 after "otherwise" and befor(sic) the DeCamp amendment on page 972 of the Journal insert "; and any arrangement, agreement, or contract, either expressed or implied, for the sale, distribution, or marketing of beer or non-alcoholic beverages at wholesale, retail, or otherwise".

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 624. Mr. Keyes renewed his pending amendment found in the Journal on page 833.

Mr. Keyes moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Keyes requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Brennan	Goodrich	Keyes	Newell	Venditte
Cope	Hefner	R. Lewis	Rasmussen	
DeCamp	Kahle	Mills	Savage	
Fitzgerald	Kelly	Moylan	Schmit	

Voting in the negative, 18:

Bereuter	Fowler	Koch	Marsh	Stoney
Carsten	George	Lamb	Maxey	Warner
Cullan	Hasebroock	Luedtke	Reutzel	
E. Dvorak	Kennedy	Maresh	Rumery	

Present and not voting, 7:

Burrows	Clark	Labedz	Simon
Chambers	Duis	Nichol	

Excused and not voting, 7:

Barnett	Kremer	Marvel	Murphy
D. Dworak	F. Lewis	Merz	

The amendment lost with 17 ayes, 18 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 1053.

The amendment was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Mr. Keyes moved to indefinitely postpone LB 624.

Motion pending. Laid over.

CORRECTED STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 917. Placed on General File as amended.
Standing Committee amendments to LB 917:

1. On page 3, line 9 strike "ninety" and insert "~~ninety~~ forty-five"; in line 21 after "shall" insert "(1)"; and in line 23 after "property" insert ", (2) include a statement of the authority for the acquisition, (3) include the nature of and necessity and purpose for which the land shall be used, (4) include the title, right, or interest in the property to be acquired, (5) specify the amount of property needed for the public purpose, (6) include the reasons for selecting the proposed location or route, and (7) state that if approval of any other agency is required, the condemner shall set forth which other agency's approval shall be necessary".

2. On page 6, line 8 after "therein" insert "through eminent domain proceedings".

3. On page 7, line 1 strike "alleged" and insert "required"; in line 20 after "with" insert "the condemned"; and in line 21 after "market" insert "values".

4. Insert a new section 8 as follows:

"Sec. 8. That section 81-8,277, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,277. Sections 81-8,276 to 81-8,287 shall not apply to:

(1) Real estate appraisers who are salaried employees of:

(a) The federal government;

(b) Any bank, building and loan association, or small loan company licensed by the state or supervised or regulated by or through federal enactments covering financial institutions; Provided, that any person so employed who also practices as an independent real estate appraiser for others shall be subject to sections 81-8,276 to 81-8,287 and be licenced(sic) prior to engaging in such other appraising; or

(c) Any agency of the state government or political subdivision which appraises real estate;

(2) A licensed real estate broker or a licensed real estate salesman, who is exempt from the provisions of sections 81-8,276 to 81-8,287 where he appraises real estate in the ordinary course of his real estate brokerage business, except when a separate fee is paid therefore;

(3) A trainee employed either directly or indirectly by a licensed real estate appraiser; ~~or~~

(4) Any person or any employee thereof, who renders an estimate or opinion of value of real estate or any interest therein when such estimate or opinion of value is for the purpose of real estate taxation; or

(5) Any person who renders an estimate or opinion of value of real estate or any interest therein or damages thereto when such estimate or opinion is offered as testimony in any condemnation proceeding".

5. On page 8, line 4 strike "and" and after "81-8,276" insert ", and 81-8,277".

(Signed) Loran Schmit, Chairman

NOTICE OF COMMITTEE HEARING
Committee on Committees

The confirmation hearing of John C. Mitchell to the Board of Educational Lands and Funds previously scheduled for March 16, 1978 has been rescheduled for March 22, 1978. All other appointments previously scheduled for these two dates remain the same.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 836 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 836

In lieu of the DeCamp amendments on page 1012 of the Journal:

1. On page 4, line 18 after the underscored semicolon insert "(8) a copy of the written statement described in subdivision (2) of section 8 of this act, or in lieu thereof, a copy of the application containing such written statement;"; and in line 18 strike "(8)" and insert "(9)".

2. On page 5 strike beginning with "The" in line 18 through the period in line 21 and show as stricken and insert "The agent shall, at the time such statement is submitted, pay to the department the tax on such business in the same manner as other foreign companies.".

3. On page 8 strike beginning with the underscored comma in line 1 through "act" in line 2; strike lines 4 to 23.

4. On page 9, line 4 after the underscored semicolon insert "(4) a sworn statement by the surplus lines agent with regard to the coverages described in the quarterly

report, that to the best of his or her knowledge and belief, he or she could not reasonably procure such coverage from a company admitted to do business in Nebraska;"; in line 4 strike "(4)" and insert "(5)"; and strike beginning with "Such" in line 5 through the underscored period in line 7.

5. On page 5, lines 8 and 27, page 6, line 17, page 7, line 10, page 9, line 11, and page 10, lines 12 and 19 strike "13" and insert "12".

6. Renumber original sections 10 to 14 as sections 9 to 13 respectively.

MR. SAVAGE PRESIDING

GENERAL FILE

LEGISLATIVE BILL 169. Laid over.

LEGISLATIVE BILL 711. Title read. Considered.

Mr. Rasmussen moved to indefinitely postpone.

Mr. Simon moved to bracket LB 711 until March 22, 1978.

The motion lost with 9 ayes, 14 nays, 19 present and not voting, and 7 excused and not voting.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on the Rasmussen motion to indefinitely postpone.

Voting in the affirmative, 20:

Clark	Fitzgerald	Kahle	Maresh	Rasmussen
DeCamp	Goodrich	Kennedy	Mills	Schmit
Duis	Hasebroock	Labedz	Moylan	Stoney
E. Dvorak	Hefner	Lamb	Nichol	Venditte

Voting in the negative, 20:

Bereuter	Chambers	George	Luedtke	Reutzel
Brennan	Cope	Kelly	Marsh	Rumery
Burrows	Cullan	Koch	Maxey	Simon
Carsten	Fowler	R. Lewis	Newell	Warner

Present and not voting, 1:

Savage

Absent and not voting, 1:

Keyes

Excused and not voting, 7:

Barnett	Kremer	Marvel	Murphy
D. Dworak	F. Lewis	Merz	

The motion to indefinitely postpone lost with 20 ayes, 20 nays, 1 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Mr. Chambers requested a roll call vote to advance LB 711.

Voting in the affirmative, 19:

Bereuter	Chambers	Kelly	Marsh	Rumery
Brennan	Cope	Keyes	Maxey	Simon
Burrows	Cullan	Koch	Newell	Warner
Carsten	Fowler	Luedtke	Reutzel	

Voting in the negative, 20:

Clark	Goodrich	Kennedy	Maresh	Rasmussen
Duis	Hasebroock	Labedz	Mills	Schmit
E. Dvorak	Hefner	Lamb	Moylan	Stoney
Fitzgerald	Kahle	R. Lewis	Nichol	Venditte

Present and not voting, 3:

DeCamp	George	Savage

Excused and not voting, 7:

Barnett	Kremer	Marvel	Murphy
D. Dworak	F. Lewis	Merz	

Failed to advance to E & R for Review with 19 ayes, 20 nays, 3 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 282. Mr. Koch asked unanimous consent to have LB 282 laid over.

Mr. Reutzel objected.

Mr. Koch moved to have LB 282 laid over.

The motion prevailed with 25 ayes, 10 nays, 7 present and not voting, and 7 excused and not voting.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. #1511)

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 956. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District; Marsh, 29th District; Savage, 10th District; Bereuter, 24th District.

A BILL FOR AN ACT to make appropriations for capital construction projects; to provide severability; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3 Sec 19 and place LB 956 on General File.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 665. Replaced on Select File as amended.
E & R amendments to LB 665:

1. In line 2 of the Chambers amendment to page 3, strike the comma; and in line 4 insert an underscored period after "condition".

2. In committee amendment 2, lines 2 and 4, strike the second comma.

3. Because of the DeCamp amendments adopted 3/7, strike E & R amendments 3 to 9 and 11 adopted 3/7.

4. In the DeCamp amendments adopted 3/7, page 1, lines 12, 15, 23, and 28, strike the period and insert an underscored semicolon; and in line 11 strike "hereinafter specified,".

5. In the DeCamp amendments adopted 3/7, page 2, line 11, strike the period and insert "; and"; in line 14 strike "where" and insert "when"; and in line 16 strike "shall be furnished".

6. In the DeCamp amendments adopted 3/7, page 3, line 15, strike "(7)" and insert "Sec. 9."; in lines 16 and 21 strike "hereunder" and insert "under section 8 of this act"; in line 19 strike "(8)" and insert "Sec. 10."; in line 24 strike "this section" and insert "section 8 of this act"; and strike line 25.

(Signed) Samuel K. Cullan, Chairman

Mr. Clark moved the Call be raised. The motion prevailed.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 937. Placed on General File as amended.
Standing Committee amendments to LB 937:

1. Add a new section as follows:

"Section 1. The reappropriations and appropriations contained in this act are an acknowledgment and reaffirmation of commitments made by the Eighty-fifth Legislature, First Session, 1977.".

2. On page 3, line 18, after the period insert "It is the intent of the Legislature that a minimum of forty-eight beds be designated as psychiatric beds.".

3. On page 4, line 6, strike "$2,850,000" and insert "~~$2,850,000~~ $2,350,000".

4. On page 6, line 3, strike "Nebraska Capital Construction" and show stricken and insert "State Building".

5. On page 8, in lines 8 and 9 strike "and

~~$340,000~~ $140,000 from the Revenue Sharing Trust Fund" and show old matter stricken; and in line 9 strike "$200,000" and insert "$340,000".

6. On page 8, line 24, after the period insert "Any federal reimbursement received due to the reaffirmation in this section shall be credited to the State Park Cash Revolving Fund.".

7. On page 9, line 4, after the period insert "Any federal reimbursement received due to the reaffirmation in this section shall be credited to the State Park Cash Revolving Fund.".

8. On page 9, line 11, after the period insert "It is the intent of the Legislature that, based on the Victory Lake dredging project, the Game and Parks Commission evaluate the feasibility of Lake dredging and shall develop and submit a report of this practice to the Governor and the Legislature.".

9. On page 10, line 15, strike "918" and insert "919".

10. Insert new sections as follows:

"Sec. 21. That Laws 1976, LB 984, section 27, as amended by Laws 1977, LB 546, section 6, be amended to read as follows:

Sec. 27. Program 909. To aid in carrying out the provisions of Legislative Bill 417, Eighty-fourth Legislature, First Session, 1975, there is hereby appropriated $836,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1977, for site acquisition and to initiate construction of the Omaha area project. There is hereby appropriated ~~$4,400,000~~ $1,000,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1978, to continue the Omaha area Medium-Minimum facility. There is hereby appropriated ~~$2,000,000~~ $4,990,000 from the ~~Nebraska Capital Construction Fund~~ State Building Fund and $830,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1979, to ~~complete the project~~ continue the Omaha area Medium-Minimum facility. There is hereby appropriated $2,588,250 from the State Building Fund for the fiscal year ending June 30, 1980, to complete the project.

The Department of Correctional Services may exercise the power of eminent domain on behalf of the state for the purposes of implementing this section. The power to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724, Reissue Revised Statutes of Nebraska, 1943, and amendments

thereto.

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.

It is intended that the Department of Correctional Services should proceed forthwith with the acquisition of properties not yet acquired by the city of Omaha through the process of negotiations or eminent domain. It is understood that the State of Nebraska shall pay as its share of the properties so acquired a sum not to exceed $300,000, and that any additional liability for the acquisition of such properties shall rest with the city of Omaha.

It is further intended that the contract for the acquisition of properties already acquired by the city of Omaha for the use of the Department of Correctional Services be amended to increase the limit of liability from $495,000 to $535,000 for those selected parcels within the site limits of the Omaha facility tract that have already been acquired by the city of Omaha.

Sec. 22. There is hereby reappropriated for the period of July 1, 1978, to June 30, 1979, from the unexpended and unencumbered balances existing on June 30, 1978, to each agency for each program from the respective funds for capital construction as follows:

(1) Agency No. 03 - Legislative Council
Program 901;

(2) Agency No. 13 - Department of Education
Programs 900, 904, and 906;

(3) Agency No. 25 - Department of Public Institutions
Programs 903, 905, 908, 910, 913, 952, 962, 964, 981, 982, 984, 987, 988, 989, and 990;

(4) Agency No. 26 - Department of Public Welfare
Program 911;

(5) Agency No. 27 - Department of Roads
Programs 901 and 902;

(6) Agency No. 31 - Military Department
Program 901;

(7) Agency No. 33 - Game and Parks Commission
Programs 919, 924, 928, 933, 965, 967, 968, 969, 970, 971, 972, 973, 974, 975, 977, 980, and 981. Receipts in Program 928 for the period July 1, 1978, to June 30, 1979, together with any amounts held in the Niobrara State Park account by the State Treasurer on

June 30, 1978, are hereby appropriated and reappropriated to the appropriate Niobrara State Park funds.
Program 919 and 951 are hereby merged into program 919.
Any federal Reimbursement received due to the reappropriation of state funds in programs 933, 967, 969, 970, and 974, shall be credited to the State Park Cash Revolving Fund;
(8) Agency No. 46 - Department of Correctional Services
Programs 905, 906, 908, 909, 911, 912, 913, 915, and 921;
(9) Agency No. 49 - Board of Trustees - State Colleges
Program 901.
Programs 901 and 902 are hereby merged into Program 901, Life/Safety and Miscellaneous Renovation;
(10) Agency No. 50 - State Colleges
Programs 903, 905, 906, 902, 904, 909, and 910;
(11) Agency No. 51 - University of Nebraska
Programs 904, 908, 909, 913, 914, 915, 922, 925, 928, 932, 935, 972, 973, 978, 981, 990, and 998.
Program 901 is hereby created to accommodate projects funded from trust funds;
(12) Agency No. 52 - State Board of Agriculture
Programs 913 and 919;
(13) Agency No. 54 - Nebraska State Historical Society
Programs 901, 903, 904, 906, 909, and 910;
(14) Agency No. 65 - Department of Administrative Services
Programs 900, 902, 903, 904, 907, 919, and 940, and 950;
Program numbers pertaining to LB 309 funding shall be combined under Program 940.
Programs 901 and 902 are hereby merged into program 902.
Programs 900 and 912 are hereby merged into program 900; and
(15) Agency No. 72 - Department of Economic Development
Program 900.".

11. On page 12, line 19, after "26," insert "27,"; and in line 20, after "5," insert "6,".

12. In the title, line 5, after "26," insert "27,"; and in line 6, after "5," insert "6,".

13. Renumber original sections 1 to 19 as sections 2 to 20 and renumber original sections 20 to 24

24 as sections 23 to 27.

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendments to LB 795 in the Journal. No objections. So ordered.

AMENDMENTS TO
COMMITTEE AMENDMENTS TO LB 795

1. Strike committee amendment 2.

2. Strike committee amendment to page 8, lines 4 and 5.

3. In lieu of committee amendment 3, on page 8, strike lines 14 to 21 and insert:

"(1) Individual physicians, dentists, or other practitioners, whether in individual or group practice, or to their private offices and clinics."

4. Amend committee amendment 4 to read:

"4. On page 9, line 2, strike 'and'; in line 3 insert ', and retirement villages' after 'houses'; and strike lines 6 to 8 and insert:

'Sec. 24. (1) This act shall not apply to the development, offering, or expansion of new health services by any new or existing health-care facility or health maintenance organization which, as of the operative date of this act:

(a) Has made preliminary expenditures toward a formal plan of development or expansion of new health services; or

(b) Has submitted an application for review of a proposed capital expenditure under section 1122 of the Social Security Act, except that this provision shall not apply with regard to applications which are withdrawn by the applicant prior to or after the operative date of this act; or

(c) In the case of projects which were not capital expenditures under section 1122 of the Social Security Act but would constitute new institutional health services under this act, has commenced construction, development, or implementation of such project.'.".

5. Amend committee amendment 14 to read:

"14. On page 23, line 11, strike 'or'; and strike lines 12 to 16 and insert:

'(3) A project which will not require the expenditure of one hundred fifty thousand dollars or more, exclusive of salaries, to develop and offer; or

(4) A project which is limited in scope to the repair or replacement of existing fixtures or equipment.'.".

6. Strike committee amendment 16.

Mr. Schmit asked unanimous consent to print the following amendments to LB 920 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 920

1. Insert a new section as follows:

"Sec. 2. That section 28-706, Revised Statutes Supplement, 1977, be amended to read as follows:

28-706. (1) Any person who intentionally fails, refuses, or neglects to provide proper support which he knows or reasonably should know he is legally obliged to provide to a spouse, minor child, minor stepchild, or other dependent, commits criminal nonsupport.

(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.

(3) Support includes but is not limited to food, clothing, medical care, and shelter.

(4) This section does not exclude any applicable civil remedy.

(5) Criminal nonsupport is a Class II misdemeanor.

(6) Criminal nonsupport is a ~~Class I misdemeanor~~ Class IV felony if it is in violation of any order of any court.".

2. On page 3, line 24 strike "section" and insert "sections" and after "28-417" insert "and 28-706"; and in line 25 strike "is" and insert "are".

Mr. Keyes asked unanimous consent to print the following amendments to LB 351 in the Journal. No objections. So ordered.

Amendments to LB 351
(white copy - req. no. 2840)

1. On page 1 strike beginning with "facilities" in line 13 through "occasions" in line 14 and insert "if facilities used for bingo occasions are leased or rented pursuant to the provisions of this act, they".

2. On page 1 strike beginning with "equipment" in line 19 through "occasions" in line 20 and insert "if equipment and supplies used for bingo occasions are leased or rented, they".

3. On page 4 strike beginning with "three" in line 12 through "of" in line 13.

4. On page 8 insert a new section 21:

"Section 21. No bingo occasion shall be conducted at a facility other than a facility owned by the licensed organization or at a facility leased or rented by the licensed organization pursuant to the requirements for such arrangements set forth in this act."

5. Renumber original sections 21 through 44 as sections 22 through 45.

UNANIMOUS CONSENT - Member Excused

Mr. Kelly asked unanimous consent to be excused at 11:00 a.m., Thursday, March 9, 1978 and all day Friday, March 10, 1978. No objections. So ordered.

MOTION - Place LB 728 on General File

Mr. Burrows moved to place LB 728 on General File pursuant to Rule 3, Sec. 10b.

Motion pending. Laid over.

GENERAL FILE

LEGISLATIVE BILL 672. Title read. Considered.

Standing Committee amendments found in the Journal on page 690 for the Nineteenth Day were adopted with 25 ayes, 4 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 4 nays, 12 present and not voting, and 7 excused and not voting.

MOTION - Return LB 574 to Select File

Messrs. Warner and Goodrich moved to return LB 574 to Select File for the following specific amendment:

AMENDMENT TO LB 574

Add a new section as follows:

Persons who obtained a driver's license between September 2, 1977, and January 3, 1978, shall receive

at no charge a color photo driver's license upon presentation of the non-photo driver's license to the county treasurer's office.

The motion prevailed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 574. The Warner-Goodrich 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 Re-Engrossment.

VISITORS

Speaker Luedtke introduced Mary Martin, daughter of Mrs. Bennett (Abe) Martin and the late Mayor Martin.

ADJOURNMENT

At 4:32 p.m. on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, March 8, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - MARCH 9, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 9, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty God, this morning we come before You with all kinds of personal and collective agenda. We are here to listen to lobbyists, to debate bills, to attend meetings, to answer correspondence, and hopefully, to reflect on what it means to be a senator of this state.
>
> We come to consider names, to change laws, to levy taxes, and to debate all the nuts and bolts and fasteners that hold this state together.
>
> To be very honest, God, it is not always easy to remember that as we attempt to be good caretakers of our state and the land in which we live, You are guiding us day by day, and issue by issue.
>
> So help us to keep what we do here this day in perspective. Grant us a sense of humor, the ability to laugh at ourselves, and the courage to vote our convictions. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, F. Lewis, and Newell who were excused; and Mr. Koch who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 446. Placed on Select File.
LEGISLATIVE BILL 541A. Placed on Select File.
LEGISLATIVE BILL 897A. Placed on Select File.

LEGISLATIVE BILL 210. Placed on Select File as amended.
E & R amendments to LB 210:

1. In the DeCamp amendment, line 12, insert a comma after "thereto".

2. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT relating to political accountability and disclosure; to revive sections of the statutes repealed by Laws 1976, LB 987, section 141; and to repeal Chapter 49, article 14, Revised Statutes Supplement, 1976, and amendments thereto, and Laws 1976, LB 987, section 14.".

LEGISLATIVE BILL 889. Placed on Select File as amended.
E & R amendments to LB 889:

1. In line 2 of the second F. Lewis amendment, insert "State" after "the".

2. On page 3, line 7, insert "State" after "The".

3. On page 4, insert an underscored comma after "1978" in line 5 and "1979" in lines 10 and 14; and in line 9 strike "prior to December 1, 1978".

4. On page 5, line 9, strike the comma.

(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 176.

GENERAL FILE

LEGISLATIVE BILL 748. Title read. Considered.

Mr. Barnett offered the following amendments to LB 748:
(Amendments printed separately from the Journal and on file in the Clerk's office - Req. #2729)

The amendments were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Carsten renewed his pending amendment found in the Journal on page 770.

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

Mr. Barnett renewed his pending amendment found in the Journal on page 781.

The amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Venditte offered the following amendment:
(1) Page 13 line 3 strike Class IV and insert Class IIIA.
(2) Page 13 line 22 strike Class II and insert Class I.

Mr. Barnett requested a division of the question on the Venditte amendment and vote on amendments 1 and 2 separately.

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 the amendment #1.

Voting in the affirmative, 24:

Carsten	E. Dvorak	Kahle	Marvel	Savage
Clark	Fitzgerald	Kremer	Moylan	Simon
Cope	Goodrich	Labedz	Murphy	Stoney
Cullan	Hasebroock	Lamb	Nichol	Venditte
Duis	Hefner	Maresh	Rasmussen	

Voting in the negative, 19:

Barnett	D. Dworak	Keyes	Maxey	Rumery
Bereuter	Fowler	R. Lewis	Merz	Schmit
Brennan	George	Luedtke	Mills	
Burrows	Kennedy	Marsh	Reutzel	

Present and not voting, 2:

Chambers Kelly

Excused and not voting, 4:

DeCamp Koch F. Lewis Newell

The amendment #1 lost with 24 ayes, 19 nays, 2 present and not voting, and 4 excused and not voting.

Mr. Lamb moved the Call be raised. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Mr. Venditte withdrew his amendment #2.

Mr. Fowler renewed his pending amendment found in the Journal on page 604.

The amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

MR. SAVAGE PRESIDING

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 920. Title read. Considered.

Standing Committee amendments found in the Journal on page 609 for the Seventeenth Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Schmit renewed his pending amendment found in the Journal on page 1144.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Marvel asked unanimous consent to be excused until 3:00 p.m. No objections. So ordered.

LEGISLATIVE BILL 701. Title read. Considered.

Mr. Duis offered the following amendment:

Add Section 3. That section 28-319, Revised Statutes Supplement, 1977, be amended to read as follows:

28-319. (1) Any person who subjects another person to sexual penetration and (a) overcomes the victim

by force, threat of force, express or implied, coercion, or deception, (b) knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) the actor is more than eighteen years of age and the victim is less than sixteen years of age is guilty of sexual assault in the first degree.

(2) Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor shall have caused serious personal injury to the victim in reaching his decision on the sentence.

(3) Any person who shall be found guilty of sexual assault in the first degree for a second time or sexual offense involving penatration by force or against the will of the victim the first time and change the title shall be sentenced to not less than twenty-five years and shall not be eligible for parole.

Sec. 2. That original section 28-319, Revised Statutes Supplement, 1977, is repealed.

Mr. Duis moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Duis requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Carsten	Hasebroock	Kremer	Maresh
Duis	Hefner	Labedz	Murphy
E. Dvorak	Kahle	Lamb	Rasmussen
Fitzgerald	Kennedy	R. Lewis	Schmit

Voting in the negative, 26:

Barnett	Cullan	Keyes	Mills	Stoney
Bereuter	D. Dworak	Koch	Moylan	Warner
Brennan	Fowler	Luedtke	Nichol	
Burrows	George	Marsh	Reutzel	
Chambers	Goodrich	Maxey	Rumery	
Cope	Kelly	Merz	Simon	

Present and not voting, 3:

Clark	Savage	Venditte

Excused and not voting, 4:

DeCamp F. Lewis Marvel Newell

The Duis amendment lost with 16 ayes, 26 nays, 3 present and not voting, and 4 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

SPEAKER LUEDTKE PRESIDING

UNANIMOUS CONSENT - Print in Journal

Mr. George asked unanimous consent to print the following amendments to LB 953 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 953

Purpose: To add $48,000 to provide 2 staff, equipment and laboratory space to monitor radioactivity in the vicinity of nuclear power plants.

Amendment:

On page 15, in line 12, strike "883,482" and insert "931,482";
in line 15, strike "6,025,109" and insert "6,073,109".

On page 16, in line 22, strike "3,013,344" and insert "3,061,344";
in line 25, strike "12,897,250" and insert "12,945,250".

RESOLUTION

LEGISLATIVE RESOLUTION 177.

Introduced by George, 16th District; Rasmussen, 41st District; Stoney, 4th District; Nichol, 48th District.

WHEREAS, the statutes of Nebraska appear to contain discrepancies relating to election laws as well as the requirements and restrictions of the candidacy of persons holding more than one office; and

WHEREAS, these apparent discrepancies raise the question of whether an elected official may hold more than one office concurrently; and

WHEREAS, state election laws would appear to be unclear as to how many times the name of a candidate may appear on a single ballot; and

WHEREAS, apparent lack of clarity in Nebraska law controlling these situations might foster conflicts of personal interest by office holders.

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

1. That the Legislature's Committee on Government, Military and Veterans Affairs perform an interim study of Nebraska statutes relating to elections and other provisions relevant to members of boards, commissions and other public officers holding more than one office at any given time.

2. That the committee examine the possibilities for conflicts of interest by any public officer serving on more than one board or commission concurrently.

3. That the committee make a report of its findings together with its recommendations for statutory revision to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 558, 561, 570, 682, and 816.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 558, 561, 570, 682, and 816.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 92, 98, 476, 582, 586, 591, 599, 600, 606, 623, 623A, 688, 689, and 897.

(Signed) Samuel K. Cullan, Chairman

MOTION - Request Return of LB457

Mr. Barnett moved to direct the Clerk to request the Governor to return LB 457 to the Legislature for further consideration.

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

Messrs. R. Lewis, Hasebroock, and Mills asked unanimous consent to be excused at 11:45 a.m. No objections. So ordered.

MOTION - Place LB 728 on General File

Mr. Burrows renewed his pending motion found in the Journal on page 1145 to place LB 728 on General File pursuant to Rule 3, Sec. 10b.

PRESIDENT WHELAN PRESIDING

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 11 nays, and 17 not voting.

COMMUNICATION ON LB 457

March 9, 1978

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

Dear Governor Exon:

The Legislature has directed that I respectfully request of you the return of LB 457 to the Legislature for further consideration.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:sd

UNANIMOUS CONSENT - Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 713A in the Journal. No objections. So ordered.

AMENDMENT TO LB 713A
On page 2, line 18, strike "191" and insert "190".

UNANIMOUS CONSENT - Bracket LB 202

Mr. Simon asked unanimous consent to bracket LB 202 on E & R final. No objections. So ordered.

MOTIONS - Introduce Bills

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations (Req. #1509).

The motion prevailed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations (Req. #1510).

The motion prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 957. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Bereuter, 24th District; Rumery, 42nd District; Hasebroock, 18th District; Marsh, 29th District; Goodrich, 20th District; Savage, 10th District.

A BILL FOR AN ACT to state legislative intent for Legislative Bill 951, 952, and 953, Eighty-fifth Legislature, Second Session, 1978; to provide for repeal; and to declare an emergency.

LEGISLATIVE BILL 958. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Bereuter, 24th District; Rumery, 42nd District; Hasebroock, 18th 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 954, Eighty-fifth Legislature, Second Session, 1978; to provide for repeal; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sec. 19, and place LB 957 and LB 958 on General File.

The motion prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

MOTION - Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Agriculture and Environment Committee (Req. #1495).

Mr. Schmit moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Schmit 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 30 ayes, 1 nay, 10 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 959. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Maresh, 32nd District; Hefner, 19th District; Kahle, 37th District; Venditte, 7th District.

A BILL FOR AN ACT relating to real estate; to prohibit ownership of agricultural lands as prescribed.

LEGISLATIVE BILL 902A. By Merz, 1st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 902, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

VISITORS

The President introduced 10 2nd and 3rd grade students and teachers from Belmont Elementary School from Lincoln, Nebraska; 20 4th grade students and teacher from Park School, Lincoln, Nebraska; 25 4th grade students and teacher from St. John School, Seward, Nebraska; Mr. and Mrs. Franklin Hefner and daughter, Deanne, (brother of Senator Hefner); 71 4th grade students and teacher from Papillion, Nebraska; Mr. and Mrs. Royce Mack, Steve and David from Broken Bow, Nebraska; Mr. and Mrs. Von Minden, parents of page Lori Von Minden.

RECESS

At 12:09 p.m., 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 Messrs. DeCamp, Kelly, F. Lewis, and Newell who were excused; and Messrs. Marvel, Rasmussen, and Warner who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendments to LB 795 in the Journal. No objections. So ordered.

AMENDMENTS TO
COMMITTEE AMENDMENTS TO LB 795

1. Strike committee amendment 2.
2. Strike committee amendment to page 8, lines 4 and 5.
3. In lieu of committee amendment 3, on page 8, strike

lines 14 to 21 and insert:

"Sec. 23. Nothing in this act shall be construed to apply to:

'(1) Individual physicians, dentists, or other practitioners, whether in individual or group practice, or to their private offices and clinics;'.

4. Amend committee amendment 4 to read:

'4. On page 9, line 2, strike 'and'; in line 3 insert ', and retirement villages' after 'houses'; and strike lines 6 to 18 and insert:

'Sec. 24. (1) This act shall not apply to the development, offering, or expansion of new health services by any new or existing health-care facility or health maintenance organization which, as of the operative date of this act:

(a) Has made preliminary expenditures toward a formal plan of development or expansion of new health services; or

(b) Has submitted an application for review of a proposed capital expenditure under section 1122 of the Social Security Act, except that this provision shall not apply with regard to applications which are withdrawn by the applicant prior to or after the operative date of this act; or

(c) In the case of projects which were not capital expenditures under section 1122 of the Social Security Act but would constitute new institutional health services under this act, has commenced construction, development, or implementation of such project.'.'.

5. Amend committee amendment 14 to read:

'14. On page 23, line 11, strike 'or'; and strike lines 12 to 16 and insert:

'(3) A project which will not require the expenditure of one hundred fifty thousand dollars or more, exclusive of salaries, to develop and offer; or

(4) A project which is limited in scope to the repair or replacement of existing fixtures or equipment.'.'.

6. Strike committee amendment 16.

Mr. Koch asked unanimous consent to print the following amendment to LB 846 in the Journal. No objections. So ordered.

AMENDMENT TO L.B. 846 (1978)

On page 15, line 20, after "not" insert "independently".

MOTION - Place LB 728 on General File

Mr. Burrows renewed his pending motion found in the Journal on page 1145 to place LB 728 on General File pursuant to Rule 3, Sec. 10b.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Mr. Burrows requested a record vote on his motion.

Voting in the affirmative, 13:

Brennan	Chambers	Keyes	Moylan	Simon
Burrows	Fitzgerald	Maxey	Reutzel	
Carsten	Fowler	Merz	Savage	

Voting in the negative, 21:

Clark	George	Kremer	Marsh	Stoney
Cope	Hasebroock	Lamb	Marvel	
Cullan	Kahle	R. Lewis	Mills	
Duis	Kennedy	Luedtke	Rumery	
D. Dworak	Koch	Maresh	Schmit	

Present and not voting, 9:

Barnett	E. Dvorak	Hefner	Murphy	Venditte
Bereuter	Goodrich	Labedz	Nichol	

Excused and not voting, 6:

DeCamp	F. Lewis	Rasmussen
Kelly	Newell	Warner

The motion to place LB 728 on General File lost with 13 ayes, 21 nays, 9 present and not voting, and 6 excused and not voting.

LB 728 stands indefinitely postponed.

UNANIMOUS CONSENT - Print in Journal

Mr. Rumery asked unanimous consent to print the following amendment to LB 917 in the Journal. No objections. So ordered.

AMENDMENT TO 917

1. Strike section 7 and renumber subsequent sections accordingly.

2. On page 8, line 4, strike "81-8,276,".

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 790. Placed on General File as amended.
Standing Committee amendments to LB 790:

1. On page 2, lines 15 and 16 strike "who generate such wastes" and insert "involved with hazardous waste management"; in line 23 after the semicolon insert "and"; and strike beginning with the semicolon in line 25 through the period in line 27 and insert a period.

2. On page 3, line 1 after "of" insert "sections 1 to 21 of"; in line 3 strike "15" and insert "16"; and in line 14 after "producing" insert "hazardous".

3. On page 4, line 1 after the second comma insert "bioconcentrative, carcinogenic, explosive, infectious, reactive,"; in line 7 after "the" insert "Public Service Commission"; and in line 10 after "transport" insert "and shall be compatible with forms used by the United States Department of Transportation".

4. On page 5, line 18, page 6, line 6, and page 7, line 3, strike "16" and insert "17".

5. On page 6, line 7, strike "department" and insert "council"; in line 8 after "record" insert "pursuant to subsection (16) of section 81-1505"; in line 15 after the semicolon insert "and"; strike lines 16 to 19 and 24 to 27; in line 20 strike "(4)" and insert "(3)"; and in line 23 after "sites" insert a period and strike "; and".

6. Strike original sections 20 to 45.

7. Insert the following new sections:

"Sec. 5. Council shall mean the Environmental Control Council.

Sec. 22. That section 71-3503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3503. As used in sections 71-3501 to 71-3519, and sections 23 to 33 of this act, unless the context otherwise requires:

(1) Radiation shall mean (a) ionizing radiation including gamma rays, X-rays, alpha and beta particles, and other atomic or nuclear particles or rays, (b) any electromagnetic radiation which can be generated during the operations of electronic products to such energy density levels as to present a biological hazard to the public health and safety, and (c) any sonic, ultrasonic, or infrasonic waves which are emitted from an electronic product as a result of the operation of an electronic

circuit in such product and to such energy density levels as to present a biological hazard to the public health and safety;

(2) Radioactive material shall mean any material, solid, liquid or gas, that emits radiation spontaneously, whether occurring naturally or produced artificially;

(3) Radioactive waste shall mean (a) useless or unwanted capturable radioactive residues produced incidental to the use of radioactive material, (b) useless or unwanted radioactive material in quantities sufficient to present a biological hazard to the public health and safety, or (c) otherwise nonradioactive material made radioactive by contamination with radioactive material, and shall not include discharges of radioactive effluents to air or surface water when subject to applicable federal or state regulations or excreta from persons undergoing medical diagnosis or therapy with radioactive material or naturally occurring radioactive isotopes;

(4) Radioactive waste management facility shall mean a geographic site, including buildings, structures, and equipment in or upon which radioactive waste is disposed by burial in soil or permanently stored;

~~(3)~~ (5) Radiation device shall mean any device that produces radiation when associated control devices are operated or operable;

~~(4)~~ (6) Source of radiation shall mean any radioactive material or any device or equipment emitting or capable of producing radiation;

~~(5)~~ (7) Undesirable radiation shall mean radiation in such quantity and under such circumstances as determined from time to time by regulations adopted by the Department of Health;

~~(6)~~ (8) Person shall mean any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission, or any successor thereto;

~~(7)~~ (9) Registration shall mean registration with the Department of Health pursuant to its rules and regulations;

~~(8)~~ (10) Department shall mean the Department of

Health;

~~(9)~~ (11) Coordinator shall mean the Director of Health;

~~(10)~~ (12) Council shall mean the radiation advisory council as provided for in sections 71-3501 to 71-3519;

~~(11)~~ (13) Electronic product shall mean any manufactured product, device, assembly, or assemblies or such products or devices which, during operation in an electronic circuit, can generate or emit a physical field of radiation;

~~(12)~~ (14) License shall mean (a) a general license issued pursuant to regulations promulgated by the Department of Health without the filing of an application to permit the licensee to transfer, acquire, own, possess, or use quantities of or devices or equipment utilizing by-products, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially, or (b) a specific license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of or devices or equipment utilizing by-products, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially;

~~(13)~~ (15) By-product material shall mean any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

~~(14)~~ (16) Source material shall mean (a) uranium, thorium, or any other material which the Governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, or (b) ores containing one or more of such materials in such concentration as the Governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material; and

~~(15)~~ (17) Special nuclear material shall mean (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Governor declares by order to be special nuclear material after the United State Atomic Energy Commission, or any successor thereto, has determined the material to be such, but shall not include source material, or (b) any material artifically enriched by

any such materials, but shall not include source material.

Sec. 23. That section 71-3505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3505. Matters relative to radiation as they relate to the public health and safety shall be a responsibility of the Department of Health. The department shall:

(1) Develop comprehensive policies and programs for the evaluation and determination of undesirable radiation associated with the production, use, storage, or disposal of radiation sources; and formulate, adopt, promulgate and repeal rules and regulations which may provide for registration under the provisions of section 71-3507 or licensure as provided by section 71-3509, and for registration or licensure of any other source of radiation so as to reasonably protect the health and safety of the people of Nebraska in a manner compatible with regulatory programs of the federal government. Such rules and regulations may prohibit the use of radiation for uses found by the department to be detrimental to health or safety and shall carry out the purposes and policies set out in sections 71-3501 and 71-3502; Provided, that such rules and regulations shall not prohibit or limit the kind or amount of radiation purposely prescribed for or adminstered to a patient by doctors of medicine and surgery, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine, and engaged in the lawful practice of his profession, or administered by other professional personnel, such as X-ray technicians, nurses, and laboratory workers, acting under the supervision of a licensed practitioner;

(2) Inform the council of any such rules and regulations at least thirty days prior to their adoption, and consider any recommendations of the council;

(3) Have the authority to accept and administer loans, grants or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(4) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to sources of radiation;

(5) Collect and disseminate health education information relating to radiation protection;

(6) Make its facilities available so that any

person or any agency may request the department to review and comment on plans and specifications of installations submitted by the person or agency, with respect to matters of protection and safety, for the control of undesirable radiation; ~~and~~

(7) Be empowered to inspect radiation sources, their shieldings and surroundings for the determination of any possible undesirable radiation, or violations of rules and regulations promulgated by the department; and provide the owner, user or operator with a report of any known or suspected deficiencies; and ~~.~~

(8) Issue licenses to persons for disposal of radioactive wastes only after the application for such license has been approved by the Department of Environmental Control, except that such approval need not be obtained for licenses issued prior to completion of the study required by section 20 of this act.

Sec. 24. No facility for deposit, storage, reprocessing, or disposal of radioactive waste shall be constructed or established in the State of Nebraska unless the Department of Environmental Control finds that it will not adversely affect the general health and welfare of the citizens of the state and approves a petition for approval of the radioactive waste management facility.

Sec. 25. A petition for approval by the Department of Environmental Control of a radioactive waste management facility under section 24 of this act shall be submitted to the Director of Environmental Control.

Sec. 26. The Department of Environmental Control shall hold a public hearing on each petition for approval. Notice of the public hearing shall be published for two consecutive weeks in a newspaper of general circulation in the county in which the proposed facility is to be located, the last publication to be at least twelve days before the day set for the hearing. Any agency or person may submit recommendations relating to the proposed facility to the department. The department may examine all records and information relevant to the petition in the possession of the petitioner or any state agency.

Sec. 27. The Director of Environmental Control, upon receipt of the petition, shall give notice to the Director of Health and the Attorney General. Each public official so notified shall, prior to the public hearing under section 26 of this act, submit to the department an

evaluation of the impact of the facility on the state and any other information deemed relevant to the petition.

Sec. 28. The Director of Environmental Control, upon receipt of the petition, shall give notice by certified mail to the mayor and city council members of each town in whch the proposed facility is to be located and each contiguous town not less than thirty days prior to the public hearing under section 26 of this act. Notice, by certified mail, shall also be given to the board members of the Natural Resources District (1) in which the proposed facility is to be located and (2) in each contiguous district.

Sec. 29. Any determination approving a facility under section 24 of this act shall include findings that the proposed facility will not have an undue adverse effect on health, safety, aesthetics, historic sites, air and water purity, the natural environment, and the economy.

Sec. 30. Unless the proposed radioactive waste management facility is approved by the Department of Environmental Control, no state officer, agency, or department shall undertake to approve or license the proposed facility or undertake to cause or obtain the approval or licensing from any other state or federal governmental agency or board. The appropriate state officers and agencies shall use every proper and available legal means to prevent siting and licensing of such facility until the approval of the department is obtained.

Sec. 31. No radioactive waste management facility which has been contructed prior to the passage of this act shall be required to obtain the additional approval required by this act.

Sec. 34. That original sections 71-3503 and 71-3505, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

8. On page 7 strike line 1; in line 10 after the semicolon insert "and"; strike lines 11 through 14; and in line 15 strike "(4)" and insert "(3)".

9. Renumber original sections 5 to 19 as sections 6 to 20, and sections 46, 47, and 48 as sections 21, 32, and 33 respectively.

(Signed) Loran Schmit, Chairman

MESSAGE FROM THE GOVERNOR

March 9, 1978

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

Dear Mr. President and Senators:

Pursuant to your request of today's date, I am hereby returning LB 457 for your further consideration.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah
Enclosure

MOTION - Return LB 582 to Select File

Mr. Rumery moved to return LB 582 to Select File for the following specific amendment:

1. On page 2, line 10 strike "1978" and insert "1979".

The motion prevailed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 582. The Rumery specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Maresh asked unanimous consent to have the Business and Labor Committee excused until they return. No objections. So ordered.

LEGISLATIVE BILL 665. E & R amendments found in the Journal on page 1139 for the Thirty-Fourth Day were adopted.

Laid over at the request of Mr. Chambers.

LEGISLATIVE BILL 668. Laid over at the request of Mr. Duis.

Mr. R. Lewis asked unanimous consent to be excused for one hour. No objections. So ordered.

LEGISLATIVE BILL 624. Mr. Keyes withdrew his pending motion found in the Journal on page 1133 to indefinitely postpone.

Mr. Keyes asked unanimous consent to have LB 624 laid over.

Mr. Reutzel objected.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Advanced to E & R for Engrossment with 25 ayes, 3 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 624A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 722. Mr. Cullan moved the adoption of the following Chambers amendment to LB 722:
Pages 12 and 13:
Strike all of section 14.

Amendment pending.

Mr. Chambers asked unanimous consent to have LB 722 laid over. No objections. So ordered.

Messrs. Kremer and Marvel asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 671. E & R amendment found in the Journal on page 1104 for the Thirty-Third Day was adopted.

Mrs. Marsh offered the following specific amendment to LB 671:
Insert in line 19 after the word "established" add
"or a statement in writing by the
father that he is the father of the child.

The Marsh amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 184. E & R amendments found in the Journal on page 1104 for the Thirty-Third Day were adopted.

Mr. Schmit asked unanimous consent to bracket LB 184 until March 13, 1978. No objections. So ordered.

MOTION - Reconsider Action on LB 457

Mr. Barnett moved to reconsider action on the final passage of LB 457.

Mr. Barnett moved for a Call of the House. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Barnett motion to reconsider action prevailed with 29 ayes, 3 nays, 9 present and not voting, and 8 excused and not voting.

MOTION - Return LB 457 to Select File

Mr. Barnett moved to return LB 457 to Select File for the following specific amendment:

AMENDMENT TO LB457
(FINAL READING COPY)

1. On page 2, line 24 after "nominated" insert "from the district".

2. On page 3, line 2 after "education" insert "to be elected at large".

The motion prevailed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 457. The Barnett specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. Marsh requested a machine vote to advance LB 457.

Mr. Barnett moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for Re-Engrossment with 25 ayes, 8 nays, 8 present and not voting, and 8 excused and not voting.

MOTION - Return LB 623 to Select File

Mr. Barnett moved to return LB 623 to Select File for the following specific amendment:

AMENDMENTS TO WHITE COPY
LB 623 - REQUEST 2698

1. On page 3, in line 8 after "counseling" insert "and referral"; in line 18 strike "or" and insert "and"; in line 20 after the period insert "The department shall, to the extent possible, use private sources to provide the support services."; and in line 27, strike "legal assistance,".

2. On page 5, in line 10 after "existing" insert "public and private,"; and in line 16 strike "and" and after "agencies" insert ", community service agencies and private sources".

Mr. Barnett moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to return LB 623 prevailed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 623. The Barnett specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mrs. Labedz moved the Call be raised. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 672A. By Nichol, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 672, Eighty-fifth Legislature, Second Session, 1978.

UNANIMOUS CONSENT - Bracket LB 623

Mr. Cullan asked unanimous consent to bracket LB 623 on E & R final until Monday, March 13, 1978. No objections. So ordered.

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 169. Title read. Considered.

Mr. Mills offered the following amendment:

1. In the Stoney amendment 2 adopted 3/1/78, line 14 after "hearing" insert "separate from the hearing at which the divorce decree was granted".
2. Insert a new section 3 as follows:

"Sec. 3. The district court shall terminate parental rights only when no other alternative consistent with the best interests of the child is possible. Such termination shall occur only after adequate time for consideration of the effect of such action by all parties involved in such action.".

3. Renumber original section 3 as section 4.

The amendment was adopted with 27 ayes, 0 nays, 13 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 282. Laid over at the request of Mr. Koch.

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 248 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 248

1. On page 11, line 10 after "a" insert "Class V";
and strike beginning with "and" in line 10 through the
comma in line 12 and show as stricken.

GENERAL FILE

LEGISLATIVE BILL 192. Considered.

Mr. Koch moved to indefinitely postpone.

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 13 nays, and 27 not voting.

Mrs. Maxey asked unanimous consent to be excused. No objections. So ordered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mrs. Marsh requested a roll call vote on the motion to indefinitely postpone.

VISITORS

The President introduced LeRoy Nyquist of Axtell and Burdette Floodman from Stromsburg; Mr. Wendel Hefner, brother of Sen. Elroy Hefner, from Sioux City, Iowa; Mr. Richard Cave of Lincoln, Nebraska; Ms. Elaine Westergren of Omaha and Ms. Marlene McClean of Fremont, sisters-in-law of Sen. Jack Mills; Mr. Dennis Dubry, teacher, and members of the Brownlee School in Cherry County.

ADJOURNMENT

At 4:36 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Friday, March 10, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 10, 1978

LEGISLATIVE JOURNAL

THIRTY-SIXTH DAY - MARCH 10, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 10, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God and Heavenly Father, Who dost hold in the hollow of Thy hand the destiny of each and every one of us, we give Thee thanks that Thou hast protected us through the night from all danger and harm, and that Thou hast set before us this bright new day, without blot or stain upon it. Grant us so to live these coming hours that when at evening we offer to Thee the record of this day, it may not be soiled with selfish interest, narrow prejudice, or inadequate vision; but may rather be engraved with words and deeds of honor, courage, faithfulness and self-giving service, through Jesus Christ, Thy Son, our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly, Lamb, and F. Lewis who were excused; and Messrs. Newell and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1167, line 28, delete the word "specific".
The Journal for the Thirty-Fifth Day was approved as corrected.

POINT OF PERSONAL PRIVILEGE

Mr. Warner spoke to the members on the information passed out to the members on appropriations.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 9, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Bailey, Sue - Lincoln, League of Women Voters
Caffey, Andrew A. - Washington, D. C., International Franchise Association
Dickinson, James A. - Omaha, Nebraska Livestock Feeders Association
Edwards, Ray - Des Moines, Iowa, Deere & Company
Garramone, Daniel J. - River Grove, Ill., Schwinn Bicycle Company
Knudsen, Berkheimer, Endacott & Beam: Ruth, Larry L. - Lincoln, International Franchise Association
Rouse, Ina May - Lincoln, Lincoln Lancaster Commission on the Status of Women

Lobbyists Reregistrations March 2, 1978 through March 9, 1978

Andersen, Edward - Waterloo, Nebraska State Grange

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 672. Placed on Select File as amended.
E & R amendment to LB 672:

1. In the title, insert "24-513," at the end of line 2.

LEGISLATIVE BILL 574. Replaced on Select File as amended.
E & R amendments to LB 574:

1. Insert the new section added by the Goodrich-Warner amendment as section 4 and renumber sections 4 to 10 as sections 5 to 11.

2. In renumbered section 9, line 1, strike "4 to 7"

and insert "5 to 8".

3. In line 6 of the Final Reading title, insert "to provide for replacement of certain nonphoto licenses;" after the semicolon.

(Signed) Samuel K. Cullan, Chairman

ANNOUNCEMENT

Mr. D. Dworak announced an executive session of the Miscellaneous Subjects Committee at 10:00 a.m., March 10, 1978 under the South Balcony.

RESOLUTION

LEGISLATIVE RESOLUTION 178.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Murphy, 17th District; Duis, 39th District; Schmit, 23rd District.

WHEREAS, the public has an interest in assuring that persons who sell insurance are competent and fit to render help and advice necessary for the public to intelligently purchase insurance; and

WHEREAS, the state requires that insurance agents or brokers meet certain licensing requirements; and

WHEREAS, the laws that regulate licensure of insurance agents and brokers have developed on an ad hoc basis over many years; and

WHEREAS, there may be a need for a comprehensive review and revision of the laws relating to the licensing of insurance agents and brokers to avoid unnecessary duplication of licensure.

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

1. That the members of the Banking, Commerce and Insurance Committee shall serve as an interim study committee to study the following:

(a) Analyze and study the current laws dealing with the licensure of insurance agents and brokers in the State of Nebraska;

(b) Determine whether or not there is a need for a revision of the laws relating to the licensing of insurance agents and brokers; and

(c) Collect and study informational data as is available from the Department of Insurance about the current status of the laws relating to the licensing of insurance agents and brokers.

2. 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.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 203
March 9, 1978

Dear Senator DeCamp:

You have asked us several questions with regard to the operation of the Nebraska State Patrol. We will answer those questions in the order in which you have asked them.

Your first question is: are civilian employees of the Nebraska State Patrol required to be bonded under section 60-432. Section 60-432 provides:

> "The superintendent, also designated as colonel, shall, with the approval of the Governor, appoint such subordinate officers of the Nebraska State Patrol as lieutenant colonel, majors, captains, lieutenants, sergeants, corporals, patrolmen, and such other employees as may be necessary to carry out the provisions of this act. The salaries of all such appointees shall be fixed by the superintendent, with the approval of the Governor. All such appointees shall give bond in the penal sum of two thousand dollars for the faithful performance of their duties; and bonds shall be approved and filed in the same manner as bonds of other state officers. Premiums on all of such bonds shall be paid from the fund appropriated to the Nebraska State Patrol."

In reading this section it would seem clear that all employees of the patrol are required to be bonded, since the superintendent is authorized to appoint them with the approval of the Governor and they are appointees under the terms of this particular provision. The sentence which provides that all appointees shall give bond would appear to apply to civilian employees of the Nebraska State Patrol.

This provision has been in the statutes of the State of Nebraska since at least the 1943 revision of the statutes in its present form. During that entire period of time no civilian employee of the Nebraska State Patrol has been covered by an individual $2000 bond. Under other provisions of the statute such employees are covered by a blanket bond covering all state employees in the penal sum of one million

dollars. There is authority for such a blanket bond for state employees. See section 11-201, 35 seq.

It is clear then that the Nebraska State Patrol has taken the position that the only persons required to be bonded under section 60-432 are those persons who are actually commissioned as state deputy sheriffs and thus effectively are law enforcement officers within the State of Nebraska. This definition by the agency over an extended period of time excludes as a matter of course all persons who are not so commissioned. This would include legal counsel, secretaries, professional persons working in the state laboratory and other associated persons employed in any respect by the Nebraska State Patrol but not commissioned as deputy state sheriffs.

While a strict reading of the statute would seem to indicate that this is not a proper result, the Nebraska Supreme Court has recognized in several cases that a construction placed on the statute which has prevailed over a long period of time and been recognized will not be disregarded. In Kennedy v. Royal Highlanders, 109 Neb. 24, 189 N.W. 613, and State v. Sheldon, 79 Neb. 455, 113 N.W. 208, the Nebraska Supreme Court has indicated that a construction placed upon a statute contemporaneously, uniformly and over a long period of time will generally be upheld. We believe that that is a situation that pertains in this particular instance at a minimum. The intent of this particular statute as we view it was that a penal bond be available for the faithful execution of the office of the state deputy sheriff commissioned as such under the authority of the state. The other bonding provisions of the statutes clearly encompass the idea that persons other than those specifically required to be bonded should be covered by a similar bond. Those individuals including members of the Nebraska State Patrol are covered under the Nebraska blanket bond, thus while strict compliance may arguably be absent, it is clear that employees are covered by a bond. It is also likely that should the issue ever arise, the courts would recognize the long continued construction of this statute as it regards noncommissioned employees of the Nebraska State Patrol.

Your second question is: does any other statutory authorization for hiring civilian employees exist? If so, are such employees exempted from the bonding requirements found in section 60-432. Section 81-101 provides that the civil administration of the laws is vested in the Governor who may execute those laws under the various departments of state government including the Department of Roads. The Nebraska State Patrol is under the Department of Roads. Section 81-107, R.R.S. 1943, authorizes the Governor to appoint in each

department deputies, assistants, employees and clerical help. The general power authorizes the employment of such persons as may be necessary to the functioning of the various departments. No specific bonding requirement is set forth within this statute, although under the general bonding provisions of Chapter 11 referred to above, a bond would undoubtedly be required of these individuals.

In your next question you ask whether an agreement signed by cooperating indivuduals employed by the Nebraska State Patrol has been approved by our office as to form and substance. Our office has not approved the agreement referred to above as to form or substance. Nor is the agreement referred to above one which is required by statute to be provided to our office for approval.

You have asked a following question which in general asks whether the particular agreement referred to above offers the state complete legal protection from suit or other legal actions arising out of:

a. Physical injury to a cooperating individual while on duty

b. Injury to person or property due to negligence or illegal acts on the part of a cooperating individual while on duty, or

c. Tax liability of the state for wages paid to the cooperating individual while under state employment.

As an initial matter of course no agreement of any sort will ever protect any person or any entity from a suit or other legal action. A lawsuit may be filed for any reason or no reason. The question which must be addressed is whether or not under the particular facts of a particular lawsuit is there a complete defense to that lawsuit precluding the possibility of putting on any evidence. That question, of course, can only be answered in the context of a particular factual situation. As such, it would be impossible for us to tell you whether any physical injury might give rise to a cause of action against the state, either to a cooperating individual or to another person because of acts of a cooperating individual.

In the final part of your question, you ask whether or not the state is liable for withholding on wages paid to cooperating individuals while under employment by the state. As you are aware at this time, the Nebraska State Patrol has requested an advisory opinion from the Internal Revenue Service on this specific question. It is my understanding that you have received a copy of the letter requesting the opinion of the Internal Revenue Service dated January 17, 1978, from Steven J. Shaw, legal counsel for the Nebraska State Patrol, to the District Director of the Internal Revenue Service and the reply of the District Director dated January 26, 1978. That letter sets forth an official ruling on the part of the District Director of the Internal

Revenue Service that Nebraka State Patrol cooperating individuals and informants are not employees for purposes of social security taxes under the Internal Revenue Code, unemployment taxes under the Internal Revenue Code or withholding taxes under the Internal Revenue Code. That, of course, is the office which is under law charged with making that determination. We fully concur in their determination in this regard.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:sjr
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

Opinion No. 204
March 9, 1978

Dear Senator Goodrich:

LB 436 of the Eighty-fifth Legislature, as presently drafted on final reading, would establish a Nebraska Legal Information Center. It would prepare legal research and answer questions submitted by judges, prosecutors, and public defenders under a contract with the Department of Administrative Services who would also supervise its operation. An appropriation would be made from the General Fund in the amount of $130,000 to carryout its provisions. You have asked if it is constitutionally sound for the State of Nebraska, through the Department of Adminstrative(sic) Services, to contract, perhaps with a private entity, for the services enumerated.

The Department of Administrative Services performs many invaluable services and performs them well. But it is difficult, if not impossible, to imagine that it has the competency and the expertise to supervise the operation of providing legal research to judges, prosecutors, and public defenders across the State of Nebraska. However, even if it were assumed that it possessed the necessary competency and expertise to do so, LB 436 produces some very serious conflict of interest questions. For example, on what basis would the Nebraska Legal Information Center provide the services enumerated in section 3 thereof. If it provided the services on a first come first serve basis and a county attorney first contacted the Nebraska Legal

Information Center regarding a case, then neither the court nor the public defender could be serviced by the Center on the same question. In effect, the state may thus be providing very considerable support for one side or the other based only on which side requests the assistance first.

There is the propriety of third-party contracts to judges during the course of a judicial proceeding. It is not at all clear if it would be proper for a judge to receive such research under Canon 3(a) (4) of the Code of Judicial Conduct. It is acknowledged that the Amercian(sic) Bar Association's Ethics Committee has suggested that the judiciary should not be prohibited from using such a service, as long as the judge informs the parties that such research is being done. But if the judge may use the service, then neither the county attorney nor the prosecutor could be serviced by the Center on the same question.

There are undoubtedly other important issues but because of the very limited time afforded us to research this matter the same can only be dealt with at another time. However, we believe that the matters herein discussed are sufficient to warrant a finding that LB 436 may violate the doctrine of separation of powers which is quaranteed by the Constitution of the United States and the Constitution of Nebraska. If not, it would at the very least produce some very serious conflict of interest questions and thereby create unnecessary problems of insuring that the accused is provided with a fair trial.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:pjs
cc: Patrick O'Donnell
Acting Clerk of the Legislature

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 108. With Emergency.

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 Strunk Lake State Recreation Area; 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, 40:

Bereuter	D. Dworak	Keyes	Marvel	Rasmussen
Brennan	Fitzgerald	Koch	Maxey	Reutzel
Burrows	Fowler	Kremer	Merz	Rumery
Carsten	George	Labedz	Mills	Savage
Clark	Goodrich	R. Lewis	Moylan	Schmit
DeCamp	Hasebroock	Luedtke	Murphy	Simon
Duis	Hefner	Maresh	Newell	Venditte
E. Dvorak	Kahle	Marsh	Nichol	Warner

Voting in the negative, 3:

Cullan	Kennedy	Stoney

Present and not voting, 3:

Barnett	Chambers	Cope

Excused and not voting, 3:

Kelly	Lamb	R. Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the tiele agreed to.

LEGISLATIVE BILL 109.

A BILL FOR AN ACT relating to outdoor recreation; to provide for a program of outdoor recreational development; to create a fund and specify the source and use thereof; to amend section 77-2602, 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, 38:

Bereuter	DeCamp	Hefner	Maresh	Reutzel
Brennan	Duis	Kahle	Marsh	Rumery
Burrows	E. Dvorak	Keyes	Marvel	Savage
Carsten	Fitzgerald	Koch	Merz	Schmit
Chambers	Fowler	Kremer	Mills	Simon
Clark	George	Labedz	Moylan	Venditte
Cope	Goodrich	R. Lewis	Newell	
Cullan	Hasebroock	Luedtke	Rasmussen	

Voting in the negative, 8:

Barnett	Kennedy	Murphy	Stoney
D. Dworak	Maxey	Nichol	Warner

Excused and not voting, 3:

Kelly	Lamb	F. Lewis

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

LEGISLATIVE BILL 212. Mr. Barnett moved to return LB 212 to Select File for the following specific amendment:
Page 5 Line 15 change "1980" to "1979" and add a new section: Section 14- "E" Clause

The motion prevailed with 29 ayes, 3 nays, 14 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 212. The Barnett specific amendment found in this day's Journal was adopted with 35 ayes, 2 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 258. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Capital Expansion 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, 41:

Barnett	Duis	Kennedy	Merz	Schmit
Bereuter	E. Dvorak	Keyes	Moylan	Simon
Brennan	Fitzgerald	Koch	Murphy	Stoney
Burrows	Fowler	Kremer	Newell	Venditte
Carsten	George	Labedz	Nichol	Warner
Clark	Goodrich	R. Lewis	Rasmussen	
Cope	Hasebroock	Luedtke	Reutzel	
Cullan	Hefner	Maresh	Rumery	
DeCamp	Kahle	Marvel	Savage	

Voting in the negative, 2:

D. Dworak Marsh

Present and not voting, 3:

Chambers Maxey Mills

Excused and not voting, 3:

Kelly Lamb 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 258A.

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.

Whereupon the 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	DeCamp	Hefner	Luedtke	Rumery
Bereuter	Duis	Kahle	Maresh	Savage
Brennan	E. Dvorak	Kennedy	Merz	Schmit
Burrows	Fitzgerald	Keyes	Moylan	Simon
Carsten	Fowler	Koch	Newell	Stoney
Clark	George	Kremer	Nichol	Venditte
Cope	Goodrich	Labedz	Rasmussen	Warner
Cullan	Hasebroock	R. Lewis	Reutzel	

Voting in the negative, 3:

D. Dworak	Marsh	Marvel

Present and not voting, 4:

Chambers	Maxey	Mills	Murphy

Excused and not voting, 3:

Kelly	Lamb	F. Lewis

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

LEGISLATIVE BILL 406.

A BILL FOR AN ACT to amend sections 71-102, 71-107, 71-110, 71-112 to 71-114, 71-116, 71-121, 71-122, 71-138, 71-139, and 71-162, Reissue Revised Statutes of Nebraska, 1943, 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 for termination; 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, 33:

Barnett	Carsten	Fitzgerald	Hefner	Kremer
Bereuter	Cope	Fowler	Kahle	Labedz
Brennan	Cullan	George	Keyes	R. Lewis
Burrows	Duis	Goodrich	Koch	Luedtke

Maresh	Merz	Nichol	Simon	Warner
Marsh	Moylan	Reutzel	Stoney	
Maxey	Newell	Savage	Venditte	

Voting in the negative, 8:

Clark	Kennedy	Murphy	Rumery
D. Dworak	Marvel	Rasmussen	Schmit

Present and not voting, 5:

Chambers	DeCamp	E. Dvorak	Hasebroock	Mills

Excused and not voting, 3:

Kelly	Lamb	F. Lewis

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

LEGISLATIVE BILL 406A.

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.

Whereupon the 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	Cullan	Kahle	Maresh	Nichol
Bereuter	Duis	Keyes	Marsh	Rasmussen
Brennan	Fitzgerald	Koch	Maxey	Reutzel
Burrows	Fowler	Kremer	Merz	Savage
Carsten	George	Labedz	Mills	Simon
Chambers	Goodrich	R. Lewis	Moylan	Stoney
Cope	Hefner	Luedtke	Newell	Warner

Voting in the negative, 6:

Clark	Kennedy	Rumery
D. Dworak	Marvel	Schmit

Present and not voting, 5:

DeCamp	E. Dvorak	Hasebroock	Murphy	Venditte

Excused and not voting, 3:

Kelly	Lamb	F. Lewis

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

Mr. Marvel asked unanimous consent to be excused until returns. No objections. So ordered.

LEGISLATIVE BILL 436. Mr. Chambers asked unanimous consent to have LB 436 laid over.

Mr. Simon objected.

Mr. Chambers moved to have LB 436 laid over.

Mr. Chambers withdrew his motion.

LEGISLATIVE BILL 436.

A BILL FOR AN ACT relating to the Department of Administrative Services; to provide an additional power and duty; and to make an appropriation.

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

Voting in the affirmative, 11:

Brennan	Cullan	Labedz	Reutzel
Burrows	Fowler	Maxey	Savage
Chambers	George	Newell	

Voting in the negative, 27:

Barnett	Duis	Hefner	R. Lewis	Murphy
Bereuter	E. Dvorak	Kahle	Luedtke	Nichol
Carsten	D. Dworak	Kennedy	Maresh	Rasmussen
Clark	Goodrich	Keyes	Mills	Rumery
Cope	Hasebroock	Kremer	Moylan	Schmit

Stoney Warner

Present and not voting, 7:

DeCamp	Koch	Merz	Venditte
Fitzgerald	Marsh	Simon	

Excused and not voting, 4:

Kelly	Lamb	F. Lewis	Marvel

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 508. With Emergency.

A BILL FOR AN ACT relating to schools; to provide financial support to certain school districts by public power districts 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, 45:

Barnett	DeCamp	Hefner	Maresh	Rasmussen
Bereuter	Duis	Kahle	Marsh	Reutzel
Brennan	E. Dvorak	Kennedy	Maxey	Rumery
Burrows	D. Dworak	Keyes	Merz	Savage
Carsten	Fitzgerald	Koch	Mills	Schmit
Chambers	Fowler	Kremer	Moylan	Simon
Clark	George	Labedz	Murphy	Stoney
Cope	Goodrich	R. Lewis	Newell	Venditte
Cullan	Hasebroock	Luedtke	Nichol	Warner

Voting in the negative, 0.

Excused and not voting, 4:

Kelly	Lamb	F. Lewis	Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 567.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to authorize the acquisition of certain real and personal property and the operation of a Willa Cather Center.

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

Voting in the affirmative, 41:

Barnett	Duis	Keyes	Merz	Schmit
Bereuter	E. Dvorak	Koch	Mills	Simon
Burrows	Fitzgerald	Kremer	Moylan	Stoney
Carsten	Fowler	Labedz	Newell	Venditte
Chambers	George	R. Lewis	Nichol	Warner
Clark	Hasebroock	Luedtke	Rasmussen	
Cope	Hefner	Maresh	Reutzel	
Cullan	Kahle	Marsh	Rumery	
DeCamp	Kennedy	Maxey	Savage	

Voting in the negative, 2:

D. Dworak Murphy

Present and not voting, 2:

Brennan Goodrich

Excused and not voting, 4:

Kelly	Lamb	F. Lewis	Marvel

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

LEGISLATIVE BILL 567A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 567, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 40:

Barnett	DeCamp	Kahle	Maresh	Reutzel
Bereuter	Duis	Kennedy	Marsh	Rumery
Burrows	E. Dvorak	Keyes	Maxey	Savage
Carsten	Fitzgerald	Koch	Merz	Schmit
Chambers	Fowler	Kremer	Mills	Simon
Clark	George	Labedz	Newell	Stoney
Cope	Hasebroock	R. Lewis	Nichol	Venditte
Cullan	Hefner	Luedtke	Rasmussen	Warner

Voting in the negative, 2:

D. Dworak Murphy

Present and not voting, 3:

Brennan Goodrich Moylan

Excused and not voting, 4:

Kelly Lamb F. Lewis Marvel

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

LEGISLATIVE BILL 707. With Emergency.

A BILL FOR AN ACT to amend section 2-1579, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Water Conservation Act of 1977; to change conditions for receiving cost-share 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, 40:

Barnett	Cullan	Goodrich	Maresh	Nichol
Bereuter	DeCamp	Hasebroock	Marsh	Rasmussen
Brennan	Duis	Hefner	Maxey	Reutzel
Burrows	E. Dvorak	Kennedy	Merz	Savage
Carsten	D. Dworak	Keyes	Mills	Simon
Chambers	Fitzgerald	Koch	Moylan	Stoney
Clark	Fowler	R. Lewis	Murphy	Venditte
Cope	George	Luedtke	Newell	Warner

Voting in the negative, 0.

Present and not voting, 5:

Kahle	Kremer	Labedz	Rumery	Schmit

Excused and not voting, 4:

Kelly	Lamb	F. Lewis	Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 930. 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, 1979; 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, 44:

Barnett	Cope	Fowler	Keyes	Marsh
Bereuter	Cullan	George	Koch	Maxey
Brennan	DeCamp	Goodrich	Kremer	Merz
Burrows	Duis	Hasebroock	Labedz	Mills
Carsten	E. Dvorak	Hefner	R. Lewis	Moylan
Chambers	D. Dworak	Kahle	Luedtke	Murphy
Clark	Fitzgerald	Kennedy	Maresh	Newell

Nichol	Reutzel	Savage	Simon	Warner
Rasmussen	Rumery	Schmit	Stoney	

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Excused and not voting, 4:

Kelly	Lamb	F. Lewis	Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 936. 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, 1978 to June 30, 1979; and to declare an emergency.

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

Voting in the affirmative, 41:

Barnett	Duis	Keyes	Mills	Schmit
Bereuter	E. Dvorak	Koch	Moylan	Simon
Brennan	D. Dworak	Kremer	Murphy	Stoney
Burrows	Fitzgerald	Labedz	Newell	Venditte
Carsten	Goodrich	R. Lewis	Nichol	Warner
Chambers	Hasebroock	Luedtke	Rasmussen	
Clark	Hefner	Maresh	Reutzel	
Cope	Kahle	Marsh	Rumery	
Cullan	Kennedy	Maxey	Savage	

Voting in the negative, 1:

Merz

Present and not voting, 3:

DeCamp Fowler George

Excused and not voting, 4:

Kelly Lamb F. Lewis Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following in the Journal. No objections. So ordered.

The attached document constitutes the final report of the special committee created by LR 87. This Resolution sought a comprehensive study of the Unicameral committee system with special emphasis on efficiency and workload.

The Committee on LR 87, in order to aid its deliberations, requested a detailed report be prepared analyzing workload of each Select and Standing Committee during the years 1974 through 1977. This report was presented to the Committee on November 18, 1977. At this time, members were requested to draft ideas to be discussed at the December meeting. Several members responded to this request and on December 22, 1977, a committee working draft was prepared.

The membership of the Committee on LR 87 found it extremely difficult to meet due to other committee conflicts. As a result of this a subcommittee of four was appointed to draft recommendations to be presented to the full committee. The members of the subcommittee drafted the attached report which the Committee now presents for your consideration.

I do want to make this statement relative to our Committee, that all those that supported bringing it to the Floor for consideration are not necessarily in support of the recommendations, but were willing to vote to bring it to the Floor for consideration.

The vote to refer this report to the Floor for consideration was seven ayes, two nays and one not voting.

(Signed) Calvin Carsten, Chairman

LR 87 FINAL REPORT

1. The Speaker shall assume the responsibilities of the Intergovernmental Cooperation Committee, with the right of appeal to the Committee on Administration and Organization.

2. Standing Committees shall be as follows:

Meeting Monday through Friday	
Appropriations	9 members
(Membership composed equally from 3 Congressional Districts).	
Meeting Monday through Wednesday	
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Public Works	8 members
Education	7 members
Revenue	8 members
Meeting Thursday and Friday	
Agriculture	7 members
Banking, Commerce and Transportation	6 members
Public Health and Welfare	6 members
Recreation, Environment and Energy	7 members
Retirement and Insurance	6 members
Urban Affairs and Labor	7 members

3. Duties of Constitutional Revision and hearings for Governor's appointees shall be assumed by the committee of appropriate subject matter.

4. Duties of Committee on Committees, the Executive Board, and Rules shall be assumed by a nine member special committee called the Committee on Administration and Organization. Selection of these members shall be equally from the three Congressional Districts. The Speaker shall be an ex officio member of this committee.

5. The Committee on Reference shall be made up of the Speaker, The Director of Research, and the Chairman of the Committee on Administration and Organization.

6. All other special or select committees shall be approved for specific duties and duration as defined in the Legislative Rules.

REFERENCE COMMITTEE REPORT

LB	Committee
959	Agriculture and Environment

(Signed) Richard Marvel, Chairman; Jack Mills; R. Lewis; John Savage; Larry Stoney; Roland Luedtke; Steve Fowler; William Nichol; Doug Bereuter.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 665 in the Journal. No objections. So ordered.

AMENDMENT TO LB 665

1. Strike the Chamber's amendment to page 3, line 17.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused March 13 and 14, 1978. No objections. So ordered.

MOTION - LR 152

Mr. Venditte moved to direct the Speaker to place LR 152 for special order on March 20, 1978.

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.

Mr. Venditte moved for a Call of the House. The motion prevailed with 17 ayes, 11 nays, and 21 not voting.

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

Voting in the affirmative, 23:

Bereuter	E. Dvorak	Hefner	Maresh	Savage
Brennan	D. Dworak	Kahle	Moylan	Schmit
Cope	Fitzgerald	Kremer	Murphy	Venditte
DeCamp	Goodrich	Labedz	Rasmussen	
Duis	Hasebroock	R. Lewis	Rumery	

Voting in the negative, 13:

Carsten	Fowler	Marsh	Newell	Stoney
Chambers	Keyes	Maxey	Nichol	
Clark	Koch	Mills	Reutzel	

Present and not voting, 9:

Barnett	Cullan	Kennedy	Merz	Warner
Burrows	George	Luedtke	Simon	

Excused and not voting, 4:

Kelly	Lamb	F. Lewis	Marvel

The Venditte motion lost with 23 ayes, 13 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 774. Placed on General File as amended.
Standing Committee amendments to LB 774:

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

"Section 1. Any candidate who does not receive contributions or make expenditures in an aggregate amount in excess of one thousand dollars, by himself, herself, or by others, on behalf of his or her candidacy shall be exempt from the requirements of sections 32-1135 to 32-1139, 32-1141, 32-1142, and section 14 of this act, except that any such candidate thereby exempted shall be required to file a final financial statement with the filing officer not more than twenty days following the election. Such statement shall set forth the aggregate amount of contributions received and the aggregate amount of expenditures made on behalf of his or her candidacy pursuant to the requirements of section 14 of this act.

Sec. 2. Any political committee that does not receive contributions or make expenditures in an aggregate amount in excess of one thousand dollars shall be exempt from the requirements of sections 32-1135 to 32-1139, 32-1141, 32-1142, and section 14 of this act, except that any such political committee thereby exempted

shall be required to file a final financial statement with the filing officer not more than twenty days following the election. Such statement shall set forth the aggregate amount of contributions received and the aggregate amount of expenditures made pursuant to the requirements of section 14 of this act.

Sec. 3. No political subdivision or municipality within the State of Nebraska in which candidates for their elective offices are subject to the requirements of sections 32-1135 to 32-1139, 32-1141, 32-1142, and section 14 of this act, shall require compliance with local provisions governing campaign receipts and expenditures which are different from those established by sections 32-1134 to 32-1139, 32-1141, 32-1142, and section 14 of this act.

Sec. 4. (1) The State Campaign Finance Commission is hereby created.

(2) Such commission shall consist of four appointed members and the Secretary of State, State Treasurer, and the Auditor of Public Accounts. The appointed members shall be appointed by the Governor with the advice and consent of the Legislature. Not more than two of the appointed members shall be from any one political party. Appointed members shall serve for terms of six years, except that of the members first appointed, two shall be appointed for terms of three years and two shall be appointed for terms of six years. Such terms shall commence on the first day of July.

(3) No person shall be eligible to serve as an appointed member of such commission if such person holds an elective governmental office or is an official of a political party at any time concurrent with his or her term on the commission.

(4) Any vacancy among the appointed members of the commission shall be filled for the remainder of the unexpired term in the same manner as the members are normally appointed.

Sec. 5. (1) Appointed members of the State Campaign Finance Commission shall be paid a per diem of thirty dollars for each day actually and necessarily engaged in the performance of their duties as members of such commission in addition to being reimbursed for their actual and necessary expenses.

(2) The commission shall select from among its members a chairman and establish rules to govern its procedures.

(3) All necessary staff requirements and

budgetary requirements of the commission shall be met by the Secretary of State.

Sec. 6. (1) The State Campaign Finance Commission shall review the campaign finance reports required to be filed with the Secretary of State pursuant to sections 12 and 14 of this act, but no ex officio member of the commission shall review the campaign finance reports submitted by him, her, or by others on behalf of his or her candidacy.

(2) The commission shall certify to the authority issuing the certificate of nomination or election that the particular candidate, required to file campaign finance reports with the Secretary of State, has filed all such necessary campaign financial statements with the Secretary of State before any such candidate shall be eligible to receive any such certificate of nomination or election. The commission shall report any apparent violations by a candidate or political committee of sections 12 and 14 of this act to the Attorney General.

Sec. 7. Any candidate, as well as any political committee supporting or opposing a proposition, at such time as the candidate or proposition committee has received contributions or made expenditures in an aggregate amount in excess of one thousand dollars, shall maintain a single bank checking account entitled Campaign Account For (name of candidate or proposition) or Campaign Account Against (name of candidate or proposition). All receipts by the candidate or the proposition committee or by others on behalf of such candidate or proposition committee and all amounts of such candidate's own funds which are to be spent on his or her candidacy shall be deposited in the account. Receipts of fifty dollars or less shall be exempt from the requirements of this section. All expenditures related to a candidacy or proposition campaign shall be made from such account. Expenditures of fifty dollars or less shall be exempt from the requirements of this section. For the purpose of this section, the incumbent of any office who is not ineligible to seek reelection to that office shall be deemed to be a candidate for such office until that person announces his or her candidacy for or files for nomination or election to a different office or until expiration of the time allowed for filing for reelection to his or her present office without having so filed.

of the account and be signed by a person authorized to sign checks drawn against the account. The deposit slips shall also list separately each item of receipt in excess of fifty dollars and shall show the name and address of each contributor of more than fifty dollars.

Sec. 9. All disbursements from the account prescribed in section 7 of this act shall indicate on the check form the purpose for which the expenditure is being made. Disbursements of fifty dollars or less shall be exempted from the requirements of this section.

Sec. 10. Each bank in which is maintained an account prescribed by section 7 of this act shall mail copies of the account's ledger sheet showing all deposits to and withdrawals from the account. Such copies shall be mailed to the filing officer on the same schedule as required of the candidates and political committees by section 14 of this act. No liability toward any candidate shall accrue against such bank because of compliance with this section. Copies of the ledger sheet received by the filing officer shall be available for public inspection during normal business hours.

Sec. 11. Any money remaining in the account prescribed by section 7 of this act after the payment of all debts and obligations shall be reported on the campaign finance report due twenty days following the election under section 14 of this act. Any money remaining in the prescribed account sixty days after the election shall be contributed to the general fund of the political party of the candidate's voting registration, or to the Temporary School Fund, whichever the candidate may so designate. If the candidate is registered as belonging to no party, or if the account is held by a committee supporting or opposing a proposition, the money shall go to the Temporary School Fund. Any money remaining in the account of candidates who have won election to office need not be so distributed until the candidate ceases to hold that office and is not a candidate as defined in section 32-1134.

Sec. 12. Any candidate who wins election to office shall make quarterly reports during his or her term of office to the filing officer commencing with the beginning of the term of office to which he or she won election. Such reports shall show all sums deposited to and withdrawn from the account prescribed by section 7 of this act.

Sec. 13. Any candidate or other person violating sections 7 to 12 of this act shall be guilty of

a Class V misdemeanor. Any candidate or other person violating sections 7 to 12 of this act within one year following an earlier violation of such sections shall be guilty of a Class IV misdemeanor.

Sec. 14. (1) Every candidate and the treasurer of every political committee shall file periodic, written, sworn statements of receipts and expenditures with the filing officer. Such statements shall be filed at least fifteen days prior to each election at which the individual is a candidate or at which the proposition is before the electors, five days prior to each such election, and not more than twenty days after each such election.

(2) Each such statement shall disclose:

(a) The name and address of the candidate or committee;

(b) The office sought by the candidate; in the case of a committee, the name, address, office sought, and party affiliation of each cnadidate(sic) the committee is supporting; any other individual the committee is supporting for nomination or election to any public office whatsoever; if the committee is supporting the entire ticket of any party, the name of the party; and any proposition supported or opposed by the committee, and a statement whether it supports or opposes such proposition;

(c) A listing of all banks, safety deposit boxes, or other repositories used by the candidate or committee for campaign funds or other things of value;

(d) The amount of cash on hand at the beginning of the reporting period, including the names and addresses of all contributors thereto;

(e) The full name and mailing address of each person who has made one or more contributions to or in behalf of such candidate or committee in an aggregate amount or value in excess of fifty dollars, together with the dates and amounts of such contributions;

(f) The total sum of individual contributions made to or in behalf of such committee or candidate during the reporting period and not reported under subdivision (e) of this subsection;

(g) The name and address of each political committee or candidate from whom the reporting committee or candidate received, or to which the reporting committee or candidate made, any contribution or expenditure, together with the dates and amounts of such contributions or expenditures;

(h) Each loan to or from any person within the reporting period in an aggregate amount or value in excess of fifty dollars, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loan. The candidate, committee treasurer, or assistant treasurer shall file with the filing officer verified statements setting forth the terms of such loans and the conditions for repayment. An additional report shall be filed within five days after repayment of the loan or loans;

(i) The total amount of proceeds from the sale of tickets to each dinner, luncheon, rally, and other fund-raising event, mass collections made at such events, and sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials, and the full name and mailing address of each person who purchased tickets for each dinner, luncheon, rally, or other fund-raising event in an amount in excess of fifty dollars;

(j) Each contribution, rebate, refund, or other receipt in excess of fifty dollars not otherwise listed under subdivisions (e) to (i) of this subsection;

(k) The total sum of all receipts by or in behalf of such committee or candidate during the reporting period;

(l) The full name and mailing address of each person to whom expenditures have been made by or in behalf of such committee or candidate during the reporting period in an aggregate amount or value in excess of fifty dollars, the amount, date, and purpose of each such expenditure, and the name, address of, and office sought by each candidate in behalf of whom each such expenditure was made;

(m) The full name and mailing address of each person to whom an expenditure for personal services, salaries, or reimbursed expenses in excess of fifty dollars has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(n) The total sum of expenditures made by such committee or candidate during the reporting period; and

(o) The amount and nature of all debts and obligations owed by or to the committee or the candidate, the full names and addresses of the obligees or obligors, and the purpose of such debts or obligations. Any campaign expense or obligation remaining unpaid on election day shall be reported as the personal obligation

of the candidate or of the officers of the committee supporting or opposing a proposition.

(3) Such statements shall be complete as of five days before each filing deadline as set forth in this section. They shall be cumulative, but when there has been no change in an item reported in a previous statement only the amount need be carried forward. If no contributions or expenditures have been accepted or made since the last report, the treasurer or candidate shall file a statement to that effect.

(4) The person filing such statements shall subscribe and swear to each before an officer authorized to administer oaths, certifying that to his knowledge and belief the statements of receipts are accurate and complete accounts of each and every sum of money or other things of value directly or indirectly contributed to or in behalf of the candidate or to the committee for any of the purposes set forth in subdivision (4) of section 32-1134, and that to his knowledge and belief the statements of expenditures are accurate and complete accounts of each and every sum of money or other things of value expended by or in behalf of the candidate or by the committee for any of the purposes set forth in subdivision (4) of section 32-1134.

Sec. 15. Pursuant to section 49-302, Reissue Revised Statutes of Nebraska, 1943, specific provision is hereby made for the revival of sections 32-1136 to 32-1139, 32-1141 to 32-1143, 32-1144 to 32-1148, 32-1150 to 32-1155, 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.

Sec. 16. That laws 1976, LB 987, section 141, 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, 49-1101 to 49-1117, 50-308, to 50-311, and 50-313 to 50-318,~~ section 32-1140, 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~~ is repealed.

Sec. 17. This act shall become operative on Jule 1, 1978.

Sec. 18. If any seciton 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. 19. That original Laws 1976, LB 987, section 141, and also Chapter 49, article 14, Revised Statutes Supplement, 1976, and amendments thereto, are repealed.

Sec. 20. 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 5 and insert:

"FOR AN ACT relating to political accountability and disclosure; to exempt certain candidates and political committees from filing financial statements as prescribed; to create the State Campaign Finance Commission; to provide for membership; to provide duties and responsibilities; to provide campaign accounts and for expenditures of funds; to revive certain campaign practices, conflict of interest, and lobbying provisions; to provide for penalties; to amend Laws 1976, LB 987, section 141; to provide an operative date; to repeal the original sections, and also Chapter 49, article 14, Revised Statutes Supplement, 1976, and amendments thereto; and to declare an emergency.".

(Signed) Donald Dworak, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 955 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 955

1. On page 2, line 4 strike "section 2" and insert "sections 2 and 3"; and in line 16 strike "Terry M. Carpenter" and insert "George C. Gerdes".

2. Insert a new section 3 as follows:

"Sec. 3. The State Office Building in Lincoln, Nebraska shall be named and known as the Terry M. Carpenter Building.".

3. Renumber original section 3 as section 4.

UNANIMOUS CONSENT - Attorney General's Opinion

Mr. Chambers asked unanimous consent to have the Clerk write a letter to the Attorney General requesting additional information on Attorney General's Opinion No. 204 on LB 436. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 700. Title read. Considered.

Standing Committee amendment found in the Journal on page 460 for the Eleventh Day was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 700A. 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 777. Laid over at the request of Mr. Bereuter.

LEGISLATIVE BILL 612. Title read. Considered.

Standing Committee amendment found in the Journal on page 463 for the Eleventh Day was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Cullan asked unanimous consent to be excused at 11:30 a.m. until 2:00 p.m. No objections. So ordered.

Mr. Carsten asked unanimous consent to be excused at 11:45 a.m. for the balance of the morning. No objections. So ordered.

LEGISLATIVE BILL 632. Considered.

Mr. Rasmussen renewed his pending amendment found in the Journal on page 1041.

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

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his pending amendment found in the Journal on page 929.

Mr. Simon offered the following amendment:
On page 18, line 19 strike "Class IV Felony" and insert "Class V misdemeanor"

The amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 13 present and not voting, and 7 excused and not voting.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations (Req. #1454)

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 960. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Bereuter, 24th District; Rumery, 42nd District; Hasebroock, 18th District; Marsh, 29th District; Goodrich, 20th District; Fowler, 27th District; Savage, 10th District.

A BILL FOR AN ACT to amend sections 42-358, 43-512.05, and 43-512.10, Revised Statutes Supplement, 1976, relating to child support; to correct erroneous references; to repeal the original sections; and to declare an emergency.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations (Req. #1512).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 961. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Bereuter, 24th District; Rumery, 42nd District; Hasebroock, 18th District; Marsh, 29th District; Fowler, 27th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 81-166, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to authorize charges for certain admininstrative costs; and to repeal the original section.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sec. 19 to place LB 960 and LB 961 on General File.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

GENERAL FILE

LEGISLATIVE BILL 613. 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.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 959 Friday, March 17, 1978 12:00 Noon

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 941. Placed on General File.

(Signed) Dennis L. Rasmussen, Chairman

Judiciary

LEGISLATIVE BILL 950. Placed on General File.

(Signed) Wally Barnett, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 1978, at 11:34 a.m., were the following bills: 558, 561, 570, 682, and 816.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 697.

Correctly Engrossed

The following bills were correctly engrossed: 92A, 575, 583, 618, 641, 662, 675, 676, 676A, 732, 732A, 761, 767, 771, 772, 796, 802, 826, 829, and 833.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Members Excused

Messrs. George and E. Dvorak asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

The President introduced 10 high school students and parents from Randolph, Nebraska; 23 fourth grade students and teacher from Sunset Hill, District 66, Omaha, Nebraska; 34 fourth grade students from Swanson School, Omaha, Nebraska; 14 high school students and instructor from Gering High School, Gering, Nebraska; Mr. and Mrs. Duane Rasby, Sutherland, Nebraska.

RECESS

At 11:56 a.m., on a motion by Mr. Savage, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. George, E. Dvorak, Lamb, Kelly, F. Lewis, and Rasmussen who were excused; and Messrs. Brennan, Carsten, Nichol, and Mrs. Marsh who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 653. Title read. Considered.

Mr. Duis offered the following amendment to LB 653:

1. On page 12 after line 2 insert:

"The director may separately bond any officer, employee, or group thereof under a separate corporate surety bond for performance and honesty pursuant to the standards set forth in subdivision (1) of this section if the corporate surety will not bond or excludes from coverage any officer, employee, or group thereof under the blanket bond required by this section, or if the director finds that the reasonable availability or cost of the blanket bond required under this section is adversely affected by any of the following factors: The loss experience, types of risks to be bonded, relationship of bond premium to risks involved, past and projected trends for bond premiums, or any other factors.".

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Duis moved the adoption of the following DeCamp amendment:

AMENDMENT TO LB 653

1. On page 10, line 23 after the first "the" insert "amount, conditions, and".

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 906. Title read. Considered.

Mr. Barnett offered the following amendment:
Add the emergency clause.

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 605. Title read. Considered.

Standing Committee amendment found in the Journal on page 500 for the Twelfth Day was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Stoney offered the following amendment:
1. On page 2, line 26 after "no" insert "cause of"; and in line 27 strike "certificate".

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 32 ayes, 1 nay, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 560. Title read. Considered.

Mr. R. Lewis withdrew his pending amendment found in the Journal on page 1041.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 715. Title read. Considered.

Standing Committee amendments found in the Journal on page 531 for the Thirteenth Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Rumery asked unanimous consent to be excused until he returns. 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.

LEGISLATIVE BILL 719. Title read. Considered.

Standing Committee amendment found in the Journal on page 531 for the Thirteenth Day was adopted with 27 ayes, 2 nays, 13 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 828. Title read. Considered.

Standing Committee amendment found in the Journal on page 535 for the Fourteenth Day lost with 12 ayes, 17 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Marvel asked unanimous consent to be excused for 30 minutes. No objections. So ordered.

LEGISLATIVE BILL 851. Title read. Considered.

Standing Committee amendment found in the Journal on page 535 for the Fourteenth Day was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Messrs. Moylan and R. Lewis asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Advanced to E & R for Review with 27 ayes, 7 nays, 8 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Unbracket LB 198 and LB 198A

Mrs. Maxey asked unanimous consent to unbracket LB 198 and LB 198A on Select File. No objections. So ordered.

UNANIMOUS CONSENT - LB 407

Mrs. Labedz asked unanimous consent to have a white copy printed of LB 407. No objections. So ordered.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 631. Placed on General File.

(Signed) Richard Maresh, Chairman

GENERAL FILE

LEGISLATIVE BILL 773. 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.

LEGISLATIVE BILL 845. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 907. Title read. Considered.

Standing Committee amendment found in the Journal on page 550 for the Fourteenth 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 643. Title read. Considered.

Mr. Stoney moved to reject the Standing Committee amendment found in the Journal on page 550 for the Fourteenth Day.

The motion prevailed with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Nichol offered the following amendment:
In line 14 after fund insert "and such amount shall be stated in the fiscal policy of the county board budget message."

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Kremer asked unanimous consent to be excused for 30 minutes. No objections. So ordered.

LEGISLATIVE BILL 847. Title read. Considered.

Standing Committee amendment found in the Journal on page 550 for the Fourteenth Day was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Bereuter renewed his pending amendment found in the Journal on page 1053.

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

MR. BARNETT PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 828 in the Journal. No objections. So ordered.

Amend LB 828 on page 2 and 3 Strike Sec. 5 and renumber sections accordingly.

Mr. Barnett asked unanimous consent to print the following amendment to LB 701 in the Journal. No objections. So ordered.

AMENDMENT TO LB 701

1. Strike beginning with "the" in line 26 through "gratification" in line 27 and insert "nonmedical or non-health purposes".

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 840. Placed on General File.

LEGISLATIVE BILL 946. Placed on General File as amended.
Standing Committee amendments on LB 946:

1. On page 3, line 7 strike "hire" and insert "~~hire~~ hiring".

2. Insert a new section as follows:

"Sec. 7. The State Personnel Board shall review and verify the Annual Salary Survey Report. In a statement provided to the Governor and the Legislature by August 15 of each year, each member of the board shall indicate whether the member believes proper methodology was employed in conducting the survey and whether the survey data was correctly interpreted in the survey report.".

3. Strike original sections 11, 12, 13, and 17.

4. On page 9, line 23 stirke "15" and insert "13".

5. On page 10, line 16 strike "2.9" and insert "3.0"; and in the second column continue the PAY GRADE and % INCREASE as follows:

"37	3.0
38	3.0
39	3.0
40	3.0
41	3.0".

6. On page 10, lines 17 and 18 strike "within the personnel system" and insert "occupying nonexempt positions within the State Personnel System and the Joint Merit System"; in line 22 strike "15" and insert "13"; strike lines 26 and 27 and insert:

"(3) Such salary incrase shall become effective at the close of business, June 30, 1978, and shall be in addition to salary increases which become effective July 1, 1978.".

7. On page 11, line 2 after the underscored period insert "The necessary adjustment to salaries such that new state employees may be paid at the new hiring rate of July 1, 1978, shall be accommodated from the salary increase which becomes effective July 1, 1978.".

8. Insert a new section as follows:

"Sec. 15. Sections 12, 13, and 14 of this act are repealed effective July 1, 1979.".

9. On page 6, line 25 strike "8" and insert "9".

10. Renumber original sections 7 to 10 as sections 8 to 11, sections 14 to 16 as sections 12 to 14, and

14 sections 18 and 19 as sections 16 and 17.

(Signed) Jerome Warner, Chairman

GENERAL FILE

LEGISLATIVE BILL 855. 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.

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 726. Title read. Considered.

Mr. Goodrich asked unanimous consent to bracket LB 726 until March 17, 1978.

Mr. Chambers objected.

Mr. Goodrich moved to bracket LB 726 until March 17, 1978.

The motion lost with 18 ayes, 10 nays, 11 present and not voting, and 10 excused and not voting.

Mrs. Labedz and Mr. Brennan asked unanimous consent to be excused. No objections. So ordered.

Mr. Goodrich offered the following amendment:
Strike Section 124

The amendment lost with 11 ayes, 14 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Goodrich moved to indefinitely postpone.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?"

Mr. Goodrich moved to adjourn until 9:30 a.m., Monday, March 13, 1978. The motion lost with 9 ayes, 18 nays, and 22 not voting.

The motion to close debate lost with 20 ayes, 7 nays, and 22 not voting.

The motion to indefinitely postpone is pending.

Mrs. Maxey asked unanimous consent to be excused. No objections. So ordered.

Mr. Fowler moved to change the Speaker's order and allow more time to consider LB 726.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?"

Mr. Savage challenged Mr. Barnett's ruling on his interpretation of the Fowler motion.

Mr. Kahle moved to adjourn. The motion lost with 8 ayes, 18 nays, and 23 not voting.

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 motion to close debate lost with 20 ayes, 11 nays, and 18 not voting.

The Fowler motion lost with 7 ayes, 21 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 596. Title read. Considered.

Standing Committee amendment found in the Journal on page 551 for the Fourteenth Day was adopted with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

Mr. Murphy offered the following amendment to LB 596:

AMENDMENTS TO LB 596

1. Insert new section 1 to read as follows:

"Section 1. That section 79-520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-520. Class I, II, III, IV, and VI school districts may borrow money to the amount of seventy per cent of the unexpended balance of total anticipated receipts, including receipts from the current existing levy, receipts for the current year from the United States, and receipts for the current year from other

sources, and may execute and deliver in evidence thereof their promissory notes which they are hereby authorized and empowered to make and negotiate, bearing a rate of interest set by the board of education, and maturing not more than one year from the date thereof. Such notes, before they are negotiated, shall be presented to the treasurer of the school district and registered by him, and shall be payable out of the funds collected by such school district in the order of their registry after the payment of prior registered warrants, but prior to the payment of any warrant subsequently registered; Provided, that if both warrants and notes are registered, the total of such registered notes and warrants shall not exceed one hundred per cent of the unexpended balance of the total anticipated receipts of such district.".

2. Renumber original sections 1 and 2 as sections 2 and 3.

3. On page 2, line 12 after "section" insert "79-520, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 13 strike "is" and insert "are".

The amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 903. Title read. Considered.

Standing Committee amendments found in the Journal on page 553 for the Fourteenth Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. D. Dworak asked unanimous consent to print the following amendments to LB 902 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 902

1. Strike the Standing Committee amendment to page 2, line 11 and in Standing Committee amendment 2, line 6 strike "and of 1980".

2. On page 2 after line 11 insert a new subsection (2) as follows:

"(2) A city of the metropolitan class is hereby authorized to increase any existing city sales and use tax imposed pursuant to this section by one half of one per cent for the period July 1, 1978, through December 31, 1979 if (a) the question of such tax increase is submitted to the voters of such city at the primary election held in 1978 and (b) the voters by a majority vote approve such increase. In order for the question of such increase to be submitted to the voters at the primary election the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than fifty days prior to the primary election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before May 30, 1978 and the tax shall be imposed commencing July 1, 1978.".

3. Strike E & R amendment 1.

4. Instead of placing the Goodrich amendment as provided in E & R amendment 5 insert the Goodrich amendment before the underscored period in the last line of the new subsection (2) added by this amendment.

5. On page 2 strike beginning with "Any" in line 18 through the underscored period in line 21.

6. Renumber subsections (2) and (3) as subsections (3) and (4).

Mr. Schmit asked unanimous consent to print the following amendment to LB 639 in the Journal. No objections. So ordered.

AMENDMENT TO LB 639

1. On page 9, line 1 after the period insert "All first purchasers designated to collect the fee shall forward the total of such collections to the board by the last day of each January, April, July and October, on forms prescribed by the board. Such first purchasers shall deduct and withhold from the amount of fee paid to the board an amount of three per cent as reimbursement for the cost of collecting the fee.".

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 902 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 902

1. Strike the Standing Committee amendment to page 2, line 11 and in Standing Committee amendment 2, line 6 strike "and of 1980"

2. On page 2 after line 11 insert a new subsection (2) as follows:

"(2) A city of the metropolitan class is hereby authorized to increase any existing city sales and use tax imposed pursuant to this section by one half of one per cent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase may be submitted to the voters at the primary election in 1978 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than fifty days prior to the primary election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary election in 1978, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before May 30, 1978 and the tax shall be imposed commencing July 1, 1978. As an alternative to submitting the question of increasing the tax to a vote of the people as provided in this subsection, such tax may be increased by the city council if it finds that the city would be benefited by expeditious action and that a vote by the electors of such city is not needed. If the city council by a three-fourths vote determines that a vote of the people is not needed and that the council desires to eliminate the right of the people to vote in the tax increase question, and such action is approved by the mayor, the tax shall be increased if the city council by a majority vote passes an ordinance increasing such tax and the ordinance is approved by the mayor. No tax increased pursuant to this subsection shall remain in effect after December 31, 1979.".

3. Strike E & R amendment 1.

4. Instead of placing the Goodrich amendment as provided in E & R amendment 5 insert the Goodrich amendment before the underscored period in the last line of the new subsection (2) added by this amendment.

5. On page 2 strike beginning with "Any" in line 18 through the the underscored period in line 21.

6. Renumber subsections (2) and (3) as subsections (3) and (4).

Mr. Murphy asked unanimous consent to print the following amendment to LB 665 in the Journal. No objections. So ordered.

AMENDMENT TO LB 665

1. On page 3, in line 23 after "the" insert "specific" and after "product" insert "involved in the action".

2. On page 4, in lines 13 and 16 after "negligence" insert "or act or omission giving rise to strict liability in tort"; in line 21 after "negligence" insert "act or omission giving rise to strict liability in tort"; and strike lines 23 through 25.

VISITORS

The President introduced 75 seventh grade band students and sponsors from Scotts Bluff; Mr. and Mrs. John Podkonyak and daughter Holli from Lewellen; and Former Senator E. Thome Johnson from Fremont.

ADJOURNMENT

At 4:37 on a motion by Speaker Luedtke, the Legislature adjourned until 9:30 a.m, Monday, March 13, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 13, 1978

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 13, 1978

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God and Father, Someone suggested that chaplains spend their time praying too much for the people of the state and not enough for the legislators. So, will You please bless the Members of this Assembly. Keep their heads clear, their hearts warm, their eyes and ears open, their feet on the ground, and their vision fixed on a finer, freer, fuller life for all men. Help them to do their job so well, O Lord, that no one will need to pray for the people. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. DeCamp and Marvel who were excused; Mr. F. Lewis who was excused until he arrives; and Mr. Schmit who was absent until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1196, delete last line and insert:

having so filed.
Sec. 8. All deposit slips to the account
prescribed by section 7 of this act shall recite the name

Page 1207, line 2, delete "Engrossment" and insert "Review".

Page 1211, line 26, correct spelling of "increase".
The Journal for the Thirty-Sixth Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 205
March 9, 1978

Dear Senator Keyes:

You have asked whether a local school board may levy .04 of a mill over the authorized mill levy under section 79-548.01 to allow for payment of the collection fee assessed by the county for purposes of collecting the taxes levied by the school district. You state that you wish to make clear any problems that might exist in this area during this session.

Section 79-548.01 authorizes boards of education to establish special funds for the purposes of acquiring sites for school buildings and other purposes. The levy to raise money for this fund is not to exceed 4 mills. It is clear that taxing bodies are restricted to levying taxes by statute or Constitution to specified limits in most cases. Here, for the purpose of section 79-548.01, R.R.S. 1943, a school board in a Class III, IV, V or VI school district may levy no more than 4 mills for this purpose. Notwithstanding the fact that the county is entitled to a collection fee for purposes of collecting the tax levied by the school district, no authority exists in the school board to levy an excess over 4 mills for payment of that sum.

Any levy over 4 mills would be void. The Nebraska Supreme Court since at least 1902 has pointed out that taxes levied in excess of the constitutional limit are illegal and void. See Dakota County v. Chicago, St. P., M. & O. R. Co., 63 Neb. 405, 88 N.W. 663 (1902). It is also clear under Union Pacific Railroad Co. V. Howard County, 66 Neb. 663, 92 N.W. 579 (1902), that the void portion is only that over the levy authorized by statute.

It would appear to us that no statutory clarification is necessary in that any levy over 4 mills would be in violation of the statutory authority of the school board and void.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:sjr

cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 748. Placed on Select File as amended.
E & R amendments to LB 748:

1. Because of the passage of Legislative Bill 685 this year, strike new section 54.

2. Renumber sections added by the Carsten amendments as sections 54 to 57, the new section added by the Fowler amendment 1 as section 58, and original sections 50 to 52 as sections 59 to 61.

3. On page 18, line 5, insert "a felon or" after "by" and strike the new matter in line 6.

4. On page 19, lines 5 and 6, strike "Provided, however," and show stricken and insert "and provided further,".

5. In lieu of committee amendment 2, on page 51, insert "39-669.07," at the end of line 4; in line 8 insert "39-703," after "sections"; in line 9 strike "and"; in line 10 insert "28-405," after the first comma; in line 12 insert "28-1328, 28-1341," after the first comma; and in line 14 insert "and Laws 1977, LB 39, section 340, LB 40, section 321, and LB 41, section 64," after the second comma.

6. In the title, line 4, insert "to change classifications; to defer operative dates; to provide a duty;" after the second semicolon; insert "39-669.07," at the end of line 6; in line 11 insert "39-703," after "sections"; in line 12 strike "and"; in line 13 insert "28-405," after the first comma; in line 15 insert "28-1328, 28-1341," after the fourth comma; in line 18 insert ", and Laws 1977, LB 39, section 340, LB 40, section 321, and LB 41, section 64" after "1977"; and in line 22 strike "28-1458" and insert "28-1450".

LEGISLATIVE BILL 920. Placed on Select File as amended.
E & R amendments to LB 920:

1. Renumber the section added by the Schmit amendment as section 3 and original section 2 as section 4.

2. In lieu of the committee and Schmit amendments 2, on page 3, line 24, strike "section 28-417" and insert "sections 28-417, 28-523, and 28-706" and in line 25 strike "is" and insert "are".

3. In the title, line 2, strike "section 28-417" and insert "sections 28-417, 28-523, and 28-706"; in lines 3 and 4 strike "drugs and narcotics" and insert "the Nebraska Criminal Code"; in line 5 insert "to reclassify offenses;" after the

semicolon; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 701. Placed on Select File as amended.
E & R amendment to LB 701:

1. Add a new section to read:

"Sec. 3. That original sections 28-318 and 28-320, Revised Statutes Supplement, 1977, are repealed.".

LEGISLATIVE BILL 169. Placed on Select File as amended:
E & R amendments to LB 169:

1. In the Stoney amendment 1, line 2, strike "subsection (4)" and insert "subdivision (4) of this section".

2. Insert the new language in the Mills amendment 1 after the first "hearing" in line 14 of the Stoney amendment 2.

LEGISLATIVE BILL 836. Replaced on Select File as amended.
E & R amendments to LB 836:

1. On page 3, line 6, strike "17" and insert "(17)"; and in lines 21 and 23 strike "shall".

2. On page 4, line 17, strike "the".

LEGISLATIVE BILL 624. Replaced on Select File as amended.
E & R amendment to LB 624:

1. In the title, line 7, insert ", and also section 43-207, Reissue Revised Statutes of Nebraska, 1943" after "section".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 212, 411, 457, and 582.

Correctly Engrossed

The following bills were correctly engrossed: 624A and 671.

Correctly Enrolled

The following bills were correctly enrolled: 108, 109, 258, 258A, 406, 406A, 508, 567, 567A, 707, 930, and 936.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 108, 109, 258, 258A, 406, 406A, 508, 567, 567A, 707, 930, and 936.

BIRTHDAY

President Whelan announced that Sunday was Senator Nichol's birthday.

RESOLUTION

LEGISLATIVE RESOLUTION 179.

Introduced by Kahle, 37th District.

WHEREAS, participation in the annual state basketball tournament is a highlight for all persons involved in high school winter sports programs; and

WHEREAS, Nebraskans take pride in the sportsmanship and accomplishments of the young athletes of each community; and

WHEREAS, the members of the Hildreth team and the members of their community can take special pride in knowing that by winning the Nebraska Class D championship, Hildreth remained the only unbeaten prep team in 1978.

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

That the members of the Legislature extend their congratulations and best wishes to the members of the Hildreth High School basketball team for winning the Class D championship in Nebraska's statewide basketball tournament and thus concluding an outstanding season record for 1978.

Laid over.

BILLS ON FINAL READING

LEGISLATIVE BILL 664. Laid over at the request of Mr. Newell.

LEGISLATIVE BILL 756. Mr. Warner asked unanimous consent to bracket LB 756 indefinitely. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 924. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1100 for the Thirty-Third Day (Req. #2775) were considered.

Mr. Dworak asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Warner offered the following amendment to the Standing Committee amendment:

AMENDMENT TO LB 924

1. In committee amendments, page 8, line 20, strike "48,542" and insert "~~46,300~~ $48,542".

The amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Standing Committee amendments, as amended, were adopted with 29 ayes, 0 nays, 15 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, 4 excused and not voting, and 1 absent and not voting.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 945. Title read. Considered.

Mr. Savage renewed his pending amendment found in the Journal on page 1013.

The amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 12 present and not voting, 3 excused and not voting, 1 absent and not voting.

MESSAGE FROM THE GOVERNOR

March 9, 1978

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:

Patricia R. Hoffman, 2201 Hanover Court, Lincoln 68512 - succeeding Margaret Sutherland, resigned, effective April 1, 1978

I respectfully submit this appointment for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do
cc: Patricia R. Hoffman
Committee on Committees
Environmental Control Council

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Cullan asked unanimous consent to add his name to LR 152. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present March 10, 1978, I would have voted "aye" on Final Reading - LB 258, 258A, 406.

(Signed) Jack Mills

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb and Rumery asked unanimous consent to print the following amendments to LB 560 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 560

1. Insert the following new sections:

"Sec. 2. Any two or more hospital districts may merge into one district if a petition for merger is presented to the county board in the county which will include the greater portion of the proposed district by population and such merger is approved by a majority of the voters in the existing districts at an election as provided in section 4 of this act. A petition for merger shall be sufficient if

for each district affected by the proposed merger it has been either signed by a majority of the board of directors of each district or signed by the legal voters in each district equal to at least ten per cent of the number of votes cast in such district for the Governor at the last general election. The petition shall be filed at least sixty days prior to any election.

Sec. 3. The petition for merger shall include a plan for the proposed merger which plan shall contain:

(1) A description of the proposed boundaries of the merged district;

(2) A summary statement of the reasons for the proposed merger;

(3) The amount of the outstanding bonded indebtedness of each district and the manner in which such outstanding bonded indebtedness is proposed to be allocated if the merger is approved;

(4) The amount of outstanding indebtedness other than the bonded indebtedness of each district;

(5) The name of the proposed district; and

(6) Such other matters as the petitioners shall determine proper to be included.

Sec. 4. After determining the sufficiency of the petition, the county board shall by resolution provide for the submission of the question of the merger of the districts at a general, primary, or special election. If a special election is called the costs of such election shall be borne equally by the districts petitioning for the merger. If the question is submitted at a special election, the county clerk or election commissioner of each county having electors entitled to vote on the issue shall conduct the special election in such county and shall be responsible for designating the polling places and appointing the election officials, who need not be the regular election officials, and otherwise conducting the election within such county. The county board shall designate the form of ballot. The county clerk for the county whose county board has received the petition and called the election shall be responsible for giving notice of the special election. Such notice shall be published at least twenty days prior to the election and shall be published, for each district, in a legal newspaper of general circulation in such district. The notice of election shall state where absent, disabled and confined voters' ballots may be obtained pursuant to Chapter 32, articles 8 and 12. In any such special election, the ballots shall be counted by the county clerks or election commissioners conducting the election and each such county clerk or elec-

tion commissioner shall designate two disinterested persons to assist him or her with the counting of ballots. If the question is submitted at a general election or primary election, the ballots shall be counted as provided by law for such elections. When all of the ballots have been counted in each county, the returns of such election shall be canvassed by the county canvassing board. All elections conducted pursuant to this section shall be conducted as provided under Chapter 32, except as otherwise specifically provided for in this section.

Sec. 5. If after canvassing the returns for each county the county board determines that the merger has been approved by a majority of the voters in each district, the county board shall enter an order for the merger of the districts.

Sec. 6. Immediately following the entry of the order of merger by the county board, the members of the board of directors of the former hospital districts which were merged by such order shall meet and elect from among themselves a chairperson, vice-chairperson, and secretary-treasurer. No more than two of such offices may be held by persons from one of such former hospital districts. The members of such boards shall adopt as rules for its proceeding the rules of one of such former districts with such changes and modifications as the members shall deem necessary. The members of the board of directors shall continue to serve as members of the board of directors of the merged district until the next statewide primary, at which time a board of directors, consisting of five members shall be elected from the merged district for staggered terms of two for two years and three for four years in the manner prescribed for the election of an original board under section 23-343.25.

Sec. 7. After the entry by the county board of its order for merger of the districts, all property, debts, and liabilities of the former hospital districts shall be transferred to the new district, except that all outstanding bonded indebtedness of the previously existing hospital districts shall be allocated to the real estate included within such prior existing districts as provided in the plan of merger.".

2. Renumber original section 2 as section 8.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 937. Title read. Considered.

Standing Committee amendments found in the Journal on page 1139 for the Thirty-Fourth Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 951. Title read. Considered.

Mr. Warner offered the following Appropriations Committee amendments:

APPROPRIATION COMMITTEE AMENDMENTS - LB951

1. Purpose: To allow expenditure of cash funds by the Real Estate Commission for personal services in order to fund a staff position made necessary by passage of LB 361, 1978. This will not increase agency expenditures.

Amendment:

On page 6, strike lines 11 and 12 and insert "Total expenditures for permanent and temporary salaries and per diems shall not exceed $18,500 which shall be the basis for 1979-80 continuation funding."

2. Purpose: To restore $14,068 cash funds for an Examiner II position which was omitted due to an error in the Department of Insurance budget request.

Amendment:

On page 3, in line 23 and 24, strike "444,073" and insert "458,141"; in line 26, strike "354,675" and insert "367,935";

On page 4, in line 15, strike "1,230,639" and insert "1,244,707"; in line 17, strike "1,280,639" and insert "1,294,707".

The amendments were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 952. Title read. Considered.

Mr. Warner offered the following amendment:

AMENDMENT TO LB 952

Purpose: To add a revolving fund expenditure authority to LB 952 for the Secretary of State.

Amendment:

On page 16, add a new section to read as follows:

Sec. 53. Revolving Funds

The receipts for the period of July 1, 1978, to June 30, 1979, inuring to the several revolving funds, together with any amounts held in account by the State Treasurer on June 30, 1978, are hereby credited to each of the funds respectively. Expenditure of revolving funds appropriated in this act shall be limited to the amount shown by program except when specific exceptions are made. The amounts appropriated in this act include the following funds:

(1) Secretary of State: Records Management Micrographics Services Revolving Fund.

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:

AMENDMENTS TO LB 952

Purpose: To strike conflicting language with LB 957 and add $30,000 (F) - Highway Safety Funds - for clerical staff pursuant to Committee intent for the Supreme Court.

On page 4, in line 18, after the period beginning with "There", strike through line 22.

On page 5, in line 2, beginning with "There", strike through line 4.

On page 5 strike lines 6 and 7 and insert

"General Fund	$3,961,054
Federal Fund est.	30,000
Program Total	3,991,054"

On page 5, in line 11, beginning with "No", strike through line 14.

On page 6, in line 1, strike "94,736" and insert "124,736".

On page 6, in line 2, strike "5,865,102" and insert "5,895,102".

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

Advanced to E & R for Review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Unbracket LB 623

Mr. Barnett asked unanimous consent to unbracket LB 623. No objections. So ordered.

VISITORS

The President introduced Mr. and Mrs. Harry T. Cullan, parents of Sen. Sam Cullan, from Hemingford, Nebraska; Mrs. Evelyn Mundt, representative of C.B.S., from Scottsbluff, Nebraska; Mr. and Mrs. Brian Doyle of Manhattan, Kansas; Marcia Bodden of Montgomery, Alabama; Cadet Girl Scouts and leader from Hartington, Nebraska; 21 7th and 8th grade students, teacher and parents from Unadilla Elementary School, Unadilla, Nebraska; 10 2nd to 8th grade students, teacher and parents from District 50, Merrick County, Clarks, Nebraska; 5 8th grade students, teacher and parent from Otoe School No. 98, Otoe, Nebraska.

RECESS

At 11:46 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 Mrs. Marsh and Mr. Marvel who were excused; Messrs. Barnett, F. Lewis, Schmit and Simon who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 174. Read. Considered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close? The motion lost with 12 ayes, 15 nays, and 22 not voting.

Mr. Koch moved to indefinitely postpone LR 174.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 16 nays, and 20 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 22 ayes, 5 nays, and 22 not voting.

Mr. Koch requested a roll call vote on his motion to indefinitely postpone LR 174.

Voting in the affirmative, 16:

Barnett	Fowler	Luedtke	Savage
Brennan	Kahle	Mills	Simon
Cope	Kennedy	Murphy	Stoney
Fitzgerald	Koch	Newell	Warner

Voting in the negative, 20:

Carsten	Duis	Hasebroock	R. Lewis	Rasmussen
Clark	D. Dworak	Hefner	Maresh	Reutzel
Cullan	George	Keyes	Merz	Rumery
DeCamp	Goodrich	Lamb	Nichol	Venditte

Present and not voting, 10:

Bereuter	Chambers	Kelly	Labedz	Maxey
Burrows	E. Dvorak	Kremer	F. Lewis	Moylan

Excused and not voting, 3:

Marsh	Marvel	Schmit

The motion to indefinitely postpone lost with 16 ayes, 20 nays, 10 present and not voting, and 3 excused and not voting.

Mr. DeCamp asked unanimous consent to have LR 174 laid over.

Mr. Koch objected.

Mr. DeCamp requested a record vote on the adoption of LR 174.

Voting in the affirmative, 23:

Carsten	George	Keyes	Maresh	Reutzel
Clark	Goodrich	Labedz	Merz	Rumery
Cullan	Hasebroock	Lamb	Moylan	Venditte
DeCamp	Hefner	F. Lewis	Nichol	
D. Dworak	Kelly	R. Lewis	Rasmussen	

Voting in the negative, 13:

Chambers	Fitzgerald	Koch	Newell	Warner
Cope	Kahle	Mills	Simon	
Duis	Kennedy	Murphy	Stoney	

Present and not voting, 10:

Barnett	Brennan	E. Dvorak	Kremer	Maxey
Bereuter	Burrows	Fowler	Luedtke	Savage

Excused and not voting, 3:

Marsh	Marvel	Schmit

LR 174 failed with 23 ayes, 13 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

MOTION - Place LB 757 on General File

Mr. Duis renewed his pending motion found in the Journal on page 1114 to place LB 757 on General File pursuant to Rule 3, Sec. 10b.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

Mr. F. Lewis requested a record vote on the Duis motion.

Voting in the affirmative, 26:

Bereuter	D. Dworak	Kelly	Merz	Schmit
Carsten	George	Kennedy	Mills	Stoney
Clark	Goodrich	Labedz	Moylan	
Cullan	Hasebroock	Lamb	Murphy	
DeCamp	Hefner	R. Lewis	Rasmussen	
Duis	Kahle	Maresh	Savage	

Voting in the negative, 13:

Barnett	E. Dvorak	Keyes	Maxey	Warner
Brennan	Fitzgerald	Koch	Rumery	
Cope	Fowler	F. Lewis	Simon	

Present and not voting, 8:

Burrows	Kremer	Newell	Reutzel
Chambers	Luedtke	Nichol	Venditte

Excused and not voting, 2:

Marsh Marvel

The Duis motion to placed LB 757 on General File prevailed with 26 ayes, 13 nays, 8 present and not voting, and 2 excused and not voting.

MOTION - LB 757 and LB 663

Mr. Duis moved that LB 757 be first order of business after final reading on March 20, 1978 with LB 663 following immediately for all morning.

The motion prevailed with 25 ayes, 7 nays, 15 present and not voting, and 2 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 206
March 10, 1978

Dear Senator Rasmussen:

In a note to this office addressed March 3, 1978, you ask us "please give an opinion on LB 711." LB 711, as it originally appeared, contained a section 7. Section 7 of the original LB 711 would, in our opinion, have rendered the entire bill unconstitutional. Article IV, Section 13, of the Constitution of Nebraska provides that the Board of Pardons has the exclusive power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations except in cases of treason and of impeachment. This power rests exclusively with the executive branch of government under our state Constitution. Section 7 of the original LB 711 would be an unconstitutional attempt to shift these powers from the executive branch of government to the legislative branch of government. This cannot be done under our current Constitution.

Our records of the Legislature indicate that section 7 of LB 711 was stricken on March 1, 1978. Such being the case, the above constitutional infirmity mentioned above would have no application to LB 711.

Our review of the remainder of LB 711 reveals no other constitutional infirmities. This conclusion is based upon what we feel is legislatively intended to be accomplished by the passage of LB 711. As we read section 2 of LB 711, that section would require the supreme court to review and analyze all cases involving criminal homicides committed on or after April 20, 1973, but does not authorize the supreme court to do anything other than review and analyze those cases. Section 3, however, does authorize the supreme court to determine the propriety of a sentence in each case involving a criminal homicide when that case is appealed to the Supreme Court of Nebraska. This section would authorize the supreme court to either affirm or modify sentences which were appealed to the supreme court only after the effective date of LB 711. Section 3 would not authorize the supreme court to modify sentences received for criminal homicides committed on or after April 20, 1973, and for which an appeal had already been completed.

If our interpretation of sections 2 and 3 of LB 711 is in accord with the legislative intent, then we see no constitutional problems with LB 711 as it has been amended.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Paul W. Snyder
Assistant Attorney General

PWS:sjr
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 956 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 956

1. Insert a new section as follows:

"Sec. 51. The Nebraska State Historical Society is authorized to prepare plans and specifications for reconstruction of the Neligh Mills dam. There is hereby appropriated $28,000 from the State Building Fund for the fiscal year ending June 30, 1979, for the plans and specifications. The Nebraska State Historical Society shall apply for federal funds and if such funds are forthcoming the society shall return to the State Building Fund from

the appropriation an amount equal to the federal funds provided.".

2. Renumber original sections 51 to 60 as sections 52 to 61 respectively.

Mr. Barnett asked unanimous consent to print the following amendments to LB 861 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 861

1. Insert a new section as follows:

"Sec. 2. That section 23-174.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-174.03. No owner of any real estate located in an area in a county in which is located a city of the primary class, except within the area over which subdivision jurisdiction has been granted to any city or village, shall be permitted to subdivide, plat, or lay out said real estate in building lots and streets, or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained the approval thereof by the county board of such county, and no plat or subdivision of such real estate shall be recorded in the office of the register of deeds or have any force or effect unless the same be approved by the county board of such county. Such a county shall have authority within the area above described (1) to regulate the subdivision of land for the purpose, whether immediate or future, of transfer of ownership or building development, except that the county shall have no power to regulate subdivision in those instances where the smallest parcel created is more than ~~five~~ ten acres in area, (2) to prescribe standards for laying out subdivisions in harmony with the comprehensive plan, (3) to require the installation of improvements by the owner or by the creation of public improvement districts, or by requiring a good and sufficient bond guaranteeing installation of such improvements, and (4) to require the dedication of land for public purposes.

Subdivision shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be subdivision when the smallest parcel created is more than ~~five~~ ten acres in area.

Subdivision plats shall be approved by the county planning commission on recommendation by the planning director and county engineer and shall be submitted to the county board for its consideration and action. The county board may withhold approval of a plat until the county engineer has certified that the improvements required by the regulations have been satisfactorily installed or until a sufficient bond guaranteeing installation of the improvements has been posted with the county or until public improvement districts are created.".

2. On page 3, line 23 strike "section 15-901" and insert "sections 15-901 and 23-174.03"; and in line 24 strike "is" and insert "are".

3. Renumber original section 2 as section 3 and the section 3 added by the Standing Committee amendment as section 4.

Mr. Rasmussen asked unanimous consent to print the following amendments to LB 715 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 715

1. Strike the Standing Committee amendments.

2. On page 3, line 10 after "activity" insert ", except renewal work as defined in section 81-173, Revised Statutes Supplement, 1977,".

3. On page 3, strike line 20 and insert "The Department of Administrative Services shall, with the advice of each agency, prescribe by"; and in line 22 after the period insert "The Department of Roads shall prescribe such procedures for highway construction projects.".

4. On page 4, line 10 strike "five" and insert "ten".

5. On page 5, line 5 strike "Each agency shall" and insert "The Department of Administrative Services shall, with the advice of each agency,".

MOTION - Rule Changes

Mr. DeCamp moved the adoption of the Rules Committee report found in the Journal on page 1128 of the proposed rule changes of Mrs. Marsh on page 720, Mr. DeCamp on page 713, and Speaker Luedtke on page 729.

MR. BARNETT PRESIDING

The Marsh rule change on page 720 to Rule 1, sec. 16 was adopted with 32 ayes, 0 nays, and 17 not voting.

The DeCamp rule change on page 713 to Rule 6, new sec. 14 was adopted with 33 ayes, 0 nays, and 16 not voting.

Mr. Kahle asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Luedtke rule change on page 729 to Rule 3, sec. 5 was adopted with 35 ayes, 0 nays, and 14 not voting.

SPEAKER LUEDTKE PRESIDING

SELECT FILE

LEGISLATIVE BILL 574. E & R amendments found in the Journal on page 1173 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198. Mrs. Maxey renewed her pending amendment found in the Journal on page 1086.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

MR. SAVAGE PRESIDING

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 725. Advanced to E & R for Engrossment with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 902. Mr. Schmit withdrew his pending amendment found in the Journal on page 1127 and substituted the DeCamp amendment on page 1216 in its place.

Mr. D. Dworak offered the following amendment to the DeCamp amendment offered by Mr. Schmit:

On line 9 strike beginning with - if and lines 10 thru 27 and lines 1 thru 8 and insert the printer amendment:

1. Strike the Standing Committee amendment to page 2, line 11 and in Standing Committee amendment 2, line 6 strike "and of 1980".

2. On page 2 after line 11 insert a new subsection (2) as follows:

"(2) A city of the metropolitan class is hereby authorized to increase any existing city sales and use tax imposed pursuant to this section by one half of one per cent for the period July 1, 1978, through December 31, 1979, if (a) the question of such tax increase is submitted to the voters of such city at the primary election held in 1978 and (b) the voters by a majority vote approve such increase. In order for the question of such increase to be submitted to the voters at the primary election, the city council shall, by a majority vote, submit a certified copy of a resolution requesting the placement of such issue on the primary ballot to the election commissioner not later than forty-five days prior to the primary election. The question for the increase shall be placed upon the ballot in the following form: Shall the existing city sales and use tax for the city of (applicable city) be increased by an additional one half of one per cent for the period July 1, 1978 through December 31, 1979? Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before May 30, 1978, and the tax shall be imposed commencing July 1, 1978.".

3. Strike E & R amendment 1.

4. Instead of placing the Goodrich amendment as provided in E & R amendment 5 insert the Goodrich amendment before the underscored period in the last line of the new subsection (2) added by this amendment.

5. On page 2 strike beginning with "Any" in line 18 through the underscored period in line 21.

6. Renumber subsections (2) and (3) as subsections (3) and (4).

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. D. Dworak moved for a Call of the House. The motion lost with 15 ayes, 19 nays, and 15 not voting.

Mr. D. Dworak requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Barnett	Chambers	Kennedy	Maxey	Warner
Bereuter	D. Dworak	Koch	Mills	
Carsten	Fowler	Lamb	Newell	

Voting in the negative, 25:

Brennan	E. Dvorak	Keyes	Maresh	Reutzel
Burrows	Fitzgerald	Kremer	Merz	Rumery
Clark	Goodrich	Labedz	Moylan	Schmit
Cope	Hasebroock	F. Lewis	Nichol	Simon
DeCamp	Hefner	R. Lewis	Rasmussen	Stoney

Present and not voting, 8:

Cullan	George	Luedtke	Savage
Duis	Kelly	Murphy	Venditte

Excused and not voting, 3:

Kahle	Marsh	Marvel

The D. Dworak amendment lost wih 13 ayes, 25 nays, 8 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 541A. Mr. Warner offered the following amendment:

AMENDMENT TO LB 541A

On page 3, in lines 10, 12, 14, and 18, strike "29,689" and insert "32,099"; in line 16, strike "37,191" and insert "40,069".

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 Engrossment.

LEGISLATIVE BILL 897A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 210. E & R amendments found in the Journal on page 1148 for the Thirty-Fifth Day were adopted with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Simon requested a record vote to advance LB 210:

Voting in the affirmative, 16:

Brennan	DeCamp	Hefner	R. Lewis
Burrows	Duis	Kelly	Murphy
Clark	George	Lamb	Nichol
Cope	Hasebroock	F. Lewis	Rasmussen

Voting in the negative, 19:

Barnett	D. Dworak	Koch	Mills	Stoney
Bereuter	Fowler	Labedz	Newell	Venditte
Chambers	Kennedy	Luedtke	Rumery	Warner
E. Dvorak	Keyes	Maresh	Simon	

Present and not voting, 11:

Carsten	Goodrich	Merz	Savage
Cullan	Kremer	Moylan	Schmit
Fitzgerald	Maxey	Reutzel	

Excused and not voting, 3:

Kahle	Marsh	Marvel

Failed to advance to E & R for Engrossment with 16 ayes, 19 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 672. E & R amendment found in the Journal on page 1173 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 949. Placed on General File.

(Signed) Walter George, Chairman

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendments to LB 946 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 946

1. Insert a new section as follows:

"Sec. 18. The Game and Parks Commission shall grant conservation officers a longevity salary increase. Such longevity salary increase shall be based on the following lengths of satisfactory seniority with the Game and Parks Commission as of July 1, 1978: One to five years, a two per cent increase; six to ten years, a three per cent increase; eleven to fifteen years, a four per cent increase; and sixteen or more years, a five per cent increase. Such longevity salary increase shall be based on each officer's fiscal year 1977-78 salary.".

2. Renumber original sections 18 and 19 as sections 19 and 20.

Mr. George asked unanimous consent to print the following amendment to LB 907 in the Journal. No objections. So ordered.

AMENDMENT TO LB 907

1. Strike original section 1 and insert a new section 1 as follows:

"Section 1. Any fire department of any village or city of the second class may be merged with a rural fire protection district pursuant to this act.".

EXPLANATION OF VOTE

Had I been present on March 10, 1978, I would have voted in support of advancing LR 152.

(Signed) Howard Lamb

VISITORS

The President introduced 4 Camp Fire Girls and leader from May Morley School, Lincoln; 11 Camp Fire Girls and leaders from Hawthorne School, Lincoln; 11 Bluebirds and leaders from Eastridge School, Lincoln; 8 Camp Fire Girls and leader from 4th grade, Huntington School, Lincoln; 14 2nd grade students, teacher and sponsors from Prescott Elementary School, Lincoln.

ADJOURNMENT

At 4:49 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, March 14, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 14, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 14, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> God our Father, You know our needs and our ability to cope with them. You have not destined Your people or Your world for disaster or destruction. In these complex times we pray that each legislator will realize that he or she has a contribution to make. Great or small, significant or insignificant, it is a contribution without which we will be the poorer. Do not let us try to impose our morality on others but keep us always reminded that there are ideals spelled out in Your Commandments. Give us understanding for those who, in good conscience, differently interpret their scope and meaning, and for those who are unable to reach ideal standards of behaviour. However, never let us forget that there are ideals nor cease in our legislation to motivate people to higher standards. In this new day inspire us with a new confidence in ourselves and in each other and an optimism born of trust in You, God, and the basic goodness of human beings. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Marvel who were excused; Messrs. F. Lewis and Reutzel who were excused until they arrive; Messrs. Kelly and Keyes who were absent until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 1978, at 8:15 a.m., were the following bills: 108, 109, 258, 258A, 406, 406A, 508, 567, 567A, 707, 930, and 936.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 128. Placed on Select File as amended.
E & R amendments to LB 128:

1. The Fowler amendment having removed all amendatory matter therein, strike section 2 and renumber original sections 3 and 4 as sections 2 and 3.

2. On page 2, line 2, strike "1976" and insert "1977".

3. Because of Laws 1977, LB 509, section 5, on page 6, line 23, as amended, strike the stricken "and"; and after "services" in line 25 insert "performed (1) prior to December 31, 1977".

4. Because of Laws 1977, LB 509, section 5, on page 7, line 8, immediately after "terms" insert "; (2) after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution if such week of unemployment begins during the period between two successive years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms; or after December 31, 1977, in any other capacity for an educational institution, other than an institution of higher education, if such week of unemployment begins during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms; ~~and~~

(i) For any week of unemployment benefits if the services upon which such benefits are based consist substantially of participating in sports or athletic events or training or preparing to so participate, if such week of unemployment begins during the period between two successive sport seasons or similar periods if such individual performed such services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods".

5. On page 7 insert the new subdivision added by the Mills amendment immediately after "periods" in the last line of E & R 4; and in line 1 thereof strike "(i)" and insert "(j)".

6. On page 9, lines 25 and 26 strike "sections 48-628 and 48-649" and insert "section 48-628"; in line 26 strike "1976" and insert "1977"; and in line 26 strike "are" and insert "is".

7. In the title, line 2, strike "sections 48-628 and 48-649" and insert "section 48-628"; in line 3, strike "1976" and insert "1977"; strike beginning with "to" in line 5 through the first semicolon in line 6; and in line 8 strike "sections" and insert "section".

LEGISLATIVE BILL 700. Placed on Select File.
LEGISLATIVE BILL 700A. Placed on Select File.

LEGISLATIVE BILL 612. Placed on Select File as amended.
E & R amendment to LB 612:

1. In the title, line 4, insert "; and to declare an emergency" after "services".

LEGISLATIVE BILL 632. Placed on Select File as amended.
E & R amendments to LB 632:

(All amendments are to committee amendments unless otherwise indicated.)

1. On page 2 of the original bill, line 16, insert an underscored comma after "shall"; and in line 22 strike the comma.

2. On page 1, line 2, insert an underscored comma after "shall".

3. On page 2, line 1, strike the second comma.

4. On page 4, line 19, strike "said" and insert "such" and strike "filing" and insert "filings".

5. In the new section inserted by the Rasmussen amendment, strike line 1 and insert:

"Sec. 4. That section 32-503.01, Revised Statutes Supplement, 1976, be amended to read as follows:"; in the second line insert "32-503.01." before "All" and supply paragraphing; and in line 7, strike "seventy-five" and insert

"~~seventy~~ seventy-five".

6. Renumber original sections 4 to 11 as sections 5 to 12.

7. On page 9, line 24, and page 10, line 1, strike "office" and insert "offices".

8. On page 10, line 3, strike the comma; strike lines 4 and 5 and insert "election ballot position by filing with the Secretary of State an application therefor containing the following information:

(i) The name or names to be printed on"; and in line 24 strike the comma.

9. On page 11, line 19 strike the first new word and reinstate the stricken word.

10. On page 12, line 6, strike the comma; in line 10 insert "are" after "File"; in line 11 strike "and" and insert an underscored comma; in line 13 strike "Said" and insert "Such"; in line 14 strike "personal" and reinstate the same after "of"; in line 15 strike "with" and insert "by"; and in lne 19 strike "Commission".

11. On page 13, line 13, strike "said" and insert "such".

12. Because of the Simon amendment, on page 16, line 20, strike "IV felony" and insert "V ~~felony~~ misdemeanor".

13. In lieu of the Simon amendment, on page 18, line 19, strike "IV felony" and insert "V ~~felony~~ misdemeanor".

14. On page 24, line 12, insert "18-102," after "sections"; and in line 14 strike "section" and insert "sections 32-503.01 and".

15. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend sections 18-102, 19-639, 23-151, 32-526, and 79-803.03, Reissue Revised Statutes of Nebraska, 1943, and sections 32-503.01 and 32-1044, Revised Statutes Supplement, 1976, and sections 32-504 and 79-2203, Revised Statutes Supplement, 1977, relating to elections; to change provisions for signing initiative and referendum petitions; to provide for appointment and election of county commissioners; to change filing provisions for incumbents; to provide for presidential and vice presidential candidates; to provide procedures for new political candidates; to change a penalty; to provide for succession to certain offices; to change provisions for certain school districts; to change filing dates; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 613. Placed on Select File.

LEGISLATIVE BILL 653. Placed on Select File as amended.
E & R amendments to LB 653:

1. On page 11, line 21, insert "of" after "type".

2. On page 12, line 20, strike the comma.

3. On page 17, line 14, strike the comma and show stricken.

4. For correlation purposes, on page 29, line 23, insert "as amended by section 18, Legislative Bill 722, Eighty-fifth Legislature, Second Session, 1978," after the second comma; and on page 29, line 25, and page 30, lines 4, 9, and 10, strike "manager-inspector" and insert "director".

5. On page 36, strike the old matter in lines 11 to 13 and show stricken.

6. On page 41, line 6, and in the title, line 8, strike "71-222.01,"; on page 41, line 11, and in the title, line 13, strike "and"; and on page 41, line 12, and in the title, line 14, insert ", and section 71-222.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 18, Legislative Bill 722, Eighty-fifth Legislature, Second Session, 1978" after "1976".

LEGISLATIVE BILL 906. Placed on Select File as amended.
E & R amendments to LB 906:

1. 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.".

2. In the title, line 6, strike "and" and insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 605. Placed on Select File as amended.
E & R amendments to LB 605:

1. On page 3, line 6, strike "that" and insert "the"; and in line 10 strike "where" and insert "when".

2. In the title, strike beginning with "to" in line 5 through the semicolon in line 7 and insert "to provide for notice to the community mental health center in sudden infant death syndrome cases;".

LEGISLATIVE BILL 560. Placed on Select File.

LEGISLATIVE BILL 719. Placed on Select File as amended.
E & R amendment to LB 719:

1. In the title, lines 4 and 5, strike "salary limitation and".

(Signed) Samuel K. Cullan, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 180.

Introduced by Kremer, 34th District.

WHEREAS, the National Highway Traffic Safety Administration has proposed fuel economy standards for model years 1980 to 1981 light trucks below 8,500 pounds, gross vehicle weight rating; and

WHEREAS, testimony given at public hearings on these proposed standards indicates that the standards are not now technologically feasible or economically practical; and

WHEREAS, manufacturers forecast and the department of transportation acknowledges the possibility that the proposed standards may result in vehicles having: (1) Less utility; (2) lower performance; (3) higher purchase costs; and (4) restricted availability of some vehicles; and

WHEREAS, commercial users, such as farmers, the construction industry, and many other businesses requiring light duty delivery trucks would be adversely affected if these fuel economy standards were adopted; and

WHEREAS, these proposed standards will apply to all light duty vehicles including public utility trucks, rescue vehicles, delivery vans, many types of farm vehicles, pick-up trucks, four-wheel drive vehicles, and most types of vans, which could have a resulting impact on large segments of the population; and

WHEREAS, these proposed standards could work a hardship on the consuming public as well as have a serious economic impact on the national economy, including the possibility of an increase in the rate of unemployment.

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

1. That the Legislature of the State of Nebraska opposes the National Highway Traffic Safety Administration proposed fuel economy standards for model years 1980 to 1981 light trucks, vans, and utility vehicles.

2. That the Secretary of State be instructed to deliver a copy of this resolution to the Secretary of the United States Department of Transportation, and to each Nebraska Senator and Representative in the United States Congress.

Laid over.

COMMUNICATIONS

Received letter from Congressman Charles Thone and Congressman John J. Cavanaugh acknowledging receipt of LR 166 regarding research of energy related agricultural programs. (Filed in the Clerk's office)

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 98. With Emergency.

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.

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

Voting in the affirmative, 34:

Bereuter	E. Dvorak	Kahle	Moylan	Savage
Burrows	D. Dworak	Koch	Murphy	Schmit
Carsten	Fitzgerald	Kremer	Newell	Simon
Clark	George	Labedz	Nichol	Stoney
Cope	Goodrich	Lamb	Rasmussen	Venditte
Cullan	Hasebroock	Maxey	Reutzel	Warner
Duis	Hefner	Merz	Rumery	

Voting in the negative, 7:

Barnett	DeCamp	Kennedy	Mills
Brennan	Fowler	Luedtke	

Present and not voting, 3:

Chambers R. Lewis Maresh

Absent and not voting, 2:

Kelly Keyes

Excused and not voting, 3:

F. Lewis Marsh Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 476.

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.

Whereupon the 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	E. Dvorak	Koch	Merz	Savage
Bereuter	Fitzgerald	Kremer	Moylan	Schmit
Brennan	Fowler	Labedz	Murphy	Simon
Carsten	George	R. Lewis	Newell	Stoney
Cope	Goodrich	Luedtke	Rasmussen	Warner
DeCamp	Hasebroock	Maresh	Reutzel	
Duis	Keyes	Maxey	Rumery	

Voting in the negative, 11:

Chambers	D. Dworak	Kelly	Mills
Clark	Hefner	Kennedy	Nichol
Cullan	Kahle	Lamb	

Present and not voting, 2:

Burrows Venditte

Excused and not voting, 3:

F. Lewis Marsh Marvel

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

LEGISLATIVE BILL 586. With Emergency.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize such commission to modernize the Rock Creek Fish Hatchery; to make an appropriation for such purpose; and to declare an emergency.

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

Voting in the affirmative, 34:

Brennan	Duis	Hefner	Luedtke	Rasmussen
Burrows	E. Dvorak	Kahle	Maresh	Reutzel
Carsten	Fitzgerald	Kelly	Maxey	Rumery
Chambers	Fowler	Keyes	Mills	Savage
Clark	George	Koch	Moylan	Schmit
Cope	Goodrich	Labedz	Newell	Simon
DeCamp	Hasebroock	R. Lewis	Nichol	

Voting in the negative, 9:

Bereuter	D. Dworak	Kremer	Merz	Warner
Cullan	Kennedy	Lamb	Stoney	

Present and not voting, 3:

Barnett Murphy Venditte

Excused and not voting, 3:

F. Lewis Marsh Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 591.

A BILL FOR AN ACT to amend section 19-617, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide for temporary council chairperson; 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	DeCamp	Hefner	R. Lewis	Nichol
Bereuter	Duis	Kahle	Luedtke	Rasmussen
Brennan	E. Dvorak	Kelly	Maresh	Reutzel
Burrows	D. Dworak	Kennedy	Maxey	Rumery
Carsten	Fitzgerald	Keyes	Merz	Savage
Chambers	Fowler	Koch	Mills	Schmit
Clark	George	Kremer	Moylan	Simon
Cope	Goodrich	Labedz	Murphy	Stoney
Cullan	Hasebroock	Lamb	Newell	Warner

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Excused and not voting, 3:

F. Lewis Marsh Marvel

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

LEGISLATIVE BILL 599. With Emergency.

A BILL FOR AN ACT to amend section 77-2305, Reissue Revised Statutes of Nebraska, 1943, relating to deposit of public funds; to increase the maximum amount of funds deposited in a bank 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, 45:

Barnett	DeCamp	Hefner	R. Lewis	Nichol
Bereuter	Duis	Kahle	Luedtke	Rasmussen
Brennan	E. Dvorak	Kelly	Maresh	Reutzel
Burrows	D. Dworak	Kennedy	Maxey	Rumery
Carsten	Fitzgerald	Keyes	Merz	Savage
Chambers	Fowler	Koch	Mills	Schmit
Clark	George	Kremer	Moylan	Simon
Cope	Goodrich	Labedz	Murphy	Stoney
Cullan	Hasebroock	Lamb	Newell	Warner

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Excused and not voting, 3:

F. Lewis Marsh Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 600. With Emergency.

A BILL FOR AN ACT to amend sections 9-401 and 9-504, Uniform Commercial Code, relating to secured transactions; to provide legislative intent; to require certain filings with the Public Service Commission; to clarify language; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Barnett	Clark	E. Dvorak	Goodrich	Kennedy
Bereuter	Cope	D. Dworak	Hasebroock	Keyes
Brennan	Cullan	Fitzgerald	Hefner	Koch
Burrows	DeCamp	Fowler	Kahle	Kremer
Carsten	Duis	George	Kelly	Labedz

Lamb	Maxey	Murphy	Reutzel	Simon
R. Lewis	Merz	Newell	Rumery	Stoney
Luedtke	Mills	Nichol	Savage	Warner
Maresh	Moylan	Rasmussen	Schmit	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Venditte

Excused and not voting, 3:

F. Lewis Marsh Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 606.

A BILL FOR AN ACT to amend section 60-415, Revised Statutes Supplement, 1977, relating to motor vehicles; to provide for changing the name on a motor vehicle operator's license; to provide for 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, 44:

Bereuter	E. Dvorak	Kelly	Maresh	Reutzel
Brennan	D. Dworak	Kennedy	Maxey	Rumery
Burrows	Fitzgerald	Keyes	Merz	Savage
Carsten	Fowler	Koch	Mills	Schmit
Clark	George	Kremer	Moylan	Simon
Cope	Goodrich	Labedz	Murphy	Stoney
Cullan	Hasebroock	Lamb	Newell	Venditte
DeCamp	Hefner	R. Lewis	Nichol	Warner
Duis	Kahle	Luedtke	Rasmussen	

Voting in the negative, 0.

Present and not voting, 2:

Barnett Chambers

Excused and not voting, 3:

F. Lewis Marsh Marvel

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

LEGISLATIVE BILL 664.

A BILL FOR AN ACT relating to public buildings; to provide that a portion of appropriations be used for the acquisition of art works; to provide for committees; to amend section 85-106 and 85-304, Revised Statutes Supplement, 1977; to provide duties on the Nebraska Arts Council, the Board of Regents of the Universtiy of Nebraska, and the Board of Trustees of Nebraska State Colleges; and to repeal the original sections.

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

Voting in the affirmative, 26:

Barnett	Cullan	Keyes	Merz	Stoney
Bereuter	DeCamp	Koch	Moylan	Warner
Brennan	Fitzgerald	Kremer	Newell	
Burrows	Fowler	Labedz	Reutzel	
Carsten	George	Luedtke	Rumery	
Cope	Hasebroock	Maxey	Savage	

Voting in the negative, 17:

Clark	Goodrich	Kennedy	Murphy	Simon
Duis	Hefner	Lamb	Nichol	
E. Dvorak	Kahle	R. Lewis	Rasmussen	
D. Dworak	Kelly	Maresh	Schmit	

Present and not voting, 3:

Chambers Mills Venditte

Excused and not voting, 3:

F. Lewis Marsh Marvel

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

LEGISLATIVE BILL 688.

A BILL FOR AN ACT relating to ground water; to provide a penalty for transfer of water without a permit; and to provide for injunctions.

Whereupon the 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	Duis	Kahle	Luedtke	Rumery
Bereuter	E. Dvorak	Kelly	Maresh	Savage
Brennan	D. Dworak	Kennedy	Merz	Schmit
Burrows	Fitzgerald	Keyes	Mills	Simon
Carsten	Fowler	Koch	Moylan	Stoney
Clark	George	Kremer	Newell	Venditte
Cope	Goodrich	Labedz	Nichol	Warner
Cullan	Hasebroock	Lamb	Rasmussen	
DeCamp	Hefner	R. Lewis	Reutzel	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Maxey Murphy

Excused and not voting, 3:

F. Lewis Marsh Marvel

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

LEGISLATIVE BILL 689. With Emergency.

A BILL FOR AN ACT to amend section 71-162, Reissue Revised Statutes of Nebraska, 1943, and section 71-5403, Revised Statutes Supplement, 1977, relating to public health and welfare; to change a license fee as prescribed; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 42:

Barnett	Duis	Kelly	Maxey	Savage
Bereuter	E. Dvorak	Kennedy	Merz	Schmit
Brennan	D. Dworak	Koch	Mills	Simon
Burrows	Fitzgerald	Kremer	Moylan	Stoney
Carsten	George	Labedz	Newell	Venditte
Clark	Goodrich	Lamb	Nichol	Warner
Cope	Hasebroock	R. Lewis	Rasmussen	
Cullan	Hefner	Luedtke	Reutzel	
DeCamp	Kahle	Maresh	Rumery	

Voting in the negative, 1:

Keyes

Present and not voting, 3:

Chambers Fowler Murphy

Excused and not voting, 3:

F. Lewis Marsh Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MESSAGE FROM THE GOVERNOR

March 13, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building

Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 395, 558, 561, 570, 682, 717, and 816.

These bills were signed by me on March 13, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

MOTION - Rule Change

Mr. Newell offered the following rule change:

In Rule 2 Section 3(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 last name in full of 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.

Referred to the Rules Committee.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on LB 98 on Final Reading this morning.

(Signed) R. D. Kelly

Had I been present, I would have voted "aye" on LB 98.

(Signed) Richard Maresh

ANNOUNCEMENT

Speaker Luedtke read a letter from former Speaker Jules Burbach thanking the members for cards, flowers and best wishes received during his stay in the hospital.

GENERAL FILE

LEGISLATIVE BILL 953. Title read. Considered.

Mr. George renewed his pending amendment found in the Journal on page 1152.

Mr. Koch 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. Hasebroock asked unanimous consent to be excused until he returns. No objections. So ordered.

The George amendment lost with 17 ayes, 24 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 181.

Introduced by Maxey, 46th District; Luedtke, 28th District; Barnett, 26th District, Warner, 25th District; Fowler, 27th District; Marsh, 29th District.

WHEREAS, the annual state basketball tournament for Nebraska high school students provides a climax of school enthusiasm and a final demonstration of youthful athletic conditioning and excellence; and

WHEREAS, those teams which win the privilege to play in the championship game of their respective divisions have demonstrated a willingness to endure the hard work and struggle associated with significant accomplishments; and

WHEREAS, any team winning a division championship establishes a benchmark of achievement deserving special recognition for their efforts and success.

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

1. That the members of the Legislature extend congratulations to the Lincoln East High School basketball team for winning the Class A

championship in the Nebraska statewide basketball competition for 1978.

2. That the Legislature also commends the competitive spirit and sportsmanship exhibited by the Lincoln Southeast High School team demonstrated in its participation in the Class A championship game.

3. That the members of the Legislature feel all of Nebraska's young basketball tournament participants should receive due congratulations and respect for their dedication and athletic accomplishments.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 957 in the Journal. No objections. So ordered.

AMENDMENT TO LB 957

On page 12, after line 9, insert: "The Board shall minimize the amount of funds invested in well driling and irrigation development until a comprehensive state water plan has been developed and adopted by the State of Nebraska."

Mr. Burrows asked unanimous consent to print the following amendments to LB 953 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 953

1. On page 31, strike lines 9 and 10.
2. On page 33, line 4, strike "1,208,204" and insert "808,204".
3. On page 33, line 6, strike "1,350,416" and insert "950,416".

MOTION - Rule Change

Mr. Simon offered the following rule change:

PROPOSED RULE CHANGE

1. Amend Rule 6 section 2 (e) 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 except that in all cases when such motion would result in consideration of a bill at a time earlier that it would otherwise be considered such motion shall require a majority vote of the elected membership.".

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. D. Dworak asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

To strike new wording seventy-five per cent and reinsert stricken language one half on page 20 line 2 and 3.

VISITORS

The President introduced former Senator Les Stull from Alliance; 82 ninth grade students and teachers from Bloomer Jr. High, Council Bluffs, Iowa; 25 fifth grade students and teachers from Clare McPhee, including Senator Maxey's eldest son, Lincoln, Nebraska; 26 seniors, teacher, and sponsor from Red Cloud High School, Red Cloud, Nebraska; 13 seniors, teacher, and sponsor from Lincoln Christian School, Lincoln, Nebraska; 10 juniors and seniors, teacher, and sponsors from Exeter High School, Exeter, Nebraska; 41 seventh and eighth grade students and teachers from Oakland-Craig School, Craig, Nebraska; 175 American Government Class students, teachers, and sponsors from Burke High School, Omaha, Nebraska; and 30 students and teacher from Risen Christ Parochial School, Lincoln, Nebraska.

RECESS

At 12:05 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., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Marvel who were excused; Mrs. Maxey, Messrs. Merz, F. Lewis, Barnett, Simon, D. Dworak, Cullan, Rasmussen and Schmit who were excused until they arrive; and Mr. Fowler who was excused until 3:00 p.m.

GENERAL FILE

LEGISLATIVE BILL 44. Title read. Considered.

Standing Committee amendments found in the Journal on page 1058 for the Fifty-First Day, First Session, were considered.

Mr. Koch offered the following amendments to the Standing Committee amendments of LB 44:
Section 4 line 18 strike January 4, 1978, insert January 3, 1979. After on line 18 strike January 4, 1978 and insert January 3, 1979.
Section 12 line 2 strike January 4, 1978 and insert January 3, 1979.

The amendments were adopted with 19 ayes, 0 nays, 18 present and not voting, and 12 excused and not voting.

Standing Committee amendments, as amended, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

PRESIDENT WHELAN PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 848. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 179. Read. Considered.

LR 179 was adopted with 27 ayes, 0 nays, and 22 not voting.

Mr. Barnett moved to suspend the rules, Rule 4, sec. 6, to consider LR 181 today.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 181. Read. Considered.

LR 181 was adopted with 26 ayes, 0 nays, and 23 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Maresh asked unanimous consent to be excused at 2:45 p.m. No objections. So ordered.

MOTION - Place LB 602 on General File

Mr. Schmit renewed his pending motion found in the Journal on page 1127 to place LB 602 on General File pursuant to Rule 3, Sec. 10b.

SPEAKER LUEDTKE PRESIDING

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 Schmit motion to place LB 602 on General File lost with 14 ayes, 23 nays, 8 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendments to LB 700A in the Journal. No objections. So ordered.

AMENDMENT TO LB 700A

1. Strike original sections 1 and 2 and insert:

"Section 1. There is hereby appropriated ninety-one thousand eight hundred dollars from the General Fund for the period July 1, 1978, to June 30, 1979, to the Department of Public Welfare, Agency No. 26 for Program 341, to aid in carrying out the provisions of Legislative Bill 700, Eighty-fifth Legislature, Second Session, 1978.

Sec. 2. There is hereby appropriated forty-five thousand one hundred fifty dollars from the General Fund for the period July 1, 1978, to June 30, 1979, to the Department of Public Welfare, Agency No. 26 for Program 347, to aid in carrying out the provisions of Legislative Bill 700, Eighty-fifth Legislature, Second Session, 1978.

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."

EASE

The Legislature was at ease from 3:05 p.m. until 3:40 p.m. while the present Senators introduced the former Legislators from each of their districts.

SELECT FILE

LEGISLATIVE BILL 836. E & R amendments found in the Journal on page 1221 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 624. E & R amendment found in the Journal on page 1221 for the Thirty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 920. E & R amendments found in the Journal on page 1220 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 902. Mr. Schmit re-offered the DeCamp amendment found in the Journal on page 1216.

Mr. Chambers offered the following amendment to the Schmit-DeCamp amendment to LB 902:
Line 27 - strike "three-fourths"; insert instead: "unanimous vote of all elected members of the Council."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?"

Mr. DeCamp moved for a Call of the House. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Goodrich moved the Call be raised. The motion lost with 6 ayes, 24 nays, and 19 not voting.

The motion to close debate prevailed with 27 ayes, 6 nays, and 16 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Bereuter	Fowler	Koch	Maxey
Chambers	Kelly	Lamb	Mills
D. Dworak	Kennedy	Maresh	

Voting in the negative, 32:

Barnett	Duis	Keyes	Newell	Simon
Brennan	E. Dvorak	Kremer	Nichol	Stoney
Burrows	Fitzgerald	Labedz	Rasmussen	Venditte
Carsten	Goodrich	F. Lewis	Reutzel	Warner
Clark	Hasebroock	Luedtke	Rumery	
Cope	Hefner	Merz	Savage	
DeCamp	Kahle	Moylan	Schmit	

Present and not voting, 3:

Cullan	George	Murphy

Absent and not voting, 1:

R. Lewis

Excused and not voting, 2:

Marsh	Marvel

The Chambers amendment lost with 11 ayes, 32 nays, 3 present and not voting, 1 absent 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, 2 nays, and 14 not voting.

The DeCamp amendment on page 1216 offered by Mr. Schmit was adopted with 31 ayes, 12 nays, 3 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Clerk read Mrs. Marsh's motion to indefinitely postpone.

Mr. Kennedy asked unanimous consent to be excused at 5 p.m. No objections. So ordered.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3, to take up the Marsh indefinitely postpone motion today.

Mr. F. Lewis moved to adjourn until 9:00 a.m., Wednesday, March 15, 1978. The motion lost with 15 ayes, 24 nays, and 10 not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Mr. Chambers requested a record vote on the DeCamp motion to suspend the rules.

Voting in the affirmative, 33:

Barnett	Fitzgerald	Koch	Moylan	Schmit
Brennan	George	Kremer	Newell	Simon
Burrows	Goodrich	Lamb	Nichol	Stoney
Chambers	Hasebroock	Luedtke	Rasmussen	Venditte
Clark	Hefner	Maresh	Reutzel	Warner
Cope	Kahle	Merz	Rumery	
DeCamp	Keyes	Mills	Savage	

Voting in the negative, 7:

Bereuter	Cullan	Fowler	Maxey
Carsten	D. Dworak	Kennedy	

Present and not voting, 6:

Duis	Kelly	F. Lewis
E. Dvorak	Labedz	Murphy

Absent and not voting, 1:

R. Lewis

Excused and not voting, 2:

Marsh Marvel

The DeCamp motion to suspend the rules prevailed with 33 ayes, 7 nays, 6 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Mr. Chambers moved to reconsider action on the vote to suspend Rule 7, Sec. 3, pursuant to Rule 7, Sec. 7.

Mr. Chambers withdrew his motion.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. Warner raised a point of order on the Marsh motion being taken up with her excused.

Speaker Luedtke ruled the Marsh motion wouldn't be take up in her absence.

Mr. DeCamp moved to suspend the rules, Rule 6, Section 4 a, b, c, d, e, f, g, h, i, so as to vote on advancement of LB 902 immediately.

Mr. D. Dworak moved to indefinitely postpone.

Speaker Luedtke ruled the indefinitely postpone motion took precedence over the rule suspension.

Mr. DeCamp challenged the ruling of the Chair.

Mr. Chambers moved to adjourn. The motion lost with 12 ayes, 26 nays, and 11 not voting.

Mr. Schmit 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 question is, "Shall the Chair be overruled?" The motion prevailed with 25 ayes, 13 nays, and 11 not voting.

The Chair was overruled.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

Mr. DeCamp requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 32:

Barnett	E. Dvorak	Keyes	Moylan	Schmit
Brennan	Fitzgerald	Kremer	Newell	Simon
Burrows	George	Labedz	Nichol	Stoney
Clark	Goodrich	Lamb	Rasmussen	Venditte
Cope	Hasebroock	Luedtke	Reutzel	
DeCamp	Hefner	Maresh	Rumery	
Duis	Kahle	Merz	Savage	

Voting in the negative, 9:

Bereuter	Chambers	D. Dworak	Maxey	Warner
Carsten	Cullan	Fowler	Mills	

Present and not voting, 4:

Kelly	Koch	F. Lewis	Murphy

Absent and not voting, 1:

R. Lewis

Excused and not voting, 3:

Kennedy	Marsh	Marvel

The motion to suspend the rules prevailed with 32 ayes, 9 nays, 4 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Speaker Luedtke ruled no further debate.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 4 ayes, 25 nays, and 20 not voting.

The Chair was sustained.

Mr. Chambers moved the Call be raised. The motion lost with 5 ayes, 29 nays, and 15 not voting.

Mr. Chambers requested a roll call vote on the motion to advance LB 902 to E & R for Engrossment.

Mr. DeCamp moved the Call be raised. The motion prevailed with 29 ayes, 4 nays, and 16 not voting.

Vote on advancing to E & R for Engrossment.

Voting in the affirmative, 30:

Brennan	E. Dvorak	Kahle	Merz	Rumery
Burrows	Fitzgerald	Keyes	Moylan	Savage
Clark	George	Kremer	Newell	Schmit
Cope	Goodrich	Labedz	Nichol	Simon
DeCamp	Hasebroock	Luedtke	Rasmussen	Stoney
Duis	Hefner	Maresh	Reutzel	Venditte

Voting in the negative, 11:

Barnett	Chambers	Fowler	Mills
Bereuter	Cullan	Lamb	Warner
Carsten	D. Dworak	Maxey	

Present and not voting, 2:

Koch Murphy

Absent and not voting, 2:

Kelly R. Lewis

Excused and not voting, 4:

Kennedy F. Lewis Marsh Marvel

Advanced to E & R for Engrossment with 30 ayes, 11 nays, 2 present and not voting, 2 absent and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 574 and 623.

Correctly Engrossed

The following bills were correctly engrossed: 198, 198A, 672, 725, and 897A.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 184 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 184

1. In the DeCamp amendments page 1, line 23 after "Fund" insert ", which fund is hereby created"; and in line 23 after the period insert "The State Treasurer shall disburse the money in such fund as provided in this act. All disbursements from the fund shall be made upon warrants drawn by the Director of Administrative Services.".

2. In the DeCamp amendments page 3, section 7, line 15 strike "fund" and insert "Anti-littering and Recycling Fund"; strike beginning with "adhering" in line 15 through "percentages" in line 16 and insert "as"; in line 16 after the colon insert:

"(1) Administrative costs incurred by the Department of Revenue from collecting the tax imposed by section 4 of this act shall first be allocated from such fund;";

in lines 17 and 23 strike "fund" and insert "amount remaining in the Anti-littering and Recycling Fund after payment of costs under subdivision (1) of this section"; in line 17 strike "(1)" and insert "(2)"; in line 23 strike "(2)" and insert "(3)"; and strike beginning with "The" on page 3, line 26 through the period on page 4, line 2.

RESOLUTION

LEGISLATIVE RESOLUTION 182.

Introduced by Goodrich, 20th District.

WHEREAS, the several volumes of the Nebraska statutes contain statutes which are either no longer valid or are no longer needed; and

WHEREAS, continued reprinting of such statutes accomplishes nothing other than increasing printing costs; and

WHEREAS, elimination of the unnecessary statutes would result in reduced costs.

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

1. That the Revisor of Statutes, the Assistant Revisor of Statutes, the Enrollment and Review Attorney, and such staff as is necessary conduct an interim study of all Nebraska statutes to determine which statutes are no longer needed.

2. That results of such study together with recommendations for legislation be reported to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 183.

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 Nebrakans; and

WHEREAS, one of every three individuals 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, many forms of cancer are curable if detected early and treated properly; 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 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, 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, SECOND 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.

LEGISLATIVE RESOLUTION 184.

Introduced by Hasebroock, 18th District.

WHEREAS, the Howells basketball team completed an outstanding regular season of play reflecting twenty-six wins and one loss; and

WHEREAS, efforts of the Howells team was rewarded when they won the 1978 Class C championship for high school tournament play in Nebraska; and

WHEREAS, their collective athletic abilities and exemplary conduct resulted in the awarding of a tournment Sportsmanship Award to Howells.

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

1. That the members of the Legislature extend congratulations and best wishes to the Howells team members for winning the Class C championship in the Nebraska statewide basketball tournament for 1978.

Laid over.

LEGISLATIVE RESOLUTION 185.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Hefner, 19th District; Venditte, 7th District; Maresh, 32nd District; Kahle, 37th District; Burrows, 30th District; DeCamp, 40th District.

WHEREAS, the process of planning for land use affects both urban and rural dwellers; and

WHEREAS, to a large degree these effects have not been adequately identified, researched, and studied; and

WHEREAS, there is an immediate need to identify the effects of land use planning on both the urban and rural sectors and to conduct indepth research into such effects.

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

1. That the Agriculture and Environment Committee conduct an interim study into the effects of land use planning on both urban and rural dwellers.

Referred to Executive Board.

VISITORS

The President introduced former State Senator Tesar from Omaha, Nebraska, and former State Senator Dave Stahmer from Omaha, Nebraska.

ADJOURNMENT

At 5:35 p.m, on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Wednesday, March 15, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 15, 1978

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 15, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

Our God and our Father, we have come to the beginning of this day burdened, bewildered, and even smothered by the many contradictory images of who we are: the supporters of this legislation or the opponents of that school of thought, representatives of our constituency or ones entrusted with leadership for our communities and state, wise beyond all human wisdom or fools without parallel in the history of legislators. The voices around us and within us say we are good or we are bad, loving or selfish, competent or powerless. We feel misunderstood by others and mocked by our own deepest convictions. How can we make wise decisions for the people of this state when we doubt our capacity to plan and act constructively for ourselves?

Help us in this moment to regain our own most basic identity, to allow You, our Creator, to tell us who we are: Your loved children, the heirs of Your eternal purposes of love, co-workers with Your Son who calls us His brothers and sisters, as well as the brothers and sisters to all the rest of humanity. In that understanding of ourselves may we find the confidence to think clearly, to decide justly, to lead courageously, and to act with loving compassion. Whoever and whatever else we may be, we are Yours. May we live in that truth this day.

In the Name of Jesus Christ, our Lord and Savior, we pray. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused; and Messrs. Brennan, George, Koch, F. Lewis, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 715. Placed on Select File as amended.
E & R amendments to LB 715:

1. On page 2, line 1, strike "shall be" and insert "is"; and in line 17 insert a comma after "architect".
2. On page 3, line 1, insert a comma after "architecture"; and in line 14 strike "all".
3. In committee amendment 2, line 2, insert a comma after "shall".
4. On page 5, line 25, strike the comma.
5. On page 6, line 12, strike "provided" and insert "as long as"; and because of committee amendment 4, in line 20 strike "five" and insert "ten".
6. On page 8, insert a comma after "him" in lines 24 and 27, and at the end of line 25.
7. On page 9, line 14, strike the first comma; in line 16 strike "of" and insert "or"; and in line 25 strike the first comma and insert a comma after "shall".
8. On page 10, line 7, strike the first comma and insert a comma after "shall".

LEGISLATIVE BILL 828. Placed on Select File as amended.
E & R amendments to LB 828:

1. On page 2, line 5, strike "their" and insert "its".
2. In the title, line 3, insert "and liability" after "penalties".

LEGISLATIVE BILL 851. Placed on Select File as amended.
E & R amendment to LB 851:

1. On page 3, line 25, insert "that" after "provide".

LEGISLATIVE BILL 773. Placed on Select File.
LEGISLATIVE BILL 845. Placed on Select File.

LEGISLATIVE BILL 907. Placed on Select File as amended.
E & R amendments to LB 907:

1. On page 2, strike lines 1 and 2 and insert:

"Section 1. Any village volunteer fire department may be merged with any rural fire protection district pursuant to this act."; in line 4 strike the comma; in line 22 strike the first comma; in line 23 strike "effected" and insert "affected"; and in line 26 strike the second comma.

2. On page 3, line 22, strike "of such district".

3. In the committee amendment, line 3, insert "protection" after "fire".

4. In the title, line 4, insert "protection" after "fire".

LEGISLATIVE BILL 643. Placed on Select File.

LEGISLATIVE BILL 847. Placed on Select File as amended.
E & R amendments to LB 847:

1. In committee amendment 1, line 3, insert an underscored comma after "month".

2. In the title, line 7, insert ", and also sections 15-825, 15-826, and 17-705, Reissue Revised Statutes of Nebraska, 1943" after "section".

LEGISLATIVE BILL 855. Placed on Select File.

LEGISLATIVE BILL 596. Placed on Select File as amended.
E & R amendment to LB 596:

1. In the title, line 2, insert "79-520, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; in lines 3 and 4, strike "Class I, II, and III"; in line 4 insert "to extend authority to borrow;" after the semicolon; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 903. Placed on Select File as amended.
E & R amendments to LB 903:

1. On page 2, line 21, strike "persons" and insert "person", and insert "any" after "operate"; in line 24 strike "such" and insert "any"; and in line 25 strike ". Except in the event that" and insert ", except that if".

2. On page 3, line 8, strike the first comma; and in line 12 strike "such" and insert "any".

3. In committee amendment 4, line 4, strike the second "the" and insert "any".

LEGISLATIVE BILL 924. Placed on Select File as amended.
E & R amendments to LB 924:

1. In committee amendments, page 4, line 4, strike "Source)LX CASH ~~22,329~~" and insert "Source"; and after line 4 insert

"CASH FUND ~~22,329~~".

2. In committee amendments, page 106, strike beginning with "and" in line 18 through the second comma in line 19.

3. In committee amendments, page 107, line 8, strike the stricken matter and remove underscoring.

4. In committee amendments, page 108, strike "~~and~~" in line 10.

5. In committee amendments, page 109, line 7, strike the third comma and insert "to" and strike the sixth comma; in line 10, strike "and"; and in line 11, after the fifth comma insert "and Laws 1976, LB 984, section 39, as amended by Laws 1977, LB 522, section 17,".

6. In the title, strike lines 5 to 10 and insert "amend Laws 1977, LB 530, sections 3, 5, 6, 9, 10, 12, 14, 16, and 19, Laws 1977, LB 531, sections 4, 10, and 12, Laws 1977, LB 532, sections 3 to 7, 9, 10 to 12, 14, 15 to 17, 19, 22, 23, 26 to 30, 32, 34, 36, 38 to 40, 43, and 45, Laws 1977, LB 533, sections 3, 4 to 7, and 13, Laws 1977, LB 546, section 2, Laws 1977, LB 548, section 10, Laws 1977, LB 549, sections 12, 16, 28, and 46, and Laws 1976, LB 984, section 39, as amended by Laws 1977, LB 522, section 17; to repeal".

LEGISLATIVE BILL 945. Placed on Select File as amended.
E & R amendment to LB 945:

1. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to authorize the Nebraska Educational Television Commission and the Game and Parks Commission to replace destroyed facilities; to make appropriations; and to declare an emergency.".

LEGISLATIVE BILL 937. Placed on Select File as amended.
E & R amendments to LB 937:

1. On page 12, in line 19 as amended, strike ", 27, 28, and 39" and insert "and 26"; in line 20 strike ", 6, 16, and 17" and insert "and 6", and after the fourth comma insert "Laws 1976, LB 984, sections 28 and 39, as amended by Laws 1977, LB 522, sections 16 and 17, respectively,".

2. In the title, as amended, line 5, strike ", 27, 28, and 39" and insert "and 27"; in line 6 strike ", 6, 16, and 17" and insert "and 6"; and after the first comma in line 7 insert "Laws 1976, LB 984, sections 28 and 39, as amended by Laws 1977, LB 522, sections 16 and 17, respectively,".

LEGISLATIVE BILL 951. Placed on Select File.

LEGISLATIVE BILL 952. Placed on Select File as amended.
E & R amendment to LB 952:

1. Renumber the new section added by the Warner amendment as section 19 and renumber original sections 19 to 25 as sections 20 to 26.

LEGISLATIVE BILL 541A. Replaced on Select File as amended.
E & R amendment to LB 541A:

1. On page 2, before line 1, insert:

"Section 1. That section 1, Legislative Bill 930, Eighty-fifth Legislature, Second Session, 1978, be amended to read as follows:".

Correctly Enrolled

The following bills were correctly enrolled: 98, 476, 586, 591, 599, 600, 606, 664, 688, and 689.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 98, 476, 586, 591, 599, 600, 606, 664, 688, and 689.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 92.

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.

Whereupon the 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	Fitzgerald	Keyes	Moylan	Simon
Brennan	Fowler	Kremer	Newell	Venditte
Burrows	Goodrich	Lamb	Nichol	
Cope	Hasebroock	Luedtke	Rumery	
Cullan	Hefner	Maresh	Savage	
E. Dvorak	Kahle	Merz	Schmit	

Voting in the negative, 17:

Bereuter	DeCamp	Kennedy	Murphy	Warner
Carsten	Duis	R. Lewis	Rasmussen	
Chambers	D. Dworak	Marsh	Reutzel	
Clark	Kelly	Mills	Stoney	

Present and not voting, 1:

Maxey

Excused and not voting, 5:

George	Koch	Labedz	F. Lewis	Marvel

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

LEGISLATIVE BILL 92A. Laid over temporarily at the request of Mr. Warner.

LEGISLATIVE BILL 575. With Emergency.

A BILL FOR AN ACT to amend section 71-2601, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Health; to increase the membership of the board as prescribed; to reduce the minimum age; 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, 30:

Barnett	DeCamp	Kahle	Maresh	Reutzel
Bereuter	Duis	Kelly	Mills	Rumery
Burrows	D. Dworak	Kennedy	Moylan	Savage
Clark	Goodrich	Kremer	Murphy	Schmit
Cope	Hasebroock	Lamb	Nichol	Simon
Cullan	Hefner	Luedtke	Rasmussen	Venditte

Voting in the negative, 10:

Brennan	E. Dvorak	Fowler	Maxey	Stoney
Carsten	Fitzgerald	Marsh	Newell	Warner

Present and not voting, 4:

Chambers	Keyes	R. Lewis	Merz

Excused and not voting, 5:

George	Koch	Labedz	F. Lewis	Marvel

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, 31:

Barnett	Duis	Kennedy	Mills	Savage
Bereuter	D. Dworak	Keyes	Moylan	Simon
Burrows	Goodrich	Kremer	Murphy	Venditte
Clark	Hasebroock	Lamb	Nichol	
Cope	Hefner	Luedtke	Rasmussen	
Cullan	Kahle	Maresh	Reutzel	
DeCamp	Kelly	Merz	Rumery	

Voting in the negative, 9:

Carsten	E. Dvorak	Marsh	Newell	Warner
Chambers	Fowler	Maxey	Stoney	

Present and not voting, 4:

Brennan	Fitzgerald	R. Lewis	Schmit

Excused and not voting, 5:

George	Koch	Labedz	F. Lewis	Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 583.

A BILL FOR AN ACT to amend section 71-1001, Reissue Revised Statutes of Nebraska, 1943, relating to the State Anatomical Board; to change the membership 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	DeCamp	Hefner	Maresh	Rasmussen
Bereuter	Duis	Kahle	Marsh	Reutzel
Brennan	E. Dvorak	Kelly	Maxey	Rumery
Burrows	D. Dworak	Kennedy	Merz	Savage
Carsten	Fitzgerald	Keyes	Mills	Schmit
Chambers	Fowler	Kremer	Moylan	Simon
Clark	George	Lamb	Murphy	Stoney
Cope	Goodrich	R. Lewis	Newell	Venditte
Cullan	Hasebroock	Luedtke	Nichol	Warner

Voting in the negative, 0.

Excused and not voting, 4:

Koch	Labedz	F. Lewis	Marvel

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

LEGISLATIVE BILL 618.

A BILL FOR AN ACT relating to crimes and punishments; to provide provisions relating to incriminating testimony in certain offenses.

Whereupon the 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	Duis	Kennedy	Murphy	Simon
Bereuter	E. Dvorak	Keyes	Newell	Stoney
Burrows	D. Dworak	Luedtke	Nichol	Venditte
Carsten	Fitzgerald	Marsh	Rasmussen	Warner
Chambers	Fowler	Maxey	Reutzel	
Cope	Kahle	Mills	Rumery	
Cullan	Kelly	Moylan	Savage	

Voting in the negative, 8:

Clark	Hefner	Lamb	Maresh
Goodrich	Kremer	R. Lewis	Schmit

Present and not voting, 5:

Brennan	DeCamp	George	Hasebroock	Merz

Excused and not voting, 4:

Koch	Labedz	F. Lewis	Marvel

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

LEGISLATIVE BILL 641. With Emergency.

A BILL FOR AN ACT to amend sections 8-131, 8-167, and 8-826, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide for interest on reserve deficiencies; to change the time limits for filing certain information; to delete a duty; to repeal the original sections, and also section 8-825, 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, 44:

Barnett	DeCamp	Hefner	Maresh	Rasmussen
Bereuter	Duis	Kahle	Marsh	Reutzel
Brennan	E. Dvorak	Kelly	Maxey	Rumery
Burrows	D. Dworak	Kennedy	Merz	Savage
Carsten	Fitzgerald	Keyes	Mills	Schmit
Chambers	Fowler	Kremer	Moylan	Simon
Clark	George	Lamb	Murphy	Stoney
Cope	Goodrich	R. Lewis	Newell	Venditte
Cullan	Hasebroock	Luedtke	Nichol	

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 4:

Koch	Labedz	F. Lewis	Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 662.

A BILL FOR AN ACT relating to hospital service corporations; to specify the number of directors as prescribed.

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

Voting in the affirmative, 42:

Barnett	DeCamp	Hefner	Luedtke	Newell
Bereuter	Duis	Kahle	Maresh	Rasmussen
Brennan	E. Dvorak	Kelly	Marsh	Reutzel
Burrows	D. Dworak	Kennedy	Maxey	Rumery
Carsten	Fowler	Keyes	Merz	Savage
Clark	George	Kremer	Mills	Schmit
Cope	Goodrich	Lamb	Moylan	Simon
Cullan	Hasebroock	R. Lewis	Murphy	Stoney

Venditte Warner

Voting in the negative, 0.

Present and not voting, 3:

Chambers Fitzgerald Nichol

Excused and not voting, 4:

Koch Labedz F. Lewis Marvel

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

LEGISLATIVE BILL 675.

A BILL FOR AN ACT relating to public health; to provide for a temporary educational permit to practice pharmacy as prescribed; to define terms; to provide conditions for issuance; to provide for fees; and to provide for suspensions and revocations.

Whereupon the 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	DeCamp	Hefner	Marsh	Rumery
Bereuter	Duis	Kahle	Maxey	Savage
Brennan	E. Dvorak	Kelly	Merz	Schmit
Burrows	D. Dworak	Kennedy	Mills	Simon
Carsten	Fitzgerald	Kremer	Moylan	Stoney
Chambers	Fowler	Lamb	Newell	Venditte
Clark	George	R. Lewis	Nichol	Warner
Cope	Goodrich	Luedtke	Rasmussen	
Cullan	Hasebroock	Maresh	Reutzel	

Voting in the negative, 1:

Keyes

Present and not voting, 1:

Murphy

Excused and not voting, 4:

Koch Labedz F. Lewis Marvel

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

LEGISLATIVE BILL 676. With Emergency.

A BILL FOR AN ACT relating to approved animal technicians; to define terms; to provide when an approved animal technician may render services; to provide for the certification of programs and animal technicians; to establish guidelines for applications for approved animal technicians; to set fees; to provide for 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, 42:

Barnett	E. Dvorak	Kennedy	Merz	Savage
Bereuter	D. Dworak	Keyes	Mills	Schmit
Brennan	Fitzgerald	Kremer	Moylan	Simon
Carsten	Fowler	Lamb	Murphy	Stoney
Chambers	George	R. Lewis	Newell	Venditte
Clark	Goodrich	Luedtke	Nichol	Warner
Cope	Hasebroock	Maresh	Rasmussen	
Cullan	Hefner	Marsh	Reutzel	
Duis	Kahle	Maxey	Rumery	

Voting in the negative, 1:

Kelly

Present and not voting, 2:

Burrows DeCamp

Excused and not voting, 4:

Koch Labedz F. Lewis Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 676A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 676, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 40:

Barnett	Duis	Kahle	Marsh	Reutzel
Bereuter	E. Dvorak	Kennedy	Merz	Rumery
Brennan	D. Dworak	Keyes	Mills	Savage
Carsten	Fitzgerald	Kremer	Moylan	Schmit
Chambers	George	Lamb	Murphy	Simon
Clark	Goodrich	R. Lewis	Newell	Stoney
Cullan	Hasebroock	Luedtke	Nichol	Venditte
DeCamp	Hefner	Maresh	Rasmussen	Warner

Voting in the negative, 0.

Present and not voting, 5:

Burrows	Cope	Fowler	Kelly	Maxey

Excused and not voting, 4:

Koch	Labedz	F. Lewis	Marvel

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

LEGISLATIVE BILL 697.

A BILL FOR AN ACT relating to the Legislative Fiscal Analyst; 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 provide for interpretation; and to provide for termination.

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

Voting in the affirmative, 33:

Barnett	D. Dworak	Keyes	Mills	Savage
Bereuter	Fowler	Lamb	Moylan	Simon
Burrows	George	R. Lewis	Murphy	Stoney
Carsten	Hasebroock	Luedtke	Nichol	Venditte
Cope	Hefner	Marsh	Rasmussen	Warner
Cullan	Kelly	Maxey	Reutzel	
DeCamp	Kennedy	Merz	Rumery	

Voting in the negative, 8:

Chambers	Duis	Goodrich	Maresh
Clark	E. Dvorak	Kahle	Newell

Present and not voting, 4:

Brennan	Fitzgerald	Kremer	Schmit

Excused and not voting, 4:

Koch	Labedz	F. Lewis	Marvel

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

LEGISLATIVE BILL 732.

A BILL FOR AN ACT to amend section 43-905, Revised Statutes Supplement, 1977, relating to infants; to provide services to persons over the age of majority 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	E. Dvorak	Kennedy	Merz	Schmit
Bereuter	D. Dworak	Keyes	Mills	Simon
Brennan	Fitzgerald	Kremer	Moylan	Stoney
Burrows	Fowler	Lamb	Newell	Venditte
Carsten	George	R. Lewis	Nichol	Warner
Chambers	Hasebroock	Luedtke	Rasmussen	
Cope	Hefner	Maresh	Reutzel	
Cullan	Kahle	Marsh	Rumery	
DeCamp	Kelly	Maxey	Savage	

Voting in the negative, 0.

Present and not voting, 4:

Clark	Duis	Goodrich	Murphy

Excused and not voting, 4:

Koch	Labedz	F. Lewis	Marvel

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

LEGISLATIVE BILL 732A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 732, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 42:

Barnett	DeCamp	Kahle	Luedtke	Nichol
Bereuter	Duis	Kelly	Maresh	Rasmussen
Brennan	E. Dvorak	Kennedy	Marsh	Reutzel
Burrows	D. Dworak	Keyes	Maxey	Rumery
Carsten	Fitzgerald	Kremer	Merz	Savage
Chambers	Fowler	Lamb	Mills	Schmit
Cope	Hasebroock	F. Lewis	Moylan	Simon
Cullan	Hefner	R. Lewis	Newell	Stoney

Venditte Warner

Voting in the negative, 0.

Present and not voting, 4:

Clark George Goodrich Murphy

Excused and not voting, 3:

Koch Labedz Marvel

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

LEGISLATIVE BILL 761. With Emergency.

A BILL FOR AN ACT to amend sections 71-1,104 and 71-1,107.13, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to provide for the manner in which a foreign medical graduate may apply for a license to practice medicine and surgery, or for a temporary educational permit as prescribed; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Barnett	Duis	Kelly	Maxey	Savage
Bereuter	E. Dvorak	Kennedy	Merz	Schmit
Brennan	D. Dworak	Keyes	Mills	Simon
Burrows	Fitzgerald	Kremer	Moylan	Stoney
Carsten	Fowler	Lamb	Murphy	Venditte
Chambers	George	F. Lewis	Newell	Warner
Clark	Goodrich	R. Lewis	Nichol	
Cope	Hasebroock	Luedtke	Rasmussen	
Cullan	Hefner	Maresh	Reutzel	
DeCamp	Kahle	Marsh	Rumery	

Voting in the negative, 0.

Excused and not voting, 3:

Koch Labedz Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 767.

A BILL FOR AN ACT to amend section 44-201, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to specify additional lines of insurance for which an insurance company can be formed.

Whereupon the 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	DeCamp	Hefner	Luedtke	Rasmussen
Bereuter	Duis	Kahle	Maresh	Reutzel
Brennan	E. Dvorak	Kelly	Marsh	Rumery
Burrows	D. Dworak	Kennedy	Maxey	Savage
Carsten	Fitzgerald	Keyes	Merz	Schmit
Chambers	Fowler	Kremer	Mills	Simon
Clark	George	Lamb	Moylan	Stoney
Cope	Goodrich	F. Lewis	Newell	Venditte
Cullan	Hasebroock	R. Lewis	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 1:

Murphy

Excused and not voting, 3:

Koch Labedz Marvel

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

LEGISLATIVE BILL 771.

A BILL FOR AN ACT to amend section 44-1620.01, Revised Statutes Supplement, 1977, relating to the Nebraska State Insurance Program; to provide for coverage of dependents; 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	DeCamp	Kahle	Merz	Rumery
Bereuter	Duis	Kelly	Mills	Savage
Brennan	Fitzgerald	Kremer	Moylan	Schmit
Burrows	Fowler	F. Lewis	Murphy	Simon
Carsten	George	Luedtke	Newell	Venditte
Clark	Goodrich	Maresh	Nichol	Warner
Cope	Hasebroock	Marsh	Rasmussen	
Cullan	Hefner	Maxey	Reutzel	

Voting in the negative, 4:

Chambers	D. Dworak	Lamb	R. Lewis

Present and not voting, 4:

E. Dvorak	Kennedy	Keyes	Stoney

Excused and not excused, 3:

Koch	Labedz	Marvel

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

LEGISLATIVE BILL 772.

A BILL FOR AN ACT to amend section 21-17,120.01, Reissue Revised Statutes of Nebraska, 1943, relating to credit unions; to provide the same advantages as federal credit unions; 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	DeCamp	Kahle	Maresh	Rasmussen
Bereuter	Duis	Kelly	Marsh	Reutzel
Brennan	E. Dvorak	Kennedy	Maxey	Rumery
Burrows	D. Dworak	Keyes	Merz	Savage
Carsten	Fitzgerald	Kremer	Mills	Schmit
Chambers	Fowler	Lamb	Moylan	Simon
Clark	Goodrich	F. Lewis	Murphy	Stoney
Cope	Hasebroock	R. Lewis	Newell	Venditte
Cullan	Hefner	Luedtke	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 1:

George

Excused and not voting, 3:

Koch Labedz Marvel

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

LEGISLATIVE BILL 796.

A BILL FOR AN ACT to amend section 53-194.01, Reissue Revised Statutes of Nebraska, 1943, and section 53-124.03, Revised Statutes Supplement, 1976, relating to liquors; to provide an additional exemption; to delete a prohibition; and to repeal the original sections.

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

Voting in the affirmative, 36:

Barnett	Carsten	DeCamp	Fitzgerald	Hasebroock
Brennan	Clark	Duis	George	Hefner
Burrows	Cullan	D. Dworak	Goodrich	Kahle

Keyes	Maresh	Newell	Savage	Warner
Lamb	Marsh	Nichol	Schmit	
F. Lewis	Merz	Rasmussen	Simon	
R. Lewis	Mills	Reutzel	Stoney	
Luedtke	Moylan	Rumery	Venditte	

Voting in the negative, 7:

Bereuter	Cope	Kennedy	Maxey
Chambers	E. Dvorak	Kremer	

Present and not voting, 3:

Fowler	Kelly	Murphy

Excused and not voting, 3:

Koch	Labedz	Marvel

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

LEGISLATIVE BILL 802.

A BILL FOR AN ACT to amend section 72-902, Reissue Revised Statutes of Nebraska, 1943, relating to public lands and buildings; to provide for an increase of annual delay rentals; 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	DeCamp	Hefner	Maresh	Rasmussen
Bereuter	Duis	Kahle	Marsh	Reutzel
Brennan	E. Dvorak	Kelly	Maxey	Rumery
Burrows	D. Dworak	Kennedy	Merz	Savage
Carsten	Fitzgerald	Keyes	Mills	Schmit
Chambers	Fowler	Kremer	Moylan	Simon
Clark	George	Lamb	Murphy	Stoney
Cope	Goodrich	R. Lewis	Newell	Venditte
Cullan	Hasebroock	Luedtke	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 1:

F. Lewis

Excused and not voting, 3:

Koch Labedz Marvel

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

LEGISLATIVE BILL 826.

A BILL FOR AN ACT to amend sections 21-1317 and 21-1327, Reissue Revised Statutes of Nebraska, 1943, relating to cooperative credit associations; to increase the amount allowed for certain loans as prescribed; to authorize delegation of certain powers 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	DeCamp	Kahle	Maresh	Rasmussen
Bereuter	Duis	Kelly	Marsh	Reutzel
Brennan	E. Dvorak	Kennedy	Maxey	Rumery
Burrows	D. Dworak	Keyes	Merz	Savage
Carsten	Fitzgerald	Kremer	Mills	Schmit
Chambers	Fowler	Lamb	Moylan	Simon
Clark	George	F. Lewis	Murphy	Stoney
Cope	Goodrich	R. Lewis	Newell	Venditte
Cullan	Hasebroock	Luedtke	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 1:

Hefner

Excused and not voting, 3:

Koch Labedz Marvel

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

LEGISLATIVE BILL 829.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to provide an offense relating to morals; and to provide a penalty.

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

Voting in the affirmative, 46:

Barnett	Duis	Kelly	Maxey	Savage
Bereuter	E. Dvorak	Kennedy	Merz	Schmit
Brennan	D. Dworak	Keyes	Mills	Simon
Burrows	Fitzgerald	Kremer	Moylan	Stoney
Carsten	Fowler	Lamb	Murphy	Venditte
Chambers	George	F. Lewis	Newell	Warner
Clark	Goodrich	R. Lewis	Nichol	
Cope	Hasebroock	Luedtke	Rasmussen	
Cullan	Hefner	Maresh	Reutzel	
DeCamp	Kahle	Marsh	Rumery	

Voting in the negative, 0.

Excused and not voting, 3:

Koch Labedz Marvel

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

LEGISLATIVE BILL 833. Laid over at the request of Mr. Warner.

LEGISLATIVE BILL 92A.

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.

Mr. Warner announced LB 92A requires 30 votes to pass.

Whereupon the 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	Fowler	Keyes	Merz	Schmit
Brennan	George	Kremer	Moylan	Simon
Burrows	Goodrich	Lamb	Newell	Venditte
Cope	Hasebroock	F. Lewis	Nichol	
DeCamp	Hefner	Luedtke	Rumery	
Fitzgerald	Kahle	Maresh	Savage	

Voting in the negative, 17:

Bereuter	Cullan	Kennedy	Murphy	Warner
Carsten	Duis	R. Lewis	Rasmussen	
Chambers	D. Dworak	Marsh	Reutzel	
Clark	Kelly	Mills	Stoney	

Present and not voting, 2:

E. Dvorak Maxey

Excused and not voting, 3:

Koch Labedz Marvel

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass.

ATTORNEY GENERAL'S OPINION

Opinion No. 207
March 13, 1978

Dear Senator Chambers:

You have inquired whether the amendments to section 29-901, R.R.S. 1943, proposed by the above noted legislative bill would permit an accused person to obtain the services of a bondsman for purposes of posting the cash fund required by section 2 of LB 556. Section 2 of LB 556, we understand, presently reads as follows:

"No defendant charged with the commission of any offense under Chapter 28, article 3, which is classified as a felony or a Class I misdemeaner shall be released from custody under section 29-901 until a judge has set an appearance bond and such defendant has deposited with the clerk of the court in cash a sum equal to the amount of the bond, . . ."

We note that section 2 of LB 556 calls for a cash "appearance bond" as opposed to a "bail bond" as described in the current section 29-901(3)(b), R.R.S. 1943.

Although we will not speculate as to the sources available for the cash bond required by the amendment here in question, we see no indication under that amendment that any person may act as a surety for the defendant. Therefore, it is our opinion that section 2 of LB 556 does not provide for the posting of an appearance bond by a surety or bondsman but requires that the full amount of the bond set be deposited in cash to the clerk of the court. However, nothing in section 2 of LB 556 would prevent anyone, including a bondsman, from providing a defendant the cash required to meet the appearance bond set by the court.

In answer to your second inquiry, we are aware of no statutory limits upon the discretion to be exercised by a bondsman in determining to whom they will provide bonding services.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) J. Kirk Brown
Assistant Attorney General

JKB:sjr
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

EXPLANATION OF VOTE

I pushed the wrong button on LB 92, and intended to vote NAY on passage of that measure. I intend to vote against the appropriation for LB 92 and to sustain the Governor's veto.

(Signed) Samuel K. Cullan

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Labedz and Mr. Goodrich asked unanimous consent to add their names to LB 902. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 460. Title read. Considered.

Corrected Standing Committee amendments found in the Journal on page 806 for the Twenty-Third Day were 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 17 ayes, 1 nay, and 31 not voting.

Standing Committee amendments were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mrs. Marsh renewed her pending amendment found in the Journal on page 604.

Mrs. Marsh moved for a Call of the House. The motion lost with 6 ayes, 13 nays, and 30 not voting.

The Marsh amendment lost with 7 ayes, 17 nays, 22 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. R. Lewis and Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 812. Title read. Considered.

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

LEGISLATIVE BILL 813. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 3 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 814. 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 184A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 184, Eighty-fifth Legislature, Second Session, 1978.

MOTION - Reconsider Action on LB 92A

Mr. E. Dvorak moved to reconsider action on LB 92A.

Motion pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 186.

Introduced by DeCamp, 40th District; Brennan, 9th District; Moylan, 6th District; Cullan, 49th District; Fitzgerald, 14th District; Kennedy, 21st District; Kelly, 35th District.

WHEREAS, the city of O'Neill, Nebraska, has for time immemorial been known and cited as the Irish capital of Nebraska and in fact the Irish capital of the nation and, at least in the opinion of some, the Irish capital of the world; and

WHEREAS, on St. Patrick's day each year, all who set foot in the city of O'Neill become, if they desire, honorary Irishmen for at least a while; and

WHEREAS, it is important that the Legislature of the state recognize at least one city that shall be known as the Irish capital.

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

1. That the city of O'Neill, Nebraska, be declared to be the Irish capital of the State of Nebraska and that it shall henceforth and henceforward proclaim to this state, this nation, and the world this fact and each year provide proper recognition to that land called Ireland.

Laid over.

LEGISLATIVE RESOLUTION 187.

Introduced by Marsh, 29th District.

WHEREAS, an increasingly significant number of usual caretakers of children are becoming employed; and

WHEREAS, approximately 19,000 Nebraska families have preschool children who are involved in child care outside their own home; and

WHEREAS, the people of Nebraska have concern for the well being of their children; and

WHEREAS, the people of Nebraska are concerned about adequate regulation of day care.

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

1. That the Executive Board of the Legislative Council appoint a special interim study committee to study day care regulatory statutes and systems in Nebraska and other states.

2. That such committee review other state statutes to determine:

(a) The types of day care facilities that are normally regulated;

(b) The areas of a day care facility's services that have normally been regulated;

(c) The qualifications that are required of the day care provider;

(d) The methods of review that are effective in determining levels of quality; and

(e) The state statutes that have been reviewed by local courts for constitutionality and the results of such reviews.

3. That this committee is also directed to study current regulation of day care within the state.

4. That the committee in its study of Nebraska's current regulatory effects seek the input of appropriate state agencies and the citizenry through statewide public hearings and solicited testimony.

5. That the committee make a report of its findings together with its recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION - Rule Changes

Mr. Murphy offered the following rule changes:

(1)

I move to amend Rule 4, section 2, by adding at the end thereof the following: "All proposals for amendment of the state constitution shall be made by resolution and such resolutions, upon adoption by the Legislature, shall be transmitted by the Clerk of the Legislature to the Secretary of State.".

(2)

I move to amend Rule 6 by adding thereto a new section to read as follows: "Sec. 9 (a). Bills passed by the Legislature which propose amendments to the state constitution shall be delivered directly to the Secretary of State.".

Referred to the Rules Committee.

UNANIMOUS CONSENT - Member Excused

Mr. Bereuter asked unanimous consent to be excused until he returns this afternoon. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 15, 1978

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

Dear Mr. President and Senators:

Yesterday, as you know, LB 902, the Omaha city sales tax bill, was amended on a motion by Senator Schmit adopting an amendment proposed by Senator DeCamp to provide for a vote by the people of the City of Omaha on the increased sales tax issue unless the right to vote was taken away by a three-fourths vote of the City Council and with the approval of the Mayor.

There was a great deal of rhetoric on the floor of the Legislature concerning the "compromise" nature of this amendment.

Considerable discussion ensued maintaining that the right of the people of the City of Omaha to vote was maintained but that an escape mechanism for the City Council and the Mayor should still be provided. As I stated to you in a previous letter, I seriously question the compromise nature of this proposal.

In any event, in analyzing the Schmit-DeCamp amendment, it becomes clear that the people of the City of Omaha might not have the opportunity to vote on this issue in May even if the City Council and the Mayor agreed since the amendment requires the City Council to submit a resolution to the Election Commissioner calling for the election 50 days prior to the Primary, which would be March 20. This probably does not allow the City Council enough time to submit the question to the voters even if they desired to. We also need to work together to obtain 33 votes to enact the emergency clause.

I would suggest that if the discussion on the floor of the Legislature was truthful and the Legislature does want to at least provide the opportunity for the people of the City of Omaha to vote on this issue if the City Council and Mayor concur, LB 902 should be sent back to Select File and the 50-day provision amended to a 45-day provision, as the Dworak amendments of Monday would have done, or even to a 40-day provision which would allow plenty of time for the submission of the resolution by the City Council to the Election Commissioner.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

GENERAL FILE

LEGISLATIVE BILL 957. Title read. Considered.

Mr. Carsten offered the following amendment:

AMENDMENT TO LB 957

1. Insert a new section as follows:

"Sec. 29. Agency No. 86 - State Office of Planning and Programming

The State Office of Planning and Programming shall, with the cooperation of the Nebraska Commission on Law Enforcement and Criminal Justice, prepare a report on the Federal Juvenile Justice and Delinquency Prevention Act of 1974. The report shall include:

(1) The requirements of federal law and regulation;

(2) Nebraska's statutes and current practices relating to juvenile justice;

(3) Evaluation of Nebraska's ability to comply with the Federal

Juvenile Justice and Delinquency Prevention Act of 1974;

(4) Identification of advantages and disadvantages to the state and political subdivisions if the state continues to reject or possibly considers acceptance of such act; and

(5) Estimate of fiscal and programmatic impact on the state and political subdivisions if the state accepts the Federal Juvenile Justice and Delinquency Prevention Act of 1974.

The State Office of Planning and Programming shall submit such report to the Clerk of the Legislature on or before January 1, 1979.".

2. Renumber remaining sections accordingly.

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 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 424 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 424

1. On page 2, line 7 strike "seven" and insert "~~seven~~ nine"; and in line 8 strike "ten" and insert "~~ten~~ twelve".

Mr. Kremer asked unanimous consent to print the following amendment to LB 595 in the Journal. No objections. So ordered.

DRAFT 3
PROPOSED AMENDMENTS TO LB 595
(Starting with page three, line five, insert the following):

71-1,134. ~~Section 71-1,133~~ This act shall not be construed to include ~~the following classes; (1)~~ merchants or dealers who sell glasses as merchandise in an established place of business, or who sell contact lens from a prescription for contact lens written by an optometrist or a person licensed to practice medicine and surgery and who do not profess to be optometrists or practice optometry as herein defined; ~~and (2) licensed practioners of medicine.;~~ or to restrict, expand, or otherwise alter practices or acts governed by other statutes.

UNANIMOUS CONSENT - Hold LB 92

Mr. Goodrich asked unanimous consent to hold LB 92 in our possession until March 16, 1978. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 188.

Introduced by Marsh, 29th District.

WHEREAS, there are more than 3,000 Nebraska children cared for in foster care situations; and

WHEREAS, the current statutes regulating foster care were enacted 35 years ago; and

WHEREAS, the regulation of foster care has not been reviewed by the Legislature since the enactment of the statutes; and

WHEREAS, the government of the state in regulating foster care is assuming the parental responsibilities for the well being of foster children; and

WHEREAS, there is state and national concern about adequate foster care for children.

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

1. That the Executive Board of the Legislative Council appoint a special interim study committee to study foster regulation statutes and procedures in Nebraska and other states.

2. That the special committee determine through its study:

(a) The regulatory systems proven most effective;

(b) What normally is the perview of regulation both as to type of facility and areas of service within each facility;

(c) The usual relationship between the regulatory agency and agencies placing children in foster care regarding: (i) Which agency does the regulatory study and evaluation, (ii) communication of the fact of approval, certification, licensure, and compliance with statutes, and (iii) program review for purposes of contracting and payment authorization; and

(d) If contracting with foster care providers is a viable alternate form of regulation.

3. That the committee make a report of its findings together with its recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

The President introduced 23 eighth grade students and teachers from St. Stanislaus, Omaha, Nebraska; Dr. Richard Carlyon from Trinity United Methodist Church, Lincoln; 15 eighth grade students, teacher, and sponsors from Victory-Hill District 67, Scottsbluff, Nebraska; 100 junior and senior students, teachers, and sponsors from District 27, Syracuse, Dunbar and Avoca; 47 ninth grade students and teacher from Tecumseh High School, Tecumseh, Nebraska; 40 seventh graders, juniors, seniors, and teachers from Weeping Water Public School, Weeping Water, Nebraska; and 34 seniors, teacher, and sponsor from Meridian District 303, Daykin, Nebraska.

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 1:36 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused; and Messrs. Brennan, F. Lewis, R. Lewis, Mills, Rasmussen, Reutzel, and Simon who were excused until they arrive.

MR. SAVAGE PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 180. Read. Considered.

LR 180 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 183. Laid over at the request of Mr. Cope.

LEGISLATIVE RESOLUTION 184. Read. Considered.

Mr. Hefner asked unanimous consent to add his name to LR 184. No objections. So ordered.

LR 184 was adopted with 29 ayes, 0 nays, and 20 not voting.

PRESIDENT WHELAN PRESIDING

MOTION - Return LB 836 to Select File

Mr. DeCamp moved to return LB 836 to Select File for the specific amendment found in the Journal on page 1135.

The motion prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 836. The DeCamp specific amendment found in the Journal on page 1135 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 - Place LB 894 on General File

Mr. Schmit renewed his pending motion found in the Journal on page 1128 to place LB 894 on General File pursuant to Rule 3, Sec. 10b.

Mr. Bereuter requested a record vote on the Schmit motion.

Voting in the affirmative, 13:

Bereuter	DeCamp	Kremer	Maresh	Schmit
Carsten	George	Lamb	Rasmussen	
Cope	Hefner	R. Lewis	Rumery	

Voting in the negative, 23:

Brennan	Fitzgerald	Keyes	Merz	Savage
Chambers	Fowler	Koch	Mills	Simon
Clark	Kahle	F. Lewis	Moylan	Stoney
Cullan	Kelly	Luedtke	Murphy	
E. Dvorak	Kennedy	Maxey	Nichol	

Present and not voting, 12:

Barnett	D. Dworak	Labedz	Reutzel
Burrows	Goodrich	Marsh	Venditte
Duis	Hasebroock	Newell	Warner

Excused and not voting, 1:

Marvel

The motion to place LB 894 on General File lost with 13 ayes, 23 nays, 12 present and not voting, and 1 excused and not voting.

LB 894 stands indefinitely postponed.

MOTION - Return LB 198A to Select File

Mrs. Maxey moved to return LB 198A to Select File for the following specific amendment:

Purpose: To update the fiscal impact and effective date to agree with the fiscal impact and effective date of LB 198, as amended.

Amendment:

On page 2, in line 1, strike "three" and insert "two"; in line 2, strike "fifty-two" and insert "seventy-five" and strike "forty-nine" and insert "four hundred eighty-eight"; in line 7, after the period, insert:

"Any unexpended balance existing on June 30, 1978, is hereby reappropriated for the period July 1, 1978, to June 30, 1979."

The motion prevailed with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 198A. The Maxey specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Hasebroock asked unanimous consent to be excused for a short time. No objections. So ordered.

MOTION - LR 152

Mr. F. Lewis moved to set LR 152 for special order on March 16, 1978 for 30 minutes.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 11 nays, and 10 not voting.

Mr. F. Lewis moved for a Call of the House. The motion lost with 15 ayes, 17 nays, and 17 not voting.

Mr. F. Lewis requested a roll call vote on his motion.

Voting in the affirmative, 25:

Bereuter	Duis	Kahle	F. Lewis	Rasmussen
Brennan	E. Dvorak	Keyes	R. Lewis	Rumery
Cope	D. Dworak	Kremer	Maresh	Savage
Cullan	Fitzgerald	Labedz	Mills	Schmit
DeCamp	Hefner	Lamb	Moylan	Venditte

Voting in the negative, 15:

Barnett	Clark	Kennedy	Murphy	Simon
Carsten	Fowler	Marsh	Nichol	Stoney
Chambers	Kelly	Maxey	Reutzel	Warner

Present and not voting, 7:

Burrows	Goodrich	Luedtke	Newell
George	Koch	Merz	

Excused and not voting, 2:

Hasebroock Marvel

The motion prevailed with 25 ayes, 15 nays, 7 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 189.

Introduced by Duis, 39th District.

WHEREAS, Nebraska takes pride in the achievements and in the spirit of leadership and competition of its young athletes; and

WHEREAS, the annual state girls basketball tournament provides a final test for some of Nebraska's finest athletes; and

WHEREAS, those young people who demonstrate their desire for excellance by playing for and winning a division championship deserve special recognition for their efforts and success.

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

1. That the members of the Legislature extend their congratulations and best wishes to the members of the Lexington High School girls basketball team for winning the Class B championship in Nebraska's statewide girl's basketball tournament for 1978 and that the Clerk be directed to forward a copy of this resolution on to them.

2. That the members of the Legislature feel all participants in the Nebraska statewide girl's basketball tournament deserve congratulations and respect for their dedication and athletic accomplishments.

Laid over.

LEGISLATIVE RESOLUTION 190.

Introduced by Koch, 12th District.

WHEREAS, it is rumored that somewhere across the sea there lies an emerald isle glistening in the morning dew; and

WHEREAS, it is also rumored that this land is overrun by wee senior citizens busily concealing pots of gold and other precious metals with the utmost secrecy and diligence; and

WHEREAS, it is further rumored the natives of this land and their descendants bear unique and bizarre names such as Fitzgerald and Murphy who, it is claimed, exhibit an unusual fondness for the color green on March 17 of each year; and

WHEREAS, determining the basis of fact for the matters related above could be of immense cultural value to Nebraska citizens.

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

1. That Senators Fizgerald and Murphy be appointed as a special study committee of two to investigate the truth or falsity of the rumors contained herein and are hereby ordered dispatched on a slow boat to Belfast for purposes of gathering pertinent data.

2. That such study shall include, but not be limited to whether researchers have yet found an applied use for the shillelagh as an instrument to benefit mankind, what legislative action may be necessary to stem the clandestine harvesting and importation of shamrocks; and how things really are in Glocca Morra.

3. That in an effort to preclude legislative colleagues turning GREEN with envy, members of the study committee shall be granted cost and expenses for such study not to exceed one month's salary as received by a member of the Legislature.
4. That the Committee shall report its findings with all due dispatch.

Laid over.

UNANIMOUS CONSENT - Unbracket LB 202

Mr. Simon asked unanimous consent to unbracket LB 202 on E & R for Engrossment. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 179 and LR 181.

SELECT FILE

LEGISLATIVE BILL 184. E & R amendments found in the Journal on page 1104 for the Thirty-Third Day were adopted.

Mr. Chambers renewed his pending amendment found in the Journal on page 1108.

Mr. Chambers moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 6 nays, and 31 not voting.

The Chambers amendment lost with 10 ayes, 20 ayes, 18 present and not voting, and 1 excused and not voting.

Mr. Stoney moved to return LB 184 to the Agriculture and Environment Committee for a public hearing.

The Stoney motion lost with 15 ayes, 23 nays, 10 present and not voting, and 1 excused and not voting.

Mr. Venditte asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Mr. DeCamp renewed his pending amendments found in the Journal on page 1268.

The DeCamp amendment was adopted with 29 ayes, 2 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Merz 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, 11 nays, and 19 not voting.

The motion to close debate prevailed with 27 ayes, 3 nays, and 19 not voting.

Advanced to E & R for Engrossment with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mrs. Labedz asked unanimous consent to be excused.

LEGISLATIVE BILL 612. E & R amendment found in the Journal on page 1243 for the Thirty-Eighth Day was adopted.

Mr. Chambers requested a machine vote to advance to E & R for Engrossment.

Advanced to E & R for Engrossment with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 613. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 906. E & R amendments found in the Journal on page 1245 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 653. E & R amendments found in the Journal on page 1245 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 605. E & R amendments found in the Journal on page 1245 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 719. E & R amendment found in the Journal on page 1246 for the Thirty-Eighth Day was adopted.

Mr. Nichol requested a machine vote to advance to E & R for Engrossment.

Advanced to E & R for Engrossment with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 902 in the Journal. No objections. So ordered.

AMENDMENT TO LB 902

1. In the DeCamp amendment on page 1216 of the Journal page 1 line 15 strike "fifty" and insert "forty-one".

Mr. Koch asked unanimous consent to print the following amendments to LB 212 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 212
(WHITE COPY Req 2721)

1. On page 1, line 16 strike "is" and insert "and the Department of Jail Standards are"; strike beginning with "For" in line 16 through the underscored period in line 21 and insert "The Jail Standards Board shall serve in an advisory capacity to the Department of Jail Standards. The Jail Standards Administrator shall be appointed by the Governor.".

2. On page 3, line 17, page 4, lines 14 and 15, page 6, line 8 and line 26, page 7, line 21, page 8, lines 1 and 2, 7, and 19, and page 9, lines 14 and 15 strike "Jail Standards Board" and insert "Department of Jail Standards".

3. On page 6, lines 13 and 27 strike the new matter and reinstate the stricken matter.

4. On page 9, lines 13 and 14 strike "of Correctional Services, Agency No. 46 for Program 386," and insert "of Jail Standards"; and after the underscored period in

line 15 insert "Appropriations to the Department of Correctional Services for study and review of jail standards shall lapse as of the effective date of this act and shall be returned to the General Fund from which fund an amount equal to the lapsed funds is hereby appropriated to the Department of Jail Standards.".

EXPLANATION OF VOTE

If I had been present: I would have voted "no" on LB 98. I would have voted "yes" on LB 476, LB 586, LB 591, LB 599, LB 600, LB 606, LB 664, LB 688, LB 689.

(Signed) Shirley Marsh

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE RESOLUTION 155. Placed on General File.

LR 155
REVENUE COMMITTEE STATEMENT

Pursuant to LR 154 introduced by Senators Keyes, Simon, Hefner, Burrows and Newell, the Revenue Committee held a public hearing on the subject of taxation of private personal property located onteh lands of Offutt Air Force Base in Sarpy County.

Currently, privately owned personal property located on Offutt is exempt from local property taxes because exclusive federal jurisdiction over Offutt prohibits such taxation. In order for local governments to tax the personal property, the Congress would have to recede jurisdiction to the State of Nebraska.

In an effort to gather information about how much private personal property might be located at Offutt, the Committee sent a letter to 22 companies that have contracts with Offutt requesting that they provide a total accounting for property located at Offutt. Twelve of the 22 companies replied by letter to the request indicating a total of $7,790,387 worth of private personal proper;ty at Offutt. A mill levy of .08144 would apply to proper;ty at Offutt yielding potential tax revenue of $222,037. Since ten companies did not reply and since there may be other companies with property at OFfutt, the total potential tax loss can be assumed to definitely exceed $222 thousand dollars, but the exact amount is undeterminable.

In addition, the Committee requested a number of individuals and agencies to inform the Committee as to their position on retrocession

of federal exclusive jurisdiction over Offutt lands. The requests were made of Senators Curtis and Zorinsky, Congressmen Cavanaugh and Thone and Congresswoman Smith, the President, the SAC Commander, the Department of Defense and the Department of Air Force.

With the exception of Congressman Thone, who did not reply, the Nebraska Congressional delegation all indicated interest in the retrocession question. Senators Zorinsky and Curtis and Congressman Cavanaugh expressed a willingness to pursue retrocession if the information gathered suggested Nebraska is treated differently than other states.

The Department of Air Force responded to the Committee in writing for the SAC Commander, the President, the Department of Defense and the Air Force. Mr. Joe Meis, the acting Assistant Secretary, responded saying that the governments that would realize increased revenue from the retrocession action would provide no additional services to the base. Consequently, the Federal Government is opposed to retrocession because in effect the federal government would end up paying the tax, not the owners of private personal property, but gain nothingk. He further pointed out that retrocession has not taken place in any other state for the sole purpose of taxation.

The only people testifying at the public hearing were Dan Meyer, Research Assistant for Senator DeCamp, and Al Dvorak, Sarphy County Assessor.

Mr. Meyer pointed out to the Committee that in preliminary research in the spring of 1977, estimates of private personal property at Offutt exceeded $10,000,000 which would equate to almost $285 thousand of potentialtax revenue.

Both Mr. Meyer and Mr. Dvorak indicated that there are other military installations in the country that do not have exclusive jurisdiction. They further indicate that in some "spot" checking, the lease price the federal government pays for equipment at Offutt (where the equipment is not taxed) is the same as places where the equipment is taxed. They suggest that the government's arguments that "higher costs" would be passed on to them bythe private owners of the property is not true.

On a vote of 5 yeas, 0 nays, 2 passing and 1 absent, the Revenue Committee advanced LR 155 which calls on the Congress to recede jurisdiction over Offutt to the State of Nebraska for approval by the Legislature.

(Signed) Orval A. Keyes, Chairman

SELECT FILE

LEGISLATIVE BILL 722. Mr. Chambers renewed his pending amendment found in the Journal on page 1167.

The amendment was adopted with 27 ayes, 3 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Cullan moved the adoption of the following Rasmussen amendment:

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

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

Advanced to E & R for Engrossment.

VISITORS

The President introduced 6 senior Experience Based Career Education students and teachers from Lincoln Public Schools.

ADJOURNMENT

At 4:23 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Thursday, March 16, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 16, 1978

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 16, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, Accept our thanks for this day and for the challenges and opportunities it provides. Grant that we may so live this precious bit of eternity that progress and not retrogression may result. Help us to stand fast in our convictions without being cemented in stubbornness; to be people of our word and not just wordy people; to have high hopes without being empty dreamers; and to be determined that the affairs of our state never become a sorry state of affairs. In short, O God, enable us to find solutions instead of creating problems, produce answers instead of ask questions, and provide action instead of a lot of small talk. To this end, lead and strengthen us, O Lord, our God. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused; Mesdames. Labedz and Maxey, Messrs. E. Dvorak, Koch, and Newell who were excused until they arrive; Messrs. Chambers, Goodrich, F. Lewis, and Venditte who were absent until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 953. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 624 and 920.

Correctly Enrolled

The following bills were correctly enrolled: 575, 583, 618, 641, 662, 675, 676, 676A, 697, 732, 732A, 761, 767, 771, 772, 796, 802, 826, and 829.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 575, 583, 618, 641, 662, 675, 676, 676A, 697, 732, 732A, 761, 767, 771, 772, 796, 802, 826, and 829.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 16, 1978, at 8:45 a.m., were the following bills: 689, 688, 664, 606, 600, 599, 591, 586, 476, and 98.

(Signed) Hazel Kaltenberger, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 212. Laid over temporarily.

LEGISLATIVE BILL 411.

A BILL FOR AN ACT relating to ground water conservation districts; to provide for the dissolution of such districts; to provide

that board members shall serve as advisory members of natural resources district boards; to provide duties; to provide for expenses; to amend section 2-3213, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; and to repeal the original section, and also sections 46-614 to 46-625, 46-627, 46-628, and 46-631 to 46-634, Reissue Revised Statutes of Nebraska, 1943, section 46-629, Revised Statutes Supplement, 1976, and sections 46-626 and 46-630, Revised Statutes Supplement, 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, 26:

Barnett	Hasebroock	Lamb	Moylan	Simon
Burrows	Hefner	R. Lewis	Nichol	Stoney
Cullan	Kahle	Luedtke	Reutzel	
DeCamp	Kelly	Maresh	Rumery	
Duis	Kennedy	Merz	Savage	
D. Dworak	Keyes	Mills	Schmit	

Voting in the negative, 13:

Bereuter	Clark	Fowler	Marsh	Warner
Brennan	Cope	Koch	Maxey	
Carsten	Fitzgerald	Kremer	Murphy	

Present and not voting, 2:

George Rasmussen

Absent and not voting, 4:

Chambers Goodrich F. Lewis Venditte

Excused and not voting, 4:

E. Dvorak Labedz Marvel Newell

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

LEGISLATIVE BILL 212. Mr. Koch moved to return LB 212 to Select File for the specific amendment found in the Journal on page 1310.

Mr. Barnett 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 Koch motion to return LB 212 lost with 12 ayes, 24 nays, 10 present and not voting, 1 absent and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 212. With Emergency.

A BILL FOR AN ACT to amend sections 83-945, 83-946, 83-948, and 83-950 to 83-953, Reissue Revised Statutes of Nebraska, 1943, relating to criminal detention facilities; to create a standards board; to provide qualifications for members; to specify duties of the board as prescribed; to make an appropriation; to repeal the original sections, and also sections 83-947 and 83-949, 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, 44:

Barnett	Duis	Kahle	Luedtke	Rasmussen
Bereuter	E. Dvorak	Kelly	Maresh	Reutzel
Brennan	D. Dworak	Kennedy	Marsh	Savage
Burrows	Fitzgerald	Keyes	Maxey	Schmit
Carsten	Fowler	Koch	Merz	Simon
Clark	George	Kremer	Mills	Stoney
Cope	Goodrich	Labedz	Moylan	Venditte
Cullan	Hasebroock	Lamb	Murphy	Warner
DeCamp	Hefner	R. Lewis	Nichol	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Rumery

Absent and not voting, 1:

F. Lewis

Excused and not voting, 2:

Marvel 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 457.

A BILL FOR AN ACT relating to school districts; to provide membership and district election of board of education members of fourth-class school districts as prescribed; and to repeal section 79-902, 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, 34:

Barnett	Fitzgerald	Kennedy	Maresh	Rumery
Brennan	Fowler	Keyes	Maxey	Savage
Burrows	George	Koch	Merz	Schmit
Chambers	Goodrich	Kremer	Mills	Simon
Cope	Hasebroock	Labedz	Moylan	Venditte
DeCamp	Kahle	R. Lewis	Rasmussen	Warner
D. Dworak	Kelly	Luedtke	Reutzel	

Voting in the negative, 11:

Bereuter	Cullan	Hefner	Nichol
Carsten	Duis	Lamb	Stoney
Clark	E. Dvorak	Marsh	

Present and not voting, 1:

Murphy

Absent and not voting, 1:

F. Lewis

Excused and not voting, 2:

Marvel Newell

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

LEGISLATIVE BILL 582. With Emergency.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize such commission to expand the North Platte Fish Hatchery; 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, 37:

Barnett	Duis	Kahle	Luedtke	Reutzel
Brennan	E. Dvorak	Kelly	Marsh	Rumery
Burrows	Fitzgerald	Keyes	Merz	Savage
Carsten	Fowler	Koch	Mills	Simon
Chambers	George	Kremer	Moylan	Venditte
Clark	Goodrich	Labedz	Murphy	
Cope	Hasebroock	Lamb	Nichol	
DeCamp	Hefner	R. Lewis	Rasmussen	

Voting in the negative, 8:

Bereuter	D. Dworak	Maresh	Stoney
Cullan	Kennedy	Schmit	Warner

Absent and not voting, 1:

F. Lewis

Excused and not voting, 3:

Marvel Maxey 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 671.

A BILL FOR AN ACT to amend section 71-634, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for recording of surnames on birth certificates; 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:

Bereuter	E. Dvorak	Kelly	Maresh	Rumery
Brennan	D. Dworak	Kennedy	Marsh	Savage
Burrows	Fitzgerald	Keyes	Merz	Schmit
Chambers	Fowler	Koch	Mills	Simon
Clark	George	Kremer	Moylan	Stoney
Cope	Goodrich	Labedz	Murphy	Warner
Cullan	Hasebroock	Lamb	Nichol	
DeCamp	Hefner	R. Lewis	Rasmussen	
Duis	Kahle	Luedtke	Reutzel	

Voting in the negative, 0.

Present and not voting, 3:

Barnett Carsten Venditte

Absent and not voting, 1:

F. Lewis

Excused and not voting, 3:

Marvel Maxey Newell

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

MOTION - Suspend Rules

Mr. Maresh moved to suspend the rules, Rule 6, Sec. 6b, and take up LB 574 and LB 574A on Final Reading today.

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 574. With Emergency.

A BILL FOR AN ACT relating to identification; to provide for issuance of motor vehicle operators' licenses by other than the county of residence as prescribed; to provide for temporary permits as prescribed; to provide for replacement of certain nonphoto licenses; to provide for color-photograph identification cards as prescribed; to provide fees and duties; to amend sections 60-405, Reissue Revised Statutes of Nebraska, 1943, and section 60-406.04, 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, 39:

Barnett	E. Dvorak	Kennedy	Maresh	Rumery
Bereuter	D. Dworak	Keyes	Marsh	Savage
Burrows	Fitzgerald	Koch	Merz	Schmit
Chambers	Fowler	Kremer	Mills	Simon
Clark	George	Labedz	Moylan	Stoney
Cope	Goodrich	Lamb	Murphy	Venditte
Cullan	Hasebroock	R. Lewis	Nichol	Warner
DeCamp	Hefner	Luedtke	Reutzel	

Voting in the negative, 6:

Brennan	Duis	Kelly
Carsten	Kahle	Rasmussen

Absent and not voting, 1:

F. Lewis

Excused and not voting, 3:

Marvel Maxey 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 574A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 574, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 36:

Barnett	E. Dvorak	Keyes	Mills	Simon
Bereuter	D. Dworak	Koch	Moylan	Stoney
Burrows	Fitzgerald	Labedz	Murphy	Venditte
Chambers	Fowler	Lamb	Nichol	Warner
Clark	George	Luedtke	Reutzel	
Cope	Hasebroock	Maresh	Rumery	
Cullan	Hefner	Marsh	Savage	
DeCamp	Kennedy	Merz	Schmit	

Voting in the negative, 6:

Carsten	Goodrich	Kelly
Duis	Kahle	Rasmussen

Present and not voting, 3:

Brennan Kremer R. Lewis

Absent and not voting, 1:

F. Lewis

Excused and not voting, 3:

Marvel Maxey Newell

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

UNANIMOUS CONSENT - Members Excused

Mr. Fowler asked unanimous consent to be excused until 10:45 a.m. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 954. Title read. Considered.

Mr. Nichol offered the following amendment:
On page 19, Lines 14, 15, 18, and 19 strike $15,056,000 and insert $15,400,000.

Mr. Bereuter asked unanimous consent to be excused until 1:45 p.m. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Nichol amendment lost with 12 ayes, 14 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 958. Title read. Considered.

MR. SAVAGE PRESIDING

Mr. Merz offered the following amendment:
Section 5 strike line 16 thru 23 on page 4

Mr. Merz moved for a Call of the House. The motion lost with 8 ayes, 14 nays, and 27 not voting.

The Merz amendment lost with 4 ayes, 14 nays, 25 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 961. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 960. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 733. Title read. Considered.

Standing Committee amendments found in the Journal on page 1100 for the Thirty-Third Day were considered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Standing Committee amendments were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 672A. 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 889A. Title read. Considered.

Mr. Koch moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 169 in the Journal. No objections. So ordered.

AMENDMENT TO LB 169

1. In the Stoney amendment 2 adopted 3/1/78, line 12 after the period insert "Whenever a guardian ad litem applies for termination of parental rights, the court shall forthwith inform a parent who does not have legal counsel of that parent's right to retain counsel and shall further inform such parent of the parent's right to retain legal counsel at county expense if such parent is unable to afford legal counsel. If such parent is unable to afford legal counsel and requests the court to appoint legal counsel, the court shall immediately appoint an attorney to represent the parent in the termination proceedings. The court shall order the county to pay the attorney fee and all reasonable expenses incurred by the attorney in protecting the rights of the parent.".

Mr. Keyes asked unanimous consent to print the following amendments to LB 351 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 351
(WHITE COPY REQ 2840)

1. Insert a new section as follows:

"Sec. 43. (1) No person, except a licensee operating pursuant to sections 1 to 42 of this act, shall conduct any game of bingo for which a charge is made or to the winner of which any money, property, or other prize is awarded. Any such game conducted in violation of this subsection is hereby declared to be a public nuisance. Any person violating the provisions of this subsection shall be guilty of a Class IV misdemeanor.

(2) No person shall play at any game of bingo conducted in violation of subsection (1) of this section. Any person violating the provisions of this subsection shall be guilty of a Class IV misdemeanor.".

2. On page 18, line 18 strike "person" and insert

15 "licensee".

VISITORS

The President introduced 10 Ladies' Civic Newcomers from Lincoln, Nebraska; Scott Rumery, grandson of Senator Rumery, Paul Friemuth, Kevin Stewart, and Steve Norman from North Platte, Nebraska; Mr. & Mrs. Paul Shovlain from Kearney, Nebraska; Dick Weston from Omaha, Nebraksa.

RECESS

At 12:00 noon, on a motion by Mr. Stoney, the Legislature recess until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:48 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused; Messrs. Merz, Cullan, Rasmussen and Kremer who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 191.

Introduced by Simon, 31st District.

WHEREAS, retail suppliers of natural gas to Nebraska consumers are private entities with monopoly power over the distribution and cost of natural gas in this state; and

WHEREAS, Nebraska is the only state in the nation which does not regulate retail suppliers of natural gas on a statewide basis; and

WHEREAS, the Federal Energy Regulatory Commission is now the only body which has the power to regulate rates of retail suppliers of natural gas and to which Nebraska customers of natural gas suppliers may effectively address service and rate grievances; and

WHEREAS, Nebraska retail suppliers of natural gas should be accountable to Nebraska citizens on a local or statewide basis rather than only on a national basis;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION

1. That the members of the Public Works Committee shall serve as an interim study committee to study the following:

(a) the accountability of retail suppliers of natural gas to their customers and the practical availability of effective procedures for resolution of service and rate grievances; and

(b) the question of whether retail suppliers of natural gas can and/or should be regulated on a statewide basis by the Nebraska Public Service Commission or other state governmental body, and how such regulation should be implemented;

(c) the question of whether the monopoly power of retail suppliers of natural gas in Nebraska should be curtailed by fostering competition and lower costs to customers of such suppliers.

2. 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 733A. By Koch, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 733, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 198A.

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 152. Read. Considered.

Messrs. DeCamp, Newell, Fowler, Simon, Clark, Barnett, Stoney, Koch, George, Burrows, Merz, Nichol, Chambers, Maxey, Mills, Marsh, Luedtke, Reutzel, and Warner moved to recommit LR 152 to a joint committee composed of four members of the Constitutional Revision and Recreation Committee, including the committee chairperson, and four members of the Judiciary Committee, including the committee chairperson, to study LR 152 and the following aspects of a national constitutional convention:

1. What is considered to be a conforming application for a convention? What degree of similarity between applications is required to constitute a conforming application?
2. Whether a state can withdraw a call for a convention once passed by the legislature?
3. Whether a convention once called can be limited to a specific subject or whether the convention could become a general or "open" convention?
4. Whether Congress would be compelled to call a convention if requested to do so by two-thirds of the states?
5. What methods would be employed to select delegates to a convention?
6. What method of apportionment would be utilized in ascertaining the size of each state's delegation?
7. What power would Congress have over the internal rules of a convention and what would constitute the internal rules and procedures of the convention?
8. Whether the judicial branch of the government would have a role in the convention process?
9. Whether the executive branch of both federal and state governments would have a role in the convention process?
10. Any other elements of the convention process that are considered pertinent to the Legislature's decision to employ this method of amendment.

The special committee shall report its findings and any recommendations to the Legislature as soon as possible.

TT:dg

Motion pending.

LEGISLATIVE RESOLUTION 192.

Introduced by Simon, 31st District.

WHEREAS, the requirement of security deposits from customers of natural gas retail suppliers has caused hardship to many Nebraska families; and

WHEREAS, retail suppliers of natural gas appear to have differing and fluctuating policies regarding security deposit requirements; and

WHEREAS, all Nebraska consumers should be treated uniformly with respect to security deposit requirements, regardless of which natural gas supplier happens to service the area in which they reside.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION

1. That the members of the Miscellaneous Subjects Committee shall serve as an interim study committee to study the following:

(a) the present policies and practices of all natural gas retail suppliers in Nebraska regarding security deposit requirements, including, but not limited to,

(i) from whom deposits are required;

(ii) how the amounts of deposits are determined;

(iii) use made of deposits by companies, including any investment income therefrom;

(iv) full or partial return of deposits;

(v) the costs to the companies of collecting, maintaining, returning, and accounting for such deposits, in relation to any effects they may have on payment delinquency, cash flow, bad debt reserves, or other fiscal considerations, and any effects they may have on rates charged to customers;

(b) the question of whether security deposits by retail suppliers of natural gas in Nebraska should be prohibited.

2. 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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 180 and LR 184.

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 828 in the Journal. No objections. So ordered.

To amend LB 828 on page 2 and 3 strike Sec 5 and renumber Sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendments to LB 620 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 620

1. Strike original sections 1, 3, 4, and 5.

2. On pages 11, 12, and 13 reinstate the stricken matter and on page 11, line 16 strike the reinstated "twenty" show as stricken and insert "twenty-four".

3. Insert the following new sections:

"Sec. 2. This act shall become operative for all taxable years commencing on or after January 1, 1978.

Sec. 3. That original section 77-2715, Revised Statutes Supplement, 1977, is repealed.".

4. Renumber original section 2 as section 1.

MOTIONS - Introduce Bills

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req #1483)

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

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. #1516)

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

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. #1517)

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 962. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; 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 the State Department of Education; to create a fund and provide its source and use; and to provide for deposits and disbursements.

LEGISLATIVE BILL 963. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Rumery, 42nd District; Savage, 10th District; Hasebrock, 18th District; Goodrich, 20th District; Marsh, 29th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 60-305.09, Revised Statutes Supplement, 1977, relating to motor vehicles; to create a fund; to provide for distributions; and to repeal the original section.

LEGISLATIVE BILL 964. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Cope, 36th District; Hasebroock, 18th District; Savage, 10th District.

A BILL FOR AN ACT to provide salary increases for all state departments and agencies.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sec. 19, to place LB 962, 963, and 964 on General File without a public hearing.

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

RESOLUTION

LEGISLATIVE RESOLUTION 186. Read.

Laid over until March 17, 1978 at the request of Mr. Fitzgerald.

UNANIMOUS CONSENT - Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LR 186 in the Journal. No objections. So ordered.

Strike "O'Neill" and add "Greeley" throughout the resolution.

RESOLUTIONS

LEGISLATIVE RESOLUTION 189. Read. Considered.

LR 189 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 190. Read. Considered.

Mr. Rasmussen offered the following amendment to LR 190:
Change slow and add row.

The amendment was adopted with 28 ayes, 1 nay, and 20 not voting.

LR 190 was adopted with 29 ayes, 2 nays, and 18 not voting.

MOTION - Return LB 202 to Select File

Mr. Simon moved to return LB 202 to Select File for the following specific amendment:
Add a new subsection to Section 2 to read as follows:
"Franchise fee shall include any payment made by the franchisee to the franchisor other than a payment for the purchase of goods or services, for a surety bond, for a surety deposit or for security for payment of debts due."

The motion prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 202. The Simon specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Reconsider Action on LB 92A

Mr. E. Dvorak renewed his pending motion found in the Journal on page 1297 to reconsider action on final passage of LB 92A.

The motion prevailed with 31 ayes, 11 nays, 5 present and not voting, and 2 excused and not voting.

MOTION - LB 620

Mr. Chambers moved to set LB 620 on special order for Monday, March 20, 1978 for 30 minutes (change Speaker's Order.)

Mr. Hefner 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. Murphy raised a point of order on whether this bill is on General File.

President Whelan overruled the point of order.

Mr. Chambers moved for a Call of the House. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on the motion.

Voting in the affirmative, 20

Barnett	DeCamp	Fowler	Maxey	Savage
Brennan	Duis	Koch	Mills	Schmit
Burrows	E. Dvorak	F. Lewis	Newell	Simon
Chambers	Fitzgerald	Marsh	Reutzel	Venditte

Voting in the negative, 23:

Bereuter	D. Dworak	Kennedy	Maresh	Rumery
Carsten	Hasebroock	Kremer	Merz	Stoney
Clark	Hefner	Labedz	Moylan	Warner
Cope	Kahle	Lamb	Nichol	
Cullan	Kelly	R. Lewis	Rasmussen	

Present and not voting, 5:

George	Goodrich	Keyes	Luedtke	Murphy

Excused and not voting, 1:

Marvel

The motion to place LB 620 on special order lost with 20 ayes, 23 nays, 5 present and not voting, and 1 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

SELECT FILE

LEGISLATIVE BILL 668. Laid over at the request of Mr. Duis.

LEGISLATIVE BILL 665. Advanced to E & R for Engrossment with 26 ayes, 1 nay, 21 present and not voting, and 1 excused and not voting.

MOTION - Return LB 665 to Select File

Mr. Schmit moved to return LB 665 to Select File for the specific amendment found in the Journal on page 1193.

The motion prevailed with 30 ayes, 7 nays, 11 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 665. The Schmit specific amendment found in the Journal on page 1193 was adopted with 31 ayes, 2 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 665 to Select File

Mr. Murphy moved to return LB 665 to Select File for the specific amendment found in the Journal on page 1217.

The motion prevailed with 25 ayes, 4 nays, 19 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 665. The Murphy specific amendment found in the Journal on page 1217 was considered.

Mr. Goodrich requested a white copy of LB 665 be printed with all amendments before final action is taken on the Murphy amendment.

President Whelan ruled the Goodrich request out of order at this time.

The Murphy specific amendment found in the Journal on page 1217 was adopted with 32 ayes, 3 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 665 to Select File

Mr. Chambers moved to return LB 665 to Select File for the following specific amendment:

1. On page 3, line 24 strike "defense" and insert "rebuttable presumption that such design, testing, or labeling was not negligent or defective".

Mr. Chambers withdrew his motion.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 887. Placed on General File as amended. Standing Committee amendments to LB 887:

1. Strike original sections 1 and 2 and insert new sections 1 to 3 as follows:

"Section 1. After the effective date of this act, except as provided in section 2 of this act, a public power district shall not construct microwave communication facilities unless such district is authorized to construct and operate its own microwave facilities by order of the Nebraska Power Review Board. Before such microwave construction is authorized, the Nebraska Power Review Board shall, after public hearing, find (1) that in the judgment of the board, the district is not receiving the required quality of service, and will not within a reasonable time receive the required quality of service from the regulated carrier or carriers involved or (2) that the regulated carriers would not provide the required quality of service by the same or alternate methods, at the same or lower costs to the district, and (3) that such construction would be in the public interest.

Sec. 2. Nebraska Power Review Board authorization shall not be required for the following:

(1) Construction of microwave facilities to be completed in a reasonable time where the district has,

prior to the effective date of this act, entered into binding contractual obligations with respect to such facilities.

(2) Extensions of fifty miles or less of any single portion of a microwave system if such portion was in existence on or before the effective date of this act.

(3) The addition of new equipment to modernize or upgrade but not to extend microwave facilities.

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 7 and insert:

"FOR AN ACT relating to public power and irrigation districts; to provide guidelines for the construction of microwave facilities as prescribed; and to declare an emergency.".

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 953 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 953

Purpose: To add $45,000 General Funds which shall be used for the purpose of reimbursing counties for direct costs incurred and for duties performed by county officials in prosecuting crimes committed by individuals under the jurisdiction of the Department of Correctional Services.

Amendment:

On page 39, in line 8, strike "570,666" and insert "615,666"; in line 10, strike "721,773" and insert "766,773".

On page 42, in line 23, strike "17,255,723" and insert "17,300,723"; in line 27, strike "20,389,673" and insert "20,434,673".

Mr. Barnett asked unanimous consent to print the following amendment to LB 957 in the Journal. No objections. So ordered.

AMENDMENT TO LB 957

Purpose: To earmark funds to be used for the purpose of reimbursing counties for direct costs incurred in prosecuting crimes committed by individuals under the jurisdiction of the Department of Correctional Services.

Amendment:

On page 18, after line 22, insert the following:

"(5) Program 370 - Central Office

There is included in the amount appropriated to Program 370 -

Central Office $45,000 which shall be used for the purpose of reimbursing counties for direct costs incurred and duties performed by county officials in prosecuting crimes committed by individuals under the jurisdiction of the Department of Correctional Services. The Director of Correctional Services shall establish procedures by which claims shall be submitted and reimbursements made."

RESOLUTION

LEGISLATIVE RESOLUTION 193.

Introduced by Simon, 31st District.

WHEREAS, the purchase price of natural gas to Nebraskans has risen dramatically in recent years; and

WHEREAS, natural gas is supplied to the Nebraska consumers by private companies through franchise or other agreements with municipal and other local governmental subdivisions; and

WHEREAS, many Nebraska purchasers of natural gas are forced to forego the purchase of other necessities of life in order to purchase natural gas to heat their homes; and

WHEREAS, Nebraska retail suppliers of natural gas pass on rate increases to consumers which can cause an impact on the livelihood of customers, by such means as fuel adjustment clauses in rate contracts and franchise agreements with local governments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION

1. That the members of the Government, Military, and Veteran's Affairs Committee shall serve as an interim study committee to study the following:

(a) the nature and consequences of natural gas retail suppliers' rate structures in use in Nebraska, including the operation and effects of fuel adjustment clauses, in relation to the actual costs of supplying natural gas to Nebraska consumers;

(b) the role of local governments in setting rates for suppliers of natural gas to charge their customers;

(c) the question of whether use of fuel adjustment clauses or other rate structures should be continued by action of this body;

2. That the committee make a report of its findings, together with its recommendation for proposed legislation to the next regular session of the Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 208
March 15, 1978

Dear Senator Lewis:

You have asked us the following question: Since specific dates were used in LB 33, is not the Legislature required to appropriate forty million dollars for fiscal year 1978-1979 in order to make effective the vote of the people on LB 33 in the pending referendum?

You state in your letter that the Legislature, in adopting LB 33, provided that the Legislature was to appropriate forty million dollars for the period July 1, 1978, to June 30, 1979. See, section 7(4) of LB 33. You also state that should the referendum uphold the implementation of LB 33, isn't that act of upholding LB 33 made ineffective if the Legislature fails to appropriate forty million dollars for that purpose.

You have referred to our Opinion No. 137, dated October 13, 1977, to Senators Koch and DeCamp. As we pointed out in that opinion, a general statement of the rule of law is that:

> ". . . [T]he Legislature is not precluded from acting in the area of school aid. However, any action taken by the Legislature which may interfere or make ineffective the referendum power reserved to the people would undoubtedly be found to be invalid and in violation of the Constitution."

As that opinion and other opinions of our office have pointed out, it is the prohibition against attempting to enact, amend, repeal or alter the substance of the matter to be voted upon by the people that is prohibited.

You ask whether the Legislature must appropriate the sum provided for in LB 33 for the 1978-79 year to avoid these prohibitions. The Constitution of the State of Nebraska provides in Article III, Section 22:

> "Each Legislature shall make appropriations for the expenses of the Government. . . ."

The Supreme Court, in construing this section, has held in Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 548 (1947), that continuing appropriations are improper. In light of the principles set forth above, it is clear that LB 33 cannot be read to require the appropriation of a specific sum. Such a reading would violate Article III, Section 22, and

Rein. Each Legislature, within constitutional limitations, is free to fund or not fund programs established by prior Legislatures. Conversely, a subsequent Legislature can undo that which has been done by a prior Legislature in the absence of any constitutional prohibition. Here we have no such constitutional prohibition.

The Legislature is neither required nor prohibited from appropriating forty million dollars for LB 33. Such an appropriation must, of course, be contingent upon approval of LB 33 by the voters. You are, of course, correct in saying that the failure to appropriate forty million dollars as called for in LB 33 should it be approved would make the act ineffective to that extent.

The vote cannot be characterized as a referendum on the specific level of state aid to schools. Rather, it is cast in terms of the method of distribution to school districts and the propriety of increasing the level of state aid. The specific level is a question to be addressed by each Legislature annually during the process of adopting a budget. Thus, even though LB 33 envisions the expenditure of ninety-five million dollars during 1978-79, it does not act as a guarantee that such sum will be appropriated.

If no referendum had been successfully mounted, the Legislature this year would have been free to establish any level of state aid it desired. The pending referendum cannot change that fact. It simply suspends the legislative authority with respect to the particular issue subject to referendum until the vote of the people has been held. Thus, the referendum only prohibits the expenditure, prior to vote, of funds above the preexisting and unchallenged level. Thus, the referendum defers legislative authority--it does not eliminate that authority.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

Opinion No. 209
March 15, 1978

Dear Senator DeCamp:

You have asked us whether LB 663, which appropriates forty million dollars to be held in escrow for the purposes of LB 33 if the voters in November approve LB 33, violates any constitutional prohibitions or whether this bill would interfere with the outcome of the election in any way. We have substantially addressed the constitutional question that you have raised in our opinion to Senator Frank Lewis, dated March 15, 1978. We attach a copy of that opinion to this letter in response to that portion of your question.

The second part of your question is whether or not this bill would interefere(sic) with the outcome of the election in any way. That question is essentially political in nature. We will not address the political aspects of that question. However, we point out to you that there is no constitutional prohibition that precludes attempts to influence the outcome of a referendum. Legislators individually or the Legislature as a group may attempt to influence the outcome.

The prohibition on legislative measures with respect to the referendum power is simply that the Legislature may not do anything that makes ineffective the right of the people to vote or makes the matter presented to the voters unintelligible or so misleading as to be unfair or where the act under referral, if rejected, would create confusion or upset the orderly processes of legislation.

As we pointed out in our opinion to Senator Gerald D. Koch and yourself in Opinion No. 137, October 13, 1977, the court in Klosterman v. Marsh, 180 Neb. 506, 143 N.W.2d 744, has said:

> ". . . To the extent that this conclusion implies that the legislative power of initiative and referendum reserved to the people and the legislative authority granted to the Legislature may not be exercised concurrently, we disagree. . . ."

Thus, it is clear that the Legislature may concurrently with the exercise of the referendum power act in the same area. The prohibition goes to nullifying the right of the people to express their choice in an election.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
enc.
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 194.

Introduced by Rasmussen, 41st District.

WHEREAS, Mr. Tim Wake manages a 74-acre tree farm in Loup County, Nebraska; and

WHEREAS, Mr. Wake was selected as Nebraska's Outstanding Tree Farmer for 1977 by the Nebraska Forest Service; and

WHEREAS, this outstanding tree farmer began planting livestock shelterbelts fourteen years ago by planting a cedar and pine shelterbelt in sandhill pastures east of Taylor in Loup County; and

WHEREAS, Mr. Wake has hand planted a 20 acre woodlot on a hill behind his house; and

WHEREAS, Mr. Wake continued his tree farming efforts by planting several thousand seedlings every spring since 1964; and

WHEREAS, Mr. Wake manages his windbreaks by replanting missing trees in young plantations and underplanting old growth cottonwood with cedar; and

WHEREAS, Mr. Wake's farm, which contains 74 acres of cedar and pine, was originally inspected and recommended by U.S. Forest Service personnel on October 13, 1969, for inclusion into the Nebraska Tree Farm System; and

WHEREAS, it is the policy of this Legislature to recognize and commend outstanding Nebraskans.

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

1. That the Legislature does hereby commend and congratulate Mr. Tim Wake of Loup County, Nebraska, upon his being selected as winner of Nebraska's "Outstanding Tree Farmer Award for 1977" by the Nebraska Forest Service and extend to him best wishes in the 1978 competition for "Outstanding Tree Farmer in the Midwest".

2. That a copy of this resolution be furnished to Mr. Tim Wake and to members of the Capital Press Corps.

Laid over.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 902. Replaced on Select File as amended.
E & R amendments to LB 902:

1. In the DeCamp amendments adopted 3/14, line 2, strike "line 6" and insert "line 5".

2. In the Goodrich amendments found on page 469 of the Journal, line 8, strike "6th" and insert "7th"; and in the last line strike the period and insert a semicolon.

3. In line 4 of E & R 2 adopted 3/7, strike "1976" and insert "1977"; and in the last line strike "this act" and insert "~~this act~~ Laws 1978, LB 394".

4. In the title, line 5, as amended, strike "to provide an exception;" and strike beginning with "to" in line 6 through the semicolon in line 7 and insert "to permit an increase either through a vote of the people or through city council action;".

5. In E & R 8, line 4, strike "reports" and insert "a report".

(Signed) Samuel K. Cullan, Chairman

MOTION - General Fund Bills

Mr. Warner moved that any bill carrying an "A" bill for a General Fund appropriation or any enabling legislation containing a General Fund appropriation with in the bill or any bill reducing the revenue collected and credited to the General Fund be bracketed on Final Reading until LB 733, 924, 945, 951, 952, 953, 954, 956 have been passed on final reading.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Simon asked unanimous consent to print the following amendments to LB 604 in the Journal. No objections. So ordered.

AMENDMENTS TO STANDING COMMITTEE
AMENDMENTS
TO LB 604

1. On page 1, line 11 strike "written" and show as stricken; and in line 12 after "by" insert "personnally contacting a domestic subscriber by telephone or by".

2. On page 3, in section 3, strike beginning with "Each" in line 24 through the underscored period in line

27 and insert "The utility review board shall consist of at least three people designated by the public or private utility company. Such board shall be used only as a last resort after all other alternatives to settle the dispute have been taken.".

3. Strike section 6.

4. On page 5 strike beginning with the underscored period in line 22 of section 7 through "act" in line 24 of such section.

5. Renumber remaining sections accordingly.

VISITORS

The President introduced 35 fourth grade students, teachers, and sponsors from West Point Public School, West Point, Nebraska; 5 seniors and teacher from Shickley High School, Shickley, Nebraska; 37 York County Home Extension members; and 36 fourth graders, teachers, and sponsors from Wildwood Elementary School, Ralston, Nebraska.

ADJOURNMENT

At 4:19 p.m., on a motion by Mr. Carsten, the Legislature adjourned until 9:00 a.m., Friday, March 17, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

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Volume II

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

CONVENED JANUARY 4, 1978 ADJOURNED APRIL 21, 1978

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

FORTY-FIRST DAY - MARCH 17, 1978

LEGISLATIVE JOURNAL

FORTY-FIRST DAY - MARCH 17, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 17, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> May there always be work for your hand to do.
> May your purse always hold a coin or two.
> May the sun always shine on your windowpane.
> May a rainbow be certain to follow each rain.
> May the hand of a friend always be near you.
> May God fill your heart with gladness to cheer you. Amen.
> (An Irish blessing)

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused; and Messrs. Chambers, E. Dvorak, Mills, and Simon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1311, line 20, correct spelling of "the".
Page 1311, line 32 and 33, correct spelling of "property".
Page 1312, line 21, correct spelling of "nothing".
The Journal for the Thirty-Ninth Day was approved as corrected.
The Journal for the Fortieth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Merz asked unanimous consent to be excused at 9:30 a.m. until noon. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 16, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Weber, Audrey K. - Lincoln, League of Women Voters of Nebraska

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 44. Placed on Select File as amended.
E & R amendments to LB 44:

(References are to committee amendments.)

1. On page 1, lines 4 and 5, page 5, lines 5 and 6, page 7, lines 19 and 20, page 8, lines 14 and 15, page 9, lines 13 and 14, and page 10, lines 4 and 5, strike "Revised Statutes Supplement, 1977" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. On page 2, line 16, strike the first comma; and in line 25 strike the comma.

3. On page 4, line 5, strike the comma.

4. On page 6, line 26, insert an underscored comma after "Committee".

5. In the title, lines 3 and 4, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 460. Placed on Select File as amended.
E & R amendments to LB 460:

1. On page 2, line 14, strike "administrating" and insert "administering".

2. In the title, strike beginning with "and" in line 4 through the second comma in line 5; and strike beginning with "to" in line 10 through line 11.

LEGISLATIVE BILL 812. Placed on Select File.
LEGISLATIVE BILL 813. Placed on Select File.

LEGISLATIVE BILL 814. Placed on Select File as amended.
E & R amendment to LB 814:

1. On page 2, line 10, strike "the" and insert "any".

LEGISLATIVE BILL 957. Placed on Select File as amended.
E & R amendments to LB 957:

1. On page 2, line 8, strike "28" and insert "29".
2. On page 24, line 1, strike "30" and insert "31".

LEGISLATIVE BILL 836. Replaced on Select File as amended.
E & R amendments to LB 836:

1. In the DeCamp amendments adopted 3/15, line 4, strike ", or" and insert "or,"; in line 16 strike "surplus lines"; and in line 18 strike ", that" and insert "that,".

LEGISLATIVE BILL 722. Replaced on Select File as amended.
E & R amendments to LB 722:

1. In line 1 of the Rasmussen amendment adopted 3/7 strike "line 4" and insert "line 5".
2. In committee amendments, renumber original sections 15 to 25 as sections 14 to 24.
3. Insert the emergency clause as section 25.
4. In the title, as amended, line 10, strike "and"; and in line 13 insert "; and to declare an emergency" after "1943".

Correctly Enrolled

The following bills were correctly enrolled: 411, 212, 457, 582, 671, and 574.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 411, 212, 457, 582, 671, and 574.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 1978, at 8:30 a.m., were the following bills: 575, 583, 618, 641, 662, 675, 676, 676A, 697, 732, 732A, 761, 767, 771, 772, 796, 802, 826, and 829.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MOTION - "A" BILLS

Mr. Warner renewed his pending motion on General Fund bills found in the Journal on page 1342.

The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 92A.

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.

Mr. Goodrich 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, 30:

Barnett	Fitzgerald	Kahle	F. Lewis	Rasmussen
Brennan	Fowler	Keyes	Luedtke	Rumery
Burrows	George	Koch	Maresh	Savage
Cope	Goodrich	Kremer	Moylan	Schmit
DeCamp	Hasebroock	Labedz	Newell	Simon
E. Dvorak	Hefner	Lamb	Nichol	Venditte

Voting in the negative, 14:

Bereuter	Cullan	Kelly	Marsh	Stoney
Carsten	Duis	Kennedy	Murphy	Warner
Clark	D. Dworak	R. Lewis	Reutzel	

Present and not voting, 1:

Maxey

Excused and not voting, 4:

Chambers Marvel Merz Mills

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

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 725. With Emergency.

A BILL FOR AN ACT to amend section 81-193, Revised Statutes Supplement, 1977, relating to termination of agencies, boards, and commissions; to provide for the continued existence of the Board of Hearing Aid Dealers and Fitters; 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	E. Dvorak	Kelly	Luedtke	Reutzel
Bereuter	D. Dworak	Kennedy	Maresh	Rumery
Brennan	Fitzgerald	Keyes	Marsh	Savage
Burrows	Fowler	Koch	Maxey	Schmit
Carsten	George	Kremer	Moylan	Simon
Clark	Goodrich	Labedz	Murphy	Stoney
Cope	Hasebroock	Lamb	Newell	Warner
Cullan	Hefner	F. Lewis	Nichol	
Duis	Kahle	R. Lewis	Rasmussen	

Voting in the negative, 0.

Present and not voting, 2:

DeCamp Venditte

Excused and not voting, 4:

Chambers	Marvel	Merz	Mills

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 623A to Select File

Mr. Lamb moved to return LB 623A to Select File for the following specific amendment:

1. On page 2 after line 7 insert "Not more than fifteen per cent of the appropriation made in this section shall be expended for administrative personnel costs. Administrative personnel shall include the program manager, the local area directors, and secretarial staff.".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Kelly requested a record vote on the Lamb motion.

Voting in the affirmative, 16:

Burrows	Duis	Kelly	Maresh
Carsten	George	Kennedy	Murphy
Clark	Hefner	Kremer	Nichol
Cullan	Kahle	Lamb	Rasmussen

Voting in the negative, 25:

Barnett	Fitzgerald	Koch	Maxey	Savage
Bereuter	Fowler	Labedz	Moylan	Schmit
Brennan	Goodrich	F. Lewis	Newell	Simon
Cope	Hasebroock	Luedtke	Reutzel	Stoney
E. Dvorak	Keyes	Marsh	Rumery	Warner

Present and not voting, 5:

Chambers	DeCamp	D. Dworak	R. Lewis	Venditte

Excused and not voting, 3:

Marvel	Merz	Mills

The motion lost with 16 ayes, 25 nays, 5 present and not voting, and 3 excused and not voting.

MOTION - LB 623 and LB 623A

Mr. Fowler moved that we take up 623 and 623A on Final Reading today and exclude these bills from the Warner motion previously passed.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

Mr. Koch requested a roll call vote on the Fowler motion.

Voting in the affirmative, 25:

Barnett	DeCamp	Goodrich	Marsh	Reutzel
Bereuter	E. Dvorak	Hasebroock	Maxey	Savage
Brennan	Fitzgerald	Koch	Moylan	Simon
Burrows	Fowler	Labedz	Newell	Stoney
Chambers	George	F. Lewis	Nichol	Venditte

Voting in the affirmative, 18:

Carsten	Hefner	Keyes	Maresh	Schmit
Clark	Kahle	Kremer	Murphy	Warner
Cope	Kelly	Lamb	Rasmussen	
Cullan	Kennedy	R. Lewis	Rumery	

Present and not voting, 2:

D. Dworak Luedtke

Absent and not voting, 1:

Duis

Excused and not voting, 3:

Marvel Merz Mills

The Fowler motion prevailed with 25 ayes, 18 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 623. With Emergency.

A BILL FOR AN ACT to adopt the Protection From Domestic Abuse Act; to provide penalties; to amend sections 29-2219 and 29-2262, Reissue Revised Statutes of Nebraska, 1943, relating to probation; to require counseling as a condition of probation for certain offenses as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 35:

Barnett	Duis	Kelly	Maresh	Rumery
Bereuter	E. Dvorak	Keyes	Marsh	Savage
Brennan	Fowler	Koch	Maxey	Schmit
Burrows	George	Kremer	Moylan	Simon
Carsten	Goodrich	Labedz	Newell	Stoney
Chambers	Hasebroock	F. Lewis	Rasmussen	Venditte
Cope	Hefner	Luedtke	Reutzel	Warner

Voting in the negative, 7:

Cullan	D. Dworak	Kennedy	R. Lewis
DeCamp	Kahle	Lamb	

Present and not voting, 4:

Clark	Fitzgerald	Murphy	Nichol

Excused and not voting, 3:

Marvel	Merz	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 623A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 623, Eighty-fifth Legislature, Second Session, 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, 36:

Barnett	E. Dvorak	Keyes	Maxey	Simon
Bereuter	Fitzgerald	Koch	Moylan	Stoney
Brennan	Fowler	Kremer	Newell	Venditte
Burrows	George	Labedz	Rasmussen	Warner
Carsten	Goodrich	F. Lewis	Reutzel	
Chambers	Hasebroock	Luedtke	Rumery	
Cope	Hefner	Maresh	Savage	
Duis	Kelly	Marsh	Schmit	

Voting in the negative, 8:

Clark	DeCamp	Kahle	Lamb
Cullan	D.Dworak	Kennedy	R. Lewis

Present and not voting, 2:

Murphy Nichol

Excused and not voting, 3:

Marvel Merz 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 833. Mr. R. Lewis asked unanimous consent to bracket LB 833 until March 21, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Cope asked unanimous consent to be excused at 3:00 p.m. today. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 574A.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 574A.

RESOLUTIONS

LEGISLATIVE RESOLUTION 186. Read. Considered.

Mr. Rasmussen renewed his pending amendment found in the Journal on page 1331.

The amendment lost with 7 ayes, 16 nays, and 26 not voting.

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.

LR 186 was adopted with 28 ayes, 1 nay, and 20 not voting.

LEGISLATIVE RESOLUTION 194. Read. Considered.

LR 194 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 195.

Introduced by Cope, 36th District; Kahle, 37th District; Luedtke, 28th District; Keyes, 3rd District.

WHEREAS, college basketball is a source of great interest to sports minded Nebraskans; and

WHEREAS, the Kearney State College basketball team has had an outstanding season of play; and

WHEREAS, the Kearney State College basketball team has advanced to the semifinals in the NAIA national championships.

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

1. That the Members of the Legislature wish to extend their support to the Kearney State College basketball team.

2. That the Members of the Legislature do not wish the Kearney State College team luck in their upcoming games because the last two teams that the Legislature has wished luck in their post season play have lost in their bid for the National Championship.

Mr. Cope moved to suspend the rules, Rule 4, Sec. 6, to consider LR 195 today.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

LR 195 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 196.

Introduced by R. Lewis, 38th District; Cullan, 49th District; Rasmussen, 41st District; Murphy, 17th District; DeCamp, 40th District; Carsten, 2nd District.

WHEREAS, emergency medical services are a vital and important factor in health care for the citizens of Nebraska; and

WHEREAS, professionally trained emergency medical service personnel are generally among the first to respond to emergencies, catastrophies, disasters, and other traumatic events; and

WHEREAS, advanced emergency medical services are necessary to prevent and reduce serious injury, permanent disability, and death during the first critical moments immediately following an accident, the onset of a serious physical condition, or other emergency; and

WHEREAS, the federal grants utilized to initiate and implement emergency medical programs in all areas of the state are being phased out; and

WHEREAS, no truly effective health services may be provided without advanced emergency medical assistance; and

WHEREAS, the emergency programs and services in existence today are a positive and viable factor in health services to the citizens of Nebraska.

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

1. That the Public Health and Welfare Committee conduct an interim study on emergency medical services in Nebraska.
2. That the committee:
A. Identify and examine the existing emergency medical services system within the state;
B. Gather data and develop criteria necessary to determine the most feasible and economical way to manage and advance the quality of programs being provided by emergency medical services in the State of Nebraska; and
C. Analyze existing and potential sources of revenue to assure the continuation and improvement of such services in Nebraska.
3. That the committee at the conclusion of its study provide its recommendations to the Legislature in the form of a report as well as prepare for introduction any legislation deemed necessary to provide an effective, practical, and economical emergency medical service in the State of Nebraska.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mr. Hefner asked unanimous consent to be excused at 3:30 p.m today. No objections. So ordered.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 956. Title read. Considered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1233.

The amendment lost with 10 ayes, 14 nays, 22 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 923. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 962. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 963. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 564 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 564

1. Strike section 4 of the Standing Committee amendments, and renumber section 5 of the Standing Committee amendments as section 4.

2. On page 2, strike line 27 and insert "Such certification shall include an agreement by the individual to serve in the National Guard for a minimum of three years from date of certification.".

3. On page 3, strike lines 1 and 2.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 954. Placed on Select File.

LEGISLATIVE BILL 958. Placed on Select File as amended.
E & R amendment to LB 958:
1 On page 6, line 2, strike the second comma.

LEGISLATIVE BILL 961. Placed on Select File.
LEGISLATIVE BILL 960. Placed on Select File.

LEGISLATIVE BILL 733. Placed on Select File as amended.
E & R amendment to LB 733:

1. In the title, line 5, strike "twelve" and insert "eleven".

LEGISLATIVE BILL 672A. Placed on Select File.
LEGISLATIVE BILL 889A. Placed on Select File.

LEGISLATIVE BILL 202. Replaced on Select File as amended.
E & R amendments to LB 202:

1. Insert the Simon amendment adopted 3/16 on page 2

LEGISLATIVE BILL 202. Replaced on Select File as amended.
E & R amendments to LB 202:

1. Insert the Simon amendment adopted 3/16 on page 2 after line 23 as new subdivision (5) and renumber subdivisions (5) and (6) as (6) and (7) respectively.

2. In the last line of the Simon amendment adopted 3/16, strike the period and insert a semicolon.

LEGISLATIVE BILL 665. Replaced on Select File as amended.
E & R amendment to LB 665:

1. In line 5 of the Murphy amendments adopted 3/16, insert "or" before "act".

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused until 2:30 p.m. No objections. So ordered.

VISITORS

The President introduced 12 10th to 12th grade students, and county agent from Red Willow County 4-H and junior leaders; Mrs. Leota Swanson and Jay Polacek, 12 years old, who attends Thomas Edison School, both from Omaha; Mayor and Mrs. Carl Bieber of North Platte.

RECESS

At 11:53 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:41 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bereuter, Goodrich, and Marvel who were excused; and Mrs. Maxey, Messrs. Mills, F. Lewis, Stoney, Rasmussen, Cullan, Fowler, Fitzgerald, Hefner, and Schmit who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the speaker signed the following resolutions: LR 189 and LR 190.

GENERAL FILE

LEGISLATIVE BILL 777. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 2 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 609. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 830. Title read. Considered.

Standing Committee amendment found in the Journal on page 554 for the Fourteenth Day was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 868. Title read. Considered.

Standing Committee amendments found in the Journal on page 554 for the Fourteenth Day were adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Duis offered the following amendment:
Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The amendment was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendments to LB 793 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 793

1. On page 3, lines 1 and 2 strike "district" and insert "region".

2. Strike original sections 3 and 5 and insert the following:

"Sec. 3. The state is hereby divided into six technical community college regions as follows:

(1) The Western Technical Community College Region shall consist of the following counties: Sioux, Dawes, Sheridan, Box Butte, Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Deuel, Grant, and voting districts Merriam, Russell, King, Mother Lake, Cody, Barley, Gillaspie, Lackey, and Calf Creek of Cherry County;

(2) The Mid-Plains Technical Community College Region shall consist of the following counties: Cherry, except as provided in subdivision (1) of this section, Hooker, Thomas, Blaine, Loup, Arthur, McPherson, Logan, Custer, Keith, Lincoln, Perkins, Chase, Hayes, Frontier, Dundy, Hitchcock, and Red Willow;

(3) The Northeast Technical Community College Region shall consist of the following counties: Keya Paha, Brown, Rock, Boyd, Holt, Garfield, Wheeler, Knox, Cedar, Antelope, Pierce, Madison, Wayne, Stanton, Dixon, Dakota, Thurston, Burt, and Cuming, and North Oakland, South Oakland, Ashland, North Branch, Shell Creek, and Midland precincts in Boone County;

(4) The Central Technical Community College Region shall consit(sic) of the following counties: Valley, Greeley, Platte, Colfax, Sherman, Howard, Nance, Merrick, Polk, Butler, Dawson, Buffalo, Hall, Hamilton, Gosper, Phelps, Kearney, Adams, Clay, Furnas, Harlan, Franklin, Webster, and Nuckolls, and all of Boone County, except as provided in subdivision (3) of this section;

(5) The Southeast Technical Community College Region shall consist of the following counties: Saunders, Cass, York, Seward, Lancaster, Otoe, Fillmore, Saline, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson; and

(6) The Metropolitan Technical Community College Region shall consist of the following counties: Dodge, Washington, Douglas, and Sarpy.".

3. On page 4, line 23 strike "seven"; and strike

beginning with "The" on page 4, line 25 through the period on page 5, line 1 and insert "The board shall consist of six members to be elected at the state primary election to be held in May, 1980. At such election one member shall be elected from each technical community college region at large on a separate nonpartisan ballot, as provided for in sections 32-535 and 32-537, Reissue Revised Statutes of Nebraska, 1943, and nominating papers shall be filed with the Secretary of State. No filing fee shall be required. Each member elected to represent his or her technical community college region shall be a resident and qualified elector of such region.".

4. Insert a new section as follows:

"Sec. 5. Members shall be elected for four-year terms, except that at the first election members elected from Region Nos. 1, 3, and 5 shall be elected for two years and members elected from Region Nos. 2, 4, and 6 shall be elected for four years. The terms of the members first elected shall commence on July 1, 1980, and thereafter terms shall commence on the day such members are elected.".

5. On page 5, line 19 strike "district" and insert "region".

6. On page 6, line 4 after the period insert "The State Board of Governors of the Technical Community Colleges shall constitute a body corporate and as such may sue and be sued.".

7. On page 8, line 20 strike "20" and insert "22".

8. On page 9, line 17 after "program" insert "as provided by law".

9. On page 10, line 10 after the semicolon insert "and"; and in line 14 after "institutions" insert a period and strike beginning with the semicolon in line 14 through the period in line 18.

10. Insert two new sections as follows:

"Sec. 19. The board shall appoint a state advisory committee on vocational technical education to serve in an advisory capacity to the board on matters relating to statewide systems educational and service programs, including program priorities, general fiscal analysis, and other matters as necessary to insure the proper implementation of this act. The state advisory committee shall consist of at least one individual from each region created by section 3 of this act. The state advisory committee shall meet at least once each calendar quarter. Members of such committee shall be reimbursed for actual and necessary expenses incurred in carrying out their duties as provided in section

84-306.01, Revised Statutes Supplement, 1977, for state employees.

Sec. 20. The board shall appoint for each region a regional advisory committee. Such regional advisory committees shall include at least one representative of each technical community college in the region, one or more representatives of educational organizations or associations in the region, and at least one individual from the region interested in education. The board shall consult with the appointed regional advisory committees on the planning, organization, contracting, provision, evaluation, and fiscal analysis of educational programs offered by the technical community college region.''.

11. Strike original section 25 and insert the following:

''Sec. 27. The board shall establish tuition and fee rates for each technical community college in accordance with the following provisions:

(1) All direct instructional costs for nondegree recreational and avocational programs and courses shall, on the average, be self-supporting through student tuition and fee charges; and

(2) All full-time students enrolled in degree credit programs or courses shall be assessed the same tuition charges. The board may fix the full-time degree credit tuition rate as a per hour, semester, or quarter charge. The board may establish a different tuition rate for full-time students than the tuition charged part-time students enrolled in degree credit programs and courses.''.

12. On page 15, line 12 strike ''31'' and insert ''33''.

13. On page 16, line 1 strike ''January 1, 1978'' and insert ''on the effective date of this act''; and in lines 10 and 11 strike ''January 1, 1978'' and insert ''the effective date of this act''; in line 16 strike ''35'' and insert ''37''; in line 22 strike ''35 and 36'' and insert ''37 and 38''; and in line 25 strike ''November 1, 1979'' and insert ''January 1, 1980''.

14. Renumber original sections 19 to 40 as sections 21 to 42 respectively.

Mr. Lamb asked unanimous consent to print the following amendments to LB 757 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 757

1. Strike original section 1.

2. On page 3 in lines 2 and 5 strike the new matter and in lines 1 and 4 reinstate the stricken matter; in line 10 strike ''$40,000,000'' and insert ''$45,000,000'';

in line 12 strike "$15,000,000" and insert "$10,000,000"; strike beginning with "by" in line 13 through "act" in line 14 and insert "under sections 79-4,160 to 79-4,168".

3. On page 7, line 27 reinstate the stricken matter.

4. On page 8 in lines 1 and 6 strike the new matter; in line 5 reinstate the stricken matter; in line 11 after "to" insert "section 1 of"; in line 13 after "by" insert "section 1 of"; in line 17 after "withhold" insert ", until the final adjusted payment,"; and in line 20 after "under" insert "section 1 of".

5. Renumber original sections 2 to 5 as 1 to 4 respectively.

MESSAGE FROM THE GOVERNOR

March 16, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 109, 258, 258A, 567, 591, 599, 600, 664, 688, 689, 707, 930, and 936, and Reengrossed Legislative Bills Nos. 508 and 567A.

These bills were signed by me on March 16, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

UNANIMOUS CONSENT - Member Excused

Speaker Luedtke asked unanimous consent to be excused Monday, Tuesday, and Wednesday, March 20, 21, and 22, 1978 of next week. No objections. So ordered.

ATTORNEY GENERAL LETTER

March 16, 1978

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

Dear Mr. O'Donnell:

This is in reply to your letter of March 10, 1978. In that letter you state that Attorney General's Opinion No. 204 was received by the Legislature on Friday, March 10, 1978. You also state that a letter was received by Senator Chambers of March 9, 1978, from Mr. Larry L. Ruth, Counsel to the Nebraska State Bar Association. In addition, you state that attached to that letter were comments and portions of language which were identical to that contained in the Attorney General's Opinion No. 204 which was delivered to the Legislature on March 10, 1978. You then ask three questions, each of which is hereinafter discussed.

I.

Did the Attorney General's Office release the opinion to the Bar Association prior to delivery to the Legislature?

Absolutely not.

II.

Could you offer an explanation as to how the identical language appears in the two documents in question?

You did not supply us with a copy of the letter that Senator Chambers received from Mr. Larry L. Ruth. Consequently we have no way to compare our opinion with the letter that Senator Chambers received from Mr. Larry Ruth. We can tell you that we, like everyone else in a free society, are exposed to information from many different sources. For example, prior to March 9, 1978, we received in the mail a letter purportedly signed by Dean Rodney Shkolnick, Creighton University, requesting our support of LB 436. Prior to March 9, 1978, we also received in the mail the Nebraska State Bar Association Newsletter, volume 78-1. Page 5 of the Newsletter contains the following report on LB 436:

"The Nebraska Legal Information Center would be established and funded under this proposal. The Center would probably be patterned, in part, after the Creighton Legal Information Center (CLIC) which recently ran out of funding. The NSBA House of

Delegates voted to oppose this bill for several reasons: the NLIC would be administered by the Department of Administrative Services, excessive funding in the amount of $130,000 would be required, concern about the propriety of third-party contacts to judges, and concern about the potential for conflict of interests. The Center would provide legal research to requesting judges, appointed counsel and prosecuting attorneys."

On March 8, 1978, we received from Senator Goodrich a request for an opinion on LB 436. Because we were engaged in other activities, Senator Goodrich's request was laid over until March 9, 1978. At that time we reviewed LB 436 and started our own independent research. During the course of our research it became readily apparent that LB 436 could produce some very serious conflict of interest questions. As we continued to press our research we remembered the letter we had previously received from Dean Rodney Shkolnick, Creighton University, and the Nebraska State Bar Association Newsletter. Each was read again and because the Newsletter appeared to express the same concern about the potential for conflict of interests that we had discovered in our research we telephoned the Nebraska State Bar Association and asked if we could be supplied with any additional information which might shed further light on the position taken by the House of Delegates on this matter. That afternoon we were supplied with a copy of a letter allegedly drafted by Mr. Larry Ruth to the Nebraska State Bar Association's Legislative Liaison Attorneys, its House of Delegates, and its Legislative Committee, together with a summary of the bill and the reasons for the opposition.

Mr. Ruth's letter and summary confirmed our own independent research. Time became a factor. Our opinion had to be drafted, edited, typed, reviewed, and delivered to Senator Goodrich and to the Acting Clerk of the Legislature before 9:00 a.m. the next day, March 10, 1978, as LB 436 was scheduled for debate that morning. To expedite the same, our notes and portions of Mr. Ruth's summary of LB 436 were used in drafting our Opinion No. 204.

III.

Did the Nebraska State Bar Association have any role in the rendering of Attorney General's Opinion 204?

The above question is somewhat ambiguous. As discussed above, we had received unsolicited literature in the mail discussing LB 436, both pro and con, before we offered our opinion thereon. We also requested additional information about LB 436 from the Nebraska State Bar Association before we wrote our opinion thereon. On the other hand, we were never subjected to any economic, political, or

social pressure of any kind by the Nebraska State Bar Association, or by any of its members, or by anyone else, in forming our opinion on LB 436. While some of the language in that opinion may be identical to the language used by someone else, it nevertheless represents our own independent professional judgment.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:smb

GENERAL FILE

LEGISLATIVE BILL 837. Title read. Considered.

Standing Committee amendment found in the Journal on page 558 for the Fifteenth Day was considered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Standing Committee amendment was adopted with 25 ayes, 7 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 27 ayes, 8 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 800. Title read. Considered.

Standing Committee amendment found in the Journal on page 558 for the Fifteenth Day was adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 800A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 3 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 692. 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 - Members Excused

Mr. Kennedy asked unanimous consent to be excused at 2:45 p.m., until he returns. No objections. So ordered.

Messrs. R. Lewis and Kelly asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 248. Title read. Considered.

Standing Committee amendments found in the Journal on page 1482 for the Sixty-Fifth Day, First Session, were adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Mills withdrew his pending amendment found in the Journal on page 831.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 919.

Advanced to E & R for Review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 713. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 713A. Title read. Considered.

Mr. D. Dworak renewed his pending amendment found in the Journal on page 1155.

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 922. 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 184, 605, 612, 613, 719, and 906.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 713 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 713

1. On page 2, lines 4 and 15, after "purposes" insert "of sections 1 to 23 and 31 to 39".

2. Strike original section 24.

3. Insert the following new sections:

"Sec. 24. Sections 24 to 30 of this act shall be known and may be cited as the Nebraska Criminal Records Expungement Act.

Sec. 25. (1) Sections 24 to 30 of this act shall be liberally construed and applied to promote its underlying purposes and policies.

(2) Such underlying purposes and policies shall be:

(a) To prevent unnecessary maintenance, use, disclosure, and dissemination of an individual's criminal conviction record; and

(b) To insure safeguards protecting individual rights of privacy against unwarranted collection and dissemination of criminal records.

Sec. 26. As used in sections 24 to 30 of this act, unless the context otherwise requires:

(1) Arrest record shall mean a record of detention or arrest which may or may not lead to trial, but in either case, does not result in conviction;

(2) Conviction record shall mean any record adjudging the defendant guilty of a criminal act following a trial; and

(3) Criminal record shall include general police information, arrest records, and conviction records.

Sec. 27. Except as otherwise provided in sections 24 to 30 of this act, it shall be a Class III misdemeanor for any person or organization to maintain, use, disclose, disseminate, or publish any criminal conviction reocrd(sic) that has been expunged under sections 24 to 30 of this act.

Sec. 28. (1) Every defendant who has served the sentence imposed or who has fulfilled the conditions of his or her probation or suspension of sentence for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, may be permitted by the court to withdraw his or her plea of guilty and enter a plea of not guilty, or if he or she has been convicted after a plea of not guilty, the court shall dismiss the complaint, information, or indictment against such defendant, who shall then be released from all penalties and disabilities resulting from the crime of which he or she has been convicted, and he or she shall be treated as not having been convicted, except that upon conviction of any subsequent crime, such conviction may be considered as a prior conviction in determining the sentence to be imposed. The defendant shall be informed of this privilege when he or she is placed on probation or suspended sentence.

(2) In any application for employment, lincense, or other civil right or privilege or any appearance as a witness, a person whose conviction of crime has been expunged under this act may state that he or she has never been convicted of such crime.

Sec. 29. Every individual who is the subject of an arrest record, which arrest did not result in conviction at trial, may remove from the police files, any fingerprints, records, and any accompanying notation regarding the arrest.

Sec. 30. (1) When all the requirements or provisions of sections 24 to 30 of this act have been met, all official records concerning the encounter shall be sealed.

(2) After a determination is made regarding the records which shall be subject to a court order of expungement, the official having custody of such records shall seal all the records pertaining to the case.

(3) The procedure for sealing the records shall include: (a) Deletion of all references to the records; and (b) placing such records in a confidential space

apart from nonexpunged records. To complete the sealing, all index cards, documents, entries, and all other references to the applicant's case shall be placed in an envelope or other container and marked only with an appropriate office number.".

4. On page 17, lines 18 and 21, strike "28" and insert "34"; and in line 20, strike "25" and insert "31".

5. Renumber original sections 25 to 33 as sections 31 to 39 respectively.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 186, LR 194, and LR 195.

UNANIMOUS CONSENT - Member Excused

Mr. Moylan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 737. Title read. Considered.

Mr. Carsten asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 135. Title read. Considered.

Standing Committee amendment found in the Journal on page 586 for the Sixteenth Day was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 135A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 578. Title read. Considered.

Standing Committee amendments found in the Journal on page 586 for the Sixteenth Day were adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Murphy asked unanimous consent to be excused. No objections. So ordered.

MESSAGE FROM SECRETARY OF STATE

March 17, 1978

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

RE: Legislative Resolution 180

Dear Mr. Clerk:

This letter is to acknowledge that I have received on this day an original and various copies of Legislative Resolution 180 adopted by the Legislature on the 15th day of March, 1978.

Paragraph 2. directed the Secretary of State to deliver copies to the Secretary of the United States, Department of Transportation and to each Nebraska Senator and Representative in the United States Congress.

Please be advised that I have had the honor to deliver these copies via United States mail as directed and this has been done on the 17th day of March, 1978.

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

UNANIMOUS CONSENT - Print in Journal

Messrs. Rumery and Nichol asked unanimous consent to print the following amendments to LB 955 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 955

1. Insert a new section 3 as follows:

"Sec. 3. The Nebraska Army National Guard Armory at North Platte, Nebraska shall be named and known as the Major General Butler B. Miltonberger Armory.".

2. Renumber original section 3 as section 4.

GENERAL FILE

LEGISLATIVE BILL 639. Title read. Considered.

Standing Committee amendments found in the Journal on page 586 for the Sixteenth Day were adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 639A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Koch asked unanimous consent to take up LB 885 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 885. 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.

LEGISLATIVE BILL 636. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused Monday morning, March 20, 1978. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 197.

Introduced by Maresh, 32nd District.

WHEREAS, many Nebraska public schools augment their girls athletic program by supporting girls basketball teams; and

WHEREAS, the girls basketball program traditionally terminates with a state-wide championsip tournament; and

WHEREAS, teams exhibiting meritorious performance in tournament play deserve special recognition.

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

1. That the Legislature extend its congratulations and best wishes to the members of the girls Shickley basketball team for capturing the Class D championship in the 1978 state-wide girls basketball tournament.

Laid over.

ADJOURNMENT

At 4:16 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:30 a.m., Monday, March 20, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 20, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 20, 1978

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

Father in heaven, the suffering and death of your son brought life to the whole world moving our hearts to praise your glory. The power of the cross reveals your concern for the world and the wonder of Christ crucified.

The days of his life-giving death and glorious resurrection are approaching. This is the hour when he triumphed over Satan's pride; the time when we celebrate the great event of our redemption.

We are reminded of the price he paid when we pray with the Psalmist:

"My God, my God, why have you forsaken me, far from my prayer, from the words of my cry?

O my God, I cry out by day, and you answer not; by night, and there is no relief for me.

Yet you are enthroned in the Holy Place, O glory of Israel!

In you our fathers trusted; they trusted, and you delivered them.

To you they cried, and they escaped; in you they trusted, and they were not put to shame.

But I am a worm, not a man; the scorn of men, despised by the people.

All who see me scoff at me; they mock me with parted lips, they wag their heads:

He relied on the Lord; let Him deliver him, let Him rescue him, if He loves him." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Merz, Luedtke, and Warner who were excused; Messrs. Kennedy, Kremer, F. Lewis, Reutzel, Schmit, Simon, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1355, line 23, insert "**GENERAL FILE**".
Page 1356, delete last three lines.
The Journal for the Forty-First Day was approved as corrected.

ANNOUNCEMENTS

Mr. Maresh announced the loaves of bread passed out to Senators are from the WIFE group from Fillmore County.

President Whelan and Mr. Marvel spoke to the members regarding the flood situation. The National Guard will be available to fly any Senators over the areas this afternoon.

Mr. Marvel suggested the Senators accept the invitation and adjourn at 3:00 p.m. this afternoon for that purpose.

MESSAGE FROM THE GOVERNOR

March 20, 1978

Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Senators:

I find it necessary to send you two messages today, both affecting spending and my attempt to hold the line on the reduction of the state sales and income taxes which were reduced January 1, 1978.

We are faced with a new unanticipated multimillion dollar expenditure to meet the state's legal obligation for the emergency created by the present extensive flooding. We need to give serious

consideration to the possible impact on our uncoming state budget. I request that you temporarily bracket all bills dealing with new state expenditures.

We shall have our revised recommendations to you as quickly as possible, in a few days at the most. This serious flood emergency and its tremendous likely costs must be given high priority. As soon as supported figures are available to me, I will request the President to declare a Federal disaster in addition to the state disaster I have already declared.

Last year, you will remember you rejected my request for a $500,000 appropriation for the emergency fund and reduced this to only $300,000. Therefore we were in serious difficulties in adequate financial emergency resources even before the current flood. Your action in this area last session was short sighted and as of now we have only $10,000 on hand, all of which is already seriously over-extended. Please proceed with all possible dispatch on the $200,000 deficiency for the emergency fund previously agreed to which necessarily must be passed with the emergency clause. I shall advise you further on any additional deficit needs.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 653. Replaced on Select File as amended.
E & R amendments to LB 653:

1. Renumber section 41 as section 40.
2. In E & R 6, line 1, strike "line 6" and insert "line 8".
3. On page 41, line 12, strike the semicolon and insert a comma.

Correctly Enrolled

The following bills were correctly enrolled: 92, 92A, 623, 623A, and 725.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 92, 92A, 623, 623A, and 725.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 20, 1978, at 8:20 a.m., were the following bills: 212, 411, 457, 574, 574A, 582, and 671.

(Signed) Hazel Kaltenberger, Enrolling Clerk

ATTORNEY GENERAL'S OPINION

Opinion No. 212
March 17, 1978

Dear Senator Bereuter:

This is in response to your letters of March 9th and March 13th, making two inquiries pursuant to determining whether to introduce legislation. The first question was whether the county might enter into an agreement with a city located within that county to expend funds for road improvements within that city under authority of Section 23-340, R.R.S. 1943. Our conclusion is that it may not.

It should be noted that Section 23-340, R.R.S. 1943, commences with the proposition that the county contemplates an improvement project outside the limits of the city. Under the proviso contained in the section, if the road lies along the city limits boundary line, the county is specifically limited to payment of two-thirds of half of the road outside the city only. Thus, instead of county money being spent inside the city, the statute provides for the city to spend city money inside or adjacent to the city and to also pay one-third of the cost of that portion outside the city, said one-third to come from special assessment against the abutting property within the city.

Your second question was whether, as a cooperative project, a county may spend tax money assessed under Section 77-1605.01, R.R.S. 1943, to pave a street within a city located within the county. Again, we believe it may not.

Section 77-1605.01 R.R.S. 1943, authorizes property tax moneys of the county to be used for the construction or improvement of county roads within the counties and authorizes such funds to be used independently or cooperatively with other governmental agencies.

Since the section specifically limits the use of these funds to county roads within the county, it would appear not to authorize the use of such funds on city streets within the city. It could be used for the share of the county in such cooperative projects as those contemplated by Section 23-340, discussed above.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/ta
cc: Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 837 in the Journal. No objections. So ordered.

AMENDMENT TO LB 837

1. On page 2, line 9 strike "thirty-six hundred" and insert "~~hundred~~ three thousand"; in line 11 strike "forty-two" and insert "thirty-six"; in line 15 strike "six" and insert "three" and after "thousand" insert "six hundred"; and in line 17 strike "seven" and insert "four".

MR. MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 757. Title read. Considered.

PRESIDENT WHELAN PRESIDING

Mr. Lamb withdrew his pending amendment found in the Journal on page 1361.

Mr. F. Lewis offered the following amendment to LB 757:

AMENDMENTS TO LB 757

1. Insert a new section as follows:
"Sec. 4. The State Board of Equalization and Assessment shall meet on November 15, 1978 for the purpose of setting the income and sales tax rates of Nebraska which will be consistent with the mandate of the people of the state as reflected in their vote on Laws 1977, LB 33, on November 7, 1978.".

2. Renumber original sections 4 and 5 as sections 5 and 6.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The F. Lewis amendment was adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 347.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. DeCamp offered the following amendment to LB 757:

AMENDMENTS TO LB 757

1. Strike original section 1.

2. On page 3, line 10 strike "$40,000,000" and insert "$47,500,000"; in line 12 strike "$15,000,000" and insert "$7,500,000"; and strike beginning with "by" in line 13 through "act" in line 14 and insert "under sections 79-4,160 to 79-4,168".

3. Renumber original sections 2 to 5 as sections 1 to 4 respectively.

4. On page 3, lines 2 and 5 and page 8, lines 1 and 6 strike the new matter and on page 3, lines 1 and 4, page 7, line 27, and page 8, line 5 reinstate the stricken matter.

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

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. DeCamp asked unanimous consent to expedite LB 757. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 20, 1978

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

Lincoln, NE 68509

Dear Mr. President and Senators:

I am sending you two necessary messages today both affecting spending and my attempt to hold the line on the sales and income taxes which were reduced January 1, 1978.

I hereby return LB's 108, 582, and 586, totaling nearly a half million dollars, without my signature and with my objections.

These are not priority spending measures, however well intentioned, and as outlined in another message to you as of this date on the general subject of appropriations over my recommendations, it is mandatory that you curtail your intended spending if we are to preserve the state sales and income tax reduction that went into effect January 1, 1978.

LB 108 appropriates $100,000 to the Game and Parks Commission for campgrounds and recreational projects at the Red Willow and Strunk Lake State Recreation Areas. As was indicated in the original fiscal note accompanying LB 108, the appropriation for these projects is a partial duplication of those found in LB 549 of last year. Additionally, the Game and Parks Commission did not request funds for either project for fiscal year 1978/1979 and did not identify them as priorities.

LB 582 appropriates $150,000 for the expansion of the North Platte Fish Hatchery, and LB 586 appropriates $150,000 for modernization of the Rock Creek Fish Hatchery. Both projects were requested by the Game and Parks Commission for FY 1979/1980, not FY 1978/1979 as you propose. Furthermore, funds were requested from the Commission's Cash Fund, not the State General Fund. Therefore, you have not only advanced the projects one year, but have also appropriated General Funds when Cash Funds had been requested.

Although the news media has been carrying stories that indicate your appropriations are similar to my recommendations, the facts are that you are now proceeding down the spending road to exceeding those by $6 million at a minimum, and there is in addition thereto some $85.5 million in spending proposals at general file or beyond, as reflected on your daily budget sheet.

The spending course you are riding on must be altered if we are to work together to maintain our lower tax rates. Otherwise you will be presented with a series of gubernatorial vetoes in an attempt to turn off the spending machine.

I also call to your attention that General Fund revenues as projected by the Department of Revenue are right on target as of this date. This is the good news. However, the revenue estimates as currently shown on your daily finanical status report are $8.6 million in excess of General Fund revenue projections. This was an amount that existed at the time of the November Board of Equalization meeting and was shown as being an amount over estimates at that time. This amount no longer exists, and it should not be shown as available revenue for appropriation.

In addition, the secondary effects of the prolonged national coal strike and the unusually cold winter weather are further uncertainties, not previously contemplated, that could adversely affect Nebraska's economy and therefore the state revenues.

I urge your facing those conditions squarely by sustaining my vetoes delivered herewith and furthermore by voting down all but only the most reasonable and obviously necessary bills authorizing new and increased expenditures.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:ah

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendments to LB 800 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 800

1. Insert three new sections as follows:

"Sec. 2. After the effective date of this act, except as provided in section 3 of this act, a public power district shall not construct microwave communication facilities unless such district is authorized to construct and operate its own microwave facilities by order of the Nebraska Power Review Board. Before such microwave construction is authorized, the Nebraska Power Review Board shall, after public hearing, find (1) that in the judgment of the board, the district is not receiving the required quality of service, and will not within a reasonable time receive the required quality of service from the regulated carrier or carriers involved or (2) that the regulated carriers would not provide the required quality of service by the same or alternate methods, at the same or lower costs to the district, and (3) that such construction would

be in the public interest.

Sec. 3. Nebraska Power Review Board authorization shall not be required for the following:

(1) Construction of microwave facilities to be completed in a reasonable time where the district has, prior to the effective date of this act, entered into binding contractual obligations with respect to such facilities.

(2) Extensions of fifty miles or less of any single portion of a microwave system if such portion was in existence on or before the effective date of this act.

(3) The addition of new equipment to modernize or upgrade but not to extend microwave facilities.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval according to law.".

2. Renumber original section 2 as section 4.

UNANIMOUS CONSENT - Member Excused

Mr. George asked unanimous consent to be excused Tuesday, March 21, 1978 until he arrives. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 663. Mr. Koch asked unanimous consent to bracket until March 28, 1978. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 198.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Hefner, 19th District; Lamb, 43rd District; DeCamp, 40th District; Kremer, 34th District; Maresh, 32nd District; Kahle, 37th District; Burrows, 30th District.

WHEREAS, agriculture is vitally important business in Nebraska; and

WHEREAS, the State of Nebraska is dependent on the future profitability of agriculture; and

WHEREAS, Nebraska, as well as the nation is concerned with the economic independence of agriculture; and

WHEREAS, agriculture supplies both the nation and the world with food and fiber which is essential to the destiny of mankind; and

WHEREAS, Monday, March 20, 1978 has been declared National Agriculture Day; and

WHEREAS, the citizens of the State of Nebraska and the Nebraska State Legislature have a vested interest in continuing their support of agriculture; and

WHEREAS, National Agriculture Day is being observed across the nation in an effort to focus attention on the importance of agriculture.

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

1. That Monday, March 20, 1978 be declared Agriculture Day in the State of Nebraska.

2. That all citizens of the State of Nebraska be urged to support the agriculture industry and aid its progress toward economic independence.

Mr. Schmit moved to suspend the rules, Rule 4, Sec. 6, to consider LR 198 today. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

LR 198 was adopted with 28 ayes, 0 nays, and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 202. E & R amendments found in the Journal on page 1357 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 665. E & R amendment found in the Journal on page 1357 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 722. E & R amendments found in the Journal on page 1346 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 836. E & R amendment found in the Journal on page 1346 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 541A. E & R amendment found in the Journal on page 1276 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 902. E & R amendments found in the Journal on page 1342 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

Mr. Reutzel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 407. Mrs. Labedz asked unanimous consent to bracket LB 407 and LB 407A until Wednesday, March 22, 1978. No objections. So ordered.

LEGISLATIVE BILL 446. Mr. Brennan asked unanimous consent to bracket until March 23, 1978. No objections. So ordered.

LEGISLATIVE BILL 210. Mr. Dworak offered the following amendments:
(Amendments printed separate from the Journal and on file in the Clerk's office. Req. #2850)

Mr. Lamb asked unanimous consent to have the bill laid over until Wednesday, March 22, 1978. No objections. So ordered.

LEGISLATIVE BILL 889. E & R amendments found in the Journal on page 1148 for the Thirty-Fifth Day were adopted.

Mr. Lamb offered the following amendment:
#2 amendment by Sen. F. Lewis found on page 1112 delete "for up to 90%" insert "of 100%".

Amendment pending.

VISITORS

The President introduced Mr. Bernie Wynn, Political Editor of the Arizona Republic; 19 9th grade students and teacher from Aurora School, Aurora; Janice Spurling and Frances Heinricks from Shickley; Susan Frazier and Eileen O'Connor from Fairmont; Jean

O'Connor from Grafton; Betty Majors, WIFE National President from Osceola; Joan Marek, WIFE National Corresponding Secretary from Stromsburg; Mr. and Mrs. Dale Oatman and son Dave from Ainsworth; 23 5th & 6th grade students and teachers from Dodge and Ponca Schools; daughter and granddaughter of Sen. Ed Dvorak; 60 8th grade students and teachers from Christ the King School, Omaha; Ms. Penny Yekel from Scottsbluff.

ANNOUNCEMENT

Mr. Schmit announced the Cowbelles, an auxiliary of the Nebraska Stock Growers Association, are serving beef in the rotunda in celebration of Agriculture Day.

RECESS

At 12:00 noon, on a motion by Mr. Marvel, 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 Speaker Luedtke who was excused; and Mrs. Labedz, Messrs. Barnett, DeCamp, Merz, Newell, Reutzel, and Simon who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 889. Mr. Lamb renewed his pending amendment found in this day's Journal.

Mr. Lamb moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Clark	D. Dworak	Kennedy	Maresh	Nichol
Cope	Hasebroock	Kremer	Merz	Rasmussen
Cullan	Hefner	Lamb	Mills	Schmit
Duis	Kahle	R. Lewis	Murphy	Stoney

Voting in the negative, 20:

Bereuter	Chambers	George	F. Lewis	Moylan
Brennan	E. Dvorak	Goodrich	Marsh	Rumery
Burrows	Fitzgerald	Keyes	Marvel	Savage
Carsten	Fowler	Koch	Maxey	Warner

Present and not voting, 2:

Kelly Venditte

Excused and not voting, 7:

Barnett	Labedz	Newell	Simon
DeCamp	Luedtke	Reutzel	

The Lamb amendment lost with 20 ayes, 20 nays, 2 present and not voting, and 7 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Cullan offered the following amendment:

Amend LB 889 on page 4 line 17, after the word age, insert, "if such school district desires to participate in a program for preschool age handicapped children. The decision to participate is to be made by each school board in the State of Nebraska."

Amendment pending.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 833 in the Journal. No objections. So ordered.

(Amendments printed separately from the Journal and on file in the Clerk's office. Req. #2885)

VISITORS

The President introduced former Senator John Mekota from Crete, Nebraska; 27 ninth grade students and teacher from Aurora, Nebraska.

ADJOURNMENT

At 2:48 p.m, on a motion by Mr. Marvel, the Legislature adjourned until 9:00 a.m., Tuesday, March 21, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 21, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 21, 1978

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 resume work now which many call profane, on this week so many call Holy, and we are caught up in the cross-currents of things temporal and things divine.
>
> Help us to understand that a week does not become Holy merely because we say it is so, but because we become somehow more Holy during it. Provide us with the help we need, O God, in order to live with the necessary tensions of our lives. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Luedtke who was excused; and Mesdames. Labedz and Marsh, Messrs. E. Dvorak, George, F. Lewis, Newell, Rasmussen, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

MESSAGE FROM THE GOVERNOR

March 20, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building

Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 406 and 406A. These bills were signed by me on March 20, 1978 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 757. Placed on Select File as amended.
E & R amendments to LB 757:

1. Renumber the section added by the F. Lewis amendment as section 3.

2. In lieu of the F. Lewis amendment 2, restore original numbers to original sections 4 and 5.

3. In the title, line 7, insert "to provide for setting of tax rates;" after the semicolon.

LEGISLATIVE BILL 956. Placed on Select File.

LEGISLATIVE BILL 923. Placed on Select File as amended.
E & R amendment to LB 923:

1. For correlation purposes, on page 2, lines 2 and 19, and in the title, line 3, insert ", as amended by section 1, Legislative Bill 771, Eighty-fifth Legislature, Second Session, 1978" after "1977"; and on page 2, line 7, insert "which may include coverage for dependents" after "plan".

LEGISLATIVE BILL 962. Placed on Select File.

LEGISLATIVE BILL 963. Placed on Select File as amended.
E & R amendment to LB 963:

1. On page 3, line 15, insert an underscored comma after "Fund".

LEGISLATIVE BILL 609. Placed on Select File as amended.
E & R amendment to LB 609:

1. On page 3, line 10, insert "or member of the board of trustees" after "member".

LEGISLATIVE BILL 830. Placed on Select File.

LEGISLATIVE BILL 868. Placed on Select File as amended.
E & R amendments to LB 868:

1. Insert the section added by the Duis amendment as section 4.

2. In the title, line 5, strike "hire" and insert "appoint" and strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 837. Placed on Select File as amended.
E & R amendment to LB 837:

1. In the committee amendment, lines 4, 8, and 13, strike "revenues" and insert "revenue"; and in lines 9 and 14, strike the comma.

LEGISLATIVE BILL 800. Placed on Select File.
LEGISLATIVE BILL 800A. Placed on Select File.
LEGISLATIVE BILL 692. Placed on Select File.

LEGISLATIVE BILL 248. Placed on Select File as amended.
E & R amendments to LB 248:

1. In committee amendment 1, line 1, strike the second comma.

2. On page 4, line 14, strike "1976" and insert "1977".

3. In committee amendment 2, line 2 insert an underscored comma before "on".

4. On page 7, line 19, strike the second comma.

5. On page 8, line 2, strike "where" and insert "~~where~~ when".

6. In committee amendment 3, line 5 and 6, strike "It is provided that in" and insert "In".

7. On page 11, line 10, insert "Class V" after "a"; and strike beginning with "and" in line 10 through line 12.

8. On page 24, line 18, strike the comma.

9. On page 31, line 14, strike "Where" and insert "~~Where~~ When".

10. On page 35, line 8, strike "60-320,"; and in line 10, insert ", and section 60-320, Revised Statutes Supplement, 1977" after "1976".

11. In the title, line 2, strike "and"; in line 3 insert "and 60-2305," after the first comma; in line 4 strike "60-320,"; in line 7 insert ", and section 60-320, Revised Statutes Supplement, 1977" after "1976"; and in line 16 insert "to change a prohibition;" after the semicolon.

LEGISLATIVE BILL 713. Placed on Select File as amended.
E & R amendments to LB 713:

1. On page 4, line 16, strike "in" and insert "of".

2. On page 5, line 14, strike the comma and show stricken.

3. On page 11, line 16, strike the comma.

4. On page 17, strike beginning with "as" in line 1 through the comma in line 2; and in line 22 strike the second comma.

5. On page 14, lines 24 and 25, page 19, line 3, and in the title, lines 6 and 7, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 713A. Placed on Select File.
LEGISLATIVE BILL 922. Placed on Select File.

LEGISLATIVE BILL 135. Placed on Select File as amended.
E & R amendments to LB 135:

1. On page 2, line 5, strike the second "of" and insert "or".

2. In the title, line 4, insert "to impose a restriction;" after the semicolon.

LEGISLATIVE BILL 135A. Placed on Select File.
LEGISLATIVE BILL 578. Placed on Select File.

LEGISLATIVE BILL 639. Placed on Select File as amended.
E & R amendments to LB 639:

1. On page 3, lines 17 to 20, redesignate subdivisions as (1) to (4).

2. In committee amendments, page 1, line 11, insert a comma after "If".

3. On page 9, line 22, insert "the" after "for".

4. On page 10, line 19, strike "tax" and insert "fee".

5. In the title, line 5, insert "to provide for termination;" after the semicolon.

LEGISLATIVE BILL 639A. Placed on Select File.

LEGISLATIVE BILL 885. Placed on Select File as amended.
E & R amendment to LB 885:

1. On page 2, insert a comma after "agrees" in line 9 and at the end of line 16.

LEGISLATIVE BILL 636. Placed on Select File as amended.
E & R amendment to LB 636:

1. On page 4, line 5, insert a comma after "and".

(Signed) Samuel K. Cullan, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 21, 1978, at 8:25 a.m., were the following bills: 92, 92A, 623, 623A, and 725.

(Signed) Hazel Kaltenberger, Enrolling Clerk

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 198.

COMMUNICATION

Acknowledged receipt of Concurrent Resolution from the State of Kentucky regarding right to life. (Filed in the Clerk's office)

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 726 in the Journal. No objections. So ordered.

AMENDMENT TO LB 726

1. Strike original section 124 and insert a new section as follows:

"Sec. 124. Nothing in this act shall prohibit those individuals regularly employed as sworn police officers from being employed as armed or unarmed private security officers. The use of official police uniforms by such officers in their off-duty hours shall be determined by local department policy. Regular off-duty law enforcement officers employed as armed or unarmed private security officers shall be deemed to be employees of the hiring licensee or employer for purposes of liability and such licensees or employers shall comply with the insurance provisions of section 120 of this act.".

UNANIMOUS CONSENT - Bracket LB 722

Mr. Venditte asked unanimous consent to bracket LB 722 on E & R Final until March 28, 1978. No objections. So ordered.

MOTION - Return LB 833 to Select File

Mr. R. Lewis moved to return LB 833 to Select File for the specific amendment referred to in the Journal on page 1385 (printed separately - Req. #2885).

The motion prevailed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 833. The R. Lewis specific amendment referred to on page 1385 was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 920.

A BILL FOR AN ACT to amend sections 28-417, 28-523, and 28-706, Revised Statutes Supplement, 1977, relating to the Nebraska Criminal Code; to change intent provisions of a certain unlawful act; to reclassify offenses; 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	Cope	Goodrich	Koch	Maxey
Bereuter	Cullan	Hasebroock	Kremer	Merz
Brennan	DeCamp	Hefner	Lamb	Mills
Burrows	Duis	Kahle	R. Lewis	Moylan
Carsten	E. Dvorak	Kelly	Maresh	Murphy
Chambers	D. Dworak	Kennedy	Marsh	Nichol
Clark	Fitzgerald	Keyes	Marvel	Reutzel

Rumery	Schmit	Stoney
Savage	Simon	Warner

Voting in the negative, 0.

Present and not voting, 2:

Fowler	Venditte

Excused and not voting, 6:

George	F. Lewis	Newell
Labedz	Luedtke	Rasmussen

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

SELECT FILE

LEGISLATIVE BILL 924. E & R amendments found in the Journal on page 1275 for the Thirty-Ninth Day were adopted.

Mr. Warner offered the following amendments:

LB 924
Appropriation Committee Amendments
to Amendments to LB 924
(Req. 2775)

(1) Purpose: To eliminate language relating to the Department of Roads use of funds for billboard or sign removal.

Amendment:

On page 33, strike lines 17 to 22.

(2) Purpose: To distribute instructional improvement funds, cash funds, or revolving funds in the correct State College budget programs or subprograms.

Amendments:

Chadron State College

On page 83, in line 11, strike "1,592,322" and insert "1,645,409"; in line 14, strike "2,069,188" and insert "2,122,275".

Peru State College

On page 93, in line 18, strike "96,654" and insert "90,654"; in line 20, strike "770,810" and insert "764,810".

On page 94, in line 6, strike "96,654" and insert "90,654"; in line 8, strike "770,810" and insert "764,810".

On page 95, in line 6, strike "529,560" and insert "523,560"; in line 10, strike "3,195,914" and insert "3,189,914".

Wayne State College

On page 96, in line 5, strike "1,292,967" and insert "1,347,334"; in line 8, strike "2,380,206" and insert "2,434,573".

On page 98, in line 24, strike "282,453" and insert "386,869"; in line 25, strike "282,453" and insert "386,869".

(3) Purpose: This amendment does not alter the current appropriation for the capitol environs landscape plan, but does clarify that the appropriation is for the development of a new plan.

Amendments:

Add a new section:

"Sec. 55. That Laws 1977, LB 549, Section 57 be amended to read as follows:

Sec. 57. Program 950. The Department of Administrative Services is hereby authorized to develop a new capitol environs landscaping plan. There is hereby appropriated $5,000 from the Revenue Sharing Trust Fund, which sum is in addition to $10,000 reappropriated in Legislative Bill 546, Eight-fifth Legislature, First Session, 1977, ~~for capitol landscape planning~~ for the fiscal year ending June 30, 1978, ~~to complete the capitol environs landscape plan~~ solely for the development of a new capitol environ landscape plan. ~~Such plan shall be submitted to the Executive Board of the Legislative Council and the Governor on or before February 4, 1978.~~ In developing the new landscape plan, due consideration shall be given to the opinions and suggestions of all concerned parties. Such plan shall be submitted to the Executive Board of the Legislative Council and the Governor on or before September 15, 1978. If the Executive Board of the Legislative Council does not comment on the provisions of the plan as of September 30, 1978, it is assumed that such plan is acceptable to the Legislature and may be implemented subject to future appropriations. Under no circumstances shall the appropriation made in this section be utilized for landscaping projects, or the implementation of an existing landscape plan."

Renumber original sections 55 through 59 as sections 56 through 60.

On page 109, in line 11, strike "and" and after "46" insert "and 57,".

(4) Purpose: To increase the General Fund appropriation to the State Patrol due to unexpected overtime pay and lodging reimbursement.

Amendments:

On page 59, after line 3, insert:

"(4) Program No. 200 - Contingency Fund for Emergencies.

General Fund 160,000

Program Total 160,000".

On page 59, in line 6, strike "10,900,442" and insert "11,060,442"; in line 9, strike "11,338,872" and insert "11,498,872".

(5) Purpose: To increase the appropriation to the Department of Public Welfare - Program 347 - Public Assistance, based upon the latest information provided by the Department of Public Welfare.

Amendments:

On page 32, in line 1, strike "38,295,904" and insert "38,795,904"; in line 3, strike "15,894,000" and insert "16,194,000"; in line 5, strike "69,722,269" and insert "70,722,269"; in line 7, strike "123,912,173" and insert "125,712,173".

On page 33, in line 7, strike "51,271,572" and insert "51,771,572"; in line 9, strike "15,944,800" and insert "16,244,800"; in line 11, strike "86,659,122" and insert "87,659,122"; in line 13 strike "153,875,494" and insert "155,675,494".

(6) Purpose: To increase the personal services limitations in the Department of Education to pay the salaries of employees listed as contractual in the budget request but paid as permanent employees.

Amendments:

On page 74, in line 10, strike "643,108" and insert "673,921".

On page 79, in line 8, strike "1,162,418" and insert "1,205,902"; in line 22, strike "103,598" and insert "148,282".

(7) Purpose: To provide authorization to the Nebraska Coordinating Commission for Postsecondary Education to expend additional Federal Funds received during 1977-78.

Amendment:

On page 99, after line 20, insert "The Nebraska Coordinating Commission for Postsecondary Education is hereby authorized to expend within this program any Federal Funds receive during 1977-78."

(8) Purpose: To clarify procedures for the adjustment of rate charges by the Department of Administrative Services for services provided state agencies.

Amendment:

Add the following new section, and renumber the remaining sections accordingly.

"That Laws 1977, LB 539, section 16, be amended to read as follows:

Sec. 16. Agency No. 65 — Department of Administrative Services

Thirty days prior to the implementation of any adjustment of any rate charge for services provided by the Department of Administrative Services, the Department of Administrative Services shall notify the Governor and the Executive Board of the Legislative Council of the proposed service rate change. Such notification shall include the expenditure and revenue justification for the rate adjustment and the fiscal procedure for implementing the adjustment.

It is the intent of the Legislature that no State agency shall receive additional General or Cash Fund expenditure authority from the implementation of the rate charge adjustment that was not anticipated by the Legislature in establishing the annual appropriation for each state agency.

~~(1) Program No. 171 - Material Division~~

~~If charges for services to user agencies exceed actual costs of providing those services, rebates or reductions in charges shall not be provided to the affected agencies.~~

(2) Program No. 172 - Central Data Processing Division

The agency shall include, with its next budget request, a statement which identifies all current and anticipated data processing service users. Such statement shall serve as the basis for estimating total Cash Fund requirements for the provision of data processing services to all user agencies.

~~If charges for services to user agencies exceed actual costs of providing those services, rebates or reductions in charges shall not be provided to the affected agencies.~~

~~(3) Program No. 180 - Transportation Services Bureau~~

~~If charges for services to user agencies exceed actual costs of providing those services, rabates or reductions in charges shall not be provided to the affected agencies.~~

(4) Program No. 560 - Building Division

The expenditures authorized reflect a management reorganization of the Lincoln facilities into a single working unit. It is the intent of the Legislature that the Director of Administrative Services shall cause a reorganization of the Building Division and through attrition achieve the staffing levels allowed in the budget.

The Building Division of the Department of Administrative Services shall attempt to provide adjacent office space for the Department of Personnel and the Joint Merit System in the State Office Building.

~~If charges for services to user agencies exceed actual costs of providing those services, rebates or reductions in charges shall not be provided the affected agencies.~~

(5) Program No. 567 - Fiscal Administration

Of the amount appropriated, $348,900 is for data processing charges for the Nebraska Employee Information System (NEIS).

(9) Purpose: To clarify the General Fund appropriation for local school district reimbursement under the provisions of LB 403.

Amendment:

On page 76, after line 22, insert :

"There is included in the General Fund appropriation a maximum of $13,801,556 for reimbursement for approved special education programs pursuant to the provisions of 43-648, Revised Statutes Supplement, 1976."

Amendment (1) was adopted with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

Amendments (2) and (3) were adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Amendment (4) was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Amendment (5) was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

The remaining amendments (6) through (9) were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 945. E & R amendment found in the Journal on page 1275 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 937. E & R amendments found in the Journal on page 1275 for the Thirty-Ninth Day was adopted.

Mr. Warner offered the following amendments:

(1) Purpose: This amendment corrects a technical error in an appropriation figure.

Amendment:

On page 3, in line 13, strike "1,434,00" and insert "1,434,000".

(2) Amendment:

Add a new section to read as follows:

"Any state agency not applying for and receiving a sales tax exemption for materials to be utilized for construction or renovation projects under the provisions of 77-2704, Re-

vised Statutes Supplement, 1977, shall not file for or receive a sales tax refund."

(3) Amendment:

On page 6 of the Standing Committee Amendments to LB 937, after line 9, insert:

"The funds reappropriated to Program 950 shall be solely for the development of a new capitol environs landscape plan. In developing the new landscape plan, due consideration shall be given to the opinions and suggestions of all concerned parties. Such plan shall be submitted to the Executive Board of of the Legislative Council and the Governor on or before September 15, 1978. If the Executive Board of the Legislative Council does not comment on the provisions of the plan as of September 30, 1978, it is assumed that such plan is acceptable to the Legislature and may be implemented subject to future appropriations. Under no circumstances shall the appropriation made in this section be utilized for landscaping projects, or the implementation of an existing landscape plan."

The amendments were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Barnett asked unanimous consent to be excused until 1:30 p.m. No objections. So ordered.

LEGISLATIVE BILL 951. Mr. Warner offered the following amendment:

(1) Purpose: To add $2,738 cash funds to the Board of Examiners for Professional Engineers and Architects to raise the salary limitation due to an increased continuation salary base resulting from recent salary adjustments.

Amendments:

On page 8, in lines 24 and 25, strike "127,074" and insert "129,812"; in line 27, strike "48,300" and insert "51,038".

On page 9, in lines 4 and 5, strike "127,074" and insert "129,812".

The amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 952. E & R amendment found in the Journal on page 1276 for the Thirty-Ninth Day was adopted.

Mr. Warner offered the following amendments:

(1) Purpose: To reappropriate the June 30, 1978, unexpended General Fund balance from LB 38A, 1977, for training judges and court personnel on the new criminal code effective January 1, 1979.

Amendment:

On page 4, after line 12, insert:

"The unexpended General Fund existing on June 30, 1978, not to exceed $30,000 is hereby reappropriated."

(2) Purpose: To add $35,000 General Funds for one year's rent of office space outside the State Capitol Building for the Attorney General.

Amendments:

On page 10, in line 21, strike "708,789" and insert "743,789"; in line 22, strike "708,789" and insert "743,789".

On page 11, in line 11, strike "764,672" and insert "799,672"; in line 12, strike "764,672" and insert "799,672".

(3) Purpose: To add $30,000 General Funds to provide transition funds for the new Governor due to printing costs of revised letterhead and forms and clerical staff.

Amendments:

On page 7, after 13, insert:

"(3) Program No. 020 - Transition Expenses for Governor-Elect

General Fund	30,000
Program Total	30,000".

On page 7, in lines 16 and 17, strike "184,726" and insert "214,726".

(4) Purpose: To transfer the funding for the WATS line from the Legislative Services budget program to the Clerk of the Legislature budget program.

Amendments:

On page 2, in lines 13 and 14, strike "1,190,266" and insert "1,188,266"; in line 19 and 20, strike "859,373" and insert "861,373".

The amendments were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 460. E & R amendments found in the Journal on page 1345 for the Forty-First Day were adopted.

Mr. Warner offered the following amendment:
On page 5, after line 4, insert a new section:
"Sec. 5. This act shall become operative on July 1, 1978."
Renumber original Sec. 5. as Sec. 6.
Add the emergency clause.

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 812. Mr. Warner offered the following amendment:

AMENDMENTS TO LB 812

1. Insert a new section as follows:

"Sec. 2. That section 71-1559, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1559. Every manufactured housing unit, including those produced by any technical community college, manufactured more than six months after July 10, 1976 which is sold, offered for sale, or leased in this state shall bear a seal issued by the department certifying that the construction and the structural, plumbing, heating, and electrical systems of such manufactured housing unit have been installed in compliance with the standards adopted by the department, applicable at the time of manufacture. The department shall establish a compliance assurance program consisting of an application form and a compliance assurance manual. Such manual shall identify and list all those procedures which the manufacturer and the inspection agency propose to implement to assure that the finished manufactured housing unit conforms to the approved building system and the applicable codes adopted by the department. The compliance assurance program requirements shall apply to all inspection agencies, whether department or independent third party, and shall define their duties and responsibilities in the process of inspecting, monitoring, and issuing seals for manufactured housing units. The department shall issue the seal only after ascertaining that the manufacturer is in full compliance with the compliance assurance program through inspections by the department, or authorized third party inspection

agency, at the plant. Such inspections shall be of an unannounced frequency such that the required level of code compliance performance is implemented and maintained throughout all areas of plan and site operations that affect regulatory aspects of the construction. Each seal issued by the department shall remain the property of the department and may be revoked by the department in the event of violation of the conditions of issuance. A fee of not ~~less than ten dollars nor~~ more than ~~twenty~~ sixty dollars, as determined by departmental regulation, shall be charged for each seal issued by the department. Inspection fees shall be paid for all departmental inspections of manufacturing plants located outside of the State of Nebraska. Such fees shall consist of a reimbursement by the manufacturer of actual departmental travel and inspection expenses only and shall be paid prior to any issuance of seals. All fees collected under sections 71-1555 to 71-1567 shall be paid into the state treasury and credited by the State Treasurer to the Manufactured Housing Cash Fund, which fund is hereby created. Such fund shall be used by the department for the purpose of administering the provisions of sections 71-1555 to 71-1567.".

2. On page 2, line 26, strike "section" and insert "sections 71-1559 and"; and in line 27, strike "is" and insert "are".

3. Renumber original section 2 as section 3.

The amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 813. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 814. E & R amendment found in the Journal on page 1346 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 960. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 961. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 962. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 963. E & R amendments found in this day's Journal were adopted.

Mr. Warner offered the following amendment to LB 963:
Purpose: To correct an internal reference and add the emergency clause.
Amendment:
On page 3, strike beginning with "distributed" in line 16 through "77-1241.09" in line 17, and insert "disbursed to carry out the provisions of the International Registration Plan."

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."

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 923. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

Mr. Merz asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 184 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 184

1. On page 2, line 9 of the DeCamp amendment found on page 1027 of the Journal strike "one and one half" and insert "five".

GENERAL FILE

LEGISLATIVE BILL 946. Title read. Considered.

Standing Committee amendments found in the Journal on page 1211 for the Thirty-Sixth Day were considered.

Mr. Warner offered the following amendment to the Standing Committee amendment:
Purpose: To clarify the language relating to funding salary adjustments for new state employees made necessary by

the revised salary schedule to be in effect July 1, 1978.

Amendment:

Strike amendment number 7 of the Committee amendments found on page 1211 of the Journal and insert:

7. On page 11, strike lines 1 and 2 and insert:

"(4) Any adjustment to salaries resulting from provisions of this section which enables new state employees hired after January 1, 1978, to be paid at the new hiring rate or new minimum permanent rate of July 1, 1978, shall be accommodated from but not in addition to the salary increase which becomes effective July 1, 1978."

President Whelan ruled the amendment was adopted with 22 ayes, 0 nays, 20 present and not voting, and 7 excused and not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Schmit asked unanimous consent to be excused at 10:30 a.m. until he returns. No objections. So ordered.

Mrs. Labedz renewed her pending amendment found in the Journal on page 1240.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mrs. Labedz requested a roll call vote on her amendment:

Voting in the affirmative, 22:

Brennan	Fitzgerald	Keyes	Merz	Savage
Carsten	Goodrich	Labedz	Mills	Venditte
Duis	Hasebrock	Lamb	Moylan	
E. Dvorak	Hefner	R. Lewis	Murphy	
D. Dworak	Kahle	Maresh	Reutzel	

Voting in the negative, 16:

Bereuter	Cullan	Kremer	Rumery
Burrows	Fowler	Marsh	Simon
Clark	Kelly	Marvel	Stoney
Cope	Kennedy	Nichol	Warner

Present and not voting, 4:

Chambers	DeCamp	Koch	Maxey

Excused and not voting, 7:

Barnett	F. Lewis	Newell	Schmit
George	Luedtke	Rasmussen	

The amendment lost with 22 ayes, 16 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Mr. Warner moved to advance LB 946 to E & R for Review.

Mr. Warner moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for Review with 17 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Venditte asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 964. Title read. Considered.

Mrs. Maxey offered the following amendments to LB 964:

1. Strike original Section 2 and re-write to read as follows:

Section 2. Funds provided for salary increases shall be distributed in the following manner:

(1) On July 1, 1978, all employees shall receive a five percent increase in salary over their base salary of June 30, 1978.

(2) On January 1, 1979, all employees shall receive a one and one-half percent increase in salary over their base salary of December 31, 1978.

2. Strike original Section 3 and re-write to read as follows:
Section 3. The remaining three quarters of one percent allocated to each agency for salary increases under Section 1 of this act shall be used for merit increases pursuant to rules and regulations promulgated by the Director of State Personnel.
3. Page 2, Line 27 and Page 3, Line 1 Strike "August 15, 1978" and insert "January 1, 1979."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?"

Mr. DeCamp moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to close debate prevailed with 25 ayes, 10 nays, and 14 not voting.

Mrs. Maxey requested a roll call vote on her amendment.

Voting in the affirmative, 26:

Bereuter	E. Dvorak	Keyes	Maxey	Savage
Brennan	Fitzgerald	Kremer	Merz	Simon
Burrows	Fowler	Labedz	Mills	
Chambers	Hasebroock	Maresh	Moylan	
DeCamp	Kahle	Marsh	Reutzel	
Duis	Kelly	Marvel	Rumery	

Voting in the negative, 13:

Carsten	Cullan	Kennedy	R. Lewis	Warner
Clark	D. Dworak	Koch	Nichol	
Cope	Goodrich	Lamb	Stoney	

Present and not voting, 2:

Hefner	Murphy

Excused and not voting, 8:

Barnett	F. Lewis	Newell	Schmit
George	Luedtke	Rasmussen	Venditte

The amendment was adopted with 26 ayes, 13 nays, 2 present and not voting, and 8 excused and not voting.

Mr. Fitzgerald moved the Call be raised. The motion prevailed with 21 ayes, 1 nays, and 27 not voting.

MR. MARVEL PRESIDING

Advanced to E & R for Review with 25 ayes, 10 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 902A. Title read. Considered.

Mr. Chambers moved to indefinitely postpone LB 902A.

Motion pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 743A. By F. Lewis, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 743, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

ANNOUNCEMENT

Mr. Maresh announced the Business and Labor Committee will meet in executive session on Wednesday, March 22, 1978, at 9:30 a.m., under the North Balcony.

VISITORS

The President introduced 21 members of the Delta Kappa Gamma Sorority, accompanied by Mrs. John Savage, from Omaha, Nebraska; 6 Girl Scouts and 2 Boy Scouts and sponsors from Troop #362, Grand Island, Nebraska; Sam Greenberg former King of Aksarben from Omaha, Nebraska; 26 seniors and sponsors from Neligh High School, Neligh, Nebraska; 60 sixth grade students and sponsors from St. Cecilia Grade School, Omaha, Nebraska; Mr. & Mrs. Lynn Hoback from Avoca, Nebraska; 55 fifth grade students and teacher from St. Cecilia Grade School, Omaha, 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 1:34 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Luedtke and Rasmussen who were excused; Messrs. Barnett, Fowler, George, Kremer, F. Lewis, Marvel, Mills, Schmit, Simon, Venditte, Warner, and Mrs. Maxey who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. E. Dvorak asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 21, 1978

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

Dear Mr. President and Senators:

One week ago you accepted the Schmit-DeCamp so-called "compromise" amendment to LB 902 to allow a vote of the people of Omaha on the 1/2¢ increase in the city sales tax unless the Mayor and City Council by a three-fourths vote eliminated the people's right to vote.

By design or accident, the Legislature adopted language that would have prevented a May primary vote by the people because of a poorly worded amendment.

I immediately called this to your attention, and you have stalled action for reasons that should be explained to the public.

Unless the Legislature is acting in complete bad faith, and unless you wish to take the responsibility for preventing a sales tax increase by the

vote of the taxpayers of Omaha, you must act now on a corrective amendment that has been laying idle over there for days.

If the proponents will not proceed as they majestically proclaimed as their intent, then I ask others to employ whatever legitimate parliamentary procedure is necessary to correct the Schmit-DeCamp amendment to allow for a vote of the people and then move LB 902 ahead rapidly by 33 votes for enactment with the emergency clause. To do otherwise you are ignoring completely the requests of Omaha officials. I am sure Omaha officials would concur in this request although they may not have communicated this to their lobbyists.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah

GENERAL FILE

LEGISLATIVE BILL 902A. Considered.

Mr. Chambers renewed his pending amendment found in this day's Journal to indefinitely postpone LB 902A.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 7 nays, and 18 not voting.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to indefinitely postpone LB 902A prevailed with 23 ayes, 3 nays, 13 present and not voting, and 10 excused and not voting.

MOTION - Change Speaker's Order

Mr. DeCamp moved to overrule the Speaker's order to allow LB 902 to be taken up at this time.

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

The DeCamp motion prevailed with 25 ayes, 5 nays, 10 present and not voting, and 9 excused and not voting.

ANNOUNCEMENT

President whelan announced that Senator Rasmussen's father-in-law had passed away. The funeral will be Thursday, March 23, 1978, 2:00 p.m., in Scotia, Nebraska.

MOTION - Return LB 902 to Select File

Mr. DeCamp moved to return LB 902 to Select File for his specific amendment found in the Journal on page 1310.

The motion prevailed with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 902. The DeCamp specific amendment found in the Journal on page 1310 was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 5 nays, 8 present and not voting, and 9 excused and not voting.

Mr. DeCamp asked unanimous consent to expedite LB 902. No objections. So ordered.

MOTION - Return LB 902 to Select File

Mr. Chambers moved to return LB 902 to Select File for the following specific amendment:

In amendment by DeCamp adopted March 14th, starting in Line 21 with "As", strike all language through "mayor" on line 6.

The motion lost with 11 ayes, 19 nays, 12 present and not voting, and 7 excused and not voting.

POINT OF PERSONAL PRIVILEGE

Mr. Bereuter spoke to the members on the Nebraska flood situation. He announced the Governor has designated it a disaster area.

RESOLUTION

LEGISLATIVE RESOLUTION 197. Read. Considered.

LR 197 was adopted with 26 ayes, 0 nays, and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 653. E & R amendments found in the Journal on page 1375 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 889. Mr. Cullan renewed his pending amendment found in the Journal on page 1385.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?"

Mr. Fowler moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

The motion to close debate prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Fowler moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Cullan amendment lost with 15 ayes, 19 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Lamb offered the following amendment to LB 889:
Second Lewis amendment
delete "for up to 90%"
Insert "of 90%".

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

Advanced to E & R for Engrossment with 29 ayes, 3 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 889A. Advanced to E & R for Engrossment with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 668. Mr. Duis withdrew his specific amendment found in the Journal on page 1120.

Re-advanced to Final Reading.

Mr. Koch asked unanimous consent to be excused for the remainder of the afternoon. No objections. So ordered.

LEGISLATIVE BILL 748. E & R amendments found in the Journal on page 1220 for the Thirty-Seventh Day were adopted.

Mr. Barnett offered the following amendments to LB 748:

AMENDMENTS TO LB 748

1. On page 51, line 1 strike "This" and insert "Sections 54 to 60 of this act shall become operative on July 1, 1978. The other sections of this".

2. In the Carsten amendment 2, line 7 after the period insert "Sections 28-105 and 28-106 shall become operative July 1, 1978.".

3. In E & R amendment 5 strike lines 5 to 7.

4. Insert a new section as follows:

"Sec. 60. That original section 28-1341, Revised Statutes Supplement, 1977, and Laws 1977, LB 39, section 340, Laws 1977, LB 40, section 321, and Laws 1977, LB 41, section 64, are repealed.".

5. Renumber original sections 51 and 52 as sections 61 and 62.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Barnett offered the following amendment to LB 748:

AMENDMENTS TO LB 748
(WHITE COPY REQ2729)

1. On page 6, line 25 strike "and", show as stricken, and after "methagualone" insert "; and (5) phencyclidine".

2. On page 7, line 19 strike the new matter and reinstate the stricken matter; and in line 21 strike "(7) phencyclidine;" and show as stricken; in line 22 strike "(8)" and insert "(7)" and strike "(9)" and insert "(8)"; in line 23 strike "(10)" and insert "(9)"; and in line 24 strike "(11)" and insert "(10)".

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. DeCamp offered the following amendment to LB 748:

AMENDMENTS TO LB 748

1. Insert a new section as follows:

"Sec. 50. That section 49-801, Revised Statutes Supplement, 1976, be amended to read as follows:

49-801. Unless the context is shown to intend otherwise, words and phrases in the statutes of Nebraska hereafter enacted are used in the following sense:

(1) Acquire when used in connection with a grant of power or property right to any person includes the purchase, grant, gift, devise, bequest, and the obtaining by eminent domain.

(2) Action includes any proceeding in any court of this state.

(3) Attorney means attorney at law.

(4) Company includes any corporation, partnership, joint stock company, joint venture, or association.

(5) Domestic when applied to corporations means all those created by authority of this state.

(6) Federal refers to the United States.

(7) Foreign when applied to corporations includes all those created by authority other than that of this state.

(8) Grantee includes every person to whom any estate or interest passes in or by any conveyance.

(9) Grantor includes every person from or by whom any estate or interest passes in or by any conveyance.

(10) Inhabitant shall be construed to mean a resident in the particular locality in reference to which that word is used.

(11) Land or real estate includes lands, tenements and hereditaments and all rights thereto and interest therein, other than a chattel interest.

(12) Magistrate includes county judge, municipal judge, and associate county judge.

(13) Month means calendar month.

(14) Oath includes affirmation in all cases in which an affirmation may be substituted for an oath.

(15) Peace officer includes sheriffs, constables, coroners, jailers, marshals, policemen, state highway patrolmen, members of the National Guard on active service by direction of the Governor during periods of emergency, and all other persons with similar authority to make arrests.

(16) Penalty shall include a fine or any other punishment and all judicial or other costs imposed for

the doing of some act that is prohibited or omitting to do some act that is required to be done as distinguished from compensation for actual damages suffered by an injured party.

~~(16)~~ (17) Person includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies and associations.

~~(17)~~ (18) Personal estate includes money, goods, chattels, claims, and evidences of debt.

~~(18)~~ (19) Process means a summons, subpoena, or notice to appear issued out of a court in the course of judicial proceedings.

~~(19)~~ (20) State when applied to different states of the United States shall be construed to extend to and include the District of Columbia and the several territories organized by Congress.

~~(20)~~ (21) Sworn includes affirmed in all cases in which an affirmation may be substituted for an oath.

~~(21)~~ (22) The United States includes territories, outlying possessions and the District of Columbia.

~~(22)~~ (23) Violate includes failure to comply with.

~~(23)~~ (24) Writ signifies an order or citation in writing issued in the name of the state out of a court or by a judicial officer.

~~(24)~~ (25) Year means calendar year.".

2. On page 51, line 8, after "sections" insert "49-801," and after "54-137" insert a comma.

3. Renumber the remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Barnett moved the adoption of the following Venditte amendment:

Pg. 13 Line 3 Strike Class IV and insert IIIA

Mr. Barnett moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mr. Barnett requested a roll call vote on the Venditte amendment.

Voting in the affirmative, 29:

Barnett	DeCamp	Hasebroock	Kremer	Moylan
Bereuter	Duis	Hefner	Lamb	Murphy
Burrows	E. Dvorak	Kahle	R. Lewis	Rumery
Carsten	D. Dworak	Kelly	Maresh	Simon
Cope	Fitzgerald	Kennedy	Maxey	Stoney
Cullan	Goodrich	Keyes	Merz	

Voting in the negative, 7:

Brennan	Fowler	Mills	Reutzel
Clark	Marsh	Nichol	

Present and not voting, 5:

Chambers	F. Lewis	Marvel	Newell	Savage

Excused and not voting, 8:

George	Labedz	Rasmussen	Venditte
Koch	Luedtke	Schmit	Warner

The amendment was adopted with 29 ayes, 7 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 3 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

MESSAGE FROM THE GOVERNOR

March 21, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 575, 583, 618, 641, 662, 671, 675, 676, 676A, 732, 732A, 761, 767, 771, 772, 796, 802, 826, and 829, and Reengrossed Legislative Bills Nos. 212, 457, and 697.

These bills were signed by me on March 21, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

REPORT OF EXECUTIVE BOARD

March 20, 1978

Motion was made and seconded by the Legislative Council Executive Board at its February 15, 1978 meeting that all permanent legislative employees be authorized to take as administrative leave March 24 and March 27 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 hours worked.

(Signed) Richard Marvel, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 199.

Introduced by Cope, 36th District; Kahle, 37th District.

WHEREAS, desire, determination, and team effort in athletic endeavors are factors of significance in establishing championship qualities; and

WHEREAS, the Kearney State basketball team (known as the Antelopes) has recently won second place in the NAIA national basketball championship tournament played at Kansas City; and

WHEREAS, the heart and tenacity exhibited by the Antelopes in eliminating one seeded team after another to reach the championship game won the admiration and respect of many of their tournament opponents as well as that of college basketball fans in general; and

WHEREAS, such efforts were the source of immense pride for Nebraskans and deserve commendation.

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

That the members of the Legislature commend the competitive spirit and sportsmanship qualities exhibited by the Kearney State basketball

team in their performance at the NAIA championship tournament for 1978.

Laid over.

SELECT FILE

LEGISLATIVE BILL 701. E & R amendment found in the Journal on page 1221 for the Thirty-Seventh Day was adopted.

Mr. Barnett renewed his pending amendment found in the Journal on page 1210.

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 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 169. E & R amendments found in the Journal on page 1221 for the Thirty-seventh day were adopted.

Mr. Mills offered the following amendment:
Strike the Mills amendment adopted on 3-9-78 (1170 Journal). In the Stoney amendment to LB 169 on line 14 strike "." period, and add "and shall serve notice thereof upon the parents."

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Keyes asked unanimous consent to be excused. No objections. So ordered.

Mrs. Marsh renewed her pending amendment found in the Journal on page 1325.

Mr. Barnett asked unanimous consent to have LB 169 laid over.

Mr. Stoney objected.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Marsh amendment was adopted with 27 ayes, 3 nays, 9 present and not voting, and 10 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Newell offered the following amendments: (Amendments printed separately from the Journal and on file in the Clerk's office - Req. #2865).

Mr. Barnett 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. Newell withdrew his amendments.

Advanced to E & R for Engrossment with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 128 in the Journal. No objections. So ordered.

Amendment Section 1 Paragraph A line 7 strike seven and insert nine, line 8, strike ten and insert twelve.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend Rule 6 Section 6(B) and take up LB 902 on Final Reading Thursday, March 23, 1978.

Motion pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 202, 541A, 665, 836, and 902.

(Signed) Samuel K. Cullan, Chairman

MOTION - Override Veto on LB 108

Mr. R. Lewis moved that LB 108 be passed notwithstanding the objections of the Governor.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendments to LB 578 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 578

1. Insert a new section as follows:

"Section 1. That section 54-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-201. When any person, including a firm or corporation, shall contract or agree with another (1) to furnish any feed or feed ingredients, (2) to furnish machinery and equipment used for the feeding of such products, or (3) to perform work or labor in the feeding or delivery of such products, ~~shall procure, contract with, or hire any other person to feed and take care of any kind of livestock,~~ the person, firm, or corporation so procured, contracted with, agreed, or hired, shall have a first, paramount, and prior lien upon such property for the ~~feed and care bestowed by him~~ products furnished, machinery and equipment used for the feeding of such products, or for the performance of work or labor in feeding or delivery of such products upon the same for the contract price therefor, and in case no price has been agreed upon, then for the reasonable value of such products furnished, machinery and equipment used for the feeding of such products, or for the performance of work or labor in feeding or delivery of such products, ~~feed and care,~~ provided the holders of any prior liens shall have agreed in writing to the contract for the feed and care of the livestock involved, or products furnished, machinery and equipment used for the feeding of such products, or for the performance of work or labor in feeding or delivery of such products. The person, firm, or corporation entitled to a lien under the provisions of this section, may foreclose the same in the manner provided by law for the foreclosing of chattel mortgages; Provided, at least thirty days before the sale of the property for the satisfaction of such lien, the person, firm, or corporation entitled thereto shall file in the office of the county clerk in the county in which said livestock may be fed and kept, an affidavit describing said livestock, and setting forth the amount justly due for the ~~feeding and keeping of the same~~ products

furnished, machinery and equipment used for the feeding of such products, or for the performance of work or labor in feeding or delivery of such products.".

2. On page 3, line 10 after "section" insert "54-201, Reissue Revised Statutes of Nebraska, 1943, and section"; in line 11 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

BILL ON FIRST READING

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

LEGISLATIVE BILL 946A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 946, Eighty-fifth Legislature, Second Session, 1978; to provide severability; and to declare an emergency.

ADJOURNMENT

At 4:25 p.m., on a motion by Mr. Marvel, the Legislature adjourned until 9:00 a.m., Wednesday, March 22, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 22, 1978

LEGISLATIVE JOURNAL

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EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 22, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

Father in heaven, the season of Lent is well into its course; this Assembly is months into its work; our country is past its 200th year and most of us here are middle aged or beyond.

Time is a treacherous thing when there's not enough of it. It can cause panic as it ticks away. It can seem a mortal enemy as it drags through a long and sleepless night.

But time is the framework within which we live and breathe and have our being. It is the fluid in which we swim. It's to be used and enjoyed and even challenged.

For in it we know, love and serve you. We pray that when it ceases we may be happy with you for all eternity. Amen.

ROLL CALL

The roll was called all members were present except Messrs. Hefner, Luedtke, and Rasmussen who were excused; Mrs. Marsh, Messrs. Barnett, Fowler, Koch, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 812. Replaced on Select File as amended.
E & R amendments to LB 812:

1. Renumber original section 1 as section 2 and new section 2 as section 1.

2. In the title, line 2, strike "section" and insert "sections 71-1559 and"; in line 4 strike "a fee" and insert "fees"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 833. Replaced on Select File as amended.
E & R amendments to LB 833:

1. For correlation purposes, in the R. Lewis amendments, page 6, line 19, insert "as amended by section 1, Legislative Bill 906, Eighty-fifth Legislature, Second Session, 1978" after "1943"; on page 7, line 10, strike "1975" and insert "1978"; and in line 11 strike "70-1975" and insert "70-1978".

2. In the R. Lewis amendments, page 14, line 25, strike "81-575,".

3. On page 4, line 15, insert ", and section 81-575, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 906, Eighty-fifth Legislature, Second Session, 1978" after "1943".

4. In the title as amended, strike lines 2 to 6 and insert:

"FOR AN ACT to amend sections 81-572, 81-573, 81-577, 81-578, 81-579, 81-589, 81-590, 81-592, 81-596, 81-598, 81-5,105, 81-5,110, and 81-5,111, Reissue Revised Statutes of Nebraska, 1943, and section 81-575, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 906, Eighty-fifth Legislature, Second Session, 1978, relating to the State Electrical Act; to provide for the licensing of electrical contractors; to provide and change fees; and to repeal the original sections.".

Correctly Enrolled

The following bill was correctly enrolled: 920.

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 605.

A BILL FOR AN ACT to amend section 71-605, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for an autopsy in certain cases; to provide for notice to the community mental health center in sudden infant death syndrome cases; 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:

Bereuter	E. Dvorak	Keyes	Merz	Schmit
Brennan	D. Dworak	Kremer	Mills	Simon
Burrows	Fitzgerald	Labedz	Moylan	Stoney
Carsten	George	Lamb	Murphy	Venditte
Cope	Hasebroock	F. Lewis	Nichol	Warner
Cullan	Kahle	Maresh	Reutzel	
DeCamp	Kelly	Marvel	Rumery	
Duis	Kennedy	Maxey	Savage	

Voting in the negative, 2:

Clark Goodrich

Present and not voting, 2:

Chambers R. Lewis

Excused and not voting, 8:

Barnett	Hefner	Luedtke	Newell
Fowler	Koch	Marsh	Rasmussen

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

LEGISLATIVE BILL 612. With Emergency.

A BILL FOR AN ACT relating to state agencies; to provide an additional means of payment for certain services; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Bereuter	E. Dvorak	Kennedy	Marvel	Rumery
Brennan	D. Dworak	Keyes	Maxey	Savage
Carsten	Fitzgerald	Kremer	Merz	Schmit
Clark	George	Labedz	Mills	Simon
Cope	Goodrich	Lamb	Moylan	Stoney
Cullan	Hasebroock	F. Lewis	Murphy	Venditte
DeCamp	Kahle	R. Lewis	Nichol	Warner
Duis	Kelly	Maresh	Reutzel	

Voting in the negative, 0.

Present and not voting, 2:

Burrows Chambers

Excused and not voting, 8:

Barnett	Hefner	Luedtke	Newell
Fowler	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 613.

A BILL FOR AN ACT to amend sections 81-814.01, 81-815.22, 81-815.23, and 81-815.32, Reissue Revised Statutes of Nebraska, 1943, relating to the Game and Parks Commission; to change the designation of state special use areas to state wildlife management areas; and to repeal the original sections.

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

Voting in the affirmative, 42:

Bereuter	E. Dvorak	Kennedy	Marvel	Savage
Brennan	D. Dworak	Keyes	Maxey	Schmit
Burrows	Fitzgerald	Kremer	Merz	Simon
Carsten	Fowler	Labedz	Mills	Stoney
Clark	George	Lamb	Moylan	Venditte
Cope	Goodrich	F. Lewis	Murphy	Warner
Cullan	Hasebroock	R. Lewis	Nichol	
DeCamp	Kahle	Maresh	Reutzel	
Duis	Kelly	Marsh	Rumery	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Barnett	Koch	Newell
Hefner	Luedtke	Rasmussen

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

LEGISLATIVE BILL 719.

A BILL FOR AN ACT to amend section 23-343.02, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to change a mileage rate; 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	DeCamp	Goodrich	Labedz	Merz
Brennan	Duis	Hasebroock	Lamb	Mills
Burrows	E. Dvorak	Kahle	F. Lewis	Moylan
Carsten	D. Dworak	Kelly	R. Lewis	Murphy
Clark	Fitzgerald	Kennedy	Maresh	Newell
Cope	Fowler	Keyes	Marsh	Nichol
Cullan	George	Kremer	Maxey	Reutzel

Rumery	Schmit	Venditte
Savage	Stoney	Warner

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Marvel	Simon

Excused and not voting, 5:

Barnett	Hefner	Koch	Luedtke	Rasmussen

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

LEGISLATIVE BILL 906. With Emergency.

A BILL FOR AN ACT to amend section 81-575, Reissue Revised Statutes of Nebraska, 1943, relating to the State Electrical Act; to change standards under which rules and regulations are adopted; 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:

Bereuter	D. Dworak	Keyes	Maxey	Savage
Brennan	Fitzgerald	Kremer	Merz	Schmit
Burrows	Fowler	Labedz	Mills	Simon
Carsten	George	Lamb	Moylan	Stoney
Clark	Goodrich	F. Lewis	Murphy	Venditte
Cope	Hasebroock	R. Lewis	Newell	Warner
Cullan	Kahle	Maresh	Nichol	
DeCamp	Kelly	Marsh	Reutzel	
E. Dvorak	Kennedy	Marvel	Rumery	

Voting in the negative, 0.

Present and not voting, 2:

Chambers	Duis

Excused and not voting, 5:

Barnett Hefner Koch Luedtke 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.

ATTORNEY GENERAL'S OPINION

Opinion No. 213
March 21, 1978

Dear Senator Maxey:

You have asked for an interpretation of the effect of one of the Select File amendments of LB 407. The amendment would amend section 77-202.12, R.R.S. 1943 (which would already be amended by other amendments of LB 407 to include mobile homes as possible homestead), by adding the following language:

> "For the purposes of this subdivision mobile homes shall include a cabin trailer or mobile home which has become attached to real estate and a mobile home or cabin trailer whose owner is required to obtain a permit pursuant to section 60-1602 for such cabin trailer or mobile home."

We are not positive exactly what is intended by the reference to cabin trailers or mobile homes which have become attached to real estate. If they have become attached to real estate in a legal sense, they have become a part of the real estate. In other words, if the owner of real estate owns a mobile home and moves it on to the real estate and "attaches" it, the mobile home has become a part of the real estate. If it is occupied by the owner as a residence, it would qualify as a homestead under the present law, like any other residence. We point out that section 60-1602 specifically excludes such mobile homes from registration.

On the other hand, if the mobile home is not owned by the owner of the real estate, there is ordinarily an understanding or specific agreement that the mobile home can be removed at the expiration of the rental period. Under those circumstances, in legal theory it has not become "attached" to the real estate, even though the physical connections are the same as if the owner of the mobile home were the owner of the real estate. We are therefore somewhat at a loss to explain the exact significance of the reference to mobile homes attached to real estate.

As to mobile homes not attached to real estate, you ask whether the above-quoted amendment would make the homestead exemption applicable to mobile home owners having a one-year lease on the lots on which the homes are located. It clearly would. Such mobile homes are required by section 60-1602 to obtain a permit for them, and section 70-1240.02 requires payment of the motor vehicle tax at the time of registration. The amendment you inquire about would qualify mobile homes as homesteads, so the taxpayers would be entitled to the homestead exemption.

In discussing your questions with us, you also indicated that you wonder about the effect of the amendment on mobile homes temporarily in the state. Section 60-1602 requires every cabin trailer or mobile home which is located in any county in this state for a period of thirty days or more to obtain the permit required by that section, and, again, section 77-1240.02 requires the payment of taxes at the time of obtaining the permit. The amendment you inquire about clearly qualifies such cabin trailers and mobile homes for the homestead exemption. Of course, those not kept in the county for more than thirty days are not required to obtain the permit, and therefore do not pay the tax. As to them, the amendment you inquire about would have no application.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

EXPLANATION OF VOTE

Had I not been called to the telephone, I would have voted "aye" on LB 605.

(Signed) R. Lewis

UNANIMOUS CONSENT - Member Excused

Mr. E. Dvorak asked unanimous consent to be excused at 10:55 a.m., until after recess. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 954. Mr. Warner offered the following amendments:

LB 954

Appropriation Committee Amendments

(1) Purpose: To correct computation and drafting errors in the State College Board and State Colleges' appropriations.

Amendments: On page 3, strike lines 9, 10, 11, and 12.

On page 8, line 19, strike "1,392,962" and insert "1,382,402".

On page 9, line 11, strike "1,199,908" and insert "1,210,468".

On page 7, line 15, strike "4,265,182" and insert "4,232,582"; in line 18, strike "6,256,733" and insert "6,224,133"; in line 20 strike "4,959,697" and insert "4,931,009"; in line 25, strike "4,197,104" and insert "4,164.504".

On page 8, line 1, strike "5,731,576" and insert "5,698,976".

On page 9, line 17, strike "635,194" and insert "675,194"; in line 18, strike "1,993,479" and insert "2,033,479"; in line 8, strike "635,194" and insert "675,194"; in line 9, strike "1,993,479" and insert "2,033,479"; in line 12, after "funding.", insert "There is included in the Cash Fund appropriation for Program 847 $40,000 for the replacement of equipment."

On page 10, line 5, strike "6,876,652" and insert "6,844,052"; in line 6, strike "3,146,645" and insert "3,186,645"; in line 9, strike "12,907,533" and insert "12,914,933".

On page 12, line 18, strike "66,002" and insert "78,058".

On page 13, line 9, strike "1,846,263" and insert "1,878,863"; in line 13, strike "2,397,458" and insert "2,430,058"; in line 14 strike "1,938,778" and insert "1,967,466"; in line 19, strike "1,828,094" and insert "1,860,694"; in line 22, strike "2,354,963" and insert "2,387,563".

On page 15, line 11, strike "783,088" and insert "645,588"; in line 12, strike "783,088" and insert "645,588"; in line 19, strike "783,088" and insert "645,588"; in line 20, strike "783,088" and insert "645,588"; in line 26, strike "783,088" and insert "645,588"; in line 23, strike "3,808,487" and insert "3,841,087"; in line 26, strike "783,088" and insert "645,588"; in line 27, strike "7,002,891" and insert "6,897,991".

(2) Purpose: To update previous agency underestimates for State Student Incentive Grants. The increase in federal funds, $24,707, has no impact on the General Fund appropriation to the Nebraska Coordinating Commission for Postsecondary Education.

Amendments:

On page 2, in line 22, strike "395,312" and insert "420,019"; in line 23, strike "395,312" and insert "420,019".

On page 3, in line 2, strike "443,143" and insert "467,850"; in line 3, strike "507,851" and insert "532,558".

(3) Purpose: To add $449,634 to the University of Nebraska Revolving Fund estimates. There is no General Fund impact.

Amendments:

On page 16, in line 21, strike "80,229,416" and insert "80,679,050"; in line 22, strike "161,331,470" and insert "161,781,104".

On page 17, in line 2, strike "81,641,290" and insert "82,090,924"; in line 3, strike "167,935,614" and insert "168,385,248".

(4) Purpose: To correct previous underestimates for the minimum amount of funds that are to be allocated to instruction by the University of Nebraska campuses. The changes are contained in intent language and have no impact on the total level of general funds appropriated to each campus.

Amendments:

On page 18, in line 20, strike "38,574,620" and insert "39,625,044"; in line 26, strike "13,243,174" and insert "14,238,591".

On page 19, in line 5, strike "11,836,790" and insert "12,108,138".

(5) Purpose: To strike intent language that was inadvertently carried forward from LB 533 that pertained to specific appropriations made in LB 533.

Amendments:

On page 20, strike lines 20-27 inclusive.

On page 21, strike line 1.

(6) Purpose: To correct legislative intent language and make legislative reporting requirements consistent.

Amendment:

On page 4, in lines 3 and 4, strike "Executive Board of the Legislative Council" and insert "Clerk of the Legislature".

(7) Purpose: To clarify the appropriation of Cash Funds.

Amendments:

On page 20, strike lines 8, 9, 10, and 11 and insert "Expenditure of Cash Funds appropriated in this act shall not be limited to the amounts shown, except the cash fund totals shown for each of the State College appropriations at the Campus level."

On page 22, line 1, strike "Only the money" and insert "The money accruing to the Cash Auxiliary Funds; and"; and strike lines 2, 3, and 4.

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R Engrossment.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 958. E & R amendment found in the Journal on page 1356 for the Forty-First Day was adopted.

Mr. Warner offered the following amendment:

LB 958

Appropriation Committee Amendments

(1) Purpose: To correct drafting and computation errors.
Amendments:

On page 7, in line 21, strike "163,000" and insert "130,400".

On page 8, in line 26, after "workload", strike remainder of the sentence and insert "increases: Instructional Faculty ($32,600) and NEIS Clerk ($8,625)."

(2) Amendment

Insert the following new section:

"No agency appropriated funds in Legislative Bill 954, 1978 shall expend funds for the support of admission recruiters."

(3) Amendment:

On page 5, strike lines 23, 24, 25 and 26 and insert the following:

"It is the intent of the Legislature that the appropriations provided to agency 49 for the improvement of structural services in the state college system shall be expended under the guidelines and procedures adopted by the Board of Trustees."

(4) Amendment:

On page 6, strike "and each year thereafter" in lines 1 and 2, 7 and 8, and 12 and 13.

(5) Amendments:

On page 6, strike lines 7, 8, 9, 10, and 11.

Add a new section to the bill:

"Sec. _____. The State Board of Trustees shall on or before October 1, 1978 provide a report to the Clerk of the Legislature which shall describe procedures established by Board of Trustees to insure compliance with the Legislative intent."

(6) Amendment:

On page 6, after line 27, insert the following:

"(6) revisions to cash fund estimates for the four state colleges shall be documented and reported to the Clerk of the Legislature and DAS budget division as the revisions are made."

(7) Amendment:

On page 7, strike lines 6 to 13 and lines 25 to 27.

(8) Amendment:
On page 8, strike lines 1 and 2 and 15 to 19.
(9) Amendment:
On page 8, line 13, after "be", insert "substantially".
(10) Amendment:
On page 9, strike lines 1 to 5.
(11) Amendment:
Insert the following new section:
"Sec. _____. The proposed staffing plan submitted by the Board of Trustees for the four state colleges is not acceptable as submitted and no funds provided in sections 5 to 9 of this act shall be expended for implementing such staffing plan."

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Murphy offered the following amendment to LB 958:
Purpose: To insert intent language expressing Legislative concern with respect to the Computer Network workload.
Amendment:
On page 6, after line 23, insert a new paragraph to read as follows:
(6)The Legislature encourages the University of Nebraska Computer Network to maintain a policy that assigns first priority to University-related projects. Before requesting funds for additional computer capacity, the University shall attempt to reduce its utilization of computer time for those consulting or contractual agreements that are not directly related to University instruction, research, or public service activities.

The amendment was adopted with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Mr. Lamb offered the following amendment to LB 958:
Add the following new section: No University employee shall use sick leave time to campaign for public office.

Mr. F. Lewis asked unanimous consent to have the bill laid over.

Mr. Lamb objected.

Mr. Lamb withdrew his amendment.

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

DISCUSSION

Mr. Marvel spoke to the members on the Legislative Council Budget.

SELECT FILE

LEGISLATIVE BILL 953. Mr. Warner offered the following Appropriation Committee amendments:

LB 953 Appropriation Committee Amendments

(1) Purpose: To correct drafting and computation errors.
Amendments:

On page 10, in line 2, strike "12,342,200" and insert "12,989,649"; in line 3, strike "12,342,200" and insert "12,989,649"; in line 20, strike "12,814,237" and insert "13,461,686"; and in line 21, strike "12,839,237" and insert "13,486,686".

On page 19, in line 26, strike "185,874" and insert "236,450".

On page 24, line 3, strike "1,794,883" and insert "1,684,593"; in line 4, strike "2,920,859" and insert "2,810,569"; in line 18, strike "11,643,355" and insert "11,533,065"; and in line 19, strike "19,834,631" and insert "19,724,341".

On page 25, in line 17, strike "49,234,500" and insert "49,114,500"; in line 20, strike "146,392,876" and insert "146,272,876"; on page 26, in line 20, strike "63,666,188" and insert "63,546,188"; and in line 23, strike "178,765,381" and insert "178,645,381".

On page 28, in lines 11 and 19, strike "236,750" and insert "242,161"; in lines 12 and 20, strike "158,104" and insert "159,868"; in line 15, strike "269,575" and insert "276,649"; in lines 13 and 21, strike "394,854" and insert "402,029".

On page 38, after lines 17 and 24, insert "Federal funds est. 27,998"; in lines 18 and 25, strike "114,744" and insert "142,742"; and in line 20, strike "76,496" and insert "102,180".

On page 39, in line 5, strike "549,696" and insert "556,600".

On page 40, in line 21, strike "1,261,562" and insert "1,272,762".

On page 42, in lines 19 and 20, after "200,000" insert "." and strike the remainder of the sentence.

On page 54, after lines 1 and 8, insert "Federal Fund est. 60,000"; in lines 2 and 9, strike "447,746" and insert "507,746"; and in line 4, strike "330,447" and insert "385,041"; in lines 14 and 21, strike "144,128" and insert "152,483"; after lines 14 and 21, insert "Federal Fund est. 7,500"; in lines 15 and 22, strike "144,128" and insert "159,983"; and in line 17, strike "94,823" and insert "107,971".

On page 68, in lines 17 and 18, strike "Nebraska School for the Mentally Retarded Cash Fund,"; in line 21, strike ";" and add ", Professional Practices Commission Cash Fund, and Fire Service Cash Fund;".

On page 69, in line 7, after "Fund" insert ", Groundwater

Management Fund"; in line 9, after "State Park Cash" insert "Revolving"; in line 10, after "Nebraska Habitat Fund" insert ", Niobrara State Park Fund, Nebraska Snowmobile Trail Fund".

On page 71, in line 14, strike "Construction Cash" and insert "Protection"; in line 15, strike ", County Highway and City" and insert ";"; strike line 16.

On page 72, in line 1, strike "." and insert ";"; after line 1, insert "(30) Nebraska Arts Council: Nebraska Arts Council Cash Fund."

On page 75, lines 22-23, strike "Surplus Property Fund" and insert "Department of Education Revolving Fund".

On page 77, after line 1, insert "(5) Department of Motor Vehicles: International Registration Plan Distributive Fund;"; in line 2, strike "5" and insert "6"; in line 4, strike "6" and insert "7".

(2) Purpose: To increase the Cash Fund authorization by $10,000 to allow the Historical Society to be reimbursed for contractual surveying services if an offered bid is accepted.

Amendments:

On page 46, in line 13, strike "25,000" and insert "35,000"; in line 15, strike "640,569" and insert "650,569".

On page 47, in line 15, strike "38,875" and insert "48,875"; in line 17, strike "1,571,100" and insert "1,581,100".

(3) Purpose: To increase the salary limitation for staff transferred to budget program 073 of the Liquor Control Commission.

Amendment:

On page 37, line 7, strike "200,790" and insert "210,738".

(4) Purpose: To increase the salary limitation to reflect a change in accounting for salaries due to a recent audit in the Poultry & Egg Development program within the Department of Agriculture.

Amendment:

On page 14, line 2, strike "11,229" and insert "35,860".

(5) Purpose: To add $13,778 to the Department of Administrative Services (DAS) salary limitation of the Communications Division to allow for additional staff to handle agency telephone billings; and to add $50,306 to the State Building Division salary limitation to allow for upgrading of positions and grounds keeper for North Platte State Office Building. In addition $15,515 is added to both the salary limitation and the General Fund appropriation of the Accounting Division to provide for full time funding of the Assistant State Accountant position.

Amendments:

On page 52, in line 11, strike "96,681" and insert "110,459".

On page 53, in line 9, strike "1,106,597" and insert "1,156,903"; in line 12, strike "1,343,634" and insert "1,359,149"; in line 13, strike "1,343,634" and insert "1,359,149"; in line 15, strike "420,295" and insert "435,810"; in line 19, strike "3,440,035" and insert "3,455,550"; in line 23, strike "19,147,079" and insert "19,162,594".

(6) Purpose: To add $13,056 General Funds for a research analyst and to provide additional salary for a federally funded position in the Commission on the Status of Women.

Amendment:

On page 38, in line 17, 18, 24, and 25, strike "114,744" and insert "127,800"; in line 20, strike "76,496" and insert "88,782".

(7) Purpose: To transfer the funds for Jail Standards Administration from Department of Correctional Service Program No. 370 - Central Office to a new Program No. 836 - Jail Standards Board, as created by LB 212 (1978).

Amendments:

On page 39, in line 8, strike "570,666" and insert "508,922"; in line 9, strike "151,107" and insert "117,535"; in line 10, strike "721,773" and insert "626,457".

On page 42, after line 3, insert:

"(12) Program No. 386 - Jail Standards Board

General Fund	61,744
Federal Fund Est.	33,572
Program Total	95,316"

On page 42, in line 4, strike "(12)" and insert "(13)"; in line 11, strike "(13)" and insert "(14)"; in line 14, before "Program" insert "(15)".

(8) Purpose: To increase General Fund support by $35,000 in the Agricultural Laboratories program within the Department of Agriculture, and decrease the cash fund authorization by $33,000. These adjustments correct a technical error in the program appropriation figures and reflects the proper utilization of cash receipts.

Amendments:

On page 11, line 23, strike "275,849" and insert "310,849"; in line 24, strike "182,242" and insert "149,242"; in line 26, strike "485,958" and insert "487,958"; on page 14, line 17, strike "2,417,551" and insert "2,452,551"; in line 18, strike "2,037,601" and insert "2,004,601"; in line 20, strike "5,044,629" and insert "5,046,629".

(9) Purpose: To add $9,700 General Funds to provide for an additional clerical position and related operating expenses to the Court of Industrial Relations to aid in processing an increase in court cases.

Amendments:

On page 58, in lines 22 and 23, strike "113,777" and insert "123,477"; in line 25, strike "78,356" and insert "84,314".

On page 59, in lines 2 and 3, strike "113,777" and insert "123,477".

(10) Purpose: To add $10,000 General Funds to provide supplies to the State Department of Personnel for a Supervisor's Tranining Course offered to state employees.

Amendments:

On page 61, in lines 5 and 6, strike "312,275" and insert "322,275"; in lines 12 and 13, strike "411,295" and insert "421,295".

(11) Purpose: To increase the personal services limitations in the Department of Education to pay the salaries of employees listed as contractual in the budget request but paid as permanent employees.

Amendments:

On page 2, in line 20, strike "558,637" and insert "589,450".

On page 7, in line 9, strike "1,130,115" and insert "1,173,599"; in line 23, strike "101,641" and insert "146,325".

(12) Purpose: To increase the General Fund and decrease the Cash Fund appropriation by $500,000 for the Department of Public Institutions - Nebraska Veterans' Home budget program due to the passage of LB 315, 1978.

Amendments:

On page 24, in line 21, strike "1,163,320" and insert "1,663,320"; in line 22, strike "5,600,000" and insert "5,100,000".

On page 25, in line 2, strike "37,655,079" and insert "38,155,079"; in line 3, strike "12,461,403" and insert "11,961,403".

(13) Purpose: To change appropriations from General to Cash for all programs of the Board of Educational Lands and Funds. This action is conditional upon the passage of LB 460, during the current session.

Amendments:

On page 31, in lines 2, 9, 15, 19, and 25, strike "General" and insert "Cash"; on page 32, in lines 12 and 18, strike "General" and insert "Cash".

On page 33, strike line 4; in line 5, strike "142,212" and insert "1,350,416".

(14) Purpose: To reflect anticipated federal fiscal relief of $1,050,000 to be received in Fiscal Year 1978-79 in the appropriation to the Department of Public Welfare, Public Assistance budget program.

Amendments:

On page 25, in line 17, strike "49,234,500" and insert "48,184,500"; and in line 19, strike "79,370,376" and insert "80,420,376".

On page 26, in line 20, strike "63,666,188" and insert "62,616,188"; and in line 22, strike "97,207,193" and insert "98,257,193".

(15) Purpose: To increase the salary limitation for the Political Accountability and Disclosure Commission to reflect probationary salary increases, salary adjustment, and overtime allocated.

Amendments:

On page 63, in line 25, strike "75,502" and insert "78,993".

(16) Purpose: To increase the appropriation and salary limitation for the Arts Council to reflect a reclassified position and an annualized salary.

Amendments:

On page 54, in line 27, strike "149,630" and insert "151,216".

On page 55, in line 3, strike "218,130" and insert "219,716"; in line 5, strike "125,501" and insert "127,087"; in line 13, strike "309,230" and insert "310,816"; in line 16, strike "726,580"

and insert "728,166".

(17) Purpose: To include a reappropriation for the construction of the Pawnee City translator, to include funds for an Ascertainment/Audience Research Anaylst and to increase the salary limitation of the NETV Commission by $16,469.

Amendment:

On page 43, in lines 4 and 19, strike "2,784,107" and insert "2,801,508"; in lines 6 and 21, strike "2,797,107" and insert "2,814,508"; in line 8, strike "723,124" and insert "739,593"; at the end of line 14 insert "and Pawnee City"; in line 15, strike "translator" and insert "translators".

(18) Purpose: To provide funds for the construction of the City of Alliance Botanical Gardens.

Amendment:

On page 47, after line 11 insert:

"(8) Program 328 - Nebraska American Revolution Bicentennial Commission

The unexpended cash fund balance existing on June 30, 1978 in the American Revolution Bicentennial Cash Fund is hereby reappropriated to the Nebraska State Historical Society for the purpose of assisting the city of Alliance in the construction of the Alliance City Botanical Gardens."

On page 71, in line 25 after "Historical Landmark Cash Fund" insert ", American Revolution Bicentennial Cash Fund".

(19) Purpose: To provide $100,000 to the Natural Resources Commission to accelerate the process of updating the State Water Plan.

Amendment:

On page 48, in line 27, strike "898,364" and insert "998,364".

On page 49, in line 3, strike "1,475,864" and insert "1,575,864"; in line 9, strike "2,804,632" and insert "2,904,632"; in line 12, strike "4,282,132" and insert "4,382,132".

(20) Purpose: To provide $30,000 General Funds for the creation of a position titled State Hydrologist within the Department of Water Resources.

Amendment:

On page 29, in line 10, strike "909,058" and insert "939,058"; in line 12, strike "919,163" and insert "949,163"; in line 18, strike "935,589" and insert "965,589"; in line 20, strike "1,029,544" and insert "1,059,544".

Amendments (1), (2), (3), and (4) were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Amendment (5) was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Amendment (6) was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Amendments (7), (8), and (9) were adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Amendment (10) was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Amendments (11) thru (18) were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Barnett asked unanimous consent to be excused until 1:30 p.m. No objections. So ordered.

Mr. Kremer offered the following amendment to the Warner amendment (19).
Amend Appropriation Committee Amendments to LB 953, subsection (19):
In line 1 strike "998,364" and
insert "1,048,364"
In line 2 strike "1,575,864" and
insert "1,625,864"
In line 3 strike "2,904,632" and
insert "2,954,632"
In line 4 strike "4,382,132" and
insert "4,432,132".

The amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The Warner amendment (19), as amended, and amendment (20) were adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Simon asked unanimous consent to be excused this afternoon. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 877 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 877

1. On page 2, in lines 5, 15, and 18 strike "Public Safety Academy" and insert "Law Enforcement Training Center" and in line 22 strike "Safety Academy" and insert "Law Enforcement Training Center".

2. On page 3 in lines 1 and 2, 4, and 8 and 9 strike "Public Safety Academy" and insert "Law Enforcement Training Center" and in line 18 strike "Safety Academy" and insert "Law Enforcement Training Center".

3. In the title line 3 strike "Public Safety Academy" and insert "Law Enforcement Training Center".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 899 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 899

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

"Section 1. Except as provided in section 77-1355 and sections 2 to 8 of this act, every political subdivision of the stae authorized to levy a tax or cause a tax to be levied shall limit its budget for the 1979-80 fiscal year to an amount not to exceed five per cent more than its budget for the previous fiscal year; and for each fiscal year thereafter its budget shall not exceed the previous fiscal year's budget by more than five per cent. Budget shall mean all funds except such funds as are used for employer's contributions under the Federal Insurance Contributions Act and as are necessary to pay interest on or for retiring, funding, or servicing bonded indebtedness during the upcoming fiscal year. No tax shall be levied for the purpose of acquiring buildings, the erection of buildings, and additions to buildings without approval by a majority of those voting in a special election called for such purpose.

Sec. 2. Any political subdivision of the state which experiences a growth in population in excess of five per cent during the preceding calendar year, by annual official estimates, may increase its budget by the same percentage as the percentage increase in the population growth. School districts' populations shall be measured by student enrollment.

Sec. 3. If the governing body of any political subdivision authorized to levy a tax or cause a tax to be levied determines that a budget higher than that permitted in section 1 or 2 of this act is needed, it shall by resolution call for a special election of such

political subdivision for that purpose. The budget increase above the limit permitted in section 1 or 2 of this act may be adopted if approved by a majority of those voting in such special election or as provided in section 7 of this act.

Sec. 4. The resolution calling for the election and the election notice shall refer to section 1 or 2 of this act and state that the limitation contained therein is proposed to be exceeded and show the proposed increase in the budget amount in terms of dollars and percentages over the limitation as computed in section 1 or 2 of this act, in terms of dollars and the per cent of increase over the current budget, and shall give the date of the election. All such elections shall be held on the third Tuesday in July, during the year in which taxes will be levied to fund the budget.

Sec. 5. Notice of the election shall state the date on which the election is to be held, the location, and the hours the polls will be open. Such notice shall be published in a newspaper of general circulation in such taxing district at least fifteen days prior to such election. If no newspaper is in general circulation in the taxing district, notice of the election shall be posted in each of three public places in the taxing district.

Sec. 6. The governing body of the taxing district shall prescribe the form of the ballot to be used at the election, and the proposition appearing on such ballot shall state the percentage and dollar increase which is proposed to be substituted for the percentage limitation imposed by this act. The form of submission upon the ballot shall be as follows:

FOR exceeding the statutory budget limit.

AGAINST exceeding the statutory budget limit.

Sec. 7. As an alternative to submitting the question of increasing the budget to a vote of the people, as provided in sections 3 to 6 of this act, such budget may be increased by the governing body of the political subdivision if it finds that the political subdivision would be benefited by expeditious action and that a vote by the electors of such political subdivision is not needed. If the governing body by a three-fourths vote determines that a vote of the people is not needed the budget may be increased by a majority vote of such governing body.

Sec. 8. If any budget category or revenue source is beyond the control of a political subdivision

as a result of a final judgment by the United States Supreme Court, the budget limit for that category shall be adjusted accordingly; but the budget limit shall remain in full force and effect with regard to all other budget categories and revenue sources.

Sec. 9. That section 77-1355, Revised Statutes Supplement, 1977, be amended to read as follows:

77-1355. 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~~ five 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. 12. That original section 77-1355, Revised Statutes Supplement, 1977, and also section 77-1356, Revised Statutes Supplement, 1977, are repealed.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 884A. By Maresh, 32nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 884, Eighty-fifth Legislature, Second Session, 1978.

RESOLUTION

LEGISLATIVE RESOLUTION 200.

Introduced by F. Lewis, 45th District.

WHEREAS, employees of state operated facilities such as the University of Nebraska enjoy certain benefits including accrual of paid vacation time and sick leave; and

WHEREAS, some controversy has developed relating to the manner and reasons which some personnel have used paid benefits time to obtain absence from work.

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

1. That a special committee be appointed by the Legislature to study policy and procedures involved in use of paid benefits time, including sick leave, by personnel at the University of Nebraska.

2. Such committee shall be comprised of Senator Lamb as chairman, Senator Maresh as vice-chairman and Senators Marsh, Newell and Warner. Such committee shall make a report of its findings together with any recommendations they may formulate, to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

The President introduced 25 fourth grade students and sponsor from Willard School, York, Nebraska; Dr. John White, Jr., president, and Mr. Charles E. Sconyers, vice president, from Nebraska Wesleyan University; 31 eleventh grade students and sponsors from Springview, Nebraska; and 16 senior students and teacher from Litchfield, Nebraska.

RECESS

At 11:58 a.m., on a motion by Mr. Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:41 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, Luedtke, Rasmussen, Simon, and R. Lewis who were excused; and Mrs. Marsh, and Messrs. Savage, Koch, Duis, Mills, D. Dworak, Cope, F. Lewis, Moylan, Newell, E. Dvorak, and Venditte who were excused until they arrive.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 197.

SELECT FILE

LEGISLATIVE BILL 953. Mr. Burrows renewed his pending amendment found in the Journal on page 1258.

The amendment lost with 13 ayes, 12 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Bereuter asked unanimous consent to be excused. No objections. So ordered.

Mr. Barnett renewed his pending amendment found in the Journal on page 1336.

Mr. Barnett moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Barnett requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Barnett	DeCamp	Goodrich	F. Lewis	Venditte
Brennan	Fitzgerald	Kahle	Maresh	
Carsten	Fowler	Keyes	Moylan	
Cope	George	Koch	Reutzel	

Voting in the negative, 17:

Burrows	Hasebroock	Merz	Rumery	Warner
Chambers	Kennedy	Mills	Savage	
Cullan	Lamb	Murphy	Schmit	
D. Dworak	Maxey	Nichol	Stoney	

Present and not voting, 6:

Clark	Kelly	Labedz
Duis	Kremer	Marsh

Excused and not voting, 9:

Bereuter	Hefner	Luedtke	Newell	Simon
E. Dvorak	R. Lewis	Marvel	Rasmussen	

The amendment lost with 17 ayes, 17 nays, 6 present and not voting, and 9 excused and not voting.

Mr. Koch offered the following amendment:
Amend LB 953 page 17 program 193 as follows:
Line 3 General Fund strike $452,597 and insert $455,597
Line 6 Program total strike $652,247 and insert $655,247

Mr. Carsten moved the Call be raised. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

Mr. Koch moved for a Call of the House. The motion lost with 5 ayes, 15 nays, and 29 not voting.

The Koch amendment lost with 9 ayes, 12 nays, 19 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. #1523)

The motion prevailed with 30 ayes, 0 nays, 10 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 965. By Appropriations Committee: Warner, 25th District, Chairman: Rumery, 42nd District; Fowler, 27th District; Hasebroock, 18th District; Marsh, 29th District; Goodrich, 20th District; Savage, 10th District; Bereuter, 24th District; Cope, 36th District.

A BILL FOR AN ACT to make an appropriation; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sec. 19, to place LB 965 on General File without a public hearing.

The motion prevailed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Simon and Reutzel asked unanimous consent to add their names to LB 965. No objections. So ordered.

MOTION - Introduce Bill

Mr. DeCamp moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance. (Req. #1522)

The motion prevailed with 34 ayes, 0 nays, 6 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 966. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Murphy, 17th District; Duis, 39th District; Mills, 44th District; Brennan, 9th District; Merz, 1st District.

A BILL FOR AN ACT to amend section 8-133, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to allow payment of interest on United States government accounts; to repeal the original section; and to declare an emergency.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 3, Sec. 19, to place LB 966 on General File without a public hearing.

The motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

MOTION - Overrule Speaker

Mr. DeCamp moved to overrule the Speaker's order to take up LB 966 today on General File.

The motion prevailed with 26 ayes, 6 nays, 8 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 966. Title read. Considered.

Mr. Fowler moved to indefinitely postpone LB 966.

The motion lost with 4 ayes, 25 nays, 11 present and not voting, and 9 excused and not voting.

Motion to advance pending.

MOTION - Overrule Speaker

Mrs. Labedz moved to overrule the Speaker's order and place LR 152 on special order for one hour Thursday, March 23, 1978.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 19 ayes, 7 nays, and 23 not voting.

Mrs. Labedz requested a roll call vote on her motion.

Voting in the affirmative, 23:

Carsten	Fitzgerald	Kremer	Merz	Schmit
Cope	Goodrich	Labedz	Moylan	Venditte
Cullan	Hasebroock	Lamb	Murphy	Warner
E. Dvorak	Kennedy	F. Lewis	Rumery	
D. Dworak	Keyes	Maresh	Savage	

Voting in the negative, 8:

Burrows	Fowler	Maxey	Reutzel
Clark	Marsh	Newell	Stoney

Present and not voting, 11:

Barnett	DeCamp	Kahle	Mills
Brennan	Duis	Kelly	Nichol
Chambers	George	Koch	

Excused and not voting, 7:

Bereuter	R. Lewis	Marvel	Simon
Hefner	Luedtke	Rasmussen	

The motion lost with 23 ayes, 8 nays, 11 present and not voting, and 7 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 23 ayes, 1 nay, 25 and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 201.

Introduced by Marvel, 33rd District.

WHEREAS, Leroy Yax passed from this life on March 21, 1978; and

WHEREAS, Mr. Yax had been a lifelong farmer and rancher near Scotia, Nebraska; and

WHEREAS, he was an active participant in the activities of his church and community and a vital contributor to the well-being of his family.

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

1. That the members of the Legislature extend their sympathies to the family members of Leroy Yax who include Senator Dennis Rasmussen.

2. That a copy of this resolution be delivered to the family of Leroy Yax as an expression of regret for his passing.

Mr. Kelly moved to suspend the rules, Rule 4, Sec. 6, to consider LR 201 today. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

LR 201 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 183. Read. Considered.

LR 183 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 199. Read. Considered.

LR 199 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 202.

Introduced by Kelly, 35th District.

WHEREAS, Father Lawrence J. McNamara has distinguished himself for twenty-five years as a priest in service to the Roman Catholic Church; and

WHEREAS, Father McNamara has held a variety of assignments in the Catholic Church, including parish priest, high school teacher, diocesan, along with a number of civic posts; and

WHEREAS, Father McNamara has a Midwestern background having been raised in Illinois and educated in Illinois and Minnesota, as well as at the Catholic University of America in Washington, D.C.; and

WHEREAS, Father McNamara revealed rare competence and extraordinary energy during four years as executive director of the National Campaign for Human Development, a major domestic antipoverty program; and

WHEREAS, on January 10, 1978, Pope Paul VI named Father Lawrence J. McNamara as the new Bishop of the Roman Catholic Diocese of Grand Island, Nebraska.

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

1. That the Legislature of the State of Nebraska congratulates Father Lawrence J. McNamara on his appointment as Bishop of Grand Island.

2. That the Legislature of the State of Nebraska welcomes Bishop-elect McNamara to the State of Nebraska.

3. That a copy of this resolution be delivered to Bishop-elect McNamara upon his ordination and installation.

Mr. Kelly moved to suspend the rules, Rule 4, Sec. 6, to consider LR 202 today. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

LR 202 was adopted with 27 ayes, 0 nays, and 22 not voting.

MESSAGE FROM THE GOVERNOR

March 22, 1978

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

Dear Mr. President and Senators:

I hereby return LB 98 without my signature and with my objections. I would preface my objections to LB 98 with the comment that I am vetoing the bill because of my concern for the balance of powers between the three branches of state government, recognizing that I will only be serving a short remaining time as Governor. This bill will not affect the Exon administration, but will create serious problems for administrations to come.

LB 98 is an obvious attempt by the Legislature to increase its power and authority at the expense of the other branches of government. It, in effect, tells the Executive to ignore the Constitution of the State of Nebraska, even though each executive officer has taken an oath to uphold that same Constitution.

Discussion on the floor of the Legislature has characterized this bill as one directed at the Governor. That characterization is erroneous. This bill is an attack on the Constitution of this state, nothing more, nothing less.

In my veto of LB 45 last year, which the Legislature sustained, I made the following statement: "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 restrospectively. 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 nobefore legislation is passed as well as when the Supreme Court slaps the Unicameral's hands." This statement applies to LB 98 as well.

Whatever action the Legislature takes on this veto, I submit that no Governor can in good conscience be able to adhere to a legislative directive which requires the Governor to violate his oath to uphold the Constitution as he honestly views it and with the advice of his official legal counsel, the elected Attorney General. By so requiring the Governor, at the risk of the penalty of impeachment, the Unicameral is setting the stage at some point in the future for the worst executive-legislative confrontation this state has ever experienced.

The Attorney General, while holding LB 98 technically constitutional, points out in his opinion attached, that the measure is fraught with unworkable verbage and conflicts with existing statutes.

An example would be that if the Legislature passed a measure calling for some specific action, but fails to provide funds to accomplish same, the governor could potentially be fined or even impeached for something over which he has no control. There have been many such instances in the past few years were the legislature has dictated action but provided no funding.

I urge you to search your conscience and prevent LB 92 from becoming law because of its obvious abortion of sound principles of government and separation of powers.

Yours truly,
(Signed) J. James Exon
Governor

JJE:fw

(Attachment of Attorney General's opinion filed in the Clerk's office.)

UNANIMOUS CONSENT - Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 945 in the Journal. No objections. So ordered.

AMENDMENT TO LB 945

1. On page 2, line 6 strike "forty-eight" and insert "ninety-nine", strike "seven" and insert "six", and after "hundred" insert "forty-four".

Mr. Labedz asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

AMENDMENT TO LB 407

1. Strike the F. Lewis amendment found on page 844 of the Journal.

Mr. Cullan asked unanimous consent to print the following amendment to LB 726 in the Journal. No objections. So ordered.

AMENDMENT FOR LB 726

Amend Section 25 as follows:
On page 7, line 17, strike the two commas and the words "and is an employee of".

Mr. George asked unanimous consent to print the following amendments to LB 814 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 814

1. Insert the following new sections:

"Sec. 2. That section 71-2618, Revised Statutes Supplement, 1977, be amended to read as follows:

71-2618. There is hereby created in the Department of Health a cash fund to be known as the Department of Health Cash Fund. Such fund shall be used by the Department of Health for the purpose of administering those laws relating to inspection of nuclear power plants, bedding, laboratory services, private water supply and private sewage disposal facilities, and swimming pools adminstered by the department. Such fund shall also be used by the department for the purpose of receiving and expending any third party reimbursement payments, matching funds, or similar nongrant funds from any federal governmental agency, private corporation, or other public or private organization or entity, which are to be used for home health services, family planning services, health services to migrants, maternal and child health services, the provision of statistical information or technical services, and the operation of the Hall of Health at the State Fair. All such funds received shall be paid into the state treasury and by the State Treasurer credited to the Department of Health Cash Fund.

Sec. 3. That section 71-3505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3505. Matters relative to radiation as they relate to the public health and safety shall be a responsibility of the Department of Health. The department shall:

(1) Develop comprehensive policies and programs for the evaluation and determination of undesirable radiation associated with the production, use, storage, or disposal of radiation sources; and formulate, adopt, promulgate and repeal rules and regulations which may provide for registration under the provisions of section 71-3507 or licensure as provided by section 71-3509, and for registration or licensure of any other source of radiation so as to reasonably protect the health and safety of the people of Nebraska in a manner compatible with regulatory programs of the federal government. Such rules and regulations may prohibit the use of radiation

for uses found by the department to be detrimental to health or safety and shall carry out the purposes and policies set out in sections 71-3501 and 71-3502; Provided, that such rules and regulations shall not prohibit or limit the kind or amount of radiation purposely prescribed for or administered to a patient by doctors of medicine and surgery, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine, and engaged in the lawful practice of his profession, or administered by other professional personnel, such as X-ray technicians, nurses, and laboratory workers, acting under the supervision of a licensed practitioner;

(2) Inform the council of any such rules and regulations at least thirty days prior to their adoption, and consider any recommendations of the council;

(3) Have the authority to accept and administer loans, grants or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(4) Encourage, particpate in, or conduct studies, investigations, training, research, and demonstrations relating to sources of radiation;

(5) Collect and disseminate health education information relating to radiation protection;

(6) Make its facilities available so that any person or any agency may request the department to review and comment on plans and specifications of installations submitted by the person or agency, with respect to matters of protection and safety, for the control of undesirable radiation; ~~and~~

(7) Be empowered to inspect radiation sources, their shieldings and surroundings for the determination of any possible undesirable radiation, or violations of rules and regulations promulgated by the department; and provide the owner, user or operator with a report of any known or suspected deficiencies; and

(8) Collect a fee for each inspection of a nuclear power plant equal to the amount of completing the inspection and any associated report. In no event shall the monthly fee for any nuclear power plant exceed two thousand dollars. The fee collected shall be deposited in the Department of Health Cash Fund and shall be used solely for the purpose of defraying the costs of the inspections conducted by the department.".

2. On page 2, line 23, strike "section" and insert "sections" and after "76-2622" insert "and

13 71-3505"; in line 24 strike "is" and insert "and section
14 71-2618, Revised Statutes Supplement, 1977, are".
15 3. Renumber original section 2 as section 4.

UNANIMOUS CONSENT - Member Excused

Mr. Lamb asked unanimous consent to be excused Thursday, March 23, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Amendments on LB 184

Mr. Cullan asked unanimous consent to withdraw his amendments to LB 184 found in the Journal on page 1402. No objections. So ordered.

MOTION - Return LB 184 to Select File

Mr. Cullan moved to return LB 184 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 9 nays, and 21 not voting.

Mr. Kremer asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

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 17 ayes, 1 nay, and 31 not voting.

The motion to close debate prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Cullan requested a roll call vote on the motion to return LB 184.

Voting in the affirmative, 19:

Burrows	Cullan	Labedz	Mills	Rumery
Chambers	D. Dworak	Lamb	Murphy	Stoney
Clark	Fowler	Maresh	Newell	Warner
Cope	Kelly	Marvel	Reutzel	

Voting in the negative, 17:

Barnett	E. Dvorak	Kahle	Marsh	Schmit
Brennan	Fitzgerald	Kennedy	Moylan	
Carsten	Goodrich	Koch	Nichol	
DeCamp	Hasebroock	F. Lewis	Savage	

Present and not voting, 6:

Duis	Keyes	Merz
George	Maxey	Venditte

Excused and not voting, 7:

Bereuter	Kremer	Luedtke	Simon
Hefner	R. Lewis	Rasmussen	

The motion lost with 19 ayes, 17 nays, 6 present and not voting, and 7 excused and not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

MOTION - Overrule Speaker's Order

Mr. Chambers moved to overrule the Speaker's order to consider LB 955 today.

The motion prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 955. Title read. Considered.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 1201.

The Rumery-Nichol amendment found in the Journal on page 1371 was ruled out of order by President Whelan.

Advanced to E & R for Review with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Mr. Carsten asked unanimous consent to expedite LB 955. No objections. So ordered.

Mr. Duis moved to suspend the rules, Rule 5, Sec. 4 and 5, and add all members names to LB 955.

The motion prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

MOTION - Return LB 924 to Select File

Mr. Warner moved to return LB 924 to Select File for the following specific amendment:

AMENDMENT TO AMENDMENTS TO LB 924 (Req. 2775)

1) Purpose: To increase the personal services limitation for the Department of Roads due to the overtime because of the floods.

Amendment:

On page 33, in line 24, strike "31,125,543" and insert "31,225,543".

2) Amendment:

Add a new section to read as follows:

"The unexpended balance existing on June 30, 1978, in the appropriation to the Legislative Council Agency No. 3 for Program No. 638 - Fiscal and Program Analysis is hereby reappropriated for the fiscal year 1978-79."

The motion prevailed with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 924. The Warner 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.

MESSAGE FROM THE GOVERNOR

March 20, 1978

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

Dear Mr. President and Senators:

Pursuant to my budget message of February 10, 1978, I am sending your body the following proposals to expedite the movement of residents of the Beatrice State Developmental Center into community programs. These requests for additional funds for the remainder of the current fiscal year and for next fiscal year are the direct result of meetings held at my request by DPI Officials with the directors of the mental retardation regions. Not all mental retardation regions responded to my request, and not all responses were reasonable in terms of dollars and numbers of individuals involved. Nevertheless, in my judgement these meetings were successful and informative overall, and will lead to real progress in this area.

My recommendation for additional funds includes $238,000 from the State general fund for start-up and operating costs to provide openings in community programs for 58 residents from Beatrice this fiscal year over and above the 100+ residents already scheduled for community placement from current available funds. The cost of maintaining these persons in community programs next year is $378,000. This money would be under the control of the Department of Public Institutions and would be expended solely for placement of Beatrice residents in community programs pursuant to written agreements.

This recommendation will have a dramatic effect on the ability of the Beatrice facility to meet federal certification standards for the July, 1978, deadline. The movement of over 100 residents in each of the last two years should reduce the expected cost of remodeling at Beatrice considerably. In addition the number of employees anticipated to be added to meet stringent staffing ratios can be reduced. This recommendation will also have the effect of making more funds available for further movement from Beatrice in fiscal year 1978-79 from the $1.5 million I recommended and the Appropriations Committee substantially concurred with for that purpose. It is now possible to anticipate a population of about 750 at that facility by the end of next fiscal year.

My recommendation presented to you today is a reasonable and necessary alternative to the recommendation placed before you by the Appropiations Committee in LB 953 and LB 957. The proposals of the Appropriations Committee provide community retardation agencies with $8,191,276 from the general fund - over $1 million higher than my recommendation to you of February 10, 1978. Furthermore, the 20 per cent increase in general fund monies

proposed by the Appropriations Committee is not tied to written agreements specifing the services to be performed, the initial and continuing cost of such services, the number of Beatrice residents to be served, and does not take sufficiently into account the large accumlative cash balances community programs now have available.

My recommendations would target funds to specific objectives based on written agreements, and would reward actual performance in meeting those agreed upon objections. With these recommendations, you will be able to effect a savings of over $500,000 from the Apprpriations Committee's proposals as found in LB 953. This is $500,000 which can be used for more pressing matters such as the damage inflicted by the recent floods without jeopardizing progress in mental retardation or the current sales and income tax rates.

Nebraskans can be proud of their progressive policies and national leadership in the area of mental retardation. However, we can still be assured of continued progress without writing a blank check for community mental retardation programs or any other program.

I have included with this letter the necessary amendments to facilitate these recommendations. I urge their adoption with all deliberate speed. It is important that the funds targeted for the remainder of this fiscal year be made available by this month's end in order to have maximum effect.

Sincerely,
(Signed) J. James Exon
Governor

JJE/gw

LB 924
AMENDMENT:
On page 28, in lines 6 and 7, strike "6,215,969" and insert "6,439,009".
On page 30, after line 24, insert the following:
"In addition to the amounts shown in the regional totals above, but included in the General Fund appropriation of $6,439,009 and the reappropriation of $650,000, are the following amounts of General Fund to be used exclusively to place additional clients from the Beatrice State Developmental Center into community programs. The Department of Public Institutions shall distribute the following amounts according to written agreements with regional governing boards:

Region I	3,700
Region II	80,000
Region III	50,500
Region IV	88,840"

Amendments to LB 953

P. 23, lines 7 and 8, strike "8,191,276" and insert "7,350,193"
P. 23, line 13, strike "542,494" and insert "456,615"
P. 23, line 15, strike "788,354" and insert "824,913"
P. 23, line 16, strike "1,330,848" and insert "1,271,528"

P. 23, line 18, strike "567,095" and insert "575,783"
P. 23, line 20, strike "1,053,620" and insert "1,060,319"
P. 23, line 21, strike "1,620,715" and insert "1,636,102"

P. 23, line 23, strike "894,724" and insert "948,070"
P. 23, line 25, strike "1,632,604" and insert "1,696,992"
P. 23, line 26, strike "2,527,328" and insert "2,645,062"

P. 24, line 1, strike "1,125,976" and insert "1,097,910"
P. 24, line 3, strike "1,684,593" and insert "1,544,500"
P. 24, line 4, strike "2,810,569" and insert "2,642,410"

P. 24, line 6, strike "2,189,561" and insert "1,798,793"
P. 24, line 8, strike "2,300,023" and insert "2,425,023"
P. 24, line 9, strike "4,489,584" and insert "4,223,816"

P. 24, line 11, strike "2,871,426" and insert "2,473,022"
P. 24, line 13, strike "4,073,871" and insert "4,141,083"
P. 24, line 14, strike "6,945,297" and insert "6,614,105"

P. 24, line 16, strike "8,191,276" and insert "7,350,193"
P. 24, line 18, strike "11,533,065" and insert "11,692,830"
P. 24, line 19, strike "19,724,341" and insert "19,043,023"

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 184A. Title read. Considered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

Mr. DeCamp requested a roll call vote to advance to E & R for Review.

Voting in the affirmative, 23:

Barnett	DeCamp	Goodrich	Keyes	Merz
Brennan	Duis	Hasebroock	Koch	Moylan
Carsten	E. Dvorak	Kahle	F. Lewis	Nichol
Clark	Fitzgerald	Kennedy	Marsh	Rumery

Savage Schmit Warner

Voting in the negative, 14:

Burrows	Cullan	Lamb	Mills	Reutzel
Chambers	D. Dworak	Maresh	Murphy	Stoney
Cope	Fowler	Marvel	Newell	

Present and not voting, 4:

George	Kelly	Maxey	Venditte

Excused and not voting, 8:

Bereuter	Kremer	R. Lewis	Rasmussen
Hefner	Labedz	Luedtke	Simon

Failed to advanced to E & R for Review with 23 ayes, 14 nays, 4 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 937. Replaced on Select File as amended.
E & R amendments to LB 937:

1. Insert the unnumbered section added by committee select file amendments as section 25 and renumber subsequent sections accordingly.

2. In new section 25, lines 3 and 4, strike "77-2704, Revised Statutes Supplement, 1977," and insert "section 77-2704".

3. In committee select file amendments, page 2, line 7, strike the comma.

4. In E & R amendment 1, adopted 3/21, line 2, strike "26" and insert "27".

5. In committee select file amendments, page 2, line 1, strike "of".

6. On page 11, line 6, strike "1984" and insert "1983-84".

LEGISLATIVE BILL 946. Placed on Select File as amended.
E & R amendments to LB 946:

1. On page 10, line 22, strike the comma; and in line 25 insert an underscored comma after "1978".

2. In committee amendments, page 1, line 27, strike the first comma and insert "on".

LEGISLATIVE BILL 964. Placed on Select File as amended.
E & R amendments to LB 964:

1. On page 2, line 7, strike the first comma and insert "on"; and in line 9 strike "LB" and insert "Legislative Bill".

2. On page 3, line 4, strike the comma; and, because of the Maxey amendment to page 2, line 27, and page 3, line 1, in lines 10 and 11 strike "September 15, 1978" and insert "February 1, 1979".

Correctly Engrossed

The following bills were correctly engrossed: 460, 813, 814, 923, 945, 960, 961, 962, and 963.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 713 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 713

1. On page 2, line 17 strike "13" and insert "14".

2. On page 3, line 11 after "Criminal" insert "history record".

3. Insert a new section 12 as follows:

"Sec. 12. Operator shall mean the agency, person or group of persons designated by the governing body of the jurisdiction served by a criminal history record information system to coordinate and supervise the system.".

4. On page 8, line 14 after "a" insert "centralized"; and in line 17 after the second "system" insert "or to the arresting agency in a noncentralized criminal history record information system".

5. Renumber original sections 12 to 33 as sections 13 to 34 respectively.

Mr. Bereuter asked unanimous consent to print the following amendments to LB 643 in the Journal. No objections. So ordered.

PROPOSED AMENDMENT TO L.B. 643

Number the following as Section 2 and renumber Section 2 as Section 3 and repeal Section 77-1605.01

Section 2. That Section 77-1605.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1605.01. County tax levy; construction and improvement of roads; cooperative projects; federal government; political subdivisions; transfer of funds. The county boards of the several counties are authorized to levy a tax upon the assessed value of all the taxable property in such county, except intangible property, in addition to all other levies authorized by law, for the purpose of raising funds for the construction or improvement of any of the county roads or city streets within the respective counties. The funds raised by such special levy may be used by the county independently or for cooperative projects with the government of the United States or with any political or governmental subdivision of a state. Such funds shall be used for necessary road, street and bridge purposes.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 808 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 808

1. On page 3 line 7 strike "be"; and strike lines 6 through 13 and insert:

"(a) For the first offense, be guilty of an infraction, receive a citation, be fined one hundred dollars, and be assigned to attend a course as prescribed in section 4 of this act;

(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation and be fined two hundred dollars; and

(c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, and be fined three hundred dollars and may be imprisoned not to exceed seven days."

2. Insert new sections as follows:

"Section 1. As used in this act unless the context otherwise requires, infraction shall mean the violation of any law, ordinance, order, rule, or regulation which is not otherwise declared to be a misdemeanor or a felony and which shall be a civil offense.

Sec. 3. Any peace officer may take a person alleged to have committed an infraction into custody if harm is likely to occur to either the individual or society if such person is not taken into custody.

Sec. 4. A person cited for an infraction pursuant to section 2 of this act shall be assigned to attend a course of instruction relating to the effects of

the misuse of drugs, including alcohol and controlled substances. Such instruction shall include counseling on the legal, medical, psychological, and social effects of drug use and abuse. Such course shall consist of a minimum of five hours and a maximum of ten hours of instruction and counseling. Upon completion of the assigned course the instructor shall notify the court in writing of such completion and the notification shall be made a part of the record of the citation. Any person failing to complete such course within thirty days after the assignment shall be guilty of an infraction.

Sec. 5. All drug treatment centers established pursuant to Chapter 71, article 50 shall provide the necessary facilities and programs to carry out the provisions of section 5 of this act.

Sec. 6. That section 29-422, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-422. It is hereby declared to be the policy of the State of Nebraska to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law and the protection of the public. In furtherance of that policy, any peace officer shall be authorized to issue a citation in lieu of arrest or continued custody for any offense which is a traffic infraction, any other infraction, or misdemeanor and for any violation of a city of village ordinance. Such authorization shall be carried out in the manner specified in sections 29-422 to 29-430, 39-6,105, 39-6,107, 39-6,108, and 39-6,112.

Sec. 7. That section 29-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-424. When a citation is used by a peace officer, he shall enter thereon all required information, including the name and address of the cited person, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his promise to apepar at the time and place stated therein. Such person thereupon shall be released from custody. As soon as practicable, one copy of the citation shall be filed with the court specified therein, and the copy signed by the person cited shall be

delivered to the prosecuting attorney. At least twenty-four hours before the time set for appearance of the cited person, the prosecuting attorney or other person authorized by law to issue a complaint for the particular offense shall either issue and file a compalint charging such person with an offense, or file with the court and deliver to such person a notice that a compalint has been refused and that such person is released from his obligation to appear or that the offense charged in the original citation has been changed or amended as specified. A person cited pursuant to sections 29-422 to 29-430 may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers..

Sec. 8. That section 29-425, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-425. Citations may also be issued under the following circumstances:

(1) In any case in which the prosecuting officer is convinced that a citation would serve all of the purposes of an arrest warrant; and

(2) Whenever any complaint or inforamtion is filed in any court in this state charging a felony, misdemeanor, ~~traffic~~ infraction, or violation of a city or village ordinance when the court is convinced that a citation would serve all of the purposes of the arrest warrant procedure.

The citations provided for in this section may be served in the same manner as an arrest warrant, in the same manner as a summons in a civil action, or may be served by certified mail.".

3. On page 4, line 3 after "original" insert "sections 29-422, 29-424, and 29-425, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 4 strike "is" and insert "are".

4. Renumber original sections 1, 2, 3, and 4 as sections 2, 9, 10, and 11 respectively.

UNANIMOUS CONSENT - Bracket Bills

Mr. Warner asked unanimous consent that after any further E & R amendments, there on, are adopted and the following bills are advanced to E & R Final, they be bracketed on E & R Final: LB 951, 952, 953, 954, 956, 957, and 958. No objections. So ordered.

UNANIMOUS CONSENT - Expedite Bills

Mr. Warner asked unanimous consent to expedite LB 812, 924, and 937. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 203.

Introduced by Savage, 10th District; Venditte, 7th District.

WHEREAS, professional athletic programs offer a special opportunity for Nebraskans to enrich their leisure time; and

WHEREAS, there is in the State of Nebraska a professional baseball franchise which is known as the Omaha Royals Baseball Club; and

WHEREAS, the Omaha Royals Baseball Club is owned by the American League Kansas City Royals whose President and Owner is Mr. Ewing Kauffman of Kansas City, Missouri; and

WHEREAS, the General Manager of the Omaha Royals is Mr. Bill Gorman and the Field Manager is Mr. John Sullivan; and

WHEREAS, the Omaha Royals as an organization of professional athletes is a member of the American Association whose membership includes baseball clubs from the neighboring states of Iowa, Colorado, Illinois, Indiana, Louisiana, Oklahoma and Kansas; and

WHEREAS, the various baseball publications give notoriety to Nebraska of the many players who have been on the Omaha Royals roster since their beginning in 1969; and

WHEREAS, the 1978 spring training roster of the Kansas City Royals shows that eighteen of the thirty-four players reporting for spring training in Fort Myers, Florida have played baseball as Royals in Omaha, Nebraska; and

WHEREAS, the Omaha Royals baseball operation is a boost of more than a half million dollars to the Omaha and Nebraska economy each year.

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

1. That the Unicameral Legislature recognizes the over-all contribution and accomplishments in Nebraska by the Omaha Royals Baseball Club.

2. That a copy of this resolution be sent to the Omaha Royals and the Kansas City Royals Baseball Clubs.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendments to LB 632 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 632 White Copy (Req. 2713)

1. Insert a new section as follows:

"Sec. 6. That section 32-1040, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1040. Vacancies in office shall be filled in the following manner: In the offices of the Clerk and Reporter of the Supreme Court, by the Supreme Court; in all other state and judicial district offices, and in the membership of any board or commission created by the state, where no other method is especially provided, by the Governor; in county and precinct offices including county supervisors, by the county board; and in the membership of such board, except county supervisors, by the county clerk, county attorney, and county treasurer; in township offices, by the town board, but when there are two or more vacancies on the town board, the county board shall appoint. Unless otherwise provided by law, all vacancies shall be filled within sixty days after the vacancy occurs, unless good cause is shown that this requirement imposes an undue burden.".

2. On page 24, line 13, after "32-526," insert "32-1040,".

3. Renumber remaining sections accordingly.

VISITORS

The President introduced 33 fourth grade students and teacher from York, Nebraska; and Gary Lundberg from Omaha, Nebraska.

ADJOURNMENT

At 4:41 p.m., on a motion by Mr. Marvel, the Legislature adjourned until 9:00 a.m., Thursday, March 23, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 23, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 23, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord there is much work before this Legislature today. Decisions are made here which affect the lives of all the citizens of this State. Grant Your guidance in the ambiguities of the political process.
>
> Your will, O Lord, is done wherever persons seek to reduce cruelty and work for the common good. We pray that persons here will lift the vision of the citizenry to see at times beyond their own immediate self interest to a larger self interest that makes for a State occupied with fairness for all its citizens.
>
> Give patience to these servants of Yours as they must struggle between what is ideal and what is possible. We thank You for our State and for our Nation. We thank You for the revelation of Yourself in scripture, synagogue, and church in human life where good things for people are done. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Lamb and Rasmussen who were excused; Messrs. George and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

MESSAGE FROM THE GOVERNOR

March 22, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 476, 606, 623A, and 725 and Reengrossed Legislative Bill No. 623.
These bills were signed by me on March 22, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 22, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick O'Donnell
Clerk of the Legislature

Harbour, Dave - Omaha, (withdrawn 3-17-78), Northern Natural Gas
Jetton, Thomas C. - Omaha, Northern Natural Gas Co.

Reregistrations from March 17th through March 22nd

Siefkes, Herman - Lincoln, Nebraska Restaurant Association
Sutej, John M. - Omaha, Local Union 1974, I.B.E.W.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 23, 1978, at 8:30 a.m., was the following bill: 920.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 605, 612, 613, 719, and 906.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 605, 612, 613, 719, and 906.

RESOLUTION

LEGISLATIVE RESOLUTION 204.

Introduced by Reutzel, 15th District.

WHEREAS, public interest and concern relating to elections, lobbying practices, and conflicts of interest, has increased in recent years; and

WHEREAS, the Legislature in 1976 passed LB 987, the Nebraska Political Accountability and Disclosure Act, which act changed Nebraska law relating to campaign practices, lobbying, and conflicts of interest; and

WHEREAS, questions have been raised as to the scope and necessity of some of the provisions of LB 987; and

WHEREAS, additional information and research is needed to determine what accountability and disclosure is needed to guarantee the proper operation of our government; and

WHEREAS, it is essential that public officials and employees be independent and impartial, that governmental decisions and policy be made in the proper channels, and that public office or employment not be used for private gain other than the compensation provided by law.

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

1. That an interim committee be appointed to study all aspects of political accountability and disclosure.
2. The committee shall be composed of three members of the Judiciary Committee, three members of the Government, Military and Veterans Affairs Committee, and three members at large to be selected by the Executive Board.
3. That the committee at the conclusion of its study shall make a report of its findings, together with any recommendations, to the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mr. George asked unanimous consent to be excused Tuesday, March 28, 1978. No objections. So ordered.

MOTION - Overrule Speaker's Order

Mr. Goodrich moved to overrule the Speaker's order and have item 6 of the Agenda regarding LB 902 on Final Reading be taken up at 10:30 a.m.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

The motion to overrule the Speaker's order prevailed with 27 ayes, 6 nays, and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 956. Mr. Warner offered the following amendments:

LB 956
Appropriation Committee Amendments

(1) Insert the following new section:

"Sec. 51. Program 915. The Nebraska State Historical Society is hereby authorized to make road improvement at the Courthouse-Jail Rock in Merrill County. There is hereby appropriated $2,000 from the State Building Fund for the fiscal year ending June 30, 1979, to make such improvements."

Renumber original sections accordingly.

(2) Insert the following new section:

"Any state agency not applying for and receiving a sales tax exemption for materials to be utilized for construction

or renovation projects under the provisions of 77-2704, Revised Statutes Supplement, 1977, shall not file for or receive a sales tax refund."

Renumber original sections accordingly.

(3) Purpose: To add funds for the Game and Parks Commission for furnishings and interpretive displays at the Ash Hollow State Historical Park visitor center.

Amendment:

On page 10, line 12, strike "39,000" and insert "69,000"; after line 24, insert the following:

"Furnishings and interpretive displays -
Ash Hollow State Historical Park 30,000".

(4) Amendments:

Insert the following new section:

"Sec. 11. Program 900. The Department of Water Resources is hereby authorized to construct a combination laboratory, shop, and storage building at Bridgeport. There is hereby appropriated $27,500 from the State Building Fund for the fiscal year ending June 30, 1979, to construct the building."

Renumber original sections accordingly.

(5) Amendments:

Insert the following new section:

"Any project to renovate, remodel, expand, or construct a structure, funded wholly or in part by the appropriations in this act shall be designed and constructed in such as fashion that the internal walls may be sufficiently and economically modified or removed to allow future modification in the use of the structure."

Renumber original sections accordingly.

(6) Purpose: To provide specific authority to expend funds from the Building Renewal Allocation Fund.

Amendment:

On page 21, line 27, after "1979" insert ", which fund is hereby appropriated to the Department of Administrative Services for the fiscal year ending June 30, 1979, but control of such funds shall remain with the Governor in accordance with Section 81-173 to 81-191, Revised Statutes Supplement, 1977".

(7) Amendments:

Insert a new section as follows:

"The Nebraska State Historical Society is authorized to prepare plans and specifications for reconstruction of the Neligh Mills dam. There is hereby appropriated $28,000 from the State Building Fund for the fiscal year ending June 30, 1979, for the plans and specifications. The Nebraska State Historical Society shall apply for federal funds and if such funds are forthcoming the society shall return to the State Building Fund from the appropriation an amount equal to

the federal funds provided.".

Renumber original sections accordingly.

The amendments were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mrs. Marsh offered the following amendment to LB 956:

1. On page 6 following line 13 and insert:

"It is intended that the capacity of the facility shall be in accord with the results of a reclassification of current inmates. Such reclassification shall be conducted by a team composed of individuals who have expertise in correctional psychology. Inmates shall be classified as to minimum, medium and maximum security, and also as to need for services for psychologically disturbed, mentally retarded, and alcohol or drug dependent.

There is hereby appropriated forty-three thousand dollars from the State Building Fund for the fiscal year ending June 30, 1979, to initiate the reclassification.

Appropriations for construction contained in sections 32, 33, and 34 of this act shall be shifted in accord with the outcome of the reclassification. Unspent funds as a result of any reduction of size of maximum or medium-minimum security facilities shall be rechanneled into construction of work release centers.".

The amendment lost with 6 ayes, 25 nays, 15 present and not voting, and 3 excused and not voting.

Mr. George offered the following amendment:

Purpose: To provide $40,000 to the Game and Parks Commission to reconstruct the interior portions of the stockade at Fort Atkinson State Historical Park.

Amendment:

On page 10, in line 12, strike "39,000" and insert "79,000"; after line 24 insert:

"Stockade interior reconstruction -
Fort Atkinson State Historical Park 40,000"

The amendment lost with 15 ayes, 18 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 946. E & R amendments found in the Journal on page 1458 for the Forty-Fourth Day were adopted.

Mr. Barnett re-offered the amendments found in the Journal on page 1240 previously offered by Mrs. Labedz.

Mr. Barnett moved for a Call of the House. The motion prevailed with 13 ayes, 9 nays, and 27 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Barnett amendment was adopted with 27 ayes, 12 nays, 7 present and not voting, and 3 excused.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 957. E & R amendments found in the Journal on page 1346 for the Forty-First Day were adopted.

Laid over.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 214
March 22, 1978

Dear Senator Koch:

You state that you have prepared a motion to return LB 469 for reconsideration. Before you do so, you ask for an interpretation of the bill, as presently written.

LB 469 provides for submission to the voters of a constitutional amendment which would read:

> " '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 bond, 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 fifteen 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 have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.' "

As we understand the proposed constitutional amendment, there would not be a separate levy for the payment of the bonds, but the regular levies of "all taxing bodies," apparently meaning the county, school districts, city or village, etc., would be levied against the real estate. The portion of such levies represented by the difference between the assessed valuation of the property before acquisition and redevelopment and the valuation at the time of levy would, instead of being paid to the taxing entities involved, be paid into a fund for the payment of the bonds. As we understand it, then, there would be no difference in the taxation of the property, but only in the disposition of the proceeds of the tax.

You ask whether there is a conflict between the fifteen year provision of the first paragraph and the provision of the second paragraph that when the indebtedness and interest "have been paid in full" the property shall thereafter be taxed as other property. The question, of course, is what happens if the indebtedness and interest thereon have not been paid in full at the end of fifteen years.

There is, undoubtedly, a conflict, although we believe the court would resolve the conflict in favor of the fifteen year limitation. It is a rule of statutory construction, which would also apply to constitutional construction, that the court will attempt to give some meaning and effect to every word in the statute. If the court were to permit the application of the taxes to the indebtedness for a period beyond fifteen years, the fifteen year limitation would be completely meaningless. However, if the two provisions were interpreted to mean that the application could continue until the bonds were paid off, or for fifteen years, whichever occurred sooner, meaning would be given to both provisions. We are therefore of the opinion that that is the construction the court would adopt.

We also call your attention to the fact that some of the language of the proposed amendment is quite confusing. The first paragraph says that cities and villages may pledge all taxes levied by all taxing bodies on the increased valuation of the property, "which taxes shall be at such rate for a period not to exceed fifteen years." What rate is meant by "such rate?" Presumably the levies of the various taxing bodies will vary from year to year, and as we understand the plan, such varying rates would be applied to the property in question just like they are to all other property. The language we have quoted, however,

seems to imply that there is to be some sort of fixed rate applied to the excess valuation. If so, we don't understand how the system is supposed to work.

We also call your attention to the provision in the second paragraph, to the effect that after the indebtedness is paid in full, "such property thereafter shall be taxed as is other property in the respective taxing jurisdictions." Again, this is confusing to us, since, as we previously explained, under our understanding of the plan the property would be taxed as other property at all times, and it would be only the disposition of the proceeds of the tax that would be handled differently under this amendment.

These matters raise a question in our minds as to whether some other system is contemplated by the amendment which has not been articulated clearly enough for us to understand it.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

Opinion No. 215
March 22, 1978

Dear Senator George:

You have asked whether the present statutes authorize a sanitary and improvement district to sell land owned by it and presently used as a park, or whether authorizing legislation would be required. While we have found no Nebraska cases specifically answering your question, it appears doubtful that such land could be sold under present statutes.

It is, of course, axiomatic that such a district may exercise only such powers as are given it by the Legislature. It could be argued that section 31-732, R.R.S. 1943, gives such district broad powers. It provides:

> "Such district shall be a body corporate and politic by name of Sanitary and Improvement District Number ——-of ———- County and shall have the power and authority to take and hold real and personal property necessary for its use, to make contracts, to sue and be sued, to have and use a corporate seal,

and to exercise any and all other powers, as a corporation, necessary to carry out the purposes of sections 31-727 to 31-762."

However, it is not clear that the sale of land devoted by the district to use as a park is "necessary to carry out the purposes of sections 31-727 to 31-762," so we cannot be sure that the court would construe this as authorization to sell this real estate.

In 56 Am.Jur. 603, Municipal Corporations, Section 550, we find this discussion:

> ". . . A municipal corporation having absolute title to property without limitation or restriction as to its alienation may dispose of such property at any time before it is dedicated to public use.
>
> "On the other hand, it is generally held that a municipal corporation has no implied power to sell property which is held for a public use, and that such power cannot be implied from general charter or statutory authority to acquire, hold, or convey property. The principle is that all such property is held by the municipality in trust for the use and benefit of its citizens and is dedicated to the use of the public, and the corporation cannot divest itself of title without specific authority from the legislature. It is only when the public use has been abandoned, or the property has become unsuitable or inadequate for the purpose to which it was dedicated, that a power of disposition is recognized in the corporation. Thus, a municipal corporation has no power to sell or convey land dedicated as a park, square, or common. . . ."

Under broad definitions, a sanitary and improvement district may be classified as a municipal corporation. There is therefore considerable doubt that there is any implied power in such a district to sell land acquired for and used as a park. We have found in the statutes no specific authority to do so, and we are of the opinion that if such land is to be sold, specific authority would be required.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused for the balance of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 733. E & R amendment found in the Journal on page 1356 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 446. Mr. Brennan offered the following amendments to LB 446:

(Amendments printed separately from the Journal and on file in the Clerk's office - Req. #2854).

Amendment pending.

MOTION - Suspend Rules

Mr. DeCamp renewed his pending motion found in the Journal on page 1417 to suspend Rule 6, Sec 6(b) and take up LB 902 on Final Reading today.

The motion prevailed with 31 ayes, 1 nay, and 13 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 902. Mr. Chambers moved to return LB 902 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 9 ayes, 30 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 902. With Emergency.

A BILL FOR AN ACT to amend section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 394, Eighty-fifth Legislature, First Session, 1977, relating to taxation;

to provide additional sales and use tax rate for cities of the metropolitan class; to provide for automatic expiration; to permit an increase either through a vote of the people or through city council action; to provide for the old tax rate on construction projects prior to the tax increase; to require a report; to provide severability; to repeal the original section; and to declare an emergency.

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

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 34:

Brennan	Duis	Kahle	R. Lewis	Reutzel
Burrows	E. Dvorak	Kennedy	Luedtke	Rumery
Carsten	Fitzgerald	Keyes	Maresh	Savage
Clark	George	Koch	Merz	Simon
Cope	Goodrich	Kremer	Moylan	Stoney
Cullan	Hasebroock	Labedz	Newell	Venditte
DeCamp	Hefner	F. Lewis	Nichol	

Voting in the negative, 10:

Barnett	Chambers	Fowler	Marvel	Mills
Bereuter	D. Dworak	Kelly	Maxey	Warner

Present and not voting, 1:

Murphy

Excused and not voting, 4:

Lamb	Marsh	Rasmussen	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.

Messrs. Maresh and Simon asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 446. Mr. Brennan renewed his pending amendments referred to in this day's Journal.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?"

Mr. Newell moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to close debate prevailed with 28 ayes, 6 nays, and 15 not voting.

The Brennan amendment was adopted with 26 ayes, 13 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Barnett moved the Call be raised. The motion lost with 11 ayes, 20 nays, and 18 not voting.

Mr. Keyes moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 17 nays, and 6 not voting.

Mr. Brennan requested a roll call vote to advance to E & R for Engrossment.

Voting in the affirmative, 23:

Barnett	E. Dvorak	Koch	Merz	Savage
Brennan	Fitzgerald	Labedz	Moylan	Simon
Burrows	Fowler	F. Lewis	Newell	Venditte
Chambers	Goodrich	Luedtke	Reutzel	
DeCamp	Keyes	Maxey	Rumery	

Voting in the negative, 14:

Carsten	D. Dworak	Kennedy	Maresh	Stoney
Cope	Hefner	Kremer	Murphy	Warner
Cullan	Kelly	R. Lewis	Schmit	

Present and not voting, 9:

Bereuter	Duis	Hasebroock	Marvel	Nichol
Clark	George	Kahle	Mills	

Excused and not voting, 3:

Lamb Marsh Rasmussen

Failed to advance to E & R for Engrossment with 23 ayes, 14 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

MESSAGE FROM THE GOVERNOR

March 23, 1978

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

Dear Mr. President and Senators:

I am hereby returning LB 92 and LB 92A without my signature and with my objections. I have warned you repeatedly of coming vetoes unless you face up to what I believe to be a responsibility to hold the line on the recently reduced state tax rates.

LB 92 would, on a graduated basis, eliminate the counties' share of Medicaid costs, the first year cost of which would be $1,581,300 as funded by LB 92A.

In my Budget Address to you of February 10, 1978, I indicated to you that we should consider the passage of this bill IF the elimination of the county Medicaid costs were coupled with an effective lid on spending so that property tax relief would be assured. I stated that if the spending lid bill was not passed "pouring further millions of state collected dollars to subdivisions without seriously addressing the probability of real estate tax relief is meaningless and fiscally irresponsible."

That is what I believed on February 10, 1978, and that is what I believe today, and I am therefore required to veto these bills because they have the effect of fueling local spending and offer no real chance of real estate tax relief.

You should certainly recognize by the well publicized flood emergency and my letter to you in this specific regard of March 20, 1978 wherein I warned of pending multimillion dollars of unanticipated general fund obligations that will be needed for this

purpose. The $1.5 million in LB 92A must be conserved for the flood disaster as we look at priorities.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT - Member Excused

Mr. Cope asked unanimous consent to be excused today at 11:30 a.m. and 3:30 p.m. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 169. Replaced on Select File as amended.
E & R amendment to LB 169:

1. In line 1 of the Marsh amendment adopted 3/21, insert "new matter added by" after "the".

LEGISLATIVE BILL 955. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 205.

Introduced by Simon, 31st District; George, 16th District; Carsten, 2nd District; Clark, 47th District; Kelly, 35th District; DeCamp, 40th District; Luedtke, 28th District; Merz, 1st District; Burrows, 30th District; Rasmussen, 41st District; Kennedy, 21st District; Hasebroock, 18th District; Stoney, 4th District; Koch, 12th District; Kahle, 37th District; Warner, 25th Disrict; Hefner, 19th District; Rumery, 42nd District.

WHEREAS, abortions are being performed in the State of Nebraska; and

WHEREAS, the state has an obvious and compelling interest in human welfare as it relates to the availability of abortions; and

WHEREAS, there is continuing concern on the part of the citizens of this state as to the propriety of such activity.

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

1. That the Legislature strongly endorses the concept of the right to life for all unborn persons.

2. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Laid over.

MOTION - Overule Speaker's Order

Mr. Hefner moved to reconsider action on Mrs. Labedz motion to overrule the Speaker's order and place LR 152 on special order for 1 hour.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?"

Mr. Venditte moved for a Call of the House. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

The motion to close debate prevailed with 26 ayes, 10 nays, and 13 not voting.

The motion to reconsider action prevailed with 27 ayes, 13 nays, 5 present and not voting, and 4 excused and not voting.

The Speaker ordered LR 152 set for March 28, 1978 for one hour.

Mr. Chambers moved to amend the Speaker's order on LR 152 to one-half hour.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?"

Mr. Chambers requested a record vote on the motion.

Voting in the affirmative, 30:

Bereuter	E. Dvorak	Hefner	F. Lewis	Merz
Carsten	D. Dworak	Kennedy	R. Lewis	Newell
Cope	Fitzgerald	Keyes	Luedtke	Nichol
Cullan	George	Koch	Maresh	Savage
DeCamp	Goodrich	Kremer	Marvel	Stoney
Duis	Hasebroock	Labedz	Maxey	Venditte

Voting in the negative, 2:

Clark	Reutzel

Present and not voting, 14:

Barnett	Chambers	Kelly	Murphy	Simon
Brennan	Fowler	Mills	Rumery	Warner
Burrows	Kahle	Moylan	Schmit	

Excused and not voting, 3:

Lamb	Marsh	Rasmussen

The motion to close debate prevailed with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a roll call vote on his amendment:

Voting in the affirmative, 17:

Burrows	Fowler	Marvel	Nichol	Warner
Chambers	Kelly	Maxey	Reutzel	
Clark	Koch	Mills	Simon	
Duis	Marsh	Newell	Stoney	

Voting in the negative, 23:

Bereuter	E. Dvorak	Hasebroock	Labedz	Rumery
Brennan	D. Dworak	Hefner	F. Lewis	Schmit
Carsten	Fitzgerald	Kahle	R. Lewis	Venditte
Cope	George	Kennedy	Maresh	
Cullan	Goodrich	Keyes	Moylan	

Present and not voting, 7:

Barnett	Kremer	Merz	Savage
DeCamp	Luedtke	Murphy	

Excused and not voting, 2:

Lamb Rasmussen

The Chambers amendment to the Speaker's order lost with 17 ayes, 23 nays, 7 present and not voting, and 2 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 19 ayes, 2 nays, 28 not voting.

Mr. Mills asked unanimous consent to be excused. No objections. So ordered.

MOTION - Overrule Speaker's Order

Mr. Reutzel moved to place LB 562 on special order on March 28, 1978 for one hour ahead of LR 152.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. Chambers requested a roll call vote on the Reutzel motion.

Voting in the affirmative, 11:

Barnett	Goodrich	Newell	Simon
Chambers	Marsh	Nichol	Warner
Fowler	Maxey	Reutzel	

Voting in the negative, 17:

Bereuter	Duis	Kahle	Murphy	Venditte
Brennan	E. Dvorak	Keyes	Rumery	
Carsten	Hasebroock	Maresh	Schmit	
Clark	Hefner	Marvel	Stoney	

Present and not voting, 18:

Burrows	D. Dworak	Kennedy	F. Lewis	Moylan
Cope	Fitzgerald	Koch	R. Lewis	Savage
Cullan	George	Kremer	Luedtke	
DeCamp	Kelly	Labedz	Merz	

Excused and not voting, 3:

Lamb Mills Rasmussen

The Reutzel motion lost with 11 ayes, 17 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Luedtke moved to recess until 1:30 p.m. The motion lost.

VISITORS

The President introduced 14 fourth, fifth, and sixth grade students and sponsor from Cheney, Nebraska.

RECESS

At 12:13 p.m., on a motion by Mr. Nichol, the Legislature recessed until 1:30 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. Lamb, Rasmussen, Murphy, and Mrs. Marsh who were excused; Messrs. Marvel, Kremer, Cullan, D. Dworak, F. Lewis, Schmit, Mills, Simon, and Warner who were excused until they arrive; and Messrs. Chambers and R. Lewis who were absent until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Clark asked unanimous consent to print in the Journal the following statement on LB 800. No objections. So ordered.

Statement of Intent for LB 800 Amendment

Except for existing programs for the construction of microwave communication facilities where binding contracts have been entered into, the purpose of this amendment is to provide for Nebraska Power Review Board review and approval before a public power district can construct and operate microwave communication facilities. The term "microwave communication facilities", "microwave facilities" or "microwave system" is intended to mean all the associated structures and equipment for the transmission of information by means of radio waves in the frequency range from about 1000 megahertz and upwards.

When a public power district decides that it is advisable to construct its own microwave facilities for use in its utility operations incident or pertaining to the generation, transmission and distribution of electric power and energy, it would be required to apply to the Power Review Board for authorization of the proposed construction and the Power Review Board must consider and make certain findings with respect to whether the district will receive the required quality of service from the regulated carriers and the relative costs to the power district which would result from the power district providing its own microwave system as compared to obtaining the required quality of communication services from the regulated carriers by the same or alternate methods.

Certain power districts have already undertaken programs to construct microwave facilities and have entered into binding contracts in connection with these programs. Therefore, this amendment does not require Power Review Board approval for the construction of microwave facilities where a power district has prior to the effective date of this amendment entered into binding contractual obligations with respect to these facilities. For example, although construction is not completed, Nebraka Public Power District has entered into contracts for engineering, equipment, materials, tower sites, etc. in connection with its programs to construct certain microwave facilities, and this amendment is not intended to require Power Review Board approval or to put any limitation on the completion of construction of these planned microwave facilities. This amendment also provides that Power Review Board approval is not required for certain limited extensions to an existing microwave system and for the addition of new equipment to modernize or upgrade microwave facilities, such as, for example, increasing channel capacity.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 902.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB 902 and LR 201.

GENERAL FILE

LEGISLATIVE BILL 965. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 11 present and not voting, 2 absent and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 733A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 7 present and not voting, 2 absent and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 946A. Title read.

Laid over at the request of Mr. Bereuter.

LEGISLATIVE BILL 184A. Title read. Considered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 22 ayes, 8 nays, and 19 not voting.

Advanced to E & R for Review with 27 ayes, 13 nays, 3 present and not voting, and 6 excused and not voting.

Mr. Clark moved the Call be raised. The moton prevailed with 24 ayes, 1 nay, and 24 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 663 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 663

1. Strike the original sections and insert the following:

"Section 1. As used in sections 2 to 4 of this act, unless the context otherwise requires, out-of-state institution of higher education shall mean and include any senior college, university, technical community college, technical institute, junior college, or the equivalent that awards an associate or higher degree and is controlled by a public or private body organized outside the boundaries of the State of Nebraska.

Sec. 2. No out-of-state institution of higher education shall offer a course or degree program within the State of Nebraska unless it is first registered with and been authorized to do so by the Nebraska Coordinating

Commission for Postsecondary Education. The out-of-state institution of higher education shall be exempt from this section if the offering is in the nature of a short course or seminar, and instruction for the segment takes not more than twenty classroom hours or each course or program offered by it in this state is offered on a military installation solely for military personnel or civilians employed on such installation.

Sec. 3. (1) The Nebraska Coordinating Commission for Postsecondary Education shall authorize an out-of-state institution of higher education to offer courses or degree programs in this state if:

(a) The institution submits to the commission data on courses or programs to be offered in this state and their locations, degrees to be awarded, and such other information as is specified by the commission;

(b) The institution submits an agreement that it will state in its advertisements, announcements, and course registration materials if the credit earned can be transferred to the main campuses as a part of an existing degree program offered by the institution; and

(c) The institution is fully accredited by an accrediting body recognized by the United States Office of Education.

(2) The commission may charge a reasonable fee based on its administrative costs for registration and authorization and may also adopt such rules and regulations as may be necessary to carry out this section.

(3) The commission may revoke or suspend any authorization of an out-of-state institution of higher education to offer a course or degree program in this state upon violation of this section or any agreement submitted for authorization.

Sec. 4. Any person violating sections 1 to 3 of this act, shall be guilty of a Class III misdemeanor.

Sec. 5. That section 79-2401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2401. In order to establish a two or four-year private college, any individual or organization sponsoring such a college must first petition the ~~State Board of Education~~ Nebraska Coordinating Commission for Postsecondary Education for approval thereof.

Sec. 6. That section 79-2402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2402. The petition provided for in section 79-2401 shall be in such form as the ~~State Board of Education~~ Nebraska Coordinating Commission for Postsecondary Education shall prescribe and shall be sufficiently detailed as to disclose the feasibility or lack of feasibility of establishing the proposed college.

Sec. 7. That section 79-2403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2403. Upon receipt of such a petition, the ~~State Board of Education~~ Nebraska Coordinating Commission for Postsecondary Education shall set a time and a place for a public hearing thereon and shall cause notice thereof to be published twice in one or more newspapers of general circulation, with the latest publication not less than five nor more than ten days prior to the date set for the hearing. Such hearing shall be held as provided in Chapter 84, article 9.

Sec. 8. That section 79-2404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2404. In considering the feasibility of the proposed college, the ~~State Board of Education~~ Nebraska Coordinating Commission for Postsecondary Education shall take into account the following factors:

(1) The need for and the objectives of the proposed college;

(2) The proposed instructional program and the plan for staffing such a program, including staff qualifications;

(3) The financial soundness and capability to fulfill its proposed commitments; and

(4) Such other pertinent factors as relate to the potential of the proposed college or as may be developed at the hearing.

Sec. 9. That section 79-2405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2405. After the hearing, the ~~State Board of Education~~ Nebraska Coordinating Commission for Postsecondary Education shall either approve or disapprove the petition.

Sec. 10. That section 79-2407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2407. The ~~State Board of Education~~ Nebraska Coordinating Commission for Postsecondary Education may

provisionally accredit a private college which has not previously been accredited by any regional accrediting association as follows:

(1) The college shall first make application for such provisional accreditation in such form as the ~~board~~ commission may prescribe;

~~(2) Before taking action on such application, the board shall receive a recommendation thereon from a special committee appointed by the Commissioner of Education representing accredited colleges and universities of the state;~~

~~(3)~~ (2) The ~~commitee~~ commission shall consider the following criteria ~~in making its recommendation~~ before taking action on such application:

(a) The instructional program of the college, which must be similar in quality and content to that offered in accredited public and private colleges within the state;

(b) The educational and experience qualifications of the administrative and instructional staff must be adequate to fulfill the purposes of the college;

(c) The physical plant, including provisions for housing and student services, and the instructional equipment of the college must be adequate to carry out the educational program;

(d) The college must be finanically sound and capable of carrying out its commitments; and

(e) It must be the intent of the college to become accredited by a regional accrediting association and any necessary action to obtain such accreditation must have been taken; and

~~(4)~~ (3) Such provisional accreditation shall remain in effect for not more than three years but may be renewed for a like period in the manner provided in this section.

Sec. 11. That section 85-910, Revised Statutes Supplement, 1977, be amended to read as follows:

85-910. The comission shall have and may exercise the following powers and duties:

(1) To exercise exclusive general supervision of the administration and enforcement of this section and all rules and regulations adopted thereunder;

(2) To facilitate communication and coordination for the mutual exchange of ideas and information between educational institutions in such areas as:

(a) The sharing of resources, expertise, and facilities among institutions or agencies; and

(b) The establishing of plans, practices, procedures, and policies on matters which affect more than one institution or agency, specifically to address the issue of transferability of credit;

(3) To advise, consult, and cooperate with other agencies of this state, the federal government, other states, affected institutions or groups, and political subdivisions to further the purposes of this section;

(4) To accept and administer loans, grants, and programs from the federal or state government and from other sources, public and private, for carrying out any of its functions, which loans and grants shall not be expended for any other than the purposes for which provided, and to determine institutional eligibility for such loans, grants, and programs when such determination is to be made by the administering state agency, which loans and grants shall not be expended unless approved and appropriated by the Legislature;

(5) To encourage, participate in, and conduct studies, investigations, and research related to the purposes for which the commission was created;

(6) Effective January 1, 1977, to undertake the task of running the Enrollment Projection Model developed by the Higher Education Facilities Commission. Duties shall include the collection of the input data, operation of the model, and a report of the findings;

(7) To make recommendations (a) to the postsecondary education institutions of this state concerning methods which may benefit the services they provide to include the short-range goal of identifying those areas of responsibility pertaining to the private and proprietary institutions as services they should provide and not to be duplicated by public institutions; (b) to the Governor and the Legislature concerning legislation which may be beneficial to the postsecondary education services in this state and which would effect the purpose of sections 85-901 to 85-911; ~~and~~

(8) To establish close liaison with the State Board of Education and the State Department of Education in recognition of the need for close coordination of activities between elementary-second education and postsecondary education. The coordination effort shall include the following short-range goals:

(a) The ultimate removal of remedial courses at the postsecondary education level; and

(b) The clear identification of adult and continuing education responsibilities between the

elementary-secondary education level and postsecondary education level to prevent duplication of effort; and

(9) To establish close liaison with the State Board of Education in connection with the board's responsibilities for granting permits for the operation of correspondence schools, privately-owned business or trade schools, or other educational institutions under sections 79-2801 to 79-2858, whenever any correspondence school, business school, or vocational school offers any course which is intended to lead to the granting of an associate degree, or courses which qualify for college credit, and to make such recommendations with reference to the granting of permits to such institutions as may be appropriate in the individual circumstances.

Sec. 12. That original sections 79-2401 to 79-2405, and 79-2407, Reissue Revised Statutes of Nebraska, 1943, and section 85-910, Revised Statutes Supplement, 1977, are repealed.".

2. In the title, strike lines 2 through 7 and insert the following:

"FOR AN ACT relating to postsecondary education; to place restrictions on out-of-state institutions of higher education as prescribed; to provide duties of the Nebraska Coordinating Commission for Postsecondary Education; to amend sections 79-2401 to 79-2405, and 79-2407, Reissue Revised Statutes of Nebraska, 1943, and section 85-910, Revised Statutes Supplement, 1977; to provide penalties; and to repeal the original sections.".

MOTION - Return LB 814 to Select File

Mr. George moved to return LB 814 to Select File for the specific amendment found in the Journal on page 1450.

The motion prevailed with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 814. The George specific amendment found in the Journal on page 1450 was renewed.

Mr. George moved for a Call of the House. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

The George specific amendment was adopted with 26 ayes, 5 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Nichol moved the Call be raised. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 945 to Select File

Mr. Clark moved to return LB 945 to Select File for the specific amendment found in the Journal on page 1449.

The motion prevailed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 945. The Clark specific amendment found in the Journal on page 1449 was adopted with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 952. Replaced on Select File as amended.
E & R amendments to LB 952:

1. On page 2, line 7, strike the first "for".
2. On page 6, insert a period at the end of line 16.

(Signed) Samuel K. Cullan, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 23, 1978, at 2:05 p.m., was the following bill: 902.

(Signed) Janet M. Loder, Enrolling Clerk

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 192. Title read. Considered.

Mr. Burrows moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Advanced to E & R for Review with 27 ayes, 8 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Fitzgerald asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 192A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 9 nays, 8 present and not voting, and 7 excused and not voting.

Speaker Luedtke moved the Call be raised. The motion prevailed with 18 ayes, 9 nays, and 22 not voting.

MESSAGE FROM THE GOVERNOR

March 23, 1978

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

Dear Mr. President and Senators:

I had not paid a great deal of attention to LB 184 until advised of your debate of yesterday.

For the second consecutive day, the introducer presented more total fabrications to the Legislature.

Contrary to false allegations, I have not directed in any manner nor did I know of the Tax Commissioner's replies to requests from your body for fiscal impact statements on LB 184 or LB 902A.

However, these total misrepresentations presented by the proponents of LB 184 have served the useful purpose of directing my first serious attention to the bill which I reviewed this morning.

This bill, I discover, is essentially a rerun of the Schmit "garbage can bill" that failed last session for good reason. This time around,

however, it eliminates newspapers from the tax to be assessed. I wondered, why was that?

To possibly save the time of the more responsible members of the Legislature, let me advise that should you pass LB 184, I will return same with language similar to that which follows:

"LB 184 is a creation of a sly fox type mind in an attempt to lure and fool the unsuspecting chickens, and it won't work.

The majority of the Nebraska Legislature is not capable of coming to grips with litter until they stop wasting their time on the garbage concocted by some in leadership positions, which have been created by a vacuum."

The legislaive proponents of this bill are additionally irresponsible because they are "inventing" another tax. If this ridiculous bill becomes law, those being hit with this tax, which will be directly passed along to consumers, will rue the day when this newly discovered tax was passed since it will in all likelihood be tapped again and again by future legislators to finanace pet spending projects.

Again, I demand that you turn off the spending machine and quit fueling it.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT - Print in Journal

Messrs. Cullan and Marvel asked unanimous consent to print the following amendments to LB 793 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 793

1. Strike original sections 1 to 40 and insert the following new sections:

"Section 1. Commencing on the effective date of this act, no tax levied pursuant to subsection (2) of section 79-2650, shall be used by any area which has obligations in excess of the amount to be derived under subsection (2) of section 79-2650 for (1) new capital construction, (2) site acquisition, or (3) as the consideration necessary for entering into any lease-purchase agreement or other contract in which the obligations or provisions of such agreement or contract would not be fully met prior to July 1, 1980. This section shall not apply to projects when actual construction contracts have been let prior to the effective

date of this act.

Sec. 2. Commencing on the effective date of this act, the tax levied pursuant to subsection (2) of section 79-2650, may be used by any area which does not have obligations in excess of the amount to be derived under such subsection for (1) new capital construction, (2) site acquisition, or (3) as the consideration necessary for entering into any lease-purchase agreement or other contract, if approved by a vote of the people as prescribed in section 3 of this act. Nothing in this section shall be construed to permit obligations to be incurred beyond the time allowed for the levy under subsection (2) of section 79-2650.

Sec. 3. (1) If the board in any technical community college area shall determine that it is necessary for the proper management and operation of such area to expend tax funds in a manner requiring a vote of the people as prescribed in section 2 of this act, the board may by resolution place the proposition for such expenditure on the general or primary ballot or call for a special election in such area for the purpose of approving such expenditure. The proposition appearing on the ballot in any election shall state the purpose for which such tax funds will be spent and the amount of funds to be so expended. Such proposition shall be adopted if approved by a majority of those voting in such election.

(2) The resolution calling for the election and the election notice shall show the proposed purpose for which such tax funds will be expended and the amount of money sought.

(3) Notice of the election shall state the date which the election is to be held and the hours the polls will be open. Such notice shall be published in a newspaper that is published in or of general circulation in such area at least fifteen days prior to such election. If no newspaper is published in or of general circulation in the area, notice shall be posted in at least two public places in each county in the area.

(4) If a special election is called the board shall prescribe the form of the ballot to be used.

Sec. 4. Each member of a Technical Community College Board of Governors shall be personally liable for any action taken in such member's technical community college area that is in violation of this act.

Sec. 5. That section 79-2650, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2650. (1) On or before September 1 of each year, the board 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 the technical community college area.

(2) In addition to the levy provided in subsection (1) of this section, the board may subject to the provisions of sections 1 and 2 of this act, also certify to the county board of equalization of each county within the area a mill levy of not to exceed one mill, uniform throughout such area, for the purpose of establishing a capital improvement fund, a bond sinking fund, or for the retirement of general obligation bonds. The power to levy such tax under this subsection shall not exist after June 30, 1980.

(3) The combined levy provided in subsections (1) and (2) of this section shall not exceed two and one half mills without prior approval by a majority vote of the qualified electors of the area voting in a primary, general, or special election called for such purpose, upon notice given by the members of the board at least twenty days prior to such election.

(4) 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.

Sec. 6. That original section 79-2650, Reissue Revised Statutes of Nebraska, 1943, is 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.''.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 653, 701, 889, and 889A.

(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 202 and LR 199.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Rumery asked unanimous consent to be excused at 3:45 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 351. Title read. Considered.

Mr. DeCamp withdrew his pending amendments referred to on page 571 (Req. #2734).

Mr. DeCamp withdrew his pending amendment (1) found in the Journal on page 703 and amendment (2) found in the Journal on page 705.

Mr. DeCamp renewed his pending amendments referred to in the Journal on page 1106 (Req. #2840).

The amendments were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Keyes withdrew his pending amendments found in the Journal on page 1144 and page 1325.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 954. Replaced on Select File as amended. E & R amendments to LB 954:

1. In committee amendments, the last line of page 1, strike "line 13" and insert "line 12".

2. In committee amendments, page 2, strike line 9 and insert "in line 27".

3. On page 20, reinstate the sentence commencing in line 10.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Bracket LB 748

Mr. Warner asked unanimous consent to bracket LB 748 on E & R Final. No objections. So ordered.

VISITORS

The President introduced Judy Johnston of Lincoln; Kim Kelly and Debbie Kelly from Omaha; Mary Buglewicz, recently elected president-elect of the Nebraska State Education Association.

ADJOURNMENT

At 3:54 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:30 a.m., Tuesday, March 28, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 28, 1978

LEGISLATIVE JOURNAL

FORTY-SIXTH DAY - MARCH 28, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 28, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord our God: even as we dash madly to meet our deadlines, remind us that all of life is a solemn trust - that no part of life is without significance - that every moment has its very special meaning. Help us to understand that because we represent others here, we are stewards for them both of time and of life. May we count ourselves successful stewards not in what we are able to keep for ourselves of life's blessings, but in what we succeed in making more available to others. This is the way the Master went; should not the servant tread it still

ROLL CALL

The roll was called and all members were present except Messrs. George and Kelly who were excused; and Messrs. Kremer, R. Lewis, Merz, Reutzel, Schmit, and Mrs. Maxey who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fifth Day was approved.

MESSAGES FROM THE GOVERNOR

March 27, 1978

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

Dear Mr. President and Senators:

I return herewith LB 902 without my signature and with my objections.

After three letters, copies attached, numerous telephone calls, and a two-hour personal conference with Mayor Veys and five of the seven members of the Omaha City Council this morning, I could not obtain the commitment from a second Council member or the Mayor guaranteeing not to take away the peoples' right to vote on the proposed sales tax increase.

Since despite my efforts to temporarily allow a 1/2¢ Omaha sales tax increase with the peoples' approval were rejected by Omaha city officials, I reluctantly return LB 902 to the Legislature for your and/or the Mayor or City Council's subsequent disposal.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

March 24, 1978

The Honorable Al Veys,
Mayor, City of Omaha
Members of the Omaha City Council
Omaha-Douglas Civic Center
1819 Farnam
Omaha, Nebraska 68102

Dear Mayor Veys and Council Members:

This is my third communication to you on LB 902, following my letters of March 15 and March 22.

With the exception of Mary K. Green, I have had no direct written communication in reply addressing the key question of whether or not

you will agree to guarantee the Omaha citizens' right to vote on whether or not they wish the sales tax increased.

As of yesterday, with my help and support, LB 902 received the required votes to pass with the emergency clause of a minimum of 33 votes. Actually the measure received 34 votes, but the last two were directly attributable to my efforts with two Senators who were opposed, but agreed to support the measure to keep all the options open but with my personal assurance that I would not sign the bill unless I was assured that the peoples' right to vote would not be taken away.

As I have said before, I will sign LB 902 if I have that commitment from just one more person, either the Mayor or at least one more member of the City Council.

Mayor Veys called me last yesterday afternoon to advise that he had the assurances of all members of the Council except Mary K. Green that none would make the commitment to guarantee the right of the people to vote on the sales tax issue.

However, the Mayor requested, and I agreed that I would, delay my final action on LB 902 until 2:00 p.m. on Monday, March 27. If none of you have changed your mind by that time, I will be forced to reluctantly assume you will not further communicate with me, and I will veto the bill because you failed to make the commitment for public approval of your contemplated action to raise the city sales tax.

The bill will then be back in legislative hands for their attempt to override my veto, and if successful, allow you the option to put the tax into effect on your action only.

You therefore have a decision to make by Monday as to whether you wish to run the risk of eliminating any chance of taking advantage of new sales tax revenue by failure of the Legislature to override the veto, probably on Tuesday, or on the other hand if you can be successful in mustering the votes necessary to override.

The decision on LB 902 therefore is in your and/or the Legislature's hands for disposition as you see fit.

I am writing this letter so that there will be no possible misunderstanding.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

March 22, 1978

The Honorable Al Veys
Mayor, City of Omaha
Members of the City Council
Omaha-Douglas Civic Center
1819 Farnam
Omaha, Nebraska 68102

Dear Mayor Veys and Council Members:

You are copied herewith on my letter to you of March 15, 1978 for background. My position remains the same.

With the exception of Mary K. Green, who has guaranteed to support the peoples' vote without equivocation, I have received no written communication otherwise.

We need just one more vote or commitment from any one of you, guaranteeing that the peoples' vote will not be taken away to allow me, in good conscience, to sign LB 902 into law if presented to me in its present form by 33 members of the Legislature.

Despite untimely and unnecessary delays by the Legislature, it appears possible, unless they falter again tomorrow, on Thursday, March 23, that LB 902 can be passed. I have worked today to try to pick up a few votes to hopefully enable the measure to pass with the emergency clause by the necessary 33 votes which you have always desired. You have never had 33 votes on this issue at any stage thus far.

Time remains of every essence since by no later than next Wednesday the council must certify to the Douglas County Election Commissioner notice of the vote in the May primary if there is to be one.

I therefore respectully request that you immediately notify me by mail as to whether at least one more of you will or will not guarantee the right of the people to vote if LB 902 as presently worded does reach my desk for approval.

If that one vote accordingly is confirmed to me, I will sign LB 902 into law at once so the issue can be resolved in the May primary.

If not, I shall veto the bill promptly and immediately return same to the Legislature for any further disposition they wish to take.

There are honest differences of opinion on procedures with people of goodwill feeling strongly one way or the other.

There have been protestations that this is a local matter only. In my opinion, this is not necessarily so.

Omaha is attempting to further invade, even temporarily, what has been traditionally a state revenue source. I would assume that you would be opposed to any state reinvasion of the real and personal property tax field for revenue which was completely abandoned by the state to local governments ten years ago.

I am reluctantly willing to allow you to do this temporarily only because of the pending financial difficulties you are facing and the other options that you have are possibly more disagreeable but only by letting the people vote.

I have jealously protected the citizens' right to vote on fundamental matters on other occasions mandated by the Legislature, such as was the case with forcing pure district school board elections as opposed to elections at large. Then I was not accused of "trying to interfere in local matters."

Even if this were an entirely local matter, as some claim, that would be even another reason for public vote.

Your city charter, while it did not contemplate later developments, did have the intent of limiting city spending with a mill levy ceiling. The sales tax revenue is in effect an "end run" around what most would concur was intended as a spending limitation. Since you have not asked for a change in that city charter, I believe you have the obligation to let your voters help you decide on the means of new city financing.

It is nonsense to try and compare the Board of Equalization duties with the City Council actions on sales taxes. We don't interfere in your actions on your traditional sources of revenue. If that theory were followed completely, you could further invade the sales and income tax field at will, as could every other city and the state tax base would be completely abridged.

I hope you can see my point of view and will respond immediately. My position, right or wrong in your eyes, is clear and unchanging and I am cooperating as best I can in good conscience.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

March 15, 1978

The Honorable Al Veys
Mayor, City of Omaha
Members of the City Council
Omaha-Douglas Civic Center

1819 Farnam
Omaha, NE 68102

Dear Mayor Veys and Council Members:

With the passage on second reading of LB 902 and revealing developments connected therewith, it is time for all to make their positions very clear and very public on your request for authority to raise the sales tax.

The measure should pass by next week, and decisions that will immediately follow need to be made now to avoid any confusion. Remember, we need 33 votes to make the legislation meaningful from your standpoint, and I will use whatever minimal influence I have with the Leislature to obtain that number.

Again I state publicly and without equivocation that I will be helpful to you in this endeavor, but only if the people's right to vote on this issue is preserved. From this position I will not deviate one iota, come hell or high water or both, because I am convinced it is the correct one.

I am hopeful that you will concur and will join with me in agreeing to raise the sales tax in Omaha only while protecting the people's right to vote.

All of you, and I suspect most of the people, may not be fully informed on legislation game playing.

On Monday Senator Schmit, a legislative power broker, turned from outright obstructionist and opponent of your request for sales tax authority to the leading proponent. However, in his customary unpredictable manner he did another double take and announced that if I should veto the bill for some reason, he would abandon your cause and work to sustain the veto and thereby eliminate any chance for Omaha officials to obtain a temporary sales tax increase. I warn you not to rely on him or his assistant, Senator DeCamp. They just might keep their word this time and leave you without an option.

However, if we can work together to obtain the necessary 33 votes to enact LB 902 with the emergency clause, the matter still could be satisfactorily resolved with your cooperation which I seek.

If the people of Omaha are allowed to vote, and if they approve the sales tax increase in the May Primary, the tax could go into effect July 1, 1978, and eliminate the necessity for you to make possible harder decisions on either reducing your budget expenditures or looking to other revenue sources.

I propose a direct, forthright and honest approach in full public view.

So that I can, in good conscience, sign LB 902 immediately into law when presented to me by the Legislature, there is only one commitment that I ask of you.

If all of you unanimously, or if that is not possible, individually from either the Mayor or the required members of the Council, will provide me a written guarantee that you will not allow elimination of the people's right to vote as allowed in LB 902 at your option the issue can be resolved. In this manner we could eliminate the vagrancies of the Legislature and their game playing on this issue.

I await your decision and your decision only and confirmation to me on whether or not you wish to avail yourselves of the possibility of relief from your budget difficulties through an increase sales tax, or whether you wish to preclude that option by rejecting the right of the people to vote and therefore be later forced by your decision accordingly, as painful and disagreeable as that might be for you or the Omaha citizens and taxpayers, to seek and impose other actions.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:ah

March 23, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 574A and Reengrossed Legislative Bill No. 574.

These bills were signed by me on March 23, 1978 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, 1978 at 8:40 a.m., were the following bills: 605, 612, 613, 719, and 906.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 958. Replaced on Select File as amended. E & R amendments to LB 958:

1. On page 2, line 7, strike "10" and insert "12".

2. Insert the section added by committee amendment 11 as section 6; the section added by committee amendment 5 as section 7; and the new section added by committee amendment 2 as section 12.

3. Renumber original sections 6 to 9 as sections 8 to 11 and original sections 10 and 11 as sections 13 and 14.

4. In new section 12, insert "Eighty-fifth Legislature, Second Session," at the end of line 1.

5. In the new matter in committee amendment 3, insert "(2)" before "It"; and in line 2 strike "structural" and insert "instructional".

6. On page 6, line 12, strike "(5)" and insert "(4)"; and in line 24 strike "(6)" and insert "(5)".

7. Insert the Murphy amendment on page 4 after line 23.

8. On page 7, line 14, strike "(3)" and insert "(2)".

9. On page 8, line 3, strike "(3)" and insert "(2)"; and in line 20 strike "(4)" and insert "(3)".

10. On page 9, line 6, strike "(3)" and insert "(2)"; and in line 10 strike "9" and insert "12".

11. In new section 6, lines 3 and 4, strike "sections 5 to 9 of this act" and insert "sections 5 to 8 of Legislative Bill 954, Eighty-fifth Legislature, Second Session, 1978,".

12. On page 6, lines 2 and 13, strike the first comma.

13. In new section 7, line 1, strike "State".

(Signed) Samuel K. Cullan, Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 216
March 22, 1978

Dear Senator Bereuter:

In you letter of March 14, 1978, you requested our opinion on the question of whether L.B. 959 contravened any provisions of state or federal constitutional law. We have examined this legislation in light of certain constitutional questions discussed below, and we have concluded that L.B. 959, in its present form, would be difficult to defend on constitutional grounds.

L.B. 959, entitled as "an act relating to real estate [and] to prohibit ownership of agricultural land as prescribed," is composed of two sections. Section 1 provides as follows:

> "No corporation which has aliens as its stockholders nor any alien shall in any manner purchase or provide money to any person or corporation for the purpose of purchasing any agricultural land in this state."

At section 2, the legislation provides that any corporation or alien violating the provisions of section 1 shall be guilty of a class IV felony, and shall, in addition, forfeit all ownership of "all agricultural land in this state." The bill also provides that ownership of this land will revert to the state, which may sell the land at public auction and deposit the proceeds into the state General Fund.

Section 1 of L.B. 959 appears to contain two separate prohibitions applying to both an alien and a corporation having any alien as a stockholder. The first prohibition prevents the alien or corporation from purchasing any agricultural land in Nebraska. The second prohibition appears to prevent any corporation, with an alien stockholder, or any alien from providing money to anyone (person or corporation) for the purpose of purchasing any agricultural land in this state. Therefore, we will first consider whether the Legislature may prohibit a certain class of corporation (one with an alien stockholder) or an alien from lending or providing money to one wishing to purchase Nebraska agricultural land. We would note at this point that the act does not limit its reach to Nebraska corporations or, for that matter, to nonresident aliens; rather, the legislation purports to include corporations and aliens regardless of their location, residential status, or principal place of business. For example, section 1 appears to prohibit a New York bank, which has an alien as a stockholder, from lending money to a Nebraska farmer intending to

purchase agricultural land in this state. If section 1 could be interpreted to prohibit such activity, a number of constitutional problems become apparent.

Criminal and penal laws are essentially local in character. Ordinarily, no penalty should be incurred under the law of our state except for transactions occurring within our state. In other words, state law has no extraterritorial effect to prohibit activity which may be perfectly legal in the state in which the activity actually occurred. State v. Karsten, 194 Neb. 227, 231 N.W.2d 335 (1975). L.B. 959 contains no provisions to limit its territorial application, and declares illegal certain activity which may occur outside the State of Nebraska in full compliance with other states' laws.

Besides prohibiting certain financial transactions as discussed above, section 1 of L.B. 959 also proscribes the purchase, by any alien or corporation having an alien as a stockholder, of any agricultural land in this state. We are aware that an argument could be made that this was the only prohibition intended by the statute; the language relating to the money transactions being added only to prevent the formation of a "dummy corporation" in order to defeat the primary legislative purpose. However, it is a fundamental requirement of due process of law that a criminal statute be reasonably clear and definite. State v. Adams, 180 Neb. 542, 143 N.W.2d 920 (1966). As the Nebraska Supreme Court stated in State v. Adkins, 196 Neb. 76, 80, 241 N.W.2d 655 (1976):

> "A penal statute creating an offense must be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties. Any statute which forbids the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning, and differ as to its application, violates the first essential of due process of law. . . ."

It is our opinion, therefore, that at best, the prohibited activity defined in section 1 is ambiguous; at worst, it constitutes an attempt to extend Nebraska statutory law extraterritorily.

Finally, we would note, parenthetically, other constitutional problems apart from those discussed above. A previous opinion of our office addressed the question of whether the Legislature may treat separately corporations owning agricultural land from corporations owning other types of property. See Report of the Attorney General, 1975-1976, No. 5 at p. 5. The concerns we expressed therein may apply to this legislation to the extent the sanctions of section 1 apply only to corporations wishing to purchase "agricultural land."

It is also questionable whether it is appropriate for legislation to distinguish between corporations having no aliens as stockholders and corporations having a single alien stockholder. Lehndorff Geneva, Inc. v. Warren, 74 Wis.2d 839, 246 N.W.2d 815 (1976). Finally, legislation which provides for the seizure of an alien's property, as opposed to providing a time period for one to sell or dispose of the property, may raise certain due process considerations. Oyama v. California, 332 U.S. 633 (1948); Annot.—Alien Land Laws, 92 L.Ed. 281 (1948).

We have mentioned these further constitutional concerns, apart from the problems we noted given the ambiguity of section 1, to avoid any misunderstanding of our opinion in respect to this proposed legislation. While we appreciate the apparent legislative concerns in respect to alien ownership of Nebraska farm land, we cannot overlook certain constitutional guidelines on how such statutes may be properly enacted and enforced.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Robert F. Bartle
Assistant Attorney General

RFB:cjb
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

Opinion No. 217
March 24, 1978

Dear Senator Venditte:

This letter is in response to your question of March 23, 1978, concerning whether or not a legislative resolution must proceed forward as would a legislative bill.

Rule 4, section 2 of the Rules of the Nebraska Unicameral (1978), specifies when a resolution is to be considered as a bill. It provides:

> "Resolutions which propose amendments to the state Constitution, propose the ratification of amendments to the federal Constitution, or memorialize Congress for the purpose of proposing amendments to the United States 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."

Unless the rules are suspended by a 3/5 majority vote of the elected members, section 2 of Rule 4 is controlling.

Your question was apparently asked with regard to Legislative Resolution 152 which calls for the Legislature to petition the Congress of the United States pursuant to Article V of the United States Constitution to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States. The proposed amendment is set out therein.

Since this type of resolution is specifically addressed by section 2, Rule 4, it should therefore be considered and adopted in the same manner as a bill, however, please bear in mind that pursuant to Article III, section 10 of the Nebraska Constitution, the Legislature determines the rules of its proceedings and therefore may alter them as the majority deems appropriate.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Linda A. Akers
Assistant Attorney General

LAA:js
cc: Patrick O'Donnell
Acting Clerk of the Legislature

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 202. With Emergency.

A BILL FOR AN ACT relating to franchise arrangements; to provide regulation of franchise arrangements as prescribed; and to declare an emergency.

Mr. Simon 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 with the emergency clause attached?' "

Voting in the affirmative, 29:

Barnett	Burrows	Cope	Fitzgerald	Hasebroock
Bereuter	Carsten	DeCamp	Fowler	Kennedy
Brennan	Chambers	E. Dvorak	Goodrich	Keyes

Koch	Marsh	Mills	Nichol	Stoney
F. Lewis	Marvel	Moylan	Savage	Venditte
Luedtke	Maxey	Newell	Simon	

Voting in the negative, 14:

Clark	D. Dworak	Kremer	R. Lewis	Rumery
Cullan	Hefner	Labedz	Maresh	Warner
Duis	Kahle	Lamb	Rasmussen	

Present and not voting, 1:

Murphy

Excused and not voting, 5:

George	Kelly	Merz	Reutzel	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?"

Voting in the affirmative, 29:

Barnett	Cope	Hasebroock	Maresh	Nichol
Bereuter	DeCamp	Kennedy	Marsh	Savage
Brennan	E. Dvorak	Keyes	Marvel	Simon
Burrows	Fitzgerald	Koch	Maxey	Stoney
Carsten	Fowler	F. Lewis	Mills	Venditte
Chambers	Goodrich	Luedtke	Newell	

Voting in the negative, 12:

Clark	D. Dworak	Kremer	Rasmussen
Cullan	Hefner	Lamb	Rumery
Duis	Kahle	R. Lewis	Warner

Present and not voting, 3:

Labedz	Moylan	Murphy

Excused and not voting, 5:

George Kelly Merz Reutzel Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 665. Mr. Chambers moved to return LB 665 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 9 ayes, 26 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 665.

A BILL FOR AN ACT relating to product liability actions; to authorize such actions as prescribed; to define a term; to amend sections 25-702, 25-1151, and 27-407, Reissue Revised Statutes of Nebraska, 1943; to require reports as prescribed; to provide immunity; 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	Hasebroock	Lamb	Moylan	Schmit
Bereuter	Hefner	F. Lewis	Murphy	Stoney
Carsten	Kahle	Luedtke	Newell	Venditte
Clark	Kennedy	Maresh	Nichol	Warner
Cope	Keyes	Marsh	Rasmussen	
DeCamp	Koch	Marvel	Reutzel	
Duis	Kremer	Merz	Rumery	
Goodrich	Labedz	Mills	Savage	

Voting in the negative, 9:

Brennan	Chambers	E. Dvorak	Fowler	Simon
Burrows	Cullan	D. Dworak	Maxey	

Present and not voting, 2:

Fitzgerald R. Lewis

Excused and not voting, 2:

George Kelly

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

LEGISLATIVE BILL 668. With Emergency.

A BILL FOR AN ACT to amend section 76-216, Reissue Revised Statutes of Nebraska, 1943, relating to conveyances; to change provisions relating to acknowledgment 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, 41:

Barnett	D. Dworak	Labedz	Mills	Schmit
Bereuter	Fitzgerald	Lamb	Moylan	Simon
Brennan	Goodrich	F. Lewis	Murphy	Stoney
Burrows	Hasebroock	R. Lewis	Newell	Venditte
Carsten	Hefner	Luedtke	Nichol	Warner
Cope	Kennedy	Maresh	Rasmussen	
Cullan	Keyes	Marsh	Reutzel	
DeCamp	Koch	Maxey	Rumery	
E. Dvorak	Kremer	Merz	Savage	

Voting in the negative, 3:

Clark Duis Marvel

Present and not voting, 3:

Chambers Fowler Kahle

Excused and not voting, 2:

George 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 836.

A BILL FOR AN ACT to amend sections 44-139 to 44-142, and 44-145, Reissue Revised Statutes of Nebraska, 1943, and section 44-147, Revised Statutes Supplement, 1977, relating to insurance; to change provisions relating to surplus lines insurance as prescribed; and to repeal the original sections, and also sections 44-143, 44-144, and 44-146, 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	Duis	Koch	Maxey	Savage
Bereuter	D. Dworak	Kremer	Merz	Schmit
Brennan	Fitzgerald	Labedz	Mills	Simon
Burrows	Fowler	Lamb	Moylan	Stoney
Carsten	Goodrich	F. Lewis	Murphy	Venditte
Chambers	Hasebroock	R. Lewis	Newell	Warner
Clark	Hefner	Luedtke	Nichol	
Cope	Kahle	Maresh	Rasmussen	
Cullan	Kennedy	Marsh	Reutzel	
DeCamp	Keyes	Marvel	Rumery	

Voting in the negative, 0.

Present and not voting, 1:

E. Dvorak

Excused and not voting, 2:

George Kelly

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

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 6, Sec. 6b and take up LB 460, 813, 923, 960, 961, 962, 963 on Final Reading, today.

The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 460. With Emergency.

A BILL FOR AN ACT to amend sections 72-232.02, 72-240.08, and 72-240.09, Reissue Revised Statutes of Nebraska, 1943, 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; 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 with the emergency clause attached?' "

Voting in the affirmative, 41:

Barnett	E. Dvorak	Koch	Maxey	Schmit
Bereuter	D. Dworak	Kremer	Merz	Simon
Brennan	Fitzgerald	Labedz	Mills	Stoney
Burrows	Goodrich	Lamb	Murphy	Venditte
Carsten	Hasebroock	F. Lewis	Nichol	Warner
Clark	Hefner	R. Lewis	Rasmussen	
Cullan	Kahle	Luedtke	Reutzel	
DeCamp	Kennedy	Maresh	Rumery	
Duis	Keyes	Marsh	Savage	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Fowler	Moylan
Cope	Marvel	Newell

Excused and not voting, 2:

George 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 813.

A BILL FOR AN ACT to amend section 71-3102, Reissue Revised Statutes of Nebraska, 1943, and section 71-2618, Revised Statutes Supplement, 1977, relating to public health and welfare; to provide for expenditures from and deposits into a fund; to increase a fee; and to repeal the original sections.

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

Voting in the affirmative, 42:

Bereuter	E. Dvorak	Keyes	Maxey	Savage
Brennan	D. Dworak	Koch	Mills	Schmit
Burrows	Fitzgerald	Kremer	Moylan	Simon
Chambers	Fowler	Lamb	Murphy	Stoney
Clark	Goodrich	F. Lewis	Newell	Venditte
Cope	Hasebroock	Luedtke	Nichol	Warner
Cullan	Hefner	Maresh	Rasmussen	
DeCamp	Kahle	Marsh	Reutzel	
Duis	Kennedy	Marvel	Rumery	

Voting in the negative, 0.

Present and not voting, 5:

Barnett	Carsten	Labedz	R. Lewis	Merz

Excused and not voting, 2:

George Kelly

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

Mr. Rasmussen asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 923. With Emergency.

A BILL FOR AN ACT to amend section 44-1620.01, Revised Statutes Supplement, 1977, as amended by section 1, Legislative Bill 771,

Eighty-fifth Legislature, Second Session, 1978, relating to group insurance; to change state contributions as prescribed; to provide an operative date; to repeal the original section, and also sections 44-1620.02 to 44-1620.05, Revised Statutes Supplement, 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, 39:

Bereuter	E. Dvorak	Keyes	Marvel	Rumery
Brennan	Fitzgerald	Koch	Maxey	Savage
Burrows	Fowler	Kremer	Merz	Schmit
Chambers	Goodrich	Lamb	Mills	Simon
Clark	Hasebroock	F. Lewis	Murphy	Stoney
Cope	Hefner	Luedtke	Newell	Venditte
Cullan	Kahle	Maresh	Nichol	Warner
Duis	Kennedy	Marsh	Reutzel	

Voting in the negative, 1:

D. Dworak

Present and not voting, 6:

Barnett	DeCamp	R. Lewis
Carsten	Labedz	Moylan

Excused and not voting, 3:

George	Kelly	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 960. With Emergency.

A BILL FOR AN ACT to amend sections 42-358, 43-512.05, and 43-512.10, Revised Statutes Supplement, 1976, relating to child support; to correct erroneous references; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 39:

Bereuter	E. Dvorak	Kennedy	Marvel	Rumery
Burrows	D. Dworak	Koch	Maxey	Savage
Carsten	Fitzgerald	Labedz	Mills	Schmit
Clark	Fowler	Lamb	Moylan	Simon
Cope	Goodrich	F. Lewis	Murphy	Stoney
Cullan	Hasebroock	Luedtke	Newell	Venditte
DeCamp	Hefner	Maresh	Nichol	Warner
Duis	Kahle	Marsh	Reutzel	

Voting in the negative, 0.

Present and not voting, 7:

Barnett	Chambers	Kremer	Merz
Brennan	Keyes	R. Lewis	

Excused and not voting, 3:

George	Kelly	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 961.

A BILL FOR AN ACT to amend section 81-166, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to authorize charges for certain administrative costs; and to repeal the original section.

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

Voting in the affirmative, 41:

Bereuter	E. Dvorak	Keyes	Maxey	Schmit
Brennan	D. Dworak	Koch	Mills	Simon
Burrows	Fitzgerald	Labedz	Moylan	Stoney
Carsten	Fowler	Lamb	Murphy	Venditte
Clark	Goodrich	F. Lewis	Newell	Warner
Cope	Hasebroock	Luedtke	Nichol	
Cullan	Hefner	Maresh	Reutzel	
DeCamp	Kahle	Marsh	Rumery	
Duis	Kennedy	Marvel	Savage	

Voting in the negative, 0.

Present and not voting, 5:

Barnett	Chambers	Kremer	R. Lewis	Merz

Excused and not voting, 3:

George	Kelly	Rasmussen

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

LEGISLATIVE BILL 962.

A BILL FOR AN ACT relating to the State Department of Education; to create a fund and provide its source and use; 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, 36:

Bereuter	Fitzgerald	Labedz	Mills	Simon
Brennan	Fowler	Lamb	Moylan	Stoney
Carsten	Goodrich	F. Lewis	Murphy	Venditte
Clark	Hefner	Luedtke	Newell	Warner
Cullan	Kahle	Maresh	Nichol	
Duis	Kennedy	Marsh	Reutzel	
E. Dvorak	Keyes	Marvel	Rumery	
D. Dworak	Koch	Maxey	Savage	

Voting in the negative, 0.

Present and not voting, 10:

Barnett	Chambers	DeCamp	Kremer	Merz
Burrows	Cope	Hasebroock	R. Lewis	Schmit

Excused and not voting, 3:

George	Kelly	Rasmussen

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

LEGISLATIVE BILL 963. With Emergency.

A BILL FOR AN ACT to amend section 60-305.09, Revised Statutes Supplement, 1977, relating to motor vehicles; to create a fund; to provide for distributions; 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:

Bereuter	E. Dvorak	Keyes	Merz	Schmit
Brennan	D. Dworak	Koch	Mills	Simon
Burrows	Fitzgerald	Labedz	Moylan	Stoney
Carsten	Fowler	Lamb	Murphy	Venditte
Clark	Goodrich	F. Lewis	Newell	Warner
Cope	Hasebroock	Luedtke	Nichol	
Cullan	Hefner	Maresh	Reutzel	
DeCamp	Kahle	Marsh	Rumery	
Duis	Kennedy	Maxey	Savage	

Voting in the negative, 0.

Present and not voting, 5:

Barnett	Chambers	Kremer	R. Lewis	Marvel

Excused and not voting, 3:

George Kelly 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

LEGISLATIVE BILL 569. Placed on Select File as amended.
E & R amendments to LB 569:

1. In the committee amendments page 16, line 5, strike the underscored comma.

2. In the committee amendments page 18, line 12, strike the underscored comma.

3. In the committee amendments page 23, line 7, after the first comma insert "and section 81-193, Revised Statutes Supplement, 1977,".

4. Insert a new section as follows:

"Sec. 16. 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, after "amend" insert "sections 71-313 to 71-316, 71-318 to 71-320, 71-322, 71-322.05, and 71-327, Reissue Revised Statutes of Nebraska, 1943, and"; strike beginning with "relating" in line 3 through "commissions" in line 4 and insert "to adopt the Cosmetology Licensing and Control Act"; in line 6 strike "and"; in line 7 strike "section" and insert "sections, and also section 71-322.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-193, Revised Statutes Supplement, 1977; and to declare an emergency".

LEGISLATIVE BILL 748. Replaced on Select File as amended.
E & R amendments to LB 748:

1. Renumber sections 50 to 53 added by request 2729 as sections 51 to 54, the sections added by the Carsten amendment as sections 55 to 58, the new section added by the Fowler amendment 1 as section 59, the section added by the Barnett amendment on page 1411 of the Journal as section 61, original sections 50 to 52 as sections 60, 62, and 63 respectively.

2. In the Barnett amendment 1, page 1411 of the Journal, line 2, strike "54 to 60" and insert "55 to 61".

3. On page 51, line 8 before "54-137" insert "49-801," and after "54-137" insert a comma.

4. The Venditte amendments on page 1413 of the Journal are to the white copy request 2729.

5. In the title, line 4 after the first semicolon

insert "to define a term;" and in line 11 before "54-137" insert "49-801," and after "54-137" insert a comma.

LEGISLATIVE BILL 924. Replaced on Select File as amended.
E & R amendments to LB 924:

(References are to committee amendments to committee amendments unless otherwise indicated.)

1. In amendment 1, insert "and show stricken" after "22".

2. In amendment 2, show stricken matter as stricken and added matter as underscored.

3. In the next to the last line of amendment 3, insert a comma after "46".

4. In amendment 4, show stricken matter as stricken and added matter as underscored, and at the end of line 1 of new subdivision (4) strike the period.

5. Insert the section added by amendment 8 as section 56 and renumber sections accordingly.

6. In the last two lines of amendment 9, strike "43-648, Revised Statutes Supplement, 1976" and insert "section 43-648".

7. In E & R 6, adopted 3/21, line 6, insert "Laws 1977, LB 539, section 16," after the fourth comma; and in line 8 strike "and 46" and insert "46, and 57".

8. Insert the section added by the Warner amendment on page 1454 of the Journal as section 60 and renumber remaining sections accordingly.

9. In new section 56, line 22, strike "(2)" and insert "~~(2)~~ (1)"; in line 35 strike "(4)" and insert "~~(4)~~ (2)"; and in line 49 strike "(5)" and insert "~~(5)~~ (3)".

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 953 in the Journal. No objections. So ordered.

AMENDMENT TO LB 953

1. On page 35 after line 15 insert:
"(9) Program No. 938 - Central Park Mall

GENERAL FUND	100,000
PROGRAM TOTAL	100,000";

in line 12 strike "5,176,987" and insert "5,276,987"; and in line 15 strike "13,670,369" and insert "13,770,369".

MOTION - Change of Order

Mr. Simon moved to change the speakers order to take up item #8 (LR 205) before #7 (LR 152).

Mr. Venditte raised a point of order, that Senator Chambers isn't speaking to the motion before the body.

The Chair ruled the point out of order.

Mr. Venditte appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 0 ayes, 17 nays, and 32 not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?"

Mr. Venditte moved for a Call of the House. The motion prevailed with 16 ayes, 11 nays, and 22 not voting.

Mr. Newell moved the Call be raised. The motion lost with 17 ayes, 21 nays, and 11 not voting.

Mr. Chambers requested a roll call vote on the motion to close debate.

Voting in the affirmative, 25:

Carsten	Fitzgerald	Keyes	F. Lewis	Merz
Cope	Goodrich	Koch	R. Lewis	Moylan
Cullan	Hasebroock	Kremer	Luedtke	Rasmussen
E. Dvorak	Hefner	Labedz	Maresh	Schmit
D. Dworak	Kahle	Lamb	Marvel	Venditte

Voting in the negative, 18:

Barnett	Chambers	Kennedy	Newell	Stoney
Bereuter	Clark	Marsh	Nichol	Warner
Brennan	Duis	Maxey	Reutzel	
Burrows	Fowler	Mills	Simon	

Present and not voting, 4:

DeCamp	Murphy	Rumery	Savage

Excused and not voting, 2:

George Kelly

The motion to close debate prevailed with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Simon requested a roll call vote on the motion to change the Speaker's order.

Voting in the affirmative, 20:

Barnett	Carsten	Fowler	Mills	Reutzel
Bereuter	Chambers	Marsh	Murphy	Simon
Brennan	Clark	Maxey	Newell	Stoney
Burrows	Fitzgerald	Merz	Nichol	Warner

Voting in the negative, 22:

Cope	Hasebroock	Kremer	Maresh	Schmit
Cullan	Hefner	Labedz	Marvel	Venditte
Duis	Kahle	Lamb	Moylan	
D. Dworak	Kennedy	F. Lewis	Rasmussen	
Goodrich	Koch	R. Lewis	Rumery	

Present and not voting, 5:

DeCamp	E. Dvorak	Keyes	Luedtke	Savage

Excused and not voting, 2:

George Kelly

The Simon motion lost with 20 ayes, 22 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 21 ayes, 8 nays, and 20 not voting.

SPEAKER LUEDTKE PRESIDING

Speaker Luedtke changed the agenda to take up motions at this time.

Mr. Simon appealed the decision of the Speaker. The question is, "Shall the Chair be overruled?"

Mr. Reutzel 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. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The motion to overrule the Chair lost with 15 ayes, 18 nays, and 16 not voting.

Mrs. Marsh moved to recess until 1:30 p.m. The motion prevailed with 18 ayes, 12 nays, and 19 not voting.

RECESS

At 11:52 a.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. George and Kelly who were excused; Messrs. Bereuter, Marvel, and Mrs. Maxey who were excused until they arrive; and Messrs. Keyes, Kremer, Lamb, and R. Lewis who were absent until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 892 in the Journal. No objections. So ordered.

LB892 amendment to Standing Committee Amendment
Section 1. (1) ***

(e) The date on which the group insurance policy or health maintenance organization agreement is terminated, or the date the employer or employer trust trustee terminates participation under such policy or agreement.

(2) The monthly premium rate to be charged for such coverage shall be the same as the total rate which would have been charged for such coverage had the terminated employee still been a member of the insured group. Such total premium rate shall be paid by the terminated employee. The experience of such coverage shall be charged to the group policy or contract which is in force; and

(3) The interruption of employment due to a labor dispute shall not be considered to be an involuntary termination of employment.

Sec. 2. Not later than ten days following the date of termination of employment of the employee, the employer shall send a notice by certified mail with return receipt requested to the terminated employee at his or her home address as shown on the records of the employer. Such notice shall set forth; (1) the right of the terminated employee to elect to continue coverage in accordance with section 1 of this act and the election form to be used in exercising such right; (2) the amount of each monthly premium to be paid by the terminated employee; and (3) the manner, time and to whom the election form must be completed and returned and each monthly premium must be paid.

Sec. 3. If the terminated employee elects to continue such coverage, the election form and the first monthly premium shall be sent by certified mail with return receipt requested to the insurance company or health maintenance organization within ten days after the date of receipt of the notice. Premiums for each subsequent month shall be paid by the terminated employee without further notice to the insurance company or health maintenance organization.

Mr. Schmit asked unanimous consent to print the following amendments to LB 692 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 692

1. Insert two new sections as follows:

"Section 1. It shall be unlawful for any person to use or supervise the use of any restricted use pesticide, except as provided in section 2-2619, Reissue Revised Statutes of Nebraska, 1943, unless such person using or supervising the use of any restricted use pesticide is certified pursuant to sections 2-2613 to 2-2618, Reissue Revised Statutes of Nebraska, 1943.

Sec. 2. Any person who shall knowingly violate any provision of section 1 of this act shall be guilty of

a Class V misdemeanor.".

2. Renumber original section 1 as section 3.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 733 and 945.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Expedite LB 924

Mr. Warner asked unanimous consent to expedite LB 924. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 924. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Speaker Luedtke announced a briefing on the flood damage by the federal disaster officials at 4:30 p.m tomorrow, March 29, 1978.

RESOLUTIONS

LEGISLATIVE RESOLUTION 152. Considered.

Mr. DeCamp renewed his pending motion found in the Journal on page 1328 to recommit LR 152 to a special committee.

Mr. Cullan 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. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 11 nays, and 15 not voting.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mrs. Labedz requested a roll call vote on the motion to close debate.

Voting in the affirmative, 25:

Brennan	E. Dvorak	Hefner	R. Lewis	Moylan
Carsten	D. Dworak	Kahle	Luedtke	Rumery
Cope	Fitzgerald	Labedz	Maresh	Savage
Cullan	Goodrich	Lamb	Marvel	Schmit
DeCamp	Hasebroock	F. Lewis	Merz	Venditte

Voting in the negative, 19:

Barnett	Duis	Koch	Murphy	Simon
Burrows	Fowler	Marsh	Newell	Stoney
Chambers	Kennedy	Maxey	Rasmussen	Warner
Clark	Keyes	Mills	Reutzel	

Present and not voting, 1:

Nichol

Absent and not voting, 1:

Kremer

Excused and not voting, 3:

Bereuter	George	Kelly

The motion to close debate prevailed with 25 ayes, 19 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The DeCamp motion to recommit LR 152 lost with 18 ayes, 24 nays, 3 present and not voting, and 4 excused and not voting.

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

Mr. Reutzel moved the Call be raised. The motion prevailed with 21 ayes, 11 nays, and 17 not voting.

Mr. Chambers offered the following amendment:
Sec. 2: After "person" in second line, strike remainder of language.

The Chair stated the time has expired for consideration of LR 152.

Mr. Venditte moved to overrule the Speaker's order to continue debate on LR 152.

Mr. D. Dworak 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. Venditte moved for a Call of the House. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

The Venditte motion to extend time on LR 152 prevailed with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?"

Mr. Venditte moved for a Call of the House. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mr. Venditte requested a roll call vote on the motion to close debate.

Voting in the affirmative, 26:

Brennan	Goodrich	Kremer	Maresh	Venditte
Cope	Hasebroock	Labedz	Moylan	Warner
DeCamp	Hefner	Lamb	Rasmussen	
E. Dvorak	Kahle	F. Lewis	Rumery	
D. Dworak	Keyes	R. Lewis	Schmit	
Fitzgerald	Koch	Luedtke	Stoney	

Voting in the negative, 15:

Bereuter	Clark	Kennedy	Merz	Newell
Burrows	Duis	Marsh	Mills	Nichol
Chambers	Fowler	Maxey	Murphy	Reutzel

Present and not voting, 5:

Barnett	Carsten	Marvel	Savage	Simon

Excused and not voting, 3:

Cullan	George	Kelly

The motion to close debate prevailed with 26 ayes, 15 nays, 5 present and not voting, and 3 excused and not voting.

Mr. Chambers moved the Call be raised. The motion lost with 19 ayes, 20 nays, and 10 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Cullan	Keyes	Schmit
DeCamp	Merz	Simon

Voting in the negative, 37:

Barnett	Fitzgerald	Kremer	Marvel	Reutzel
Bereuter	Fowler	Labedz	Maxey	Rumery
Brennan	Goodrich	Lamb	Mills	Stoney
Burrows	Hasebroock	F. Lewis	Moylan	Venditte
Carsten	Hefner	R. Lewis	Murphy	Warner
Cope	Kahle	Luedtke	Newell	
Duis	Kennedy	Maresh	Nichol	
E. Dvorak	Koch	Marsh	Rasmussen	

Present and not voting, 4:

Chambers	Clark	D. Dworak	Savage

Excused and not voting, 2:

George	Kelly

The Chambers amendment lost with 6 ayes, 37 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 22 ayes, 17 nays, and 10 not voting.

Mr. R. Lewis asked unanimous consent to be excused. No objections. So ordered.

Messrs. Mills and Kremer asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

Mr. Nichol offered the following amendment:

At the end of section 2 strike the period and insert "comma and rape and incest".

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?"

Mr. Venditte moved for a Call of the House. The motion prevailed with 19 ayes, 4 nays, and 26 not voting.

The motion to close debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Nichol requested a roll call vote on his amendment:

Voting in the affirmative, 22:

Barnett	Clark	Luedtke	Murphy	Stoney
Bereuter	Duis	Marsh	Newell	Warner
Burrows	Fowler	Maxey	Nichol	
Carsten	Koch	Merz	Reutzel	
Chambers	Lamb	Mills	Savage	

Voting in the negative, 21:

Brennan	Goodrich	Kremer	Moylan	Venditte
Cullan	Hefner	Labedz	Rasmussen	
E. Dvorak	Kahle	F. Lewis	Rumery	
D. Dworak	Kennedy	Maresh	Schmit	
Fitzgerald	Keyes	Marvel	Simon	

Present and not voting, 3:

Cope	DeCamp	Hasebroock

Excused and not voting, 3:

George	Kelly	R. Lewis

The Nichol amendment lost with 22 ayes, 21 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Duis moved the Call be raised. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

Mr. Goodrich asked unanimous consent to add his name to LR 152. No objections. So ordered.

Mrs. Marsh offered the following amendment:

AMENDMENTS TO LR 152

1. Insert a new resolution 3.

"3. That this resolution shall be submitted to the Governor for signature in the same manner as a legislative bill.".

2. Renumber resolution 3. as resolution 4.

Mr. D. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 10 nays, and 22 not voting.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz moved for a Call of the House.

Mr. Chambers moved to adjourn. The motion lost.

The motion for a Call of the House prevailed with 23 ayes, 8 nays, and 18 not voting.

Mrs. Labedz requested a roll call vote on the motion to close debate.

Voting in the affirmative, 27:

Bereuter	Fitzgerald	Lamb	Merz	Stoney
Brennan	Goodrich	F. Lewis	Moylan	Venditte
Carsten	Hasebroock	Luedtke	Murphy	Warner
Cope	Hefner	Maresh	Rasmussen	
E. Dvorak	Keyes	Marsh	Savage	
D. Dworak	Labedz	Maxey	Schmit	

Voting in the negative, 10:

Barnett	Clark	Fowler	Newell	Rumery
Chambers	DeCamp	Kennedy	Reutzel	Simon

Present and not voting, 7:

Burrows	Duis	Koch	Nichol
Cullan	Kahle	Marvel	

Excused and not voting, 5:

George	Kelly	Kremer	R. Lewis	Mills

The motion to close debate prevailed with 27 ayes, 10 nays, 7 present and not voting, and 5 excused and not voting.

The Marsh amendment was adopted with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

Mr. Chambers moved to adjourn. The motion lost with 6 ayes, 24 nays, and 19 not voting.

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit moved to advance LR 152 to E & R initial without debate.

Mr. Schmit moved to amend his motion to suspend rules, Rule 6, Sec. 2(a) and (b), and Rule 7, Sec. 3.

Mr. D. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 7 nays, and 31 not voting.

The Chair ruled the Schmit amendment to his motion was in order.

Mr. Fowler appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 6 ayes, 16 nays, and 27 not voting.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?"

Mr. Venditte moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mrs. Labedz requested a roll call vote on the motion to close debate.

Voting in the affirmative, 25:

Carsten	Fitzgerald	Kennedy	F. Lewis	Moylan
Cope	Goodrich	Keyes	Luedtke	Rumery
DeCamp	Hasebroock	Koch	Maresh	Schmit
E. Dvorak	Hefner	Labedz	Marvel	Venditte
D. Dworak	Kahle	Lamb	Merz	Warner

Voting in the negative, 13:

Bereuter	Clark	Maxey	Nichol	Stoney
Burrows	Fowler	Murphy	Reutzel	
Chambers	Marsh	Newell	Simon	

Present and not voting, 4:

Barnett
Brennan
Duis
Savage

Excused and not voting, 7:

Cullan	Kelly	R. Lewis	Rasmussen
George	Kremer	Mills	

The motion to close debate prevailed with 25 ayes, 13 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Newell moved the Call be raised. The motion lost with 11 ayes, 20 nays, and 18 not voting.

Mr. Schmit requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 24:

Cope	D. Dworak	Hefner	Koch	Luedtke
DeCamp	Fitzgerald	Kahle	Labedz	Maresh
Duis	Goodrich	Kennedy	Lamb	Marvel
E. Dvorak	Hasebroock	Keyes	F. Lewis	Moylan
Rumery	Schmit	Simon	Venditte	

Voting in the negative, 13:

Burrows	Clark	Maxey	Nichol	Warner
Carsten	Fowler	Murphy	Reutzel	
Chambers	Marsh	Newell	Stoney	

Present and not voting, 5:

Barnett	Bereuter	Brennan	Merz	Savage

Excused and not voting, 7:

Cullan	Kelly	R. Lewis	Rasmussen
George	Kremer	Mills	

The Schmit motion lost with 24 ayes, 13 nays, 5 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to adjourn. The motion lost with 11 ayes, 25 nays, and 13 not voting.

Mr. Reutzel moved the Call be raised. The motion lost with 13 ayes, 19 nays, and 17 not voting.

Mr. Fowler offered the following amendment:

AMENDMENTS TO LR 152

1. Insert a new resolution 3. as follows:

"3. An application for a convention made under this resolution shall be conditioned on (1) Congress establishing clear procedures for such convention including a limitation of the convention to the subject matter contained within this resolution and (2) provision that if such convention departs from the subject matter of this resolution that the convention be immediately dissolved.".

2. Renumber original resolution 3. as resolution 4.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?"

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 27:

Bereuter	DeCamp	Goodrich	Kennedy	Lamb
Burrows	E. Dvorak	Hasebroock	Keyes	F. Lewis
Carsten	D. Dworak	Hefner	Koch	Luedtke
Cope	Fitzgerald	Kahle	Labedz	Maresh

Merz	Murphy	Schmit	Warner
Moylan	Rumery	Venditte	

Voting in the negative, 12:

Barnett	Duis	Marvel	Reutzel
Chambers	Fowler	Maxey	Simon
Clark	Marsh	Newell	Stoney

Present and not voting, 3:

Brennan	Nichol	Savage

Excused and not voting, 7:

Cullan	Kelly	R. Lewis	Rasmussen
George	Kremer	Mills	

The motion to close debate prevailed with 27 ayes, 12 nays, 3 present and not voting, and 7 excused and not voting.

The Fowler amendment was adopted with 29 ayes, 9 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Newell offered the following amendment:

AMENDMENTS TO LR 152

1. In resolution 1. strike beginning with "pursuant" in line 2 through line 5 and insert "to submit the proposed constitutional amendment to the legislatures of the several states for the purposes of ratification. The proposed amendment to read as follows:".

Mr. Venditte 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 Chair ruled there was no closing to the Newell amendment.

Mr. Chambers appealed the decision of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 13:

Barnett	Fowler	Marvel	Reutzel	Warner
Burrows	Keyes	Maxey	Savage	
Chambers	Marsh	Newell	Simon	

Voting in the negative, 25:

Bereuter	E. Dvorak	Kahle	F. Lewis	Murphy
Carsten	D. Dworak	Kennedy	Luedtke	Rumery
Clark	Goodrich	Koch	Maresh	Schmit
Cope	Hasebroock	Labedz	Merz	Stoney
Duis	Hefner	Lamb	Moylan	Venditte

Present and not voting, 4:

Brennan	DeCamp	Fitzgerald	Nichol

Excused and not voting, 7:

Cullan	Kelly	R. Lewis	Rasmussen
George	Kremer	Mills	

The motion to overrule the Chair lost with 13 ayes, 25 nays, 4 present and not voting, and 7 excused and not voting.

The Newell amendment lost with 8 ayes, 23 nays, 11 present and not voting, and 7 excused and not voting.

MOTION - Rule Change

Mr. Newell moved the following rule change:

1. Insert a new section 10 under Rule 7 as follows:

"Sec. 10. At any stage of consideration the introducer of the bill or the chairperson of the committee, if it is a committee bill, may move for cloture to the presiding officer. The presiding officer shall immediately recognize such introducer or chairperson and shall allow him to move for cloture. A move for cloture shall require 30 votes. Upon a successful move for cloture there shall be allowed an additional 90 minutes of debate. Thirty minutes after invoking cloture no additional amendments may be offered. The introducer and committee chairperson shall then be allowed to close on his cloture motion. A vote to advance the bill shall then be in order. A move for cloture shall be in order, except while a member is speaking or when a motion to indefinitely postpone a bill is pending."

Referred to the Rules Committee.

ANNOUNCEMENT

Mr. DeCamp announced that the Rules Committee will meet Thursday, March 30, 1978 at 7:45 a.m.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 42 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 42

1. Insert the following new sections:

"Sec. 265. Except as provided in section 77-1355 and sections 266 to 272 of this act, every political subdivision of the state authorized to levy a tax or cause a tax to be levied shall limit its budget for the 1979-80 fiscal year to an amount not to exceed seven per cent more than its budget for the previous fiscal year; and for each fiscal year thereafter its budget shall not exceed the previous fiscal year's budget by more than seven per cent. Budget shall mean all funds except such funds as are used for employer's contributions under the Federal Insurance Contributions Act and as are necessary to pay interest on or for retiring, funding, or servicing bonded indebtedness during the upcoming fiscal year. No tax shall be levied for the purpose of acquiring buildings, the erection of buildings, and additions to buildings without approval by a majority of those voting in a special election called for such purpose.

Sec. 266. Any political subdivison of the state which experiences a growth in population in excess of seven per cent during the preceding calendar year, by annual official estimates, may increase its budget by the same percentage as the percentage increase in the population growth. School districts' populations shall be measured by student enrollment.

Sec. 267. If the governing body of any political subdivision authorized to levy a tax or cause a tax to be levied determines that a budget higher than that permitted in section 265 or 266 of this act is needed, it shall by resolution call for a special election of such political subdivision for that purpose. The budget increase above the limit permitted in section 265 or 266 of this act may be adopted if approved by a

majority of those voting in such special election or as provided in section 271 of this act.

Sec. 268. The resolution calling for the election and the election notice shall refer to section 265 or 266 of this act and state that the limitation contained therein is proposed to be exceeded and show the proposed increase in the budget amount in terms of dollars and percentages over the limitation as computed in section 265 or 266 of this act, in terms of dollars and the per cent of increase over the current budget, and shall give the date of the election. All such elections shall be held on the third Tuesday, in July, during the year in which taxes will be levied to fund the budget.

Sec. 269. Notice of the election shall state the date on which the election is to be held, the location, and the hours the polls will be open. Such notice shall be published in a newspaper of general circulation in such taxing district at least fifteen days prior to such election. If no newspaper is in general circulation in the taxing district, notice of the election shall be posted in three public places in the taxing district.

Sec. 270. The governing body of the taxing district shall prescribe the form of the ballot to be used at the election, and the proposition appearing on such ballot shall state the percentage and dollar increase which is proposed to be substituted for the percentage limitation imposed by this act. The form of submission upon the ballot shall be as follows:

FOR exceeding the statutory budget limit.

AGAINST exceeding the statutory budget limit.

Sec. 271. As an alternative to submitting the question of increasing the budget to a vote of the people, as provided in sections 267 to 270 of this act, such budget may be increased by the governing body of the political subdivision if it finds that the political subdivision would be benefited by expeditious action and that a vote by the electors of such political subdivision is not needed. If the governing body by a majority vote determines that a vote of the people is not needed the budget may be increased by a two-thirds vote of such governing body. The governing body shall not vote on such issue until a hearing has been conducted on the question of the necessity of increasing the budget by more than seven per cent.

Sec. 272. If any budget category or revenue source is beyond the control of a political subdivision

as a result of a final judgment by the United States Supreme Court, the budget limit for that category shall be adjusted accordingly; but the budget limit shall remain in full force and effect with regard to all other budget categories and revenue sources.

Sec. 273. That section 77-1355, Revised Statutes Supplement, 1977, be amended to read as follows:

77-1355. 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 secton, 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.".

2. On page 315, line 17 strike "and", and in line 23 after "1976" insert ", and section 77-1355, Revised Statutes Supplement, 1977, and also section 77-1356, Revised Statutes Supplement, 1977,".

3. Renumber remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 814. Replaced on Select File as amended.
E & R amendments to LB 814:

1. In the George amendment 2, line 12, strike "76-2622" and insert "71-2622".

2. In the title, line 2, strike "section" and insert "sections" and after "71-2622" insert "and 71-3505"; in line 3 after the second comma insert "and section 71-2618, Revised Statutes Supplement, 1977,"; in line 6 after the semicolon insert "to change the use of a fund; to provide duties;"; and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 733A. Placed on Select File.

LEGISLATIVE BILL 924. Correctly Engrossed.

(Signed) Samuel K. Cullan, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 220
March 22, 1978

Dear Senator Duis:

You have requested our opinion on section 2 of LB 958. You ask: "Would you please advise me if Section 2, Agency 51-University of Nebraska section of LB 958 is proper and if it can be contained in LB 958 and enforced?"

LB 958 is entitled:

> "FOR AN ACT to state legislative intent for Legislative Bill 954, Eighty-fifth Legislature, Second Session, 1978; to provide for repeal; and to declare an emergency."

Section 10 repeals sections 1 to 9 of the act effective July 1, 1979. In essence, the intent of LB 958 is to direct that certain things be done by certain entities relating to appropriations made in LB 954, an appropriation bill.

Section 2 of the bill contains five subsections. They provide as follows: Subsection (1) requires the University to report its expenditures on the NCHEMS Program Classification Structure (National Council of Higher Education Management System), it requires that the Department of Administrative Services monitor University expenses according to NCHEMS, and it requires submittal of the 1979-1980 budget on the NCHEMS model unless the DAS rules provide otherwise. Subsection (2) requires each of the campuses to establish a special count through which they are to receive and expend overhead costs associated with grants and contracts. It expresses the intent that the University be allowed to expend above the cash ceilings in an amount not to exceed $1,200,000 for the purpose of receiving and expending overhead funds and directs that any excess be used to offset General Funds. Subsection (3) provides that the University shall assure that the teaching load of teaching assistants does not increase, that classroom contact hours will not decrease, that at least 75 percent of the workload of additional faculty be related to classroom instruction of undergraduates. Subsection (4) provides that 1978-1979 is considered to be the third year of a four-year program in upgrading undergraduate instruction and requires that a continuation of this effort shall be submitted as a part of the 1979-1980 budget request. Subsection (5) recognizes a proposed tuition increase and

encourages the Board of Regents to implement a plan for the effective reallocation of existing resources prior to imposing further tuition rate increases.

The only affirmative duties required under section 2 are that a particular format be utilized in budget requests, and that campuses shall establish special accounts for grant and contract overhead monies.

In all other respects subsection (2) is directory in its terms and not mandatory. The University of Nebraska would be free to ignore all other terms of this particular bill. The bill simply expresses the intent or the desire of the Legislature and does not direct or command particular acts to be done or not done.

The bill is temporary in character in that it expires by its own terms at the end of the fiscal year 1978-1979. Conceivably no remedy would be available should the University decide not to comply with this bill in that the only action to enforce the bill would be by way of a writ of mandamus. Some actions required may be moot by the time a writ of mandamus could be had. The bill itself would cease to be operative by July 1, 1979. Thus, any act not performed prior to that date arguably would no longer be required to be performed.

To the extent that this bill is an attempt to direct executive action as a part of the appropriations process, it is undoubtedly violative of Board of Regents v. Exon, 199 Neb. 146, __N.W.2d__ (1977). In that case the Supreme Court, discussing intent language contained in appropriations bills, stated:

> ". . .The trial court held that the statements in these bills which did not constitute an appropriation of funds were advisory only and not mandatory and that the Legislature was without authority to direct employees of the University. Although the defendants did not challenge this finding in their assignments of error, we have considered it and agree that it is correct."
>
> "The Legislature cannot use an appropriation bill to usurp the powers or duties of the Board of Regents and to give directions to the employees of the University. . . ."

Thus, were the language set forth in LB 958, contained within an appropriations bill, it is clear that it would be in violation of Board of Regents v. Exon.

In some ways this bill appears to be an attempt to do that which is prohibited by Exon without enacting substantive legislation. To that extent it is arguably in violation of the Constitution. However, since the language apparently is directory in nature, in any event, it is our opinion that for the most part the bill has no effect except as an

expression of legislative intent that may or may not be followed by the persons to whom the bill is addressed.

In your last question you ask whether or not this language can be contained in LB 958. It would appear the LB 958 comports with the rules of the Legislature. To that extent the language therein contained may be adopted by the Legislature. The Legislature may enact legislation whether it has any effect or no effect as long as the appropriate rules are followed.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:pjs
cc: Patrick O'Donnell
Acting Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 206.

Introduced by Barnett, 26th District.

WHEREAS, the Nebraska statutes contain penalty provisions including sections relating to fines and court costs; and

WHEREAS, the Nebraska Constitution provides the manner to disperse all fines and penalties arising under the general laws of the state; and

WHEREAS, a number of issues have arisen as to whether certain fine and penalty provisions of the statutes are being administered at variance directly or indirectly with the Nebraska Constitution.

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

1. That the Judiciary Committee perform an interim study of penalty provisions of the Nebraska Criminal Code to determine if such provisions are wholly in compliance with the Nebraska Constitution.

2. That the committee 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 742 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 742

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

"Section 1. That sections 37-1101 to 37-1114, Revised Statutes Supplement, 1977, are repealed.".

2. In the title strike lines 2 through 6 and insert the following:

"FOR AN ACT to repeal sections 37-1101 to 37-1114, Revised Statutes Supplement, 1977, relating to park entry permits.".

Mr. Barnett asked unanimous consent to print the following amendments to LB 351 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 351
WHITE COPY (REQ 2840)

1. Strike section 21.

2. Strike section 22.

3. On page 9, line 16 strike "fifteen" and insert "nineteen"; and strike beginning with "No" in line 17 through line 22.

4. Strike section 27.

5. On page 10, strike lines 12 through 14; in line 15 strike "(2)" and insert "(1)"; and in line 18 strike "(3)" and insert "(2)".

6. Strike section 31.

7. On page 15, line 11 strike "admission to any bingo occasion" and insert "any one bingo card".

8. On page 17, line 13 insert a period after "numbers", and strike beginning with "and" in line 13 through the period in line 15.

9. Renumber original sections accordingly.

MOTION - Special Committee

Messrs. Simon and Reutzel moved that a special ad hoc committee for the purpose of studying all aspects of the recent flood in eastern Nebraska be created and that such ad hoc committee be vested with the responsibility of determining: (1) The present needs of flood

victims; (2) whether there is a need for legislation to alleviate the current situation or prevent its recurrence; and (3) any other pertinent information relative to the flood. That the ad hoc committee shall consist of all Standing Committee Chairmen, the Speaker of the Legislature, and any other Senator in a flood affected area who specifically requests permission from the committee chairman to serve on this committee. That the Chairman of the Appropriations Committee be chairman of this special ad hoc committee and that this committee immediately begin work in order to report preliminary results of its study to the Legislature on April 3, 1978, so that the Eighty-fifth Legislature of Nebraska, Second Session, may take appropriate actions prior to adjournment sine die.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 13 nays, and 26 not voting.

Mr. Duis offered the following amendment to the Simon-Reutzel motion:
Include the Chairman of the Administrative Rules and Regulations Committee.

The Duis amendment was adopted with 28 ayes, 0 nays, and 21 not voting.

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 Simon-Reutzel motion, as amended, prevailed with 28 ayes, 6 nays, and 15 not voting.

ANNOUNCEMENT - Ad Hoc Committee Meeting

Mr. Warner announced the ad hoc committee established by the Simon-Reutzel motion shall meet at 9:30 a.m., March 29, 1978 in room 2102.

VISITORS

The President introduced 30 seniors, teachers and adults from Burwell High School, Burwell, Nebraska; 26 9th grade students and teacher from Hastings Junior High, Hastings, Nebraska; Kim Smulling and Barb Scholting from Papillion High School, Papillion, Nebraska.

MOTION - Adjournment

Mr. Carsten moved we adjourn until 9:30 a.m., April 3, whereupon we will meet April 3 and 4 and consider the Flood Committee Report and take up Final Reading. On April 4, we adjourn until May 15 at 9:30 a.m.

The motion prevailed with 23 ayes, 14 nays, and 12 not voting.

At 4:53 p.m., on a motion by Mr. Carsten, the Legislature adjourned until 9:30 a.m., Monday, April 3, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - APRIL 3, 1978

LEGISLATIVE JOURNAL

FORTY-SEVENTH DAY - APRIL 3, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 3, 1978

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

Father in heaven, sadness, suffering and pain are a part of every human being's life. Each one of us seeks to alleviate them and we as a legislative body we work together in this task.

We ask your guidance and direction in this task and ask you to bless our efforts.

But don't let us forget that part of the price of loving others is pain and suffering sometimes. Never let us love less because of the price it demands. Let us not step into a shell because of the pressure of people we love. That kind of pain we must suffer and it cannot be legislated away.

Your son showed us this way. Let us walk it. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Hefner who was excused; and Mr. Simon who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Sixth Day was approved.

MESSAGES FROM THE GOVERNOR

March 29, 1978

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

Dear Mr. President and Senators:

In this message I am outlining to you our estimated cash needs and request prompt action accordingly for appropriations from the general fund to meet the previously unanticipated demands of the flood emergency.

We need a total appropriation of $1.4 million as requested herewith. Were it not for the fact that President Carter promptly agreed to my request for a Federal Disaster Declaration, we could be facing a $3 to $10 million general fund outlay.

Last year, the Legislature, over my objections, provided the emergency fund only $300,000 from my total request of over $500,000. In October, I called this to the attention of the Budget Committee for early correction in the 1978 session. On March 20 I wrote you requesting immediate action on the $200,000 deficit to correct that mistake. This $200,000 deficit was to be coupled with my original 1978-79 recommendation of new appropriations for the emergency fund of $300,000 to return this needed reserve for unforeseen emergencies to the approximate figure of $500,000.

I reiterate my pleas of last October and March 20 herewith to proceed immediately with passage of the $200,000 deficit which is on final reading.

At this time there is a shortfall of approximately $132,844 in the emergency fund. This is arrived at by recognizing the present uncommitted balances of only $15,156 in the emergency fund, but recognizing the already expended obligations for the flood emergency of $64,000 for National Guard support, $54,000 for dynamiting, and $30,000 in additional expenses.

In addition thereto, we have needs for additional appropriations from the general fund to the emergency fund of $1.2 million to meet the following estimated needs:

$ 750,000	To meet state estimated requirement in grants to political subdivisions
250,000	To meet state 25% requirement of estimated $1 million in individual and family grants

200,000	To return the 1978-79 emergency fund to $500,000 in addition to the $300,000 provided in LB 953
$1,200,000	

I request that you proceed as outlined with appropriations; first, passing the $200,000 deficiency on Monday and then proceed with other recommendations as outlined.

I also request that for a number of reasons you abandon your announced unreasonable plan to adjourn next week until May 15. While we anticipate no cash-flow problems in the emergency fund immediately, a delay in the appropriations process in this area until the latter part of May could cause difficulties.

The National Guard officials have been prompt in collecting these figures. It was my direction to them of last week to give all time and priority to the immediate emergency and to meet obvious needs and to devote the necessary time to cooperate with national and local officials to get the offices open to clear claims by affected citizens. The information provided herewith was collected and provided to me and through me to the Legislature herewith as a second priority. I am sure you will agree that was the correct course.

I urge your prompt action accordingly.

Very truly yours,
(Signed J. James Exon
Governor

JJE:fw

March 24, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 920 and Reengrossed Legislative Bill No. 411.

These bills were signed by me on March 24, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

March 31, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills No. 605, 906, 719, and 612.

These bills were signed by me on March 31, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:d

March 31, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 613.

This bill was signed by me on March 30, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:d

ATTORNEY GENERAL'S OPINION

Opinion No. 222
March 28, 1978

Dear Senator Nichol:

Legislative Bill 577 reads as follows:

> "Section 1. Any first or second-class city or village may wall, enclose, or cover over that segment of any irrigation or drainage ditch, canal, or lateral, whether on public or private property, which lies within the corporate limits of such city or village, and for this purpose may acquire and hold land or an interest in land, except this section shall not be construed to authorize the taking of property without payment of compensation when required by law. Such city or village may undertake and finance a project authorized by this section either independently or jointly with any person owning or operating such irrigation ditch, canal, or lateral."

You have requested our opinion as to whether even under present law cities may possess "the authority to make the type of expenditure being proposed by this bill." If it be the case that cities now have the power to accomplish the intended objectives of LB 577, it must be found to exist by virtue of general municipal police powers. We do not believe that to be the case.

In order for a city to legally justify, under the police power, any action by way of compulsory enclosure or coverage of drainage or irrigation system works such as ditches, canals, or laterals, first as a necessary prerequisite to such action there would need be a valid determination by the city to the effect that the mere presence of any such facility within the municipality constituted a condition inimical to the public safety, health or welfare (i.e., a public nuisance) which the proposed exercise of the police power would eliminate or alleviate. Many years ago the City of Scottsbluff sought to solve the problem of potential dangers incident to an open irrigation canal located within the city; and, for that purpose, the city enacted an ordinance declaring that "all open ditches and canals extending through any part of the city . . . are dangerous to health, life, and property of inhabitants of the city and the public generally, and are public nuisances." Upon the ostensible authority of that ordinance, the city then instituted an action against an irrigation company seeking to compel compliance with other portions of the ordinance which required either abandonment of the ditch or canal or, as an alternative, the

construction of a pipe or conduit to carry the water flow. See City of Scottsbluff v. Winters Creek Canal Co., 155 Neb. 723, 53 N.W.2d 543 (1952). However, the Nebraska Supreme Court declared the ordinance to be unconstitutional. Specifically, the court found that the mere existence of an open ditch was not a nuisance, in and of itself. Assuming that there was nothing otherwise inherently dangerous about the original construction and that there was no dangerous condition created through negligent maintenance or operation thereof, the court noted with rather blunt realism: "Nothing is harmful or dangerous aside from the fact that the people live near it and may fall into it." The opinion of the court goes on to observe that the general power of a city to declare, prevent, and abate nuisances does not include a power to declare as a nuisance anything which is not in fact a nuisance per se.

There has been no significant change in the relevant statutory law since the Scottsbluff case. Accordingly, upon the basis of the decision and opinion in that case, it is our opinion that cities do not presently, under the general municipal police power, have authority whereby a city may cause the enclosure or covering of open drainage or irrigation ditches and the like. Furthermore, in addition to and independent of that conclusion, there is another aspect involved with LB 577 which perhaps deserves some mention.

Even if it were the case that under the general police power cities could enclose or cover such drainage or irrigation works, and expend public funds for such purpose, it must be realized that a city in undertaking any such project would be exercising a measure of dominion and control over private property owned by other persons or parties. This would require (except where the owner might consent) the exercise of eminent domain. Eminent domain is not a power inherently possessed by governmental subdivisions; but, rather, it is a power which may exist only through express legislative grant.

Insofar as pertinent to the subject under consideration, the eminent domain powers of cities of the first and second class (those affected by LB 577) are contained in Chapter 19, Article 7 of the statutes; and we find nothing therein which would appear to authorize acquisition of rights in privately owned property for purposes such as that contemplated by LB 577.

For the reasons above expressed, we are of the opinion that the objects and purposes which are authorized in LB 577 could not be accomplished under existing law without further specific enabling legislation such as that for which appropriate provision appears to be made in that bill.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) C. C. Sheldon
Assistant Attorney General

CCS:smb
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 777. Placed on Select File.
LEGISLATIVE BILL 965. Placed on Select File.
LEGISLATIVE BILL 184A. Placed on Select File.

LEGISLATIVE BILL 192. Placed on Select File as amended.
E & R amendments to LB 192:

1. On page 3, line 5, after "be" insert "the"; in line 15 after "individual" insert "for"; in line 22 strike "(c)" and insert "(a)"; and in line 25, strike "(d)" and insert "(b)"

2. On page 4, line 1, strike "(e)" and insert "(c)"; and in line 11 after "in" insert "subdivisions (a), (b), and (c) of".

3. On page 5, line 4, after "to" insert "adjusted gross" and strike the comma and insert "as"; in line 5 strike the comma and insert "which is" and strike "sources"; in the Burrows amendment 1 on page 706 of the Journal, line 2, strike "of" each time it appears; in line 9 after "to" insert "adjusted gross"; and in line 21, strike "found to be".

4. In the new section 6, added by the Burrows amendment 10 on page 708 of the Journal, line 1 strike "School districts which meet" and insert "Any school district which meets"; in line 3 strike the period and insert a colon and make a new paragraph beginning with "(1)" in line 3 through line 4; in line 4, strike the period and insert a semicolon; in line 5 strike "percent" and insert "per cent"; in line 6 strike the period and insert "; and"; and in line 7 strike "must" and insert "shall".

5. In the new section 7 added by the Burrows amendment 10, line 2, strike the period and insert a colon and make a new paragraph beginning with "(1)" through line 4; in line 4 strike "only." and insert a semicolon; in line 5 strike "Existing" and insert "Payment of existing"; and in line 6 strike the period and insert "; and".

6. In the new section 8, added by the Burrows amendment 10, line 2, strike "Sections" and insert "section" and strike "and 7"; and in line 3, strike ", only".

7. In the new section 9, added by the Burrows amendment 10, line 2, strike "Non-Resident" and insert "Nonresident", and in line 2, strike "(1)"; in lines 3 and 5, strike "percent" and insert "per cent"; and in line 3 strike "districts" and insert "district's".

8. Renumber the new section added by the Burrows amendment 4 found on page 707 of the Journal as section 10 and in this section, line 2, strike "after the effective date of this act,"; in line 3, after "1979" insert a comma; in line 4 strike "every" and insert "each"; in line 6 strike the comma and insert "(1)"; in line 7, strike "and" and insert "(2) the revenue"; and in line 8 after "and" insert "(3)", and after "ensuing" insert "fiscal".

9. On page 7, line 12, after "individual" insert "school district income"; in line 16, strike "every" and insert "each"; in line 19, strike "such".

10. In the Burrows amendment 9 on page 708 of the Journal, line 2, strike "(a) also," and insert ", and"; in line 3 after "average" insert "resident individual", and after "district" insert "income"; in the Burrows amendment 6, line 4, strike "Section 6" and insert "section 10"; in line 6, strike "non-revenue" and insert "nonrevenue"; and in line 8 strike the period and insert a semicolon.

11. In the new subdivision "(3b)" added by the Burrows amendment 6 on page 707 of the Journal, line 1 after "average" insert "resident individual school district income"; in line 3, strike "districts" and insert "district's"; in line 5 strike "Non-resident" and insert "Nonresident"; in line 6 strike the semicolon and insert a comma; in line 7, strike the comma; and in line 9 after "sparsity" insert "funding", and strike "bill." and insert "act; and".

12. On page 8, line 16, strike "also then" and strike the comma; and in lines 25 and 26, strike ", in equal portion per student," and insert "on a per pupil basis".

13. In the Burrows amendment 3 on page 1546 of the 1977 Journal, line 1, strike "(d)" and insert "(5)".

14. On page 9, strike line 5; in line 7, strike "10" and insert "14"; in line 8, strike "subdivision" and insert "subsection"; place lines 1 to 9 as amended after line 13; and in line 26, after "school" insert "district".

15. On page 10, line 9, strike the comma; in line 11 after "the" insert "resident"; in line 17, strike the comma, and after "provide" insert a comma; and in line 18, after "possible" insert a comma.

16. On page 11, line 10, strike "15" and insert "19"; in line 14, after the second comma insert "(1)".

17. In the Burrows amendment 8, line 2, before "provisions" insert ", (2)" and strike the semicolon; and in line 18, before "including" insert "(3)".

18. In the Burrows amendment 8 on page 708 of the Journal, line 5, strike "Section 12" and insert "section 16".

19. On page 13, strike beginning with "Reissue" in line 21 through "thereto" in line 22 and insert "Revised Statutes Supplement, 1977"; and in line 24, strike "as".

20. Since the Burrows amendments 1, 2, and 4 on page 1546 of the 1977 Journal are similar to the amendments offered in the Burrows amendments 4, 6, and 8 on page 707 and 708 of the 1978 Journal, strike such amendments 1, 2, and 4. Since the Barnett amendments amend a section that is stricken by the Burrows amendment 4 on page 707 of the 1978 Journal, strike the Barnett amendment.

21. In the Burrows amendment 11, on page 709 of the Journal, line 3, strike "4" and insert "5".

LEGISLATIVE BILL 192A. Placed on Select File.

LEGISLATIVE BILL 351. Placed on Select File as amended.
E & R amendments to LB 351:

(All E & R Amendments are to the DeCamp amendments adopted 3/23/78.)

1. On page 1, line 9, strike "and" and insert "to"; in line 11 before "and" insert a comma; and in line 18 strike "; and" and insert an underscored period.

2. On page 3, line 1, strike "activities" and insert "activity".

3. On page 6, line 12, insert "of this section" after "provisions".

4. On page 8, line 8, strike "these"; and in line 25 strike "No" and insert "Not".

5. On page 9, line 16, insert "years of age" after "fifteen".

6. On page 10, line 23, strike "a premise" and insert "any premises".

7. On page 11, lines 6 and 8, strike "handle" and insert "gross receipts"; in line 11 strike "gross"; and in line 27 after "the" insert "itemized" and insert an underscored period after "profits".

8. On page 12, strike line 1; and in line 12 after the semicolon insert "and".

9. On page 13, line 19, after "and" insert a comma.

10. On page 14, lines 17 and 21, strike "no" and insert

"not".

11. On page 18, lines 7 and 8, strike ", Reissue Revised Statutes of Nebraska, 1943,"; and strike beginning with the comma in line 15 through "thereto" in line 17.

12. On page 19, line 10, after "That" insert "original section 28-1115, Revised Statutes Supplement, 1977, and also"; and strike beginning with "and" in line 12 through the second comma in line 13.

13. In the title, strike lines 2 through 14 and insert:

"FOR AN ACT relating to bingo; to provide legislative intent; to define terms; to provide for licensing; to provide duties; to provide provisions relating to the conduct of bingo occassions as prescribed; to provide for reports; to provide penalties; to amend section 28-1115, Revised Statutes Supplement, 1977; and to repeal the original section, and also sections 9-101 to 9-108, 9-110 to 9-112, 9-114 to 9-118, and 9-120 to 9-123, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 956. Replaced on Select File as amended.
E & R amendments to LB 956:

1. In standing committee amendment 2, line 3 after "of" insert "section".

2. In standing committee amendment 5, line 3 after "act" insert a comma and strike "as" and insert "a".

3. In standing committee amendment 6, line 4 strike "Section" and insert "sections".

4. Number the section added by committee amendment 2 as section 60, the section added by committee amendment 5 as section 61, and that added by committee amendment 7 as section 53, and renumber the section added by committee amendment 1 as section 52.

5. Renumber original sections 11 to 50 as sections 12 to 51, section 51 as 54, sections 52 to 56 as sections 55 to 59, and sections 57 to 60 as sections 62 to 65.

LEGISLATIVE BILL 946. Replaced on Select File as amended.
E & R amendments to LB 946:

1. Renumber the section added by the Labedz amendment reoffered by Barnett as section 16.

2. In lieu of all the amendments renumbering original sections 18 and 19, renumber such sections as 17 and 18.

LEGISLATIVE BILL 953. Replaced on Select File as amended.
E & R amendments to LB 953:

1. In the committee amendment 6, line 2, strike "76,496"

and insert "102,180" and strike "88,782" and insert "114,466".

2. In the committee amendment 14, line 1, strike "49,234,500" and insert "49,114,500"; in line 2 strike "48,184,500" and insert "48,064,500"; in line 4 strike "63,666,188" and insert "63,546,188"; in line 5 strike "62,616,188" and insert "62,496,188".

3. On page 38, lines 18 and 25, strike "127,800" and insert "155,798".

4. In the committee amendments, page 2, line 17, strike the second "and".

5. In the committee amendments, page 3, line 3, insert "and" after the first semicolon.

6. On page 3, line 16, strike "(1) and (2)" and insert "(a) and (b)"; in line 18 strike "(1)" and insert "(a)"; and in line 26 strike "(2)" and insert "(b)".

7. On page 23, lines 9 and 10 strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

8. On page 36, line 14, strike "(6)" and insert "(4)".

9. On page 64, line 21, strike "(1)" and insert "(i)"; in line 25 strike "(2)" and insert "(ii)" and strike "(3)" and insert "(iii)".

10. On page 65, lines 2, 7, 15, 19, and 27 strike "(1)" and insert "(i)"; in lines 4, 8, 18, and 23 strike "(2)" and insert "(ii)"; and in lines 4 and 13 strike "(3)" and insert "(iii)".

11. On page 66, lines 4, 8, 12, and 16, strike "(1)" and insert "(i)"; and in lines 1, 5, 9, 14, and 17, strike "(2)" and insert "(ii)".

12. On page 71, line 27, strike "and".

13. On page 2, line 9, strike "46" and insert "57".

Correctly Enrolled

The following bills were correctly enrolled: 202, 665, 668, 836, 460, 813, 923, 960, 961, 962, and 963.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 202, 665, 668, 836, 460, 813, 923, 960, 961, 962, and 963.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the following bills:

LB 920	(March 21st)
LB 605	(March 22nd)
LB 612	(March 22nd)
LB 613	(March 22nd)
LB 719	(March 22nd)
LB 906	(March 22nd)

(Signed) Roland Luedtke

BILL ON FIRST READING

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

LEGISLATIVE BILL 926A. 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 926, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 207.

Introduced by Duis, 39th District.

WHEREAS, the incidence of sexual assaults against citizens of Nebraska has resulted in substantial loss of life, untold trauma for victims who lived, and widespread anxiety among the populace generally; and

WHEREAS, a pattern seems apparent in which many sex offenders repeat their crimes with increasing violence; and

WHEREAS, efforts at treating and rehabilitating sex offenders have been largely unsuccessful; and

WHEREAS, very little understanding seems to exist in regard to the cause of deviant sexual behavior or to its treatment; and

WHEREAS, better understanding of how to deal with deviant sexual behavior is essential in coping with such offenders and in safeguarding the public; and

WHEREAS, little or no intensive and specific research in the cause and handling of deviant sexual behavior currently is evident in the state or in the nation.

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

1. That an interim study committee of this Legislature be established to examine the extent of research now being conducted on deviant sexual behavior in the United States.

2. That such study determine the need for additional research of this nature of sufficient scope and intensity to permit legislative bodies, law enforcement, judiciary bodies, correctional institutions and medical and psychiatric science to deal more effectively with the problems of sexual psychopathy.

3. That such study examine the capability of public and private institutions in Nebraska to undertake such additional research.

4. That such study explore all possible public and private sources for financing such additional research.

5. That such study determine the feasibility of a research program or facility being established in Nebraska to undertake such additional research, to be funded by public and private resources as are found to be available.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 208.

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, the cost and quantity of energy used in ground water irrigation can be reduced drastically by the use of surface water; and

WHEREAS, recent flooding in Eastern Nebraska has shown the need for control of runoff water in Western Nebraska; 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, SECOND SESSION:

1. That the Second 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 $4,130,000 for the continuation of construction for the North Loup Division which would start actual construction of the Calamus Dam 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 Tom Bevill, Chairman of the House Appropriations Committee, Honorable J. Bennett Johnston, Chairman of the Senate Appropriations Committee, and to each member from Nebraska in the Senate and House of Representatives of the United States.

Laid over.

LEGISLATIVE RESOLUTION 209.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Moylan, 6th District; Kelly, 35th District; Merz, 1st District; Kennedy, 21st District; Mills, 44th District; R. Lewis, 38th District.

WHEREAS, the Federal Reclamation Act of 1902 was created to assist in the settling of the unpopulated, arid states of the west; and

WHEREAS, Nebraska has significant farming units utilizing water from Reclamation projects; and

WHEREAS, modern day farming techniques are vastly different from 1902; and

WHEREAS, the inherent right to utilize one's property, or dispose of it to another is one of our basic freedoms guaranteed by the Constitution of the United States of America.

NOW, THEREFORE BE IT RESOLVED, that the Eighty-fifth Nebraska Legislature, Second Session, 1978, supports the review and modernization of the 1902 Federal Reclamation Act by the United States Congress.

Laid over.

SELECT FILE

LEGISLATIVE BILL 733A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 814. E & R amendments found in the Journal on page 1539 for the Forty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 937. E & R amendments found in the Journal on page 1458 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 954. E & R amendments found in the Journal on page 1496 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

Mr. Mills asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 957. Mr. Burrows renewed his pending amendment found in the Journal on page 1258.

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 Burrows amendment was adopted with 28 ayes, 4 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Warner offered the following amendments:

AMENDMENTS TO LB 957

1. Purpose: To correct drafting errors.

Amendments:

On page 2, in line 15, strike "17" and insert "28".

On page 21, in line 23, strike "buying" and insert "buy-in".

2. Purpose: To clarify that successful completion of the merger of the Joint Merit System and the state personnel service shall not result in a statewide merit system.

Amendment:

On page 19, in line 13, and on page 23, in line 24, after the period, insert:

"In such a merger, the federal merit standards and corresponding selection procedures shall only apply to merit system agencies and departments currently required to meet such requirements and not to agencies or departments currently within the state personnel service.".

3. Purpose: To add language to the Office of the Governor which indicates that funds for the Governor's mansion housekeeper are included in the Office of the Governor funds.

Amendment:

Insert a new section as follows:

"Sec. 4. Agency No. 07 - Governor

Program 021 - Office of the Governor

Included in the funds appropriated are $8,175 for the Governor's mansion housekeeper. The position was previously funded in the Department of Administrative Services Program No. 560 - Building Division.".

4. Purpose: To add language specifying that the Department of Motor Vehicles move the motor vehicle title records from the State Capitol by June 1, 1979.

Amendment:

Insert a new section as follows:

"Sec. 13. Agency No. 24 - Department of Motor Vehicles

Program No. 070 - Enforcement of Standards - Motor Vehicles

There is included in the agency's appropriation, funds for completion of computer conversion of motor vehicle title records by June 1, 1979. The department shall vacate the space occupied by motor vehicle title records in the State Capitol Building by June 1, 1979.".

5. Purpose: To reflect anticipated federal fiscal relief of $1,050,000 to be received in fiscal year 1978-79 in the appropriation to the Department of Public Welfare, Public Assistance budget program.

Amendment:

On page 11, after line 5, insert:

"Public Assistance Total

GENERAL FUND	49,114,500
LESS: FEDERAL FISCAL RELIEF	1,050,000
NET GENERAL FUND	48,064,500
CASH FUND	17,788,000
FEDERAL FUND est.	79,370,376
ADD: FEDERAL FISCAL RELIEF	1,050,000
TOTAL FEDERAL FUND est.	80,420,376
PROGRAM TOTAL	146,272,876".

6. Amendment:

Insert a new section as follows:

"Sec. 25. Agency No. 65 - Department of Administrative Services

Thirty days prior to the implementation of any adjustment of any rate charge for services provided by the Department of Administrative Services, the Department of Administrative Services shall notify the Governor and the Executive Board of the Legislative Council of the proposed service rate change. Such notification shall include the expenditure and revenue justification for the rate adjustment and the fiscal procedure for implementing the adjustment.

It is the intent of the Legislature that no state agency shall receive additional General or Cash Fund expenditure authority from the implementation of the rate change adjustment that was not anticipated by the Legislature in establishing the annual appropriation for each state agency.".

7. Purpose: To correct legislative intent language and make legislative reporting requirements consistent.

Amendments:

On page 5, in line 23, after "the" insert "Clerk of the".

On page 6, in line 7, before "Legislature" insert "Clerk of the"

On page 8, in line 22, after "the" insert "Clerk of the".

On page 14, in line 16, strike "Appropriations Committee" and insert "Clerk".

On page 19, in line 21, after "report" insert "to

the Clerk of the Legislature and the Governor".

On page 19, in line 25, after "the" insert "Clerk of the".

8. Purpose: To broaden the items eligible for General Fund reimbursement to the Nebraska Wing Civil Air Patrol.

Amendments:

On page 5, line 12, strike "and other operation," and insert "generators, and the"; in line 13, strike the comma; and in line 15 after "Patrol" insert "and for expenses incurred for participation in formal training programs for Civil Air Patrol Cadets".

9. Purpose: To clarify the expenditure of Title VI-B federal funds by the Department of Education.

Amendments:

On page 3, lines 2, 12, and 21, strike "(1)" and in line 24, after the comma insert "exclusive of preschool incentive grants,".

10. Purpose: To provide direction to the Natural Resources Commission in regards to updating the State Water Plan.

Amendment:

On page 19, line 4, insert "(1)" before "Program" and after line 7, insert the following:

"(2) Program 334 - Soil and Water Conservation

There is included in the General Fund appropriation $150,000 for redirecting and accelerating the State Water Planning process.

It is the intent of the Legislature that the Natural Resources Commission consult with state agencies and political subdivisions involved in the water resources area to devise a policy statement and work plan for redirecting and accelerating development of the State Water Plan and to determine the results expected from the preparation of such plan. The work plan shall list the responsibilities of each agency in developing the elements of the plan and shall be submitted to the Governor and the Clerk of the Legislature on or before November 15, 1978. Not more than $15,000 from this appropriation of $150,000 shall be expended to accelerate development of the water plan until the Natural Resources Commission, Department of Water Resources, Department of Environmental Control, Game and Parks Commission, University of Nebraska-Lincoln Conservation and Survey Division, Nebraska Water Resources Center, and State Office of Planning and Programming have submitted written approval of the work plan to the Governor and the Clerk

of the Legislature.

It is intended by the Legislature that the State Water Plan, as developed, include the following:

(a) A list of alternatives to resolve water and water related resources problems and related legislative and administrative policy problems;

(b) An evaluation of the impacts of each alternative;

(c) An evaluation of the methods for implementing the alternatives, including an estimate of the costs involved and the level and source of funding needed for each alternative; and

(d) Based upon the evaluation, a recommendation by the commission of the alternatives to consider for implementation.

Included in the appropriation are funds for the commission to establish one or more committees consisting of representatives of resource related organizations, locally elected officials, and the general public, to participate in the development of the State Water Plan in the manner identified in the work plan. Any such committee members shall be reimbursed for expenses as provided in sections 84-306.01 and 84-306.08, Revised Statute Supplement, 1977.

The Natural Resources Commission shall on or before September 15 of each year, throughout the duration of the planning process, submit to the Clerk of the Legislature and the Governor a report as to the progress made in such process.".

11. Amendment:

On page 12, after line 3, insert the following:

"There is included in the appropriation $30,000 for the creation of a position titled State Hydrologist.".

Purpose: To require state agencies to report changes in estimated expenditures for salaries which have occurred subsequent to the submission of agency budget requests.

12. Amendment:

Insert the following new section:

"Sec. 33. Each agency or department appropriated funds under the provisions of Legislative Bills 951, 952, and 953, Eighty-fifth Legislature, Second Session, 1978, shall provide to the Chairman of the Legislative Committee on Appropriations and the Legislative Fiscal Analyst written notification no later than February 1, 1979, indicating any revisions to the

estimated expenditures for permanent and temporary salaries in each budget program as reflected in the agency's 1979-80 budget request. Such notification shall indicate the salary base adjustments made as a result of promotions, merit awards, completion of probation, or position reclassification and salary grade adjustments approved by the Department of Personnel, which have occurred subsequent to preparation of the agency's budget request or are anticipated to occur by June 30, 1979.''.

13. In the E & R amendment 1, strike ''29'' and insert ''33''.

14. On page 18, line 25, strike ''(1)''.

15. On page 19, lines 9 and 13, and on page 23, line 24 strike ''State''.

16. In the E & R amendment 2, strike ''31'' and insert ''35''.

17. Renumber original sections 4 to 11 as sections 5 to 12, sections 12 to 22 as sections 14 to 24, sections 23 to 28 as sections 26 to 31, and sections 29 and 30 as sections 34 and 35. Renumber the section added by the Carsten amendment as section 32.

18. On page 20, line 9, strike ''(1)''.

Mr. Bereuter offered the following amendment the the Warner amendments:

On p. 11, in line 16, strike ''shown above'' and insert ''appropriated''

Purpose to correct an internal reference

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

The Warner amendments, as amended, were adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Barnett withdrew his pending amendment found in the Journal on page 1336.

Mr. Savage asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bereuter offered the following amendment:

1. Insert a new section as follows:

''Sec. 34. Since the lighted tower of the State Capitol serves as a beacon and source of pride and inspiration to Nebraskans, and since the resumption of exterior lighting for the Capitol tower can be

accomplished with minimal cost and compensated for by saving electrical energy in the Capitol building through other means, the Department of Administrative Service is strongly encouraged to resume the exterior lighting of the Capitol tower.".

2. In committee amendment 16 strike "35" and insert "36".

3. In committee amendment 17, line 22, strike "34 and 35" and insert "35 and 36".

Mr. Lamb 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 Bereuter amendment was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

MR. MARVEL PRESIDING

Advanced to E & R for Engrossment.

Mr. Barnett asked unanimous consent to be excused until he returns. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

The Clerk stated he has a letter from the Governor to be read into the Journal.

Mr. DeCamp objected to it being read.

Mr. Marvel ruled Mr. DeCamp out of order.

Mr. DeCamp appealed the decision of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The motion to overrule the Chair lost with 12 ayes, 18 nays, 15 present and not voting, and 4 excused and not voting.

The Chair was sustained.

April 3, 1978

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

Dear Mr. President and Senators:

I appeal to you to correct your present course on proposed spending which is considerably over my recommendations.

There are important spending priority decisions which must be made now by the Legislature to protect the integrity of the sales and income tax rates just reduced January 1, 1978.

I urgently request that you return generally to my budget recommendations as outlines to you in my February 10, 1978, State of the State and Budget Address.

Nothing has significantly changed since that time either in my requests or anticipated receipts. I caution again, as I did on February 10, that the variances of the economy and the impact of same on the sales and income tax receipts are always of concern. Therefore, it is wise for us to be conservative and realistic on spending authorizations rather than to seek avenues where we can risk more spending by over anticipation of available revenues.

As of this moment, pending your scaling down your present expenditure patterns, we are in a sound fiscal position. Our general fund balance as of the latest report was $31.6 million as compared with $1.8 a year ago. The revenue projection of $420.5 million remains essentially the same, being off only approximately $7.7 million or only 1.8% for the fiscal year to date. No one could expect a closer call than that on anticipated receipts. In fact, this is the closest we have ever been to date on anticipated revenues primarily because of the extensive use of nationally recognized econometric models for guidance by the Department of Revenue coupled with their accumulated past experiences.

However, as I have advised your body on many occasions, no one can predict for certain what the future holds for collections, it is not an exact science. Since there continues to be criticism from some in the Legislature on this matter, I once again encourage your body to take over state sales and income tax rate setting and estimating as is done by all other Legislatures.

Again, no one can predict receipts within a few million dollars. The facts are that our over levy of the current year and the recommended

5% over-levy for the next fiscal year should provide the cushion needed to maintain fiscal soundness and cash flow requirements at present tax rates if you will heed my spending restraints and recommendations.

I informed you by message last month, on March 20, 1978, that State General Fund receipts are no longer running ahead of projections at the October, 1977, rate of $8.6 million. Therefore, the beginning balace shown at the top of your daily worksheet is approximately $8.6 million too high. This money, as I stated to you before, is not available. You must reduce your inflated estimate of General Fund monies available for appropriation to reflect this fact, otherwise you are not dealing with current factual information.

The following amounts are available to you in your appropriations deliberations for emergencies, deficiencies, FY 78/79 operations, state aid, capital construction, and a 5% reserve:

Estimated 7/1/78	
Beginning Balance	$ 21.7 million
Projected FY 78/79 receipts less refunds	$543.0 million
Revenue Sharing Trust Fund and Nebraska Capital Const. Fund	$ 27.8 million
Total	$592.5 million

From this amount, you have pending a deficiency bill of $10.9 million over $3 million in excess of my recommendation. In addition thereto you have before you previously unanticipated deficiencies of $2.1 million which I have approved for the ETV Tower at Angora of $.9 million and the additional $1.2 million to meet our obligation for disaster assistance due to recent flooding.

According to your March 28, 1978, General Fund Financial Status Report, you show $558.3 million in legislative appropriation proposals now pending. You have also passed $2.3 million in 'A' bills, and you have $.6 million in 'A' bills on Final Reading, $1.7 million on Select File or E & R Final, and $80.5 million estimated proposed spending on General File. This totals the awesome amount of $642.2 million. None of these proposed amounts includes my necessary previously unanticipated request of $1.2 million for the flood emergency.

I realize that many of the spending proposals before you are attractive to one group or another and are, therefore, difficult for

some of you to oppose. Nevertheless, you must start now to move away from the want list for everybody and realistically face those hard spending decisions which confront you.

You can begin by sustaining my vetoes of nearly $2.0 million on LB's 92A, 108, 582, and 586 which are before you(sic) body.

Additionally, you can pass for my signature LB 460 which would save the General Fund over $1.3 million, by providing this amount directly to the Board of Educational Lands and Funds rather than indirectly as a pass through to the Board through the General Fund.

I also again urge you to reconsider the amount of your proposed deficiencies in LB 924 of $10.9 million and to review your current State operations, State Aid, and Capital Construction proposals, and to set priorities among pending 'A' bills. If you do not do so, there are not sufficient funds to consider LB's 198A, 624A, 672A, and 897A on Final Reading and LB's 135A, 700A, 713A, 889A or 946A on Select File or E & R Final.

I request your special consideration and approval of my full recommendations of $320,000 to aid very young children with special problems and related needs as outlines in my budget request of February 10, 1978.

Attached you will find a sheet detailing revenue information and my recommended expenditures to date which remain essentially unchanged from February 10. Total available revenue is $556.2 million and my recommended expenditures to date are $553.2 million assuming the passage of LB 460. I urge you again to correct your present course on spending.

Therefore, members of the Legislature, if we are to have any chance to keep our pledge of maintaining the sales and income tax rates which were reduced effective January 1, 1978, you must realize where you are and where you are going in spending. This is a time for great restraint on your part. I strongly recommend your careful planning before you proceed with spending authorizations. I also respectfully request that you remain in session and act promptly rather than to adjourn to May as contempleted.

Yours very truly,

(Signed) J. James Exon
Governor

Enclosure

FY 78/79
General Fund Revenue
and Appropriations

	Governor
G.F. Ext. 7/1/78	
Beginning Balance	21.7
FY 78/79 Proj. Receipts	543.0
R/S Cig. Tax	27.8
Sub-Total	592.5
Less:	
Deficits	(7.8)
ETV Tower	(.9)
Evergency Flood	(1.2)
Sub-Total	582.6
Less:	
5% Reserve	(26.4)
Total Available Revenue	556.2
Opers. & Aid	515.1
LB 309 & Handicap	6.0
Cap. Const.	32.0
Sub-Total	553.1
LB 315	.5
Misc. 'A' Bills	.3
Sub-Total	553.9
Beatrice/CBMR	.6
Sub-Total	554.5
LB 460	(1.3)
Total Expend.	553.2

PRESIDENT WHELAN PRESIDING

Mr. Merz asked unanimous consent to be excused for one-half hour. No objections. So ordered.

UNANIMOUS CONSENT - Expedite Bills

Mr. Warner asked unanimous consent to expedite LB 733A, 812, 814, 937, 951, 952, 953, 954, 956, 957, 958, 964. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present on March 28, 1978, I would have voted "aye" on the following bills: 202, 665, 668, 836, 460, 813, 923, 960, 961, 962, and 963.

(Signed) R. D. Kelly

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendments to LB 793 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 793

1. Insert two new sections as follows:

"Sec. 6. That section 79-2648, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2648. Except as provided in section 7 of this act, each ~~Each~~ board shall have the power to issue and sell revenue bonds and general obligation bonds for the purchase, construction, reconstruction, equipping, demolition, or alteration of capital assests and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances and other facilities connected with the operation of the technical community colleges. Each board may establish in its budget a capital improvement and bond sinking fund. Such fund shall be used first for the retirement of bonds assumed by the board, then for the retirement of bonds issued pursuant to this section, and then for the purchasing, purchasing on contract, leasing, constructing, renovating, and improving of facilities necessary to carry out the provisions of sections 79-2636 to 79-2662. Revenue bonds issued shall be subject to all applicable provisions of sections 79-1438.04 to 79-1438.12. No general obligation bonds shall be issued without the approval by a majority vote of the qualified electors of the area voting in a general, primary, or special election called for such purpose, upon notice given by the members of the board at least twenty days prior to

such election. No bonds issued under the provisions of sections 79-2636 to 79-2662 shall be an obligation of the State of Nebraska and no state tax shall be levied to raise funds for the payment thereof or interest thereon.

Sec. 7. Each technical community college area shall fully retire all outstanding assumed general obligation debts prior to using any bond issue pursuant to section 79-2648 or a tax levied pursuant to subsection (2) of section 79-2650 for (1) new capital construction, (2) site acquisition, or (3) the consideration necessary for entering into any lease-purchase agreement or other contract. This section shall not apply to projects when actual construction contracts have been let prior to the effective date of this act.".

2. In the Marvel-Cullan amendment on page 1495 of the Journal, line 11, strike "and" and insert an underscored comma and after "2" insert ", and 7".

3. In the Marvel-Cullan amendment Sec. 6, line 3, strike "section" and insert "sections 79-2648 and"; and in line 4 strike "is" and insert "are".

4. Renumber sections 6 and 7 added by the Marvel-Cullan amendment as sections 8 and 9.

Mr. Keyes asked unanimous consent to print the following amendments to LB 192 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 192

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

Section 1. Commencing with the 1978-79 school year, and each school year thereafter, the state shall provide financial assistance to each school disrict equal to forty-two and one half per cent of the amount to be raised for each school district's budget by taxation within Nebraska as certified in the adopted budget statement.

Sec. 2. Commencing school year 1978-79, and each school year thereafter, each school district shall, in its adopted budget statement, state the total amount to be raised by taxation and certify an amount of property tax to be levied by the levying board equal to fifty-seven and one half per cent of such total amount.

Sec. 3. Each levying board shall, on or before September 10 of each year, file with the Tax Commissioner a copy of the adopted budget statement for each school district within its jurisdiction.

Sec. 4. The Department of Revenue shall

determine the amount of state financial assistance to be distributed to the various school districts and certify such amounts to the Director of Administrative Services. Such amount shall be distributed, in nine as nearly as possible equal monthly payments, beginning in October, 1978, and each October 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.

Sec. 5. Each county treasurer shall, once a month, distribute to school districts in his jurisdiction any funds collected for school purposes.

Sec. 6. Any school district whose adopted budget statement is submitted after September 1 but before September 16 shall have the state funds it would otherwise receive pursuant to this act reduced by ten per cent for that year. If the adopted budget statement is submitted after September 15 but before October 1, the state funds such school district would otherwise recieve pursuant to this act shall be reduced by twenty-five per cent for that year. No school district whose adopted budget statement is submitted on or after October 1 or whose statement is not submitted shall receive any state funds for that year pursuant to this act.

Sec. 7. Any school district which shall submit its adopted budget statement to the county after September 1 or fail to submit such statement, the county board shall for such district levy a property tax which will produce an amount based on the amount raised for the previous school year reduced by ten per cent of such amount.

Sec. 8. In making computations required pursuant to this act, the school districts shall use estimates whenever final figures are not available, but when final figures become available the amounts shall be recomputed. Not later than ten days after receipt of the final figures each school district shall forward those figures and the recomputed amounts to the appropriate levying board.

Sec. 9. Upon receipt of the recomputed amounts each levying board shall, within five days, forward a certified copy of such amounts to the Tax Commissioner.

Sec. 10. The Department of Revenue shall adjust the amount of its payments for the remainder of the

current school year by an amount totaling forty-two and one half per cent of the difference between the estimated and recomputed amounts. If upon receipt of the recomputed amounts prior payments to a school district for the current school year shall exceed the amount owed using the recomputed amount the Department of Revenue shall make no further payment to such district during the current school year. Payments to such district during the succeeding school year shall each be reduced by one-ninth of the over payment.

Sec. 11. The levying board, upon receipt of the recomputed amounts, shall adjust the amount of its payments for the remainder of that year by an amount totaling fifty-seven and one half per cent of the difference between the estimated and recomputed amounts. Over payments which cannot be fully recouped in the current year shall carry over and one-twelfth of the remaining over-payment balance be deducted from payments to the school district in the succeeding year.

Sec. 12. Any school board neglecting to submit its adopted budget statement before October 1 shall be liable to the district for all school money which such district may lose by such neglect.

Sec. 13. The Department of Revenue shall adopt and promulgate such rules and regulations and provide such forms as are required by this act.

Sec. 14. Sections 1 to 14 of this act shall be known and may be cited as the Tax Reform for School Financing Act.

Sec. 15. That section 79-451, Revised Statutes Supplement, 1977, be amended to read as follows:

79-451. The secretary shall, within ten days after the annual district meeting in class I, II and VI districts and on or before July 20 in Class III, IV and V districts, deliver to the county superintendent, to be filed in his office, a report under oath showing the whole number of children belonging to the District between the ages of five and twenty-one years according to the census taken aforesaid. Each Class I district which is part of a Class VI district offering instruction (a) in grades kindergarten through six shall report those children who are five through eleven years old, and (b) in grades kindergarten through eight shall report those children who are five through thirteen years old. Each Class VI district offering instruction (c) in grades seven through twelve shall report those children who are twelve through eighteen years old, and (d) in grades nine

through twelve those children who are fourteen through eighteen years old. Each Class I district which is not a part of a Class VI district shall report those children who are five through twenty-one years old. ~~Any district board or board of education neglecting to take the enumeration and make return of the same shall be liable to the district for all school money which such district may lose by such neglect.~~ The secretary shall also on or before July 15 in Class I, II, and VI districts and on or before November 1 in Class III, IV, and V districts, deliver to the county superintendent, to be filed in his office, two reports under oath described as an end-of-the-school-year annual statistical summary, and an annual financial report showing (1) the number attending school during the year under five and also the number over twenty-one years of age; (2) the whole number that have attended school during the year; (3) the whole number in the district between the ages of seven and sixteen years, inclusive; (4) the length of time the school has been taught during the year by a qualified teacher, the length of time taught by each teacher, and the wages paid to each; (5) the total number of days all pupils between the ages of five and twenty-one years have attended school during the year; (6) the amount of money received from the county treasurer during the year and the amount of money expended by the district during the year; (7) the number of mills levied for all school purposes; (8) the amount of bonded indebtedness; and (9) such other facts and statistics as the Commissioner of Education shall direct.

Sec. 16. That original section 79-451, Revised Statutes Supplement, 1977, and also sections 79-4,160 and 79-1320 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Mr. Kelly asked unanimous consent to print the following amendments to LB 877 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 877

1. On page 2, line 10, after the word "The" insert "State of Nebraska on behalf of the".

2. On page 3, strike section 6 and insert:

"Sec. 6. It is the intent of the Legislature of Nebraska to appropriate annually to the Nebraska Public Safety Academy Construction Fund an amount sufficient for the costs and payments to be made by the State of Nebraska to the city of Grand Island for the lease by the state of Nebraska Public Safety

Academy including an amount sufficient for operation and maintenance and lease payments sufficient to pay the principal and interest on the bonds issued by the city of Grand Island to finance such building and to maintain and require amounts in any bond and bond reserve funds. For the fiscal year 1979-80 there is hereby appropriated for such purposes the sum of three hundred fifteen thousand eight hundred ninety-five dollars."

RESOLUTION

LEGISLATIVE RESOLUTION 210.

Introduced by Rumery, 42nd District.

WHEREAS, Major General Butler B. Miltonberger was born in North Platte, Nebraska on August 31, 1897; and

WHEREAS, Major General Miltonberger began his military career as a private in the National Guard; and

WHEREAS, Major General Miltonberger advanced through the ranks, led several units in combat, and after World War II was appointed Chief of the National Guard Bureau; and

WHEREAS, the people of the State of Nebraska and the community of North Platte wish to honor Major General Miltonberger for his distinguised military service.

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

1. That the National Guard Armory at North Platte, Nebraska, be named the Major General Butler B. Miltonberger Armory.

2. That copies of this resolution be sent to the Governor and the State Building Administrator.

Laid over.

ANNOUNCEMENT

Mr. DeCamp announced a meeting of the Rules Committee on Tuesday, April 4, 1978 at 7:45 a.m. in room 1019.

RESOLUTION

LEGISLATIVE RESOLUTION 211.

Introduced by Venditte, 7th District; Barnett, 26th District; Bereuter, 24th District; Brennan, 9th District; Burrows, 30th District; Carsten,

2nd District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Duis, 39th District; E. Dvorak, 8th District; D. Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Hasebroock, 18th District; Hefner, 19th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; R. Lewis, 38th District; Luedtke, 28th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Maxey, 46th District; Merz, 1st District; Mills, 44th District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Simon, 31st District; Stoney, 4th District; Warner, 25th District.

WHEREAS, the Unicameral Legislature wishes to recognize the dedication and service to Nebraska by two retiring State Senators; and

WHEREAS, State Senator Harold T. Moylan has represented Legislative District No. 6 since 1964; and

WHEREAS, State Senator John Savage has represented Legislative District No. 10 since 1970; and

WHEREAS, the Legislature recognizes their untiring, diligent efforts, and accomplishments over the years in law making; and

WHEREAS, the legislature wants to thank them for helping to continue the excellence of public service which exists in Nebraska.

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

1. That the Legislature acknowledges the dedicated service and achievements of Senators Harold Moylan and John Savage.

2. That the Legislature wishes health and happiness in their retirement to Senator Moylan and his wife Margaret and Senator Savage and his wife Marie.

3. That the Legislature present a copy of this resolution to Senator Harold Moylan and Senator John Savage.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Moylan asked unanimous consent to print the following amendments to LB 837 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 837

1. Insert the following new section:

"Sec. 2. That section 14-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1005. (1) Any vacancy occurring in the board of directors shall be filled for the unexpired term by the remaining members thereof within thirty days after the vacancy shall occur. It is the intent and purpose, but not the inducement, of sections 14-1001 to 14-1033, to render the board of directors nonpartisan in character.

(2) Before entering upon their offices, members of the board of directors shall give bond for the faithful performance of their duties in the amount of five thousand dollars each, which bond must be filed with the secretary of the metropolitan water district and be approved by the board of directors, or by a judge of the district court of the judicial district including said metropolitan city, before the day fixed for assuming the duties of office.

(3) The chairman of the board of directors of a metropolitan water district or a metropolitan utilities district shall be paid, as compensation for his services, not to exceed the sum of ~~two~~ six hundred ~~fifty~~ dollars per month. Each of the other members of said board of directors shall be paid, as compensation for his services, not to exceed the sum of ~~two~~ five hundred dollars per month.".

2. On page 3, line 16, strike "section" and insert "sections 14-1005 and"; and in line 17, strike "is" and insert "are".

3. In the title, line 2, strike "section" and insert "sections 14-1005 and"; in line 4, after "power" insert a comma, strike "and", and after "irrigation" insert ", and water"; and in line 6, strike "section" and insert "sections".

SELECT FILE

LEGISLATIVE BILL 958. E & R amendments found in the Journal on page 1505 for the Forty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 958 to Select File

Mr. Warner moved to return LB 958 to Select File for the following specific amendment:

1. On page 3, line 11 strike "ceilings as shown" and insert "fund appropriation"; and in line 17 strike "ceiling" and insert "fund appropriation".

2. On page 6, strike lines 24 to 27; and in the Warner amendment 6, line 2 strike "(6)" and insert "(5)".

3. On page 7, lines 2 and 19 strike "(2)"; and strike lines 14 to 17.

4. On page 8, strike lines 3 to 6 and 20 to 23; and in line 25 strike "(1)".

5. On page 9, strike lines 6 to 9.

The motion prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 958. The Warner specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Kremer asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

LEGISLATIVE BILL 964. E & R amendments found in the Journal on page 1459 for the Forty-Fourth Day were adopted.

Mr. Koch offered the following amendment:

1. Strike the Maxey amendment.

2. In the E and R amendment 2, strike beginning with the semicolon in line 1 through "1979" in line 4.

3. On page 3, line 4 strike "equitability" and insert "equitableness" and after the second "of" insert "the".

Mr. Fowler 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. Koch moved for a Call of the House. The motion prevailed with 17 ayes, 7 nays, and 25 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Clark	George	Lamb	Schmit
Cope	Kahle	Moylan	Stoney
Cullan	Kennedy	Murphy	Venditte
D. Dworak	Koch	Rasmussen	Warner

Voting in the negative, 24:

Bereuter	Fitzgerald	Labedz	Marsh	Reutzel
Brennan	Fowler	F. Lewis	Marvel	Rumery
Burrows	Hasebroock	R. Lewis	Maxey	Savage
Carsten	Kelly	Luedtke	Newell	Simon
E. Dvorak	Keyes	Maresh	Nichol	

Present and not voting, 5:

Chambers	DeCamp	Duis	Goodrich	Merz

Excused and not voting, 4:

Barnett	Hefner	Kremer	Mills

The amendment lost with 16 ayes, 24 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Advanced to E & R for Engrossment.

Mrs. Maxey asked unanimous consent to be excused until she returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendments to LB 639 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 639

1. On page 2, line 13, strike "9" and insert "10"

2. Insert the following new sections:

"Sec. 8. Trial period shall mean the first

three years of the program after the initial board takes office.

Sec. 23. (1) After the trial period, a referendum shall be held to determine (a) whether the corn checkoff program shall continue, and (b) whether there shall be an appointed or an elected board to administer the program, when ten per cent of the corn growers in the state indicate a desire to place such propositions on the ballot by signing a petition to that effect. Ballots shall be mailed to each grower on record who was subject to a checkoff during such trial period.

(2) If the corn producers shall not approve the program by such referendum, all future checkoffs shall cease and all funds withheld during the previous sixty days shall be refunded to producers. The remainder of the funds shall be appropriated by the Legislature to be used for research.

(3) If the corn producers shall disapprove having an appointed board in favor of an elected board by such referendum, the Director of Agriculture shall within thirty days after the referendum notify those corn growers subject to the checkoff that candidates for election to the initial elected board may place their names on the ballot in the respective district by filing a petition signed by at least fifty qualified corn producers of such district, who were subject to the checkoff during the trial period.

Sixty days after the referendum, the Director of Agriculture shall mail ballots to each producer subject to the checkoff in each district. The ballots shall be returned by such growers within fourteen days to the director designating the candidate of their choice, and one week thereafter the director shall have the results of such election published in a newspaper of general circulation in each district.

(4) If the proposed program and the existence of an appointed board are approved by a majority of those growers voting in the referendum, no additional referendum on such issues shall be held for three years from the date of the close of such referendum.

Sec. 24. (1) Within thirty days after the election of the board, such board shall conduct its first regular meeting. At such meeting, the board shall appoint a seventh member to the board. Such appointment shall be made at large and the appointee shall meet the same qualifications as the elected members on the board.

(2) The board shall elect from its members a

chairman, treasurer, and such other officers as may be necessary. The term of office for members of the board shall be for five years, except that the terms of the members of the board first taking office shall be for one, three, or five years as determined by lot. Such board shall have the same powers and duties and receive the same expense reimbursement as the appointed board.

Sec. 25. Whenever a vacancy occurs on the elected board for any reason, the board shall appoint an individual to fill such vacancy from the district in which the vacancy exists. If the vacant position is that of the at-large member, the appointment to fill such vacancy shall be made at large. Vacancies on the board during the term of office shall be filled by the board until the next regular election. No state or federal officeholder may be elected to or jointly hold a position on the board.".

3. On page 4, line 10, strike "14" and insert "15".

4. On page 9, lines 3, 16, and 20, strike "22" and "23".

5. On page 10, line 12, strike "22" and insert "23".

6. Strike committee amendment 5 on page 587 of the Journal.

7. Renumber remaining sections accordingly.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 814. Replaced on Select File as amended.
E & R amendments to LB 814:

1. In the Burrows amendment 2, line 14 after "1977," insert "as amended by section 1, Legislative Bill 813, Eighty-fifth Legislature, Second Session, 1978,".

2. In the E & R amendment 2 on page 1539 of the Journal, line 4 after "1977," insert "as amended by section 1, Legislative Bill 813, Eighty-fifth Legislature, Second Session, 1978,".

3. For correlation purposes in the George amendments page 1, line 12 after the comma insert "recreation camps,".

(Signed) Samuel K. Cullan, Chairman

MOTION - Return LB 951 to Select File

Mr. Warner moved to return LB 951 to Select File for the following specific amendment:

AMENDMENT TO LB 951

Purpose: To provide additional funds for temporary help, travel and other operating costs for the Oil and Gas Conservation Commission, and to revise the personal services limitation to reflect such increase.

Amendment:

1. On page 8, in lines 11, 12, 18, and 19, strike "149,133" and insert "154,961"; and in line 14, strike "94,619" and insert "98,119".

The motion prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 951. The Warner 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 Engrossment.

LEGISLATIVE BILL 953. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 953 to Select File

Mr. Warner moved to return LB 953 to Select File for the following specific amendments: (Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2900).

The motion prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 953. The Warner specific amendments referred to in this day's Journal (Req. #2900) were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

VISITORS

The President introduced 120 Central High School students and teachers from Omaha; 55 seniors and teacher from Gross High School, Sarpy County; 34 sophomores and teacher from Friend High School, Friend; Tim Peters and Ralph Lloyd from Omaha Central High School, Omaha; 17 4th grade students and teachers from Park Elementary School, Lincoln; Senator Maresh's brothers Ellsworth Maresh and wife from Omaha and Edward Maresh from Lincoln.

RECESS

At 12:12 p.m., 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 Messrs. Hefner and Mills who were excused; and Mrs. Maxey who was excused until she arrives.

SELECT COMMITTEE REPORT
Committee on Committees

March 29, 1978

The Committee on Committees at a special meeting held on March 29, 1978 approved the appointment of the following committees for study of the flood situation.

COMMITTEE ON TAX ISSUES
Senator Cal Carsten, Chairman
Senator John DeCamp
Senator Don Dworak
Senator Elroy Hefner
Senator Jerry Koch
Senator Roland Luedtke

LONG TERM WATER ISSUES
Senator Maurice Kremer, Chairman
Senator Herb Duis
Senator Walter George
Senator Richard Lewis
Senator John Murphy
Senator Dennis Rasmussen
Senator Larry Stoney

FIELD - INSPECTION
Senator Frank Lewis, Chairman
Senator Neil Simon, Vice-Chairman
Senator Wally Barnett
Senator William Hasebroock
Senator Richard Maresh
Senator Barry Reutzel

COST - IMMEDIATE APPROPRIATIONS
Senator Jerome Warner, Chairman
Senator Orval Keyes
Senator Martin Kahle
Senator Myron Rumery
Senator John Savage
Senator Loran Schmit

The following committees were approved by the following vote: For: (8) Senators Savage, Dworak, F. Lewis, Murphy, Koch (ex-officio), Simon, Rumery, Hasebroock. Against: None. Absent: Senators Marsh, Burrows, Labedz, Moylan, DeCamp, Cope, Mills, Rasmussen.

(Signed) John S. Savage, Chairman

SELECT FILE

LEGISLATIVE BILL 956. E & R amendments found in this day's Journal wereadopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 956 to Select File

Mr. Warner moved to return LB 956 to Select File for the following specific amendments:

AMENDMENTS TO LB 956

1. On page 18, line 21 strike "2,000 ton".

2. Insert a new section as follows:

"Sec. 63. The Board of Regents of the University of Nebraska is hereby authorized to sell, pursuant to law and on terms and conditions to be prescribed by the board, real estate which has been used for agricultural research by the University of Nebraska, when such functions shall be transferred to other lands more suitable for agricultural research programs.

All proceeds from the sale of such real estate, together with accrued interest, if any, are hereby appropriated to the Board of Regents of the University of Nebraska to be used exclusively for the acquisition of other real estate for the agricultural research programs of the University of Nebraska.".

3. Strike original section 52.

4. In the new section added by committee amendment 7, line 1 before "The" insert "Program 907.".

5. On page 21, line 17 before "The" insert "Program 904.".

6. In the E & R amendment 4, line 2 strike "60" and insert "59"; in line 3 strike "61" and insert "60".

7. In E & R amendment 5, line 2 strike "52" and insert "53"; in line 3 strike "59" and insert "58"; and in lines 3 and 4 strike "62 to 65" and insert "61, 62, 64, and 65" respectfully.

The motion prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 956. The Warner specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 946. E & R amendments found in this day's Journal wereadopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 946 to Select File

Mr. Warner moved to return LB 946 to Select File for the following specific amendments:

AMENDMENTS TO LB 946

1. Strike the new section added by the Labedz amendment reoffered by Barnett.

2. In lieu of any other amendments renumbering original sections 18 and 19, renumber such sections as 16 and 17.

The motion lost with 15 ayes, 18 nays, 14 present and not voting, and 2 excused and not voting.

MOTION - Return LB 946 to Select File

Mr. Warner moved to return LB 946 to Select File for the following specific amendment:

AMENDMENT TO LB 946

1. In the Labedz amendment reoffered by Barnett on page 1240 of the Journal, line 4 after "increase" insert "in the 1978-79 fiscal year".

The motion prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 946. The Warner 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 Engrossment.

GENERAL FILE

LEGISLATIVE BILL 946A. 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.

Mr. Venditte asked unanimous consent to be excused for the remainder of today. No objections. So ordered.

UNANIMOUS CONSENT - Unbracket LB 502A

Mr. Warner asked unanimous consent to unbracket LB 502A on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 502A. Title read. Considered.

Mr. Warner moved to indefinitely postpone.

The motion prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 812. E & R amendments found in the Journal on page 1421 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 833. E & R amendments found in the Journal on page 1421 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 169. E & R amendments found in the Journal on page 1479 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 952. E & R amendments found in the Journal on page 1491 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 748. E & R amendments found in the Journal on page 1520 for the Forty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 814. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 851. E & R amendments found in the Journal on page 1273 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 773. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 845. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 847. E & R amendments found in the Journal on page 1274 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 855. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 596. E & R amendment found in the Journal on page 1274 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 903. E & R amendments found in the Journal on page 1274 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 44. E & R amendments found in the Journal on page 1345 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 672A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 609. E & R amendment found in the Journal on page 1388 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 692. Mr. Schmit withdrew his pending amendments found in the Journal on page 1525.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 922. Mr. Cullan asked unanimous consent to bracket until April 4, 1978. No objections. So ordered.

LEGISLATIVE BILL 135. E & R amendments found in the Journal on page 1390 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 135A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 885. E & R amendment found in the Journal on page 1390 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 636. E & R amendment found in the Journal on page 1391 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

MOTION - Override Veto on LB 108

Mr. R. Lewis renewed his pending motion found in the Journal on page 1417 to pass LB 108 notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. R. Lewis moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. R. Lewis requested a roll call vote on his motion.

Voting in the affirmative, 28:

Bereuter	Duis	Kelly	Maxey	Reutzel
Brennan	E. Dvorak	Koch	Merz	Rumery
Burrows	Fowler	F. Lewis	Moylan	Savage
Carsten	Goodrich	R. Lewis	Murphy	Schmit
Cope	Hasebroock	Luedtke	Nichol	
DeCamp	Kahle	Marvel	Rasmussen	

Voting in the negative, 13:

Clark	George	Kremer	Newell	Warner
Cullan	Kennedy	Lamb	Simon	
D. Dworak	Keyes	Maresh	Stoney	

Present and not voting, 4:

Barnett	Chambers	Fitzgerald	Marsh

Absent and not voting, 1:

Labedz

Excused and not voting, 3:

Hefner	Mills	Venditte

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 582

Mr. Rumery moved to pass LB 582 notwithstanding the objections of the Governor.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

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

Voting in the affirmative, 27:

Brennan	E. Dvorak	Kelly	Maxey	Rumery
Burrows	Fitzgerald	Koch	Merz	Savage
Carsten	Fowler	F. Lewis	Murphy	Schmit
Cope	Goodrich	R. Lewis	Nichol	
DeCamp	Hasebroock	Luedtke	Rasmussen	
Duis	Kahle	Marvel	Reutzel	

Voting in the negative, 13:

Bereuter	D. Dworak	Kremer	Newell	Warner
Clark	George	Lamb	Simon	
Cullan	Kennedy	Maresh	Stoney	

Present and not voting, 5:

Barnett	Chambers	Keyes	Marsh	Moylan

Absent and not voting, 1:

Labedz

Excused and not voting, 3:

Hefner	Mills	Venditte

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

Mr. Simon moved the Call be raised. The motion lost with 2 ayes, 20 nays, and 27 not voting.

MOTION - Override Veto on LB 586

Mr. Koch moved to pass LB 586 notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Koch requested a roll call vote.

Voting in the affirmative, 24:

Carsten	Fitzgerald	Koch	Maxey	Rasmussen
Cope	Fowler	F. Lewis	Merz	Reutzel
DeCamp	Goodrich	R. Lewis	Moylan	Rumery
Duis	Kahle	Luedtke	Murphy	Savage
E. Dvorak	Kelly	Marvel	Nichol	

Voting in the negative, 16:

Bereuter	D. Dworak	Kremer	Schmit
Burrows	George	Lamb	Simon
Clark	Kennedy	Maresh	Stoney
Cullan	Keyes	Newell	Warner

Present and not voting, 5:

Barnett	Brennan	Chambers	Hasebroock	Marsh

Absent and not voting, 1:

Labedz

Excused and not voting, 3:

Hefner	Mills	Venditte

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 98

Mr. Murphy moved to pass LB 98 notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Bereuter	D. Dworak	Koch	Moylan	Simon
Burrows	George	Kremer	Murphy	Stoney
Carsten	Goodrich	Lamb	Nichol	Warner
Clark	Hasebroock	F. Lewis	Rasmussen	
Cope	Kahle	R. Lewis	Rumery	
Cullan	Kelly	Maxey	Savage	
Duis	Keyes	Merz	Schmit	

Voting in the negative, 11:

Barnett	Fowler	Maresh	Newell
Chambers	Kennedy	Marsh	Reutzel
DeCamp	Luedtke	Marvel	

Present and not voting, 4:

Brennan	E. Dvorak	Fitzgerald	Labedz

Excused and not voting, 3:

Hefner Mills Venditte

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Reconsider Action on LB 108

Mr. Fitzgerald moved to reconsider action on the override of LB 108.

The motion prevailed with 31 ayes, 12 nays, 3 present and not voting, and 3 excused and not voting.

Mr. F. Lewis requested a roll call vote on the motion to pass LB 108 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, 30:

Barnett	Duis	Kelly	Luedtke	Nichol
Bereuter	E. Dvorak	Keyes	Marvel	Rasmussen
Brennan	Fitzgerald	Koch	Maxey	Reutzel
Burrows	Fowler	Labedz	Merz	Rumery
Cope	Goodrich	F. Lewis	Moylan	Savage
DeCamp	Kahle	R. Lewis	Murphy	Simon

Voting in the affirmative, 13:

Carsten	D. Dworak	Kremer	Marsh	Warner
Clark	George	Lamb	Schmit	
Cullan	Kennedy	Maresh	Stoney	

Present and not voting, 3:

Chambers Hasebroock Newell

Excused and not voting, 3:

Hefner Mills Venditte

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Return LB 748 to Select File

Mr. Warner moved to return LB 748 to Select File for the following specific amendment:
Strike the DeCamp amendment to LB 748 found on page 1412 of the Legislative Journal.

Mr. Rasmussen moved the Call be raised. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Bereuter asked unanimous consent to be excused for the remainder of the afternoon. No objections. So ordered.

Mr. Warner moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Duis requested a roll call vote on the Warner motion.

Voting in the affirmative, 26:

Barnett	Kelly	R. Lewis	Murphy	Savage
Carsten	Kennedy	Luedtke	Newell	Warner
Cope	Keyes	Marsh	Nichol	
Fowler	Koch	Marvel	Rasmussen	
Hasebroock	Kremer	Merz	Reutzel	
Kahle	Labedz	Moylan	Rumery	

Voting in the negative, 15:

Burrows	Cullan	Fitzgerald	Lamb	Schmit
Chambers	Duis	George	F. Lewis	Simon
Clark	E. Dvorak	Goodrich	Maresh	Stoney

Present and not voting, 2:

DeCamp D. Dworak

Absent and not voting, 2:

Brennan Maxey

Excused and not voting, 4:

Bereuter	Hefner	Mills	Venditte

The motion to return LB 748 prevailed with 26 ayes, 15 nays, 2 present and not voting, 2 absent and not voting, and 4 excused and not voting.

Mr. Stoney moved the Call be raised. The motion prevailed with 13 ayes, 12 nays, and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 748. The Warner specific amendment found in this day's Journal was renewed.

Mr. Warner moved for a Call of the House. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on the Warner specific amendment:

Voting in the affirmative, 25:

Barnett	Kahle	Labedz	Maxey	Rasmussen
Carsten	Kelly	R. Lewis	Moylan	Reutzel
Cope	Keyes	Luedtke	Murphy	Rumery
E. Dvorak	Koch	Marsh	Newell	Savage
Hasebroock	Kremer	Marvel	Nichol	Warner

Voting in the negative, 15:

Burrows	Cullan	Fitzgerald	F. Lewis	Schmit
Chambers	Duis	Goodrich	Maresh	Simon
Clark	D. Dworak	Lamb	Merz	Stoney

Present and not voting, 4:

DeCamp	Fowler	George	Kennedy

Absent and not voting, 1:

Brennan

Excused and not voting, 4:

Bereuter Hefner Mills Venditte

The Warner specific amendment was adopted with 25 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Chambers requested a machine vote to advance to E & R for Engrossment.

Advanced to E & R for Engrossment with 30 ayes, 9 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Stoney moved the Call be raised. The motion prevailed with 21 ayes, 6 nays, and 22 not voting.

SELECT COMMITTEE REPORTS
Committee on Committees

April 3, 1978

Mr. President:

The Committee on Committees desires to report favorably upon the appointments and reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote.

Bernard R. Gyger
Public Welfare, Institutions and Corrections Advisory Committee

Leonard Schaeffer
Environmental Control Council

Ralph O'Connor
Agricultural Products Industrial Utilization Committee

Mrs. Robert Bridge
Nebraska Arts Council

Richard S. Westin
Nebraska Arts Council

Ramona Freeman
Rural Health Manpower Commission

Margaret Sullivan
Public Employees Retirement Board

Dorothy Ley
Special Education Appeal Board

Committee Vote: For: (8) Senators Savage, Marsh, Burrows, Koch, Moylan, Dworak, Murphy, Mills. Against: None. Excused and Not Voting: (3) Senators Labedz, Cope, Rasmussen. Absent and Not Voting: (2) Senators DeCamp, F. Lewis.

April 3, 1978

Mr. President:

The Committee on Committees desires to report favorably upon the appointments and reappointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote.

Patricia R. Hoffman
Environmental Control Council

Russell D. Salak
Commission on Fire Fighting Personnel Standards and Education

Dr. Gary Ensz
Rural Health Manpower Commission

Marjorie Hartnett
Special Education Appeal Board

Joe Patrick
Special Education Appeal Board

Burnham Yates
Economic Development Advisory Committee

Neil Colerick
Economic Development Advisory Committee

John C. Mitchell
Board of Educational Lands and Funds

Committee Vote: For: (7) Senators Savage, Marsh, Koch, Moylan, Dworak, Cope, Mills. Against: None. Excused and Not Voting: (5) Senators Burrows, F. Lewis, Labedz, Murphy, Rasmussen. Absent and Not Voting: (1) Senator DeCamp.

April 3, 1978

The Committee on Committees desires to report favorably upon the appointment listed below which was submitted by Governor J. James Exon. The Committee suggests that the appointment be confirmed and suggests a record vote.

Louis Knoflicek
Nebraska Natural Resources Commission

Committee vote: For: (7) Senators Savage, Moylan, Cope, Maxey, Merz, Hasebroock, Fitzgerald. Against: None. Excused and Not Voting: (10) Senators Marsh, Burrows, F. Lewis, Koch, Labedz, DeCamp, Dworak, Murphy, Mills, Rasmussen.

Note: To make a quorum at this committee hearing, Senators Maxey, Merz, Hasebroock and Fitzgerald served as ex-officio members.

April 3, 1978

Mr. President:

The Committee on Committees wishes to report that the following appointment submitted by Governor J. James Exon is being returned with no action, as this appointee resigned prior to confirmation.

Ramey C. Whitney
Agricultural Products Industrial Utilization Committee

April 3, 1978

Mr. President:

The Committee on Committees wishes to report that the following reappointment submitted by Governor J. James Exon, which has not at this time been approved by the Legislature does not require confirmation at this time, as the gentleman has submitted his resignation.

Dr. A. B. Pittman
State Board of Health

(Signed) John S. Savage, Chairman

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 733A, 937, 951, 953, 954, and 958.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Merz asked unanimous consent to print the following amendments to LB 800 in the Journal. No objections. So ordered.

(Amendments printed separately from the Journal and on file in the Clerk's office. Req. 2899)

Messrs. Cullan and Marvel asked unanimous consent to print the following amendments to LB 922 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 922

1. Strike the original sections and insert the following:

"Section 1. Commencing on the effective date of this act, no tax levied pursuant to subsection (2) of section 79-2650, shall be used by any area which has obligations in excess of the amount to be derived under subsection (2) of section 79-2650 for (1) new capital construction, (2) site acquisition, or (3) as the consideration necessary for entering into any lease-purchase agreement or other contract in which the obligations or provisions of such agreement or contract would not be fully met prior to July 1, 1980. This section shall not apply to projects when actual construction contracts have been let prior to the effective date of this act.

Sec. 2. Commencing on the effective date of this act, the tax levied pursuant to subsection (2) of section 79-2650, may be used by any area which does not have obligations in excess of the amount to be derived under such subsection for (1) new capital construction, (2) site acquisition, or (3) as the consideration necessary for entering into any lease-purchase agreement or other contract, if approved by a vote of the people as prescribed in section 3 of this act. Nothing in this section shall be construed to permit obligations to be incurred beyond the time allowed for the levy under subsection (2) of section 79-2650.

Sec. 3. (1) If the board in any technical community college area shall determine that it is necessary for the proper management and operation of such area to expend tax funds in a manner requiring a vote of the people as prescribed in section 2 of this act, the board may by resolution place the proposition for such expenditure on the general or primary ballot or call for a special election in such area for the purpose of approving such expenditure. The proposition appearing on the ballot in any election shall state the purpose for which such tax funds will be spent and the amount of funds to be so expended. Such proposition shall be adopted if approved by a majority of those voting in such election.

(2) The resolution calling for the election and the election notice shall show the proposed purpose for which such tax funds will be expended and the amount of money sought.

(3) Notice of the election shall state the date

which the election is to be held and the hours the polls will be open. Such notice shall be published in a newspaper that is published in or of general circulation in such area at least fifteen days prior to such election. If no newspaper is published in or of general circulation in the area, notice shall be posted in at least two public places in each county in the area.

(4) If a special election is called the board shall prescribe the form of the ballot to be used.

Sec. 4. Each member of a Technical Community College Board of Governors shall be personally liable for any action taken in such member's technical community college area that is in violation of this act.

Sec. 5. That section 79-2648, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2648. Except as provided in section 7 of this act, each ~~Each~~ board shall have the power to issue and sell revenue bonds and general obligation bonds for the purchase, construction, reconstruction, equipping, demolition, or alteration of capital assets and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances and other facilities connected with the operation of the technical community colleges. Each board may establish in its budget a capital improvement and bond sinking fund. Such fund shall be used first for the retirement of bonds assumed by the board, then for the retirement of bonds issued pursuant to this section, and then for the purchasing purchasing on contract, leasing, constructing, renovating, and improving of facilities necessary to carry out the provisions of sections 79-2636 to 79-2662. Revenue bonds issued shall be subject to all applicable provisions of sections 79-1438.04 to 79-1438.12. No general obligation bonds shall be issued without the approval by a majority vote of the qualified electors of the area voting in a general, primary, or special election called for such purpose, upon notice given by the members of the board at least twenty days prior to such election. No bonds issued under the provisions of sections 79-2636 to 79-2662 shall be an obligation of the State of Nebraska and no state tax shall be levied to raise funds for the payment thereof or interest thereon.

Sec. 6. That section 79-2650, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2650. (1) On or before September 1 of each

year, the board 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 the technical community college area.

(2) In addition to the levy provided in subsection (1) of this section, the board may subject to the provisions of sections 1, 2, and 7 of this act, also certify to the county board of exceed one mill, uniform throughout such area, for the purpose of establishing a capital improvement fund, a bond sinking fund, or for the retirement of general obligation bonds. The power to levy such tax under this subsection shall not exist after June 30, 1980.

(3) The combined levy provided in subsections (1) and (2) of this section shall not exceed two and one half mills without prior approval by a majority vote of the qualified electors of the area voting in a primary, general, or special election called for such purpose, upon notice given by the members of the board at least twenty days prior to such election.

(4) 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.

Sec. 7. Each technical community college area shall fully retire all outstanding assumed general obligation debts prior to using any bond issue pursuant to section 79-2648 or a tax levied pursuant to subsection (2) of section 79-2650 for (1) new capital construction, (2) site acquisition, or (3) the consideration necessary for entering into any lease-purchase agreement or other contract. This section shall not apply to projects when actual construction contracts have been let prior to the effective date of this act.

Sec. 8. That original sections 79-2648 and 79-2650, Reissue Revised Statutes of Nebraska, 1943, are repealed.

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.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 760 in the Journal. No objections. So ordered.

AMENDMENT TO LB 760

1. On page 6, line 5 strike "or"; in line 15 strike the underscored period and insert "; or"; and after line 15 insert a new subdivision (16) as follows:

"(16) A stock or similar security, including a patronage refund certificate issued by a cooperative association as defined in the federal Agricultural Marketing Act of 1946, or a federation of such cooperative associations that possesses no greater powers or purposes than cooperative associations so defined, if such stock or similar security (1) qualifies its holder for membership in the cooperative association or federation, or in the case of patronage refund certificate, is issuable only to members; and (2) is transferable only to the issuer or to a successor in interest of the transferor that qualifies for membership in the cooperative association or federation.".

Mr. George asked unanimous consent to print the following amendment to LB 867 in the Journal. No objections. So ordered.

AMENDMENT TO LB 867

1. On page 2, line 7 after the period insert "If such approval is granted, no racing shall occur on Sunday until after 1:00 p.m.".

GENERAL FILE

LEGISLATIVE BILL 351A. Title read. Considered.

Mr. Simon renewed his pending motion found in the Journal on page 1114 to indefinitely postpone.

The motion prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused at 4:15 p.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 757. E & R amendments found in the Journal on page 1388 for the Forty-Third Day were adopted.

Mr. D. Dworak offered the following amendment:

AMENDMENT TO LB 757

1. In the DeCamp amendments on page 1378 of the Journal strike lines 1 through 8.

The amendment lost with 8 ayes, 23 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 955. Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Warner announced the Ad Hoc Flood Committee will meet in Room 1113 not 1019 at adjournment.

UNANIMOUS CONSENT - Member Excused

Mr. Stoney asked unanimous consent to be excused Wednesday, April 5, 1978. No objections. So ordered.

CORRECTED SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 153. Placed on Select File as amended.
Corrected E & R amendments to LB 153:

In lieu of the E & R amendments on page 935 and 936 of the Journal insert the following amendments:

1. In lieu of the Burrows amendment, in committee amendments, page 2, line 9, strike "equal to" and insert "of not more than".

2. In the title, strike lines 6 and 7 and insert "Legislature shall be not more than the median family income for the State of Nebraska; to eliminate expense limitations; to".

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. D. Dworak asked unanimous consent to print the following amendments to LB 889 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 889
FINAL READING COPY

1. On page 3, line 19 and on page 4, line 7 strike "1978" and insert "1979".

2. On page 4, lines 12 and 16 strike "1979" and insert "1980"; and in line 16 strike "1980" and insert "1981".

3. Insert a new section 7 as follows:

"Sec. 7. This act shall become operative on July 1, 1979.".

4. Renumber original section 7 as section 8.

5. In the title, line 6 after the second semicolon insert "to provide an operative date;".

RESOLUTION

LEGISLATIVE RESOLUTION 212.

Introduced by Savage, 10th District.

WHEREAS, the Nebraska Public Service Commission is an agency of government as established by the State Constitution and is responsible for the regulation of rates and services of common carriers operating in the state;

WHEREAS, the enterprise of radio communications has been designated a common carrier service by the Public Service Commission;

WHEREAS, there exists only limited and general statutory guidance for the regulation of radio common carriers;

WHEREAS, the extent and degree of regulation of any enterprise in the state is an issue of public policy; and

WHEREAS, since the Commission is a constitutional agency, it has historically controlled and operated its own fleet of vehicles;

WHEREAS, there has recently arisen a concern that in some instances Commission vehicles may have been operated for private use;

WHEREAS, the operation of State owned vehicles for private use is contrary to State law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISALTURE, SECOND SESSION:

1. That a special committee composed of five members, including the introducer of this resolution, any co-introducers, and additional members appointed by the Executive Board as required, conduct an interim study to determine:

a) What specific statutory guidance exists for the regulation of radio common carriers;

b) The substance and extent of regulation of radio common carriers as reflected in existing Commission Rules and Regulations.

2. That such special committee shall investigate and determine, for the period January 1975 through March 1978:

a) Each specific case involving radio common carriers presented to the Commission;

b) The amount of time involved before a decision was rendered on each case;

c) The costs incurred by the Commission for hearings and investigations related to each case;

d) The basis and rationale for each decision rendered by the Commission;

e) Any resultant appeals by applicants or protestants; and

f) The extent to which the public interest has been served by the Commission in each case.

3. That the committee determine:

a) The provisions of existing state law with regard to the use of state vehicles by employees and officials of the state;

b) Whether the Public Service Commission has in existence any policies or procedures governing the use of state vehicles;

c) If any variance exists between state law and the Commission's own policies and procedures governing vehicle use.

4. That the State Auditor shall conduct a special audit of the Public Service Commission, for the period January 1976 to the present, and report its findings and recommendations to the committee on the following issues:

a) The extent and purposes of vehicle use by each of the five elected Commissioners, clearly distinguishing between state business and private use;

b) Whether current state law or Commission policies have been violated;

c) What actions should be taken by the Legislature, other state officials, or the Commission itself, to correct any abuses that may be uncovered.

5. That the committee provide a report of its investigation together with recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

The President introduced Mrs. Mae Pieper, mother of Jackie Schizas; Senator Ed Dvorak's son David, his wife Barb and grandson Brian.

ADJOURNMENT

At 4:33 p.m., on a motion by Speaker Luedkte, the Legislature adjourned until 9:00 a.m., Tuesday, April 4, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - APRIL 4, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 4, 1978

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, we are entering the last days of this Assembly. The novelty has worn off for the new members; the freshness has passed for the old. We are in that part of the term where the romance has lessened and the work has lengthened.
>
> Inspire the members to see that these are the days when the most can be accomplished. Long hours and hard work now will assure success in the end.
>
> Bless them and their families; protect them as they travel and reward them for the wear and tear they suffer. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Mills who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1594, line 22, delete "affirmative" and insert "negative".
Page 1605, line 14, insert "at 3:00 p.m." after "1978".
The Journal for the Forty-Seventh Day was approved as corrected.

COMMUNICATIONS ON LB 98

April 3, 1978

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 98 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 98 notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon

CERTIFICATE

Legislative Bill 98 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 3rd day of April, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATIONS ON LB 108

April 3, 1978

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 108 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 108 notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon

CERTIFICATE

Legislative Bill 108 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 3rd day of April, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

UNANIMOUS CONSENT - Member Excused

Mr. Kremer 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 653.

A BILL FOR AN ACT relating to bonds; to provide blanket surety bond coverage for state employees; to amend sections 2-1201, 2-1505, 3-103, 8-104, 8-105, 11-119, 11-121, 11-201, 48-158, 48-609, 48-618, 48-701, 53-109, 55-123, 55-126, 55-127, 55-150, 57-917, 60-432, 60-1303, 60-1502, 68-703, 71-1,132.11, 71-2611, 71-3808, 72-1241, 80-401.02, 81-111, 81-151, 81-811, 81-8,128, 81-1108.14, 83-101.02, 83-128, 84-106, 84-206, and 84-801, Reissue Revised Statutes of Nebraska, 1943, section 48-804.03, Revised Statutes Supplement, 1976, and section 71-222.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 18, Legislative Bill 722, Eighty-fifth Legislature, Second Session, 1978; and to repeal the original sections, and also section 11-120, 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, 48:

Barnett	Duis	Kelly	Marsh	Reutzel
Bereuter	E. Dvorak	Kennedy	Marvel	Rumery
Brennan	D. Dworak	Keyes	Maxey	Savage
Burrows	Fitzgerald	Koch	Merz	Schmit
Carsten	Fowler	Labedz	Mills	Simon
Chambers	George	Lamb	Moylan	Stoney
Clark	Goodrich	F. Lewis	Murphy	Venditte
Cope	Hasebroock	R. Lewis	Newell	Warner
Cullan	Hefner	Luedtke	Nichol	
DeCamp	Kahle	Maresh	Rasmussen	

Voting in the negative, 0.

Excused and not voting, 1:

Kremer

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

LEGISLATIVE BILL 701.

A BILL FOR AN ACT to amend sections 28-318 and 28-320, Revised Statutes Supplement, 1977, relating to offenses against the person; to redefine a term; to provide for an additional degree of sexual assault; 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	Clark	D. Dworak	Hefner	Labedz
Bereuter	Cope	Fitzgerald	Kahle	Lamb
Brennan	Cullan	Fowler	Kelly	F. Lewis
Burrows	DeCamp	George	Kennedy	R. Lewis
Carsten	Duis	Goodrich	Keyes	Luedtke
Chambers	E. Dvorak	Hasebroock	Koch	Maresh

Marsh	Mills	Nichol	Savage	Venditte
Marvel	Moylan	Rasmussen	Schmit	Warner
Maxey	Murphy	Reutzel	Simon	
Merz	Newell	Rumery	Stoney	

Voting in the negative, 0.

Excused and not voting, 1:

Kremer

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, Rule 6, Sec. 6b, to read LB 924 and LB 945 on Final Reading today.

The motion prevailed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 924. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to increase personal service limitations; to change authorizations; to amend Laws 1977, LB 530, sections 3, 5, 6, 9, 10, 12, 14, 16, and 19, Laws 1977, LB 531, sections 4, 10, and 12, Laws 1977, LB 532, sections 3 to 7, 9, 10 to 12, 14, 15 to 17, 19, 22, 23, 26 to 30, 32, 34, 36, 38 to 40, 43, and 45, Laws 1977, LB 533, sections 3, 4 to 7, and 13, Laws 1977, LB 539, section 16, Laws 1977, LB 546, section 2, Laws 1977, LB 548, section 10, Laws 1977, LB 549, sections 12, 16, 28, 46, and 57, and Laws 1976, LB 984, section 39, as amended by Laws 1977, LB 522, section 17; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

Bereuter	E. Dvorak	Kennedy	Marsh	Reutzel
Brennan	D. Dworak	Keyes	Marvel	Rumery
Burrows	Fitzgerald	Koch	Maxey	Savage
Carsten	Fowler	Kremer	Merz	Schmit
Chambers	George	Labedz	Mills	Simon
Clark	Goodrich	Lamb	Moylan	Stoney
Cope	Hasebroock	F. Lewis	Murphy	Venditte
Cullan	Hefner	R. Lewis	Newell	Warner
DeCamp	Kahle	Luedtke	Nichol	
Duis	Kelly	Maresh	Rasmussen	

Voting in the negative, 0.

Present and not voting, 1:

Barnett

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 945. With Emergency.

A BILL FOR AN ACT to authorize the Nebraska Educational Television Commission and the Game and Parks Commission to replace destroyed facilities; to make appropriations; and to declare an emergency.

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

Voting in the affirmative, 44:

Bereuter	D. Dworak	Keyes	Marsh	Rasmussen
Burrows	Fowler	Koch	Marvel	Reutzel
Carsten	George	Kremer	Maxey	Rumery
Chambers	Goodrich	Labedz	Merz	Savage
Clark	Hasebroock	Lamb	Mills	Schmit
Cope	Hefner	F. Lewis	Moylan	Simon
Cullan	Kahle	R. Lewis	Murphy	Stoney
Duis	Kelly	Luedtke	Newell	Warner
E. Dvorak	Kennedy	Maresh	Nichol	

Voting in the negative, 0.

Present and not voting, 5:

Barnett Brennan DeCamp Fitzgerald 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 bills were correctly engrossed: 952, 956, 957, and 964.

(Signed) Samuel K. Cullan, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 1978, at 9:20 a.m., were the following bills: 963, 962, 961, 960, 923, 813, 460, 836, 668, 665, and 202.

(Signed) Hazel Kaltenberger, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 213.

Introduced by Goodrich, 20th District.

WHEREAS, policemen and firemen face higher risks than other public employees; and

WHEREAS, upon retirement, many policemen and firemen do not receive adequate benefits; and

WHEREAS, many policemen and firemen die before reaching retirement age, and therefore, do not collect benefits; and

WHEREAS, retired policemen and firemen need assistance in providing health insurance for their families; and

WHEREAS, existing retirement benefits are not based upon the length of time an individual has contributed to the retirement plan.

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

1. That the Retirement Committee conduct an interim study of retirement systems and pension plans for policemen and firemen throughout the state.
2. That the interim study analyze the feasibility of lowering the retirement age for policemen and firemen, and also the feasibility of changing various retirement benefits.
3. That the committee report the results of its study together with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214.

Introduced by Cope, 36th District.

WHEREAS, there exists a problem of parents kidnapping their own children in child custody cases; and
WHEREAS, solutions to these cases are time-consuming and costly to county and state governments; and
WHEREAS, some of these cases involve interstate cases of custody and criminal proceedings; and
WHEREAS, present law prevents immediate action and creates costly delays; and
WHEREAS, there is a negative effect on the children involved.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Judiciary Committee conduct an interim study on the Uniform Child Custody Jurisdiction Act and determine if Nebraska should adopt such a law.
2. That the committee make a report of its study together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

EXPLANATION OF VOTE

Had I been present I would have voted yes on LB 653 and 701.

(Signed) Maurice Kremer

UNANIMOUS CONSENT - Members Excused

Mr. Koch asked unanimous consent to be excused at 2:00 p.m. today. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused at 10:30 a.m. on Wednesday, April 5, 1978. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 965

Mr. Warner asked unanimous consent to bracket LB 965 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 569. E & R amendments found in the Journal on page 1520 for the Forty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 715. E & R amendments found in the Journal on page 1273 for the Thirty-Ninth Day were adopted.

Mr. Rasmussen withdrew his pending amendment found in the Journal on page 1235.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 777. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 184A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw LB 953 Amendment

Mr. F. Lewis asked unanimous consent to withdraw his pending amendment found in the Journal on page 1521. No objections. So ordered.

MOTION - Return LB 953 to Select File

Mr. F. Lewis moved to return LB 953 to Select File for the following specific amendment:

1. On page 35 after line 15 insert:

"(9) Program No. 938 - Central Park Mall

GENERAL FUND	50,000
PROGRAM TOTAL	50,000";

in line 12 strike "5,176,987" and insert "5,276,987"; and

6 in line 15 strike "13,670,369" and insert "13,770,369".

The motion prevailed with 25 ayes, 10 nays, and 14 present and not voting.

SELECT FILE

LEGISLATIVE BILL 953. The F. Lewis specific amendment found in this day's Journal was adopted with 25 ayes, 11 nays, and 13 present and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 956 to Select File

Mr. Newell moved to return LB 956 to Select file for the following specific amendment:

AMENDMENT TO LB 956

Add a new section:

"Sec. 11. Program 94. The Department of Roads is hereby directed to contract for the installation of a wind electrical generation unit, and a solar domestic water heater at an interstate rest stop area in the Lincoln or Omaha vicinity. There is hereby appropriated $11,000 from the Highway Cash Fund for the fiscal year ending June 30, 1979, for the installation of such units.

The contract for such installation shall require that an evaluation of the project be conducted including any benefits or problems identified due to the use of such units. A report containing the findings of such evaluation shall be submitted to the Clerk of the Legislature and the Governor within one calendar year of the date of installation of the units.

Mr. Newell moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Newell motion lost with 20 ayes, 18 nays, and 11 present and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Chambers asked unanimous consent to be excused until after recess. No objections. So ordered.

MOTION - Return LB 748 to Select File

Mr. Barnett moved to return LB 748 to Select File for the following specific amendment:

1. On page 7, strike beginning with "the" in line 20 through "drawee" in line 21, show as stricken and insert "he does not have sufficient funds in, or credit with, the drawee for the payment of such check or order in full upon its presentation".

2. On page 8 strike beginning with "the" in line 13 through "drawee" in line 14, show as stricken and insert "he does not have sufficient funds in, or credit with, the drawee for the payment of such check or order in full upon its presentation"; strike beginning with "the" in line 17 through "honored" in line 18, show as stricken and insert "he did not have sufficient funds in, or credit with, the drawee for the payment of such check or order in full upon its presentation,"; in line 21 after "good" insert "or in the absence of such notice, he shall not have made the check good within ten days after notice was sent to him by the county attorney or his deputy, by United States mail addressed to such person at his last-known address, that such check or order has been returned to the depositor. Upon request of the depositor and the payment of two dollars for each check, draft, order, or assignment of funds, unless waived by the county attorney, the county attorney or his deputy shall be required to mail notice to the person issuing the check or order as provided in this subsection. The two dollar payment shall be payable to the county treasurer and credited to the county general fund.".

The motion prevailed with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 748. The Barnett specific amendment found in this day's Journal was adopted with 25 ayes, 1 nay, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 957 to Select File

Mr. Fowler moved to return LB 957 to Select File for the following specific amendment:

AMENDMENTS TO LB 957

1. On page 7, line 7 after "department" insert ", in consultation with the six regional retardation programs,"; in line 19 after "Center" insert ", except such maximum amount shall be reduced by the 1978-79 funding required for continuation of programs for the mentally retarded persons which were actually expended from the $223,040 of General Funds appropriated for 1977-78 to provide openings in community programs for additional clients from the Beatrice State Developmental Center"; and in line 21 after "Welfare" insert "and the six regional retardation programs".

2. On page 8 after line 8 insert:

"It is the intent of the Legislature that the department, in cooperation with the local school districts of residence and the six regional retardation programs, shall develop long-term placement plans for each resident of the Hastings Regional Center Mental Retardation Unit.".

The motion prevailed with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 957. The Fowler 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 922. Messrs. Cullan and Marvel renewed their pending amendments found in the Journal on page 1601.

Mr. Cullan offered the following amendment to the Cullan-Marvel amendment:

Following Section 7, insert new section and renumber remaining sections.

Sec. . Sections 1, 2, 3, and 7 of this act shall not apply to miscellaneous renovation and deferred maintenance projects of $50,000 or less, handicapped access, and life safety improvements made to existing structures or grounds in any technical community college area.

The amendment was adopted with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

Mr. Bereuter offered the following amendment to the Cullan-Marvel amendment:

1. Insert the following new section as follows:

"Sec. 8. Each Technical Community College Board of Governors shall adopt plans and specifications in advance of letting bids for any capital construction project. Such plans and specifications shall be the basis upon which the bids are received.

Amendment pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 722. Replaced on Select File as amended.
E & R amendment to LB 722:

1. In lieu of the E & R amendment 2, adopted March 20, in committee amendments, renumber original sections 15 to 24 as sections 13 to 22, original section 1 as section 23, and original section 25 as section 24.

(Signed) Samuel K. Cullan, Chairman

MESSAGES FROM THE SECRETARY OF STATE

April 4, 1978

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

RE: LB 98, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 4, 1978 at 9:55 A.M., LB 98. Along with LB 98, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 98 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 3rd day of April, 1978."

Further, I hereby acknowledge that LB 98, 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

April 4, 1978

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

RE: LB 108, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 4, 1978 at 9:55 A.M., LB 108. Along with LB 108, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 108 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 3rd day of April, 1978."

Further, I hereby acknowledge that LB 108, 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

RESOLUTION

LEGISLATIVE RESOLUTION 215.

Introduced by Rasmussen, 41st District; Nichol, 48th District.

WHEREAS, Terry Carpenter is one of the most memorable individuals to serve in the Legislature; and

WHEREAS, a history of Terry Carpenter's life has been written as a tribute by Bob Gustin of the Scotts Bluff Star Herald which is published by Marc Anthony and edited by Daryl Hall; and

WHEREAS, such tributes are seldom properly acknowledged.

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

1. That the Legislature expresses its gratitude to Bob Gustin, Marc Anthony, Daryl Hall and the Scotts Bluff Star Herald for preparation of "Terrible Terry, a tribute to a legend".

2. That copies of this resolution be forwarded to Bob Gustin, Marc Anthony, Daryl Hall, and the Scotts Bluff Star Herald.

Laid over.

VISITORS

The President introduced 15 seniors, teacher, and sponsor from Rising City, Nebraska; 50 seniors and teacher from Gross High School, Omaha, Nebraska; 51 fourth grade students, teachers, and sponsors from Meadow Lane, Lincoln, Nebraska; 25 sixth grade students and teacher from Friend, Nebraska; 27 seniors and teacher from Adams, Nebraska; 42 eighth, ninth, tenth, and twelfth grade students and teachers from Temple Christian Academy, Omaha, Nebraska; 37 eleventh and twelfth grade students and teacher from Plattsmouth, Nebraska; 14 seniors and teachers from Waterloo, Nebraska; 22 seniors and teacher from Crete, Nebraska; 16 seniors and teachers from Roseland, Nebraska; 6 members of the Cass County Republican Womens Club; 37 members from St. Stanislaus Ladies Parish from Omaha, Nebraska; 12 seventh through eleventh grade students and teachers from Mullen, Nebraska; and Bob and Chris Gustin from Scottsbluff.

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. Chambers and R. Lewis who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 922. Mr. Bereuter renewed his pending amendment found in this day's Journal to the Cullan-Marvel amendments found in the Journal on page 1601.

Mr. Bereuter moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Bereuter amendment was adopted with 28 ayes, 10 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

Mr. Cullan offered the following amendment to the Cullan-Marvel amendments:
In line 2 and 3 strike "of $50,000.00 or less"

The amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Koch offered the following amendment to the Cullan-Marvel amendments:
On page 1, line 15, and on page 5, line 23, after "let", insert "or when land has been acquired for such projects" prior to April 1, 1978.

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 Koch amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Bereuter offered the following amendment to the Cullan-Marvel amendments:

Replacing the period with a semicolon and adding the phrase "nor shall those sections of the act apply to new structures costing less than $100,000."

Mr. Newell 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 Bereuter amendment was adopted with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

Mr. Kremer offered the following amendment to the Cullan-Marvel amendments:

To strike Sec 4 on page 3 of the amended bill

The amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Koch offered the following amendment to the Cullan-Marvel amendments:

1. In the Cullan-Marvel amendments on page 1601 of the Journal on page 1, line 13 strike "prior to July 1, 1980" and insert "out of the receipts from the mill levy permitted under subsection (2) of section 79-2650".

2. On page 2, line 2 after "for" insert "receipt of revenue from".

The amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Lamb offered the following amendment to the Cullan-Marvel amendments:

Amend Cullan-Marvel amendment page 1603
Line 2 after 1980 add-

The power to levy such tax under this subsection shall not exist after June 30, 1980.

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. Nichol 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 Lamb amendment lost with 10 ayes, 24 nays, 13 present and not voting, and 2 excused and not voting.

The Cullan-Marvel amendments, as amended, were adopted with 34 ayes, 3 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Kelly moved to bracket LB 922 and have a white copy printed with all amendments incorporated therein.

Mr. Newell 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 Kelly motion lost with 9 ayes, 22 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Nichol offered the following amendment:
Add a new section:
Insert LB 803 into LB 922

Mr. Marvel 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. Nichol moved for a Call of the House. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

Mr. Nichol requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Brennan	DeCamp	Hefner	Labedz	R. Lewis
Clark	Fitzgerald	Kahle	Lamb	Merz
Cullan	George	Keyes	F. Lewis	Mills

Newell	Rasmussen	Rumery	Stoney	
Nichol	Reutzel	Simon	Venditte	

Voting in the negative, 21:

Barnett	Duis	Kennedy	Marvel	Warner
Bereuter	E. Dvorak	Kremer	Maxey	
Burrows	D. Dworak	Luedtke	Moylan	
Carsten	Fowler	Maresh	Murphy	
Cope	Kelly	Marsh	Schmit	

Present and not voting, 1:

Goodrich

Absent and not voting, 1:

Savage

Excused and not voting, 3:

Chambers Hasebroock Koch

The Nichol amendment lost with 23 ayes, 21 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Cullan requested a record vote to advance LB 922.

Voting in the affirmative, 28:

Bereuter	DeCamp	Labedz	Mills	Schmit
Brennan	D. Dworak	Lamb	Moylan	Simon
Burrows	Fitzgerald	F. Lewis	Newell	Stoney
Carsten	Fowler	R. Lewis	Reutzel	Venditte
Clark	Goodrich	Maresh	Rumery	
Cullan	Keyes	Marvel	Savage	

Voting in the negative, 6:

Barnett	Kennedy	Luedtke
Kelly	Kremer	Marsh

Present and not voting, 12:

Cope	George	Maxey	Nichol
Duis	Hefner	Merz	Rasmussen
E. Dvorak	Kahle	Murphy	Warner

Excused and not voting, 3:

Chambers Hasebroock Koch

Advanced to E & R for Engrossment with 28 ayes, 6 nays, 12 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 953. Replaced on Select File as amended.
E & R amendment to LB 953:

1. In the F. Lewis amendments on page 1521 of the Journal, line 1, strike "15" and insert "9"; in line 5 strike "5,276,987" and insert "5,226,987"; and in line 6, strike "13,770,369" and insert "13,720,369".

LEGISLATIVE BILL 814. Replaced on Select File as amended.
E & R amendment to LB 814:

1. In the George amendment, page 1, line 4, insert "as amended by section 1, Legislative Bill 813, Eighty-fifth Legislature, Second Session, 1978," after the second comma.

LEGISLATIVE BILL 748. Replaced on Select File as amended.
E & R amendments to LB 748:

1. Because of the Warner amendment, in the E & R amendment adopted 4/3, strike amendments 1, 2, 3, and 5.
2. In line 26 of the Barnett amendment adopted 4/4, strike the first period.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 953. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 814. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 748. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 722. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION - Reconsider Action on LB 586

Mr. Mills moved to reconsider our action on the override of the Governor's veto to LB 586.

Motion pending.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 226
March 31, 1978

Re: LB 212

Dear Senator Barnett:

You have inquired whether having a district judge sit as a member of the Jail Standards Board proposed by LB 212 would subject the provisions of that act to constitutional attack on grounds of denying a person equal protection or due process of law. First, those legal actions which have either closed or threatened to close existing criminal detention facilities were primarily based upon grounds that confinement in such a facility amounted to cruel and unusual punishment in violation of the Eighth Amendment to the Constitution of the United States. A similar prohibition against cruel and unusual punishment appears at Article I, Section 9, of the Constitution of the State of Nebraska. Therefore, we see no basis to assume that the conflict of interest you perceive in this statute would give rise to litigation similar to that which has recently either closed or threatened to close existing criminal detention facilities.

You have also asked if it is permissible for members of the Jail Standards Board proposed by LB 212 to receive compensation in the form of reimbursement for expenses while serving upon said board. Section 1, page 3, lines 12 through 15, of LB 212 states:

"The members of the board shall serve without compensation, but they shall be reimbursed for their actual expenses while engaged in the performance of their official duties."

We are aware of no restrictions in the Nebraska Constitution which would prohibit the reimbursement of actual expenses for members of the proposed board.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) J. Kirk Brown
Assistant Attorney General

JKB:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

Opinion No. 227
April 3, 1978

Dear Senator Savage:

You have asked us certain questions regarding the provisions of the Political Accountability and Disclosure Act relating to the appointment of persons to the Nebraska Accountability and Disclosure Commission.

In your first question, you point out that the term of one member will expire on June 30, 1978. The Legislature has previously nominated and sent to the Governor a list of candidates to fill the vacancy that will occur June 30, 1978. The Governor has nominated from that list a member to fill the office. The individual nominated is the person who currently serves in the office that will become vacant at the end of the term, June 30, 1978. The Legislature is presently considering whether to confirm or not confirm that appointment.

Your first question is whether section 49-14,112, R.S.Supp., 1976, precludes the reappointment of this member at the current time.

The Political Accountability and Disclosure Act was enacted in 1976 with an operative date of July 1, 1977. Sections 49-14,105 through 49-14,114 provide the method of initial and subsequent appointments of members to the Political Accountability and Disclosure

Commission. In an abbreviated fashion, this procedure is that the Governor and the Secretary of State are to appoint three members from lists furnished to those officers, containing three names each, submitted by the Legislature, the Republican Party State Chairman, and the Democratic Party State Chairman. The Governor and Secretary of State make their selections, subject to confirmation by the Legislature. The initial appointments were to be forwarded by March 15, 1977. That provision was complied with and those persons were confirmed by the Legislature. Section 49-14,111(2) provides:

> "All succeeding appointments to the commission shall be made in the same manner as the original appointments are made and succeeding appointees shall have the same qualifications as their predecessors."

Section 49-14,112 provides:

> "(1) When a vacancy occurs by expiration of a term of office or otherwise, the lists of persons nominated for appointments to fill the vacancy on the commission shall be submitted to the Governor or Secretary of State not later than fifteen legislative days following the convening of the next regular session of the Legislature. . . ."

In construing these statutes together, it is relatively clear that they do not envision the appointment of a succesor to office prior to the expiration of the term of the office in that section 49-14,112 authorizes appointments to fill vacancies on the expiration of a term of office at the next legislative session. Thus, no statutory authority is provided for appointment to this commission until the next regular session of the Legislature after the expiration of the term of office or other act constituting a vacancy.

However, it has been held in some cases that a prospective appointment may be made where the vacancy is sure to occur. State ex rel. Koch v. Lexcen, 131 Mont. 161, 308 P.2d 974, Annotation, 75 A.L.R.2d 1277. At least one jurisdiction has adopted the rule that the Governor may fill a vacancy even though the term filled will not commence until after expiration of the Governor's term. McRae v. State, 269 Ala. 241, 112 So.2d 487.

We have found no Nebraska cases that hold that an office may be prospectively filled. However, it seems clear in construing the legislative language employed in section 49-14,112 the authority to appoint does not exist until after the vacancy by expiration of the term occurs. That authority is to be exercised by the next regular legislative session. Thus, it is our opinion that the statute must be construed to give effect to every portion thereof which would require the

conclusion that the present Legislature is not empowered to nominate persons to be referred to the Governor for appointment to the term commencing July 1, 1978.

In your second question you ask whether an incumbent office holder may continue in office where no successor has been appointed or qualified to succeed the incumbent in office. The Supreme Court has indicated in State v. Willott, 103 Neb. 798, 174 N.W. 429 (1919), that an appointee to a public office is generally entitled to the statutory benefit that officers shall hold over until their successors are elected and qualified. Currently section 32-1045, R.R.S. 1943, in part provides:

> "Every officer elected or appointed for a fixed term shall hold office until his successor is elected or appointed, and qualified, which fixed term shall end and the successor whether elected or appointed shall qualify on the day for taking office as provided by law . . ."

thus providing the right of an officer to continue to hold the office until a successor is appointed and qualified. We believe these statutes and cases apply to the Nebraska Political and Accountability Disclosure Commission. The member whose term ends June 30, 1978, may hold over until the successor is nominated, appointed and qualified by the next regular session of the Legislature commencing in January of 1979.

In your last question you ask whether the Legislature is unduly restricting the executive authority to appoint where the statute limits the executive to appointments from a list of names submitted by the Legislature.

The Supreme Court of the State of Illinois in Walker v. State Board of Elections, 65 Ill.2d 516, 359 N.E.2d 113 (1976), held that the Illinois State Board of Elections' statutory method used to select members was unconstitutional. That method is closely analogous to our statutory method for selecting members to the Nebraska Political Accountability and Disclosure Commission. In a related case, the Nebraska Supreme Court in Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966), held unconstitutional a manner of selecting directors of a public power district. The court said:

> "It is contended that the Act is in violation of the Constitution in that the Act constitutes an encroachment by the Legislature upon the exclusive prerogatives of the Governor in violation of the distribution of powers section of the Constitution. Art. II, sec. 1, Constitution of Nebraska. This contention is based on the limitations imposed on the Governor in the appointment of

directors to the grid system board of directors on the establishment of the grid system. The pertinent part of section 6 of the Act provides: 'In the first instance the directors of the grid system shall be appointed by the Governor from among the directors of member districts whose management it assumes under the provisions of this act; . . .'

"Under the Constitution of Nebraska the supreme executive power is vested in the Governor. . . . The Constitution further provides that the Governor, with the advice and consent of the Legislature shall appoint all officers whose offices are established by the Constitution, or which may be created by law, and that no such officer shall be appointed or elected by the Legislature. Art. IV, sec. 10, Constitution of Nebraska. . . ."

In the Wittler case the Governor's selection was restricted in certain districts to a single individual. The court went on to hold that:

". . . The right of the Legislature to prescribe reasonable qualifications of one to be appointed to office is not disputed. But the Legislature is prohibited by constitutional provision from appointing officers whose offices are created by law, either directly or indirectly. The provisions of the Act which limit the appointment of grid system directors by the Governor to a certain unnamed individual or to a limited few, is an encroachment by the Legislature upon the powers of the Governor and is void as violative of Article IV, section 10, of the Constitution of Nebraska." (Emphasis added.)

Thus, this language certainly raises a question as to the constitutionality of the present method of selecting members to the Nebraska Political Accountability and Disclosure Commission. While we cannot say with certainty that the method currently utilized is, per se, unconstitutional, limiting the Governor's selection to a group of three candidates submitted by the Legislature, it is, at least, constitutionally suspect.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 812 and 955.

Correctly Enrolled

The following bills were correctly enrolled: 653, 701, 924, and 945.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 653, 701, 924, and 945.

MOTION - Labor Contracts

Speaker Luedtke moved to refer the matter of the agreements between the Nebraska Department of Labor and the American Federation of State, County, and Municipal Employees; the Nebraska Game and Parks Commission and the Nebraska Association of Public Employees; and the Department of Public Institutions and the American Federation of State, County and Municipal Employees to the Business and Labor Committee for public hearings.

The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 946A. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 946A. Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 205. Mr. Simon asked unanimous consent to have LR 205 laid over.

Mr. Venditte objected.

Mr. Simon moved to have LR 205 laid over.

Mr. Venditte requested a record vote on the Simon motion.

Voting in the affirmative, 25:

Barnett	Cope	Kremer	Maxey	Reutzel
Bereuter	Duis	R. Lewis	Mills	Rumery
Carsten	Fowler	Luedtke	Newell	Savage
Chambers	George	Maresh	Nichol	Simon
Clark	Kennedy	Marsh	Rasmussen	Stoney

Voting in the negative, 13:

DeCamp	Hefner	Labedz	Merz	Warner
D. Dworak	Kelly	Lamb	Moylan	
Goodrich	Keyes	F. Lewis	Venditte	

Present and not voting, 9:

Brennan	Cullan	Fitzgerald	Marvel	Schmit
Burrows	E. Dvorak	Kahle	Murphy	

Excused and not voting, 2:

Hasebroock Koch

The motion prevailed with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 711. Considered.

Mr. Chambers 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 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Standing Committee amendments found in the Journal on page 1029 for the Fiftieth Day, First Session, were adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Newell withdrew his pending amendment found in the Journal on page 1537.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused at 4:00 p.m. No objections. So ordered.

LEGISLATIVE BILL 373. Title read. Considered.

Standing Committee amendments found in the Journal on page 1355 for the Sixtieth Day, First Session, lost with 0 ayes, 15 nays, 30 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 271. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 87. Title read. Considered.

Standing Committee amendments found in the Journal on page 1149 for the Fifty-Third Day, First Session, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Barnett renewed his pending amendment found in the Journal on page 996.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Murphy offered the following amendment:
In the committee amendment line 13 after the word "provisions" insert "of subsection one"

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Barnett offered the following amendment:
To amend Barnett amendment to change IV on line 3 of the amendment to IIIA

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 Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

Contract between Department of Public Institutions and representatives of the American Federation of State, County and Municipal Employees —- Friday, April 7, 1978 at 1:00 p.m.

Contract between Nebraska Game and Parks Commission and representatives of the Nebraska Association of Public Employees —- Friday, April 7, 1978 at 1:00 p.m.

Contract between Department of Labor and representatives of the American Federation of State, County and Municipal Employees —- Friday, April 7, 1978 at 1:00 p.m.

(Signed) Richard Maresh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 1978, at 4:28 p.m., were the following bills: 924, 701, 653, and 945.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 953 and 957.

(Signed) Samuel K. Cullan, Chairman

Messrs. Rasmussen and Clark asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 386. Title read. Considered.

Standing Committee amendments found in the Journal on page 1214 for the Fifty-Sixth Day, First Session, were adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 532.

The amendment lost with 10 ayes, 13 nays, 19 present and not voting, and 7 excused and not voting.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 612.

Advanced to E & R for Review with 25 ayes, 10 nays, 7 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Bracket LB 713

Mr. Simon asked unanimous consent to bracket LB 713 until April 20, 1978.

Mr. Murphy objected.

VISITORS

The President introduced Mr. Max Allen, Superintendent of Hyannis High School; Mr. Leslie Smith, F.H.A. Adviser; Linda Bonifield, Karen Bishop, Jill Dredla, and Jean Vinton, Chapter members of Hyannis F.H.A. Chapter; and Mrs. Ruby Bishop, Chapter Parent, from Hyannis, Nebraska.

ADJOURNMENT

At 4:59 p.m, on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, April 5, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - APRIL 5, 1978

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 5, 1978

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Lord of our lives, wilt thou teach us true discrimination, that we may be able to discern the difference between faith and fatalism, between activity and accomplishment between humility and an inferiority complex, between a passing salute to God, and a real prayer that seeks to find out God's will. We can stand criticism. We can stand a certain amount of pressure. But we cannot stand the necessity of making grave decisions with nothing but our own poor human wisdom. Our heads are not enough and our hearts fail us. Cabbages have heads, but they have no souls. We, who are created in the image of God, are restless and unhappy until we know that we are doing thy will by thy help. This is what we pray for, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Hasebroock who was excused; Mrs. Labedz and Mr. F. Lewis who were excused until they arrive; and Messrs. Chambers and Newell who were absent until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Eighth Day was approved.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 6, Sec. 6b, to read LB 951, 954, and 958 on Final Reading today.

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 502.

A BILL FOR AN ACT to amend section 60-412, Revised Statutes Supplement, 1976, relating to motor vehicle operators' licenses; to change the disposition of the fee for abstracts of operating 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, 41:

Barnett	E. Dvorak	Kennedy	Marvel	Schmit
Bereuter	D. Dworak	Keyes	Mills	Simon
Brennan	Fitzgerald	Koch	Moylan	Stoney
Burrows	Fowler	Kremer	Murphy	Venditte
Carsten	George	Lamb	Nichol	Warner
Clark	Goodrich	R. Lewis	Rasmussen	
Cope	Hefner	Luedtke	Reutzel	
Cullan	Kahle	Maresh	Rumery	
DeCamp	Kelly	Marsh	Savage	

Voting in the negative, 0.

Present and not voting, 3:

Duis	Maxey	Merz

Absent and not voting, 2:

Chambers	Newell

Excused and not voting, 3:

Hasebroock Labedz F. Lewis

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

LEGISLATIVE BILL 951. 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, 1978, to June 30, 1979; 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, 43:

Bereuter	E. Dvorak	Kennedy	Marsh	Rasmussen
Brennan	D. Dworak	Keyes	Marvel	Reutzel
Burrows	Fitzgerald	Koch	Maxey	Rumery
Carsten	Fowler	Kremer	Merz	Schmit
Clark	George	Labedz	Mills	Simon
Cope	Goodrich	Lamb	Moylan	Stoney
Cullan	Hefner	R. Lewis	Murphy	Warner
DeCamp	Kahle	Luedtke	Newell	
Duis	Kelly	Maresh	Nichol	

Voting in the negative, 0.

Present and not voting, 3:

Barnett Savage Venditte

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Hasebroock 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 954. Mr. Nichol moved to return LB 954 to Select File for the following specific amendment:

Amend pg 19 Lines 13, 14, 17, 19
Cross out $15,056,000 and insert $15,325,000.

Mr. Nichol withdrew the motion.

LEGISLATIVE BILL 954. With Emergency.

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1978, to June 30, 1979; and to declare an emergency.

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

Voting in the affirmative, 42:

Bereuter	E. Dvorak	Keyes	Marvel	Rumery
Brennan	D. Dworak	Koch	Maxey	Savage
Burrows	Fitzgerald	Kremer	Mills	Schmit
Carsten	Fowler	Labedz	Moylan	Simon
Chambers	Goodrich	Lamb	Murphy	Stoney
Clark	Hefner	R. Lewis	Newell	Warner
Cope	Kahle	Luedtke	Nichol	
Cullan	Kelly	Maresh	Rasmussen	
DeCamp	Kennedy	Marsh	Reutzel	

Voting in the negative, 2:

George Merz

Present and not voting, 3:

Barnett Duis Venditte

Excused and not voting, 2:

Hasebroock 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.

Mr. Savage asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 958. With Emergency.

A BILL FOR AN ACT to state legislative intent for Legislative Bill 954, Eighty-fifth Legislature, Second Session, 1978; 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, 44:

Bereuter	Duis	Kelly	Maresh	Nichol
Brennan	E. Dvorak	Kennedy	Marsh	Rasmussen
Burrows	D. Dworak	Keyes	Marvel	Reutzel
Carsten	Fitzgerald	Koch	Maxey	Rumery
Chambers	Fowler	Kremer	Merz	Schmit
Clark	George	Lamb	Mills	Simon
Cope	Goodrich	F. Lewis	Moylan	Stoney
Cullan	Hefner	R. Lewis	Murphy	Warner
DeCamp	Kahle	Luedtke	Newell	

Voting in the negative, 0.

Present and not voting, 3:

Barnett Labedz Venditte

Excused and not voting, 2:

Hasebroock 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.

UNANIMOUS CONSENT - Bracket LB 937

Mr. Warner asked unanimous consent to bracket LB 937 on Final Reading until Monday, April 10, 1978. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 814 and 833.

Correctly Engrossed

The following bills were correctly engrossed: 169, 596, 773, 845, 847, 851, 855, and 946.

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 208. Read. Considered.

LR 208 was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Rasmussen asked unanimous consent to expedite LR 208. No objections. So ordered.

LEGISLATIVE RESOLUTION 209. Read. Considered.

LR 209 was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

MOTION - Reconsider Action on LB 586

Mr. Mills renewed his pending motion found in the Journal on page 1629 to reconsider action on the override of LB 586.

The motion prevailed with 25 ayes, 13 nays, 10 present and not voting, and 1 excused and not voting.

MOTION - Suspend Rules

Mr. Mills moved to suspend the rules, Rule 6, Sec. 10, to consider the override on LB 586 past the five day limit on consideration of overrides.

The motion prevailed with 30 ayes, 8 nays, 10 present and not voting, and 1 excused and not voting.

MOTION - Override Veto on LB 586

Mr. Mills moved to pass LB 586 notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Mills moved for a Call of the House. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Mills requested a roll call vote on the override motion.

Voting in the affirmative, 32:

Brennan	E. Dvorak	Koch	Merz	Rumery
Carsten	Fitzgerald	Labedz	Mills	Savage
Chambers	Fowler	F. Lewis	Moylan	Schmit
Clark	Goodrich	R. Lewis	Murphy	Venditte
Cope	Hefner	Luedtke	Nichol	
DeCamp	Kelly	Marvel	Rasmussen	
Duis	Keyes	Maxey	Reutzel	

Voting in the negative, 16:

Barnett	D. Dworak	Kremer	Newell
Bereuter	George	Lamb	Simon
Burrows	Kahle	Maresh	Stoney
Cullan	Kennedy	Marsh	Warner

Excused and not voting, 1:

Hasebroock

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mrs. Marsh moved the Call be raised. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 446. Mr. DeCamp offered the following amendment to LB 446:

AMENDMENTS TO LB 446
(WHITE COPY REQ2854)

1. On pages 1, 2, 5, and 6 strike the new matter, reinstate the stricken matter; on page 1, line 12, page 2, line 1, page 5, line 19, and page 6, line 20 strike the reinstated "forty", show as stricken and insert "sixty-five".
2. On pages 7 and 8 strike the new matter and reinstate the stricken matter.
3. Strike sections 4 through 8.
4. Renumber remaining sections accordingly.
5. In amendment 2 on page 12 strike beginning with "to" in line 1 through the semicolon in line 3.

Mr. Schmit offered the following amendment to the DeCamp amendment:

Change 165 to 150 where used in the bill.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 8 nays, and 17 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Barnett	D. Dworak	Koch	Marvel	Rasmussen
Bereuter	Hefner	Kremer	Maxey	Rumery
Carsten	Kahle	Lamb	Mills	Schmit
Clark	Kelly	R. Lewis	Murphy	Stoney
Cope	Kennedy	Maresh	Nichol	Warner

Voting in the negative, 18:

Brennan	Cullan	Fitzgerald	Keyes	Luedtke
Burrows	DeCamp	Fowler	Labedz	Marsh
Chambers	E. Dvorak	Goodrich	F. Lewis	Moylan

Newell Simon Venditte

Present and not voting, 4:

George Merz Reutzel Savage

Excused and not voting, 2:

Duis Hasebroock

The Schmit amendment was adopted with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 16 ayes, 8 nays, and 25 not voting.

Mr. Newell offered the following amendment to the DeCamp amendment:
To strike the Schmit amendment and insert $160.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 6 nays, and 20 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, 17 not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Barnett	DeCamp	Keyes	Maxey	Simon
Brennan	E. Dvorak	Labedz	Mills	Venditte
Burrows	Fitzgerald	F. Lewis	Moylan	
Chambers	Fowler	Luedtke	Newell	
Cullan	Goodrich	Marsh	Savage	

Voting in the negative, 20:

Carsten	George	Kremer	Marvel	Rumery
Clark	Hefner	Lamb	Murphy	Schmit
Cope	Kelly	R. Lewis	Nichol	Stoney
D. Dworak	Kennedy	Maresh	Rasmussen	Warner

Present and not voting, 5:

Bereuter	Kahle	Koch	Merz	Reutzel

Excused and not voting, 2:

Duis	Hasebroock

The Newell amendment lost with 22 ayes, 20 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. Fitzgerald offered the following amendment:
to change $150 to $155

The amendment was adopted with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

The DeCamp amendment, as amended, was adopted with 29 ayes, 4 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 31 ayes, 3 nays, 13 present and not voting, and 2 excused and not voting.

MOTION - Return LB 184 to Select File

Mr. F. Lewis moved to return LB 184 to Select File for the following specific amendment:
Strike enacting clause.

Motion pending.

COMMUNICATIONS ON LB 586

April 5, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol

Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 586 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 586 notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:br
cc: Governor Exon

CERTIFICATE

Legislative Bill 586 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 5th day of April, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 216.

Introduced by F. Lewis, 45th District.

WHEREAS, recreational boating continues to be one of the most fascinating forms of leisure-time pleasure in our state and throughout the nation; and our lakes and rivers provide the opportunities for all age groups to enjoy and participate in this widely varied activity; and

WHEREAS, these opportunities carry with them the responsibility of practicing safety on our waterways and the developing of essential boating skills; and

WHEREAS, all persons who use our state waterways for recreation should possess at least a minimum knowledge of water safety for their own protection, for safety of their passengers, their craft and as a protection for others using the waters of the state; and

WHEREAS, the Legislature urges all persons who engage in recreational boating to enroll in boating safety educational courses

such as those offered by the United States Coast Guard Auxiliary which are designed to teach the fundamentals of safe boating; and

WHEREAS, the United States Congress, being aware of the need for boating safety, on June 4, 1958 (72 Stat 179), enacted a joint resolution directing that a week be proclaimed annually as National Safe Boating Week.

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

1. That the week beginning June 1, 1978 be declared Safe Boating Week in the State of Nebraska.

2. That all citizens of the state be urged to use proper safe boating techniques during the boating season.

Laid over.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 757. Replaced on Select File as amended. E & R amendments to LB 757:

1. Because of section 41, Legislative Bill 924, Eighty-fifth Legislature, Second Session, 1978, on page 2, line 16, strike "$634,022" and insert "$673,921".

2. On page 3, line 1, strike "56,901,166" and insert "57,454, 897"; in line 4 strike "68,034,538" and insert "68,588, 269"; and in line 7 strike "$280,859" and insert "$281,642".

3. On page 4, line 5, strike "19,971,065" and insert "17,291,790"; in line 8 strike "17,451,621" and insert "19,172,306"; in line 10, strike "$614,624" and insert "$618,719"; and after line 27 insert "There is included in the General Fund appropriation a maximum of $13,801,556 for reimbursement for approved special education programs pursuant to the provisions of section 43-648.".

4. On page 5, line 20 strike "$29,602" and insert "$29,771".

5. On page 6, line 13, strike "610,791" and insert "821,031"; and in line 16, strike "1,462,456" and insert "1,672,696".

6. On page 7, line 4, strike "513,049" and insert "526,129"; in line 7 strike "16,898,972" and insert "16,912,052"; in line 9 strike "$1,159,819" and insert "$1,205,902"; in line 23 strike "$103,598" and insert "$148,282"; and in line 27 strike "76,536,156" and insert "79,033,892".

7. On page 8, line 5, strike "122,501,283" and insert "124,999,019".

8. On page 2, line 5, and page 8, line 23, after "45," insert "as amended by section 41, Legislative Bill 924, Eighty-fifth Legislature, Second Session, 1978".

9. In the title, line 1, after "45," insert "as amended by section 41, Legislative Bill 924, Eighty-fifth Legislature, Second Session, 1978,".

10. On page 4, line 23, insert "State" after "The".

(Signed) Samuel K. Cullan, Chairman

MR. R. LEWIS PRESIDING

SELECT FILE

LEGISLATIVE BILL 407. Mrs. Labedz renewed her pending amendment found in the Journal on page 1449.

Amendment pending.

VISITORS

The President introduced 54 eighth grade students, teacher, and sponsors from Centura Jr. & Sr. High School from Cairo, Dannebrog, and Boelus.

RECESS

At 12:00 noon, on a motion by Mr. Stoney, 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 Mr. Hasebroock who was excused; Messrs. Duis, Marvel, Rasmussen, and Schmit who were excused until they arrive; Mr. Chambers who was absent until he arrives.

SELECT FILE

LEGISLATIVE BILL 407. The Labedz amendment found in the Journal on page 1449 was renewed.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 10 nays, and 21 not voting.

The Labedz amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, 5 excused and not voting, and 1 absent and not voting.

Mr. Newell moved to bracket LB 407 until April 6, 1978.

The motion lost with 10 ayes, 19 nays, and 20 not voting.

Mr. George offered the following amendment:

AMENDMENTS TO LB 407
WHITE COPY - REQ. 2855

1. On page 6, line 25, strike beginning with "who" through "limbs" in line 27 and insert "with progressive neuromuscular or neurological disease such as to preclude locomotion without the aid of braces, crutches, canes, a wheelchair, or artificial limbs".

The amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, 5 excused and not voting, and 1 absent and not voting.

Mr. Warner offered the following amendment:

AMENDMENTS TO LB 407
(WHITE COPY REQ2855)

1. Insert a new section as follows:

"Sec. 4. All revenue which shall be lost to taxing agencies as a result of the provisions of this act shall be considered an express obligation of the state for the purpose of setting the sales and income tax rates under section 77-2715.01.".

2. Renumber sections 4 to 6 as sections 5 to 7 respectively.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment:

AMENDMENTS TO LB 407

1. In the Labedz amendment 2 on pages 732 and 733 of the Journal, on page 1 strike lines 24 through 26, and on page 2, strike lines 1 through 3 and insert the following:

"

COLUMN A Household Income In Dollars	COLUMN D Percentage of Relief
0 through 3,700	100
3,701 through 3,950	90
3,951 through 4,200	80
4,201 through 4,450	70
4,451 through 4,700	50
4,701 through 4,950	30
4,951 through 5,200	10

COLUMN B Household Income In Dollars	COLUMN D Percentage of Relief
0 through 5,450	100
5,451 through 5,700	90
5,701 through 5,950	80
5,951 through 6,200	70
6,201 through 6,450	50
6,451 through 6,700	30
6,701 through 6,950	10

COLUMN C Household Income In Dollars	COLUMN D Percentage of Relief
0 through 6,200	100
6,201 through 6,450	90
6,451 through 6,700	80
6,701 through 6,950	70
6,951 through 7,200	50
7,201 through 7,450	30
7,451 through 7,700	10"

The Newell amendment lost with 7 ayes, 15 nays, 23 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment:

New Section:

The Department of Revenue shall maintain statistics to demonstrate the number of claimants and the amount of relief granted for each category of homestead exemption. The categories shall include, but not be limited to single claimants over 65, married claimant one

spouse over 65, married claimant both spouses over 65 for conventional homes and for mobile homes and homes on leased land, claimants under 65 for conventional homes and mobile homes, claimants eligible due to disabilities. The Department shall provide such statistics to the Revenue Committee of the Legislature annually.

Mr. Newell moved for a Call of the House. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

The Newell amendment was adopted with 26 ayes, 4 nays, 15 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for Engrossment with 32 ayes, 1 nay, 12 present and not voting, 1 absent and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 407A. Laid over.

MOTION - Return LB 952 to Select File

Mr. R. Lewis moved to return LB 952 to Select File for the following Marvel specific amendment:

AMENDMENTS TO LB 592
FINAL READING COPY

1. On page 3, after line 3 insert:
"The unexpended General Fund balance existing on June 30, 1978, not to exceed $75,000 is hereby reappropriated.".

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 952. The Marvel specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 17 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

GENERAL FILE

LEGISLATIVE BILL 404. Title read. Considered.

Mr. Kremer moved to reject the Standing Committee amendments found in the Journal on page 1308 for the Fifty-Ninth Day, First Session.

The Standing Committee amendments were rejected with 26 ayes, 0 nays, 19 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. DeCamp renewed his pending amendments referred to in the Journal on page 1083, Req. #2837.

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 DeCamp amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Reutzel offered the following amendment:

On pages 12 line 15, page 28 line 23, page 29 line 4 and page 39 line 13 strike "twenty-five" and insert "thirty."

The amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:

Raise speed limit on interstate system to 60 MPH

Amendment pending until Select File.

Advanced to E & R for Review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 405. Title read. Considered.

Mr. Moylan offered the following amendment:

AMENDMENT TO LB 405

To change the effective dates in LB 405 to reflect the one year carry-over from the 1977 Session.
On page 6, line 4, strike "1978" and insert "1979".
On page 7, line 26, strike "1978" and insert "1979".

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused at 3:10 p.m. No objections. So ordered.

Mr. Moylan moved for a Call of the House. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

Mr. Moylan requested a roll call vote on advancing LB 405.

Voting in the affirmative, 24:

Barnett	E. Dvorak	Koch	Maxey	Rumery
Brennan	Fitzgerald	Labedz	Merz	Savage
Chambers	Fowler	F. Lewis	Moylan	Simon
Cope	Goodrich	R. Lewis	Murphy	Venditte
DeCamp	Keyes	Luedtke	Newell	

Voting in the negative, 20:

Bereuter	Cullan	Kahle	Lamb	Nichol
Burrows	D. Dworak	Kelly	Maresh	Rasmussen
Carsten	George	Kennedy	Marvel	Schmit
Clark	Hefner	Kremer	Mills	Warner

Present and not voting, 1:

Reutzel

Excused and not voting, 4:

Duis	Hasebroock	Marsh	Stoney

Failed to advance to E & R for Review with 24 ayes, 20 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

LEGISLATIVE BILL 226. Title read. Considered.

Standing Committee amendments found in the Journal on page 1402 for the Sixty-Second Day, First Session, were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:

Insert LB 594 of 1978 session of the Legislature

Mr. Koch 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 Warner amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. F. Lewis moved to indefinitely postpone.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

The motion to indefinitely postpone prevailed with 15 ayes, 12 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 693. Title read. Considered.

Mr. Cope offered the following amendments:

AMENDMENTS TO LB 693

1. On page 5, line 7 strike "fire safety" and insert "the University of Nebraska"; and in line 27 strike "and".

2. On page 6, line 1 strike the period and insert "; and"; after line 1 insert:

"(u) One person representing the state colleges."; and in line 8 strike "six" and insert "seven".

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

Mr. Cope moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Cope requested a roll call vote on advancing LB 693.

Voting in the affirmative, 30:

Barnett	E. Dvorak	Koch	Marvel	Rasmussen
Bereuter	Goodrich	Kremer	Maxey	Reutzel
Carsten	Hefner	Labedz	Merz	Rumery
Chambers	Kahle	F. Lewis	Mills	Savage
Cope	Kelly	Luedtke	Moylan	Schmit
DeCamp	Keyes	Maresh	Murphy	Venditte

Voting in the negative, 7:

Brennan	Clark	Fowler	R. Lewis
Burrows	Cullan	Kennedy	

Present and not voting, 8:

D. Dworak	George	Newell	Simon
Fitzgerald	Lamb	Nichol	Warner

Excused and not voting, 4:

Duis	Hasebroock	Marsh	Stoney

Advanced to E & R for Review with 30 ayes, 7 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

MESSAGE FROM THE SECRETARY OF STATE

April 5, 1978

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

RE: LB 586, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 5, 1978 at 1:42 p.m., LB 586. Along with LB 586, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 586 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 5th day of April, 1978."

Further, I hereby acknowledge that LB 586, 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

SELECT COMMITTEE REPORT
Rules Committee

Mr. President,

The Rules Committee met Tuesday, April 4, 1978 and acted favorably on the proposed rule changes submitted by Senator John R. Murphy found on page 1299 of the Legislative Journal.

A motion was made that a Legislative Resolution be introduced by the Rules Committee to conduct an interim study dealing with caucusing procedures. This motion was acted on favorably.

(Signed) John W. DeCamp, Chairman

Dated: April 5, 1978

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 208 and LR 209.

UNANIMOUS CONSENT - Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 742 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 742

1. In the Barnett amendment on page 1543 of the Journal insert a new section as follows:

"Sec. 2. This act shall become operative on January 1, 1979.".

2. In the Barnett amendment, page 1, line 9 after "permits" insert "; and to provide an operative date".

Mr. Murphy asked unanimous consent to print the following amendment to LB 713 in the Journal. No objections. So ordered.

AMENDMENT TO LB 713

1. On page 17, line 11 after the second underscored comma insert "and", and in line 11 after "and" insert ", when identification is doubtful,"; and in line 12 after "impressions" insert "may be".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 604 in the Journal. No objections. So ordered.

AMENDMENTS TO STANDING COMMITTEE AMENDMENTS TO LB 604

1. On page 1, line 11 strike "written" and show as stricken; and in line 12 after "by" insert "personally contacting a domestic subscriber by telephone or by".

2. On page 3, in section 3, strike beginning with "Each" in line 24 through the underscored period in line 27 and insert "The utility review board shall consist of at least three people designated by the public or private utility company. Such board shall be used only as a last resort after all other alternatives to settle the dispute have been taken.".

3. Strike section 6.

4. On page 5 strike beginning with the underscored period in line 22 of section 7 through "act" in line 24 of such section.

5. Insert a new section 1 to the committee amendment as follows:

"Section 1. As used in this act, unless the context otherwise requires, domestic subscriber shall not include municipalities, cities, villages, political subdivisions, companies, corporations, partnerships, or businesses of any nature.".

6. Renumber remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 217.

Introduced by Rules Committee: DeCamp, 40th District, Chairman; Carsten, 2nd District; Kelly, 35th District; Mills, 44th District.

WHEREAS, the Nebraska State Legislature in recent years has seen an increased workload of an incredible nature involving dozens of major bills and issues each year which must be handled by the Nebraska Unicameral in the timely fashion, and

WHEREAS, the impact of federal government rules, regulations, and legislation in the 1970's and the 1980's is expected to be even greater upon state governments and require even closer state government supervision and attention, and

WHEREAS, the fact that the Nebraska Legislature is both unicameral and non partisan tends to create a system in which caucusing among members is not done.

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

1. That the Rules Committee of the Nebraska Legislature conduct an interim study with the goal being to develop a caucus or organization system which would be both accomplished through the rules of the Legislature and within the intent of the Nebraska State Constitution so as to establish some type of caucus system whether that system be along partisan lines or philosophical lines or geographical or whatever and that the Rules Committee report its findings as the first order of business to the 1979 Legislature with a view to implementing some type of caucus and organizational system.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 218.

Introduced by Cullan, 49th District; Chambers, 11th District.

WHEREAS, the State of Nebraska contains a large Native American population; and

WHEREAS, those areas of the state in which populations of Native Americans are located have special law enforcement problems; and

WHEREAS, analysis of money available for law enforcement activities in Native American population areas and the sources of such money is greatly needed; and

WHEREAS, cooperation between federal and state law enforcement officials is necessary.

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

1. That the Judiciary Committee conduct an interim study of all aspects of law enforcement in areas containing large populations of Native Americans in Nebraska.

2. That the committee report the results of this study together with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 135, 135A, 609, 672A, 692, 722, and 903.

(Signed) Samuel K. Cullan, Chairman

ANNOUNCEMENT

Mr. Savage announced an executive meeting of the Committee on Committees immediately on adjournment under the South Balcony.

MOTION - Override Veto on LB 92 and LB 92A

Mr. Goodrich moved to override the Governor's veto on LB 92 and LB 92A.

Motion pending.

MOTION - Override Veto on LB 902

Mr. DeCamp moved that LB 902 be passed into law notwithstanding the objections of the Governor.

Motion pending.

ANNOUNCEMENT

Mr. Warner announced a meeting of the Ad Hoc Flood Committee in Room 1113 after adjournment today.

UNANIMOUS CONSENT - Unbracket LB 65

Mr. Chambers asked unanimous consent to unbracket LB 65 on Select File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 693A. 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.

UNANIMOUS CONSENT - Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendments to LB 957 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 957
FINAL READING COPY

Purpose: To provide intent language relating to the Resources Development Fund, and the Small Watershed Fund within the Natural Resources Commission.

Amendments:

1. On page 20 after line 18 insert "The Natural Resources Commission shall not obligate funds for a development project unless approved by the Legislature.".

2. On page 22 after line 17 insert a new subdivision as follows:

"(3) Program 303 - State Aid - Small Watersheds The Natural Resources Commission shall not obligate funds for a watershed project unless approved by the Legislature.".

Mr. Venditte asked unanimous consent to print the following amendments to LB 808 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 808

1. On page 3, line 7 strike "be"; and strike lines 6 through 13 and insert:

"(a) For the first offense, be guilty of an infraction, receive a citation, be fined one hundred dollars, and be assigned to attend a course as prescribed in section 4 of this act if the judge determines that attending such course is in the best interest of the individual defendant.

(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation and be fined two hundred dollars and may be imprisoned not to exceed five days; and

(c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, and be fined three hundred dollars and may be imprisoned not to exceed seven days.".

2. Insert new sections as follows:

"Section 1. As used in this act unless the context otherwise requires, infraction shall mean the viola-

tion of any law, ordinance, order, rule, or regulation which is not otherwise declared to be a misdemeanor or a felony and which shall be a civil offense.

Sec. 3. Any peace officer may take a person alleged to have committed an infraction into custody if harm is likely to occur to either the individual or society if such person is not taken into custody.

Sec. 4. A person cited for an infraction pursuant to section 2 of this act shall be assigned to attend a course of instruction relating to the effects of the misuse of drugs, including alcohol and controlled substances. Such instruction shall include counseling on the legal, medical, psychological, and social effects of drug use and abuse. Such course shall consist of a minimum of five hours and a maximum of ten hours of instruction and counseling. Upon completion of the assigned course the instructor shall notify the court in writing of such completion and the notification shall be made a part of the record of the citation. Any person failing to complete such course within thirty days after the assignment shall be guilty of an infraction.

Sec. 5. All drug treatment centers established pursuant to Chapter 71, article 50 shall provide the necessary facilities and programs to carry out the provisions of section 5 of this act.

Sec. 6. That section 29-422, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-422. It is hereby declared to be the policy of the State of Nebraska to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law and the protection of the public. In furtherance of that policy, any peace officer shall be authorized to issue a citation in lieu of arrest or continued custody for any offense which is a traffic infraction, any other infraction, or misdemeanor and for any violation of a city or village ordinance. Such authorization shall be carried out in the manner specified in sections 29-422 to 29-430, 39-6,105, 39-6,107, 39-6,108, and 39-6,112.

Sec. 7. That section 29-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-424. When a citation is used by a peace officer, he shall enter thereon all required information, including the name and address of the cited person, the offense charged, and the time and place the person cited

is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his promise to appear at the time and place stated therein. Such person thereupon shall be released from custody. As soon as practicable, one copy of the citation shall be filed with the court specified therein, and the copy signed by the person cited shall be delivered to the prosecuting attorney. At least twenty-four hours before the time set for appearance of the cited person, the prosecuting attorney or other person authorized by law to issue a complaint for the particular offense shall either issue and file a complaint charging such person with an offense, or file with the court and deliver to such person a notice that a complaint has been refused and that such person is released from his obligation to appear or that the offense charged in the original citation has been changed or amended as specified. A person cited pursuant to sections 29-422 to 29-430 may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers.

Sec. 8. That section 29-425, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-425. Citations may also be issued under the following circumstances:

(1) In any case in which the prosecuting officer is convinced that a citation would serve all of the purposes of an arrest warrant; and

(2) Whenever any complaint or information is filed in any court in this state charging a felony, misdemeanor, ~~traffic~~ infraction, or violation of a city or village ordinance when the court is convinced that a citation would serve all of the purposes of the arrest warrant procedure.

The citations provided for in this section may be served in the same manner as an arrest warrant, in the same manner as a summons in a civil action, or may be served by certified mail.".

3. On page 4, line 3 after "original" insert "sections 29-422, 29-424, and 29-425, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 4 strike "is" and insert "are"

4. Renumber original sections 1, 2, 3, and 4 as

8 sections 2, 9, 10, and 11 respectively.

GENERAL FILE

LEGISLATIVE BILL 566. Title read. Considered.

Standing Committee amendment found in the Journal on page 460 for the Eleventh Day was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Bereuter offered the following amendment:

AMENDMENTS TO LB 566

1. On page 2, line 12 after "adoption" insert ", except that the county judge may waive such examination in the case of adoption by a grandparent, brother, or sister".

Mr. Venditte 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 Bereuter amendment lost with 3 ayes, 15 nays, 27 present and not voting, and 4 excused and not voting.

Mr. R. 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.

Advanced to E & R for Review with 27 ayes, 5 nays, 13 present and not voting, and 4 excused and not voting.

MOTION - Return LB 964 to E & R Final

Mr. Warner moved to return LB 964 to E & R Final for engrossing error correction.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

VISITORS

The President introduced 12 tenth and eleventh grade students and teacher from Ryan High School, Omaha, Nebraska; Mr. and Mrs. Willard Woodside, Lincoln Nebraska; Mrs. Alice Kupec, Laguna Hills, California; and Mr. Paul Ogier, Wallace, Nebraska.

ADJOURNMENT

At 4:58 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, April 6, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - APRIL 6, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 6, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our loving Father, we are grateful for the privilege of responsibility. Often pressing decisions cause inward frustrations. We know thou hast put us here on earth not for a picnic, but for a pilgrimage. May we all endeavor to live up to our capacities. While asking for Thy guidance, may we not shun hard thought, deep resolves, high integrity, and sheer common sense. While recognizing we have feet of clay and can be shattered by frustrations, never let us lose awareness of our supreme worth, for we have been created in Thy spiritual image, and destined to live as Thy children. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Hasebroock and R. Lewis who were excused; Mrs. Labedz, Messrs. Brennan, Fowler, Koch, Reutzel, Rumery, Simon, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1655, line 19, delete "592" and insert "952".
The Journal for the Forty-Ninth Day was approved as corrected.

SELECT COMMITTEE REPORT
Committee on Committees

April 6, 1978

The Committee on Committees in Executive Session on April 5, 1978 passed the following motion.

> "In view of the Attorney-General's opinion of April 3, 1978, this committee rejects the appointment of Mimi Waldbaum to the Political Accountability and Disclosure Commission."

Committee Vote: For: (8) Senators Savage, Koch, Moylan, DeCamp, Dworak, Mills, Rasmussen, F. Lewis. Against: None. Present and not voting, Senator Labedz. Absent and not voting: Senators Marsh, Burrows, Murphy, Cope.

(Signed) John S. Savage, Chairman

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 6, Sec. 6b, to read LB 812, 953, 955, 956, and 957 on Final Reading today.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 757. E & R amendments found in the Journal on page 1651 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 812.

A BILL FOR AN ACT to amend sections 71-1559 and 71-4305, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to increase fees; and to repeal the original sections.

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

Voting in the affirmative, 41:

Barnett	Duis	Kennedy	Marvel	Reutzel
Bereuter	E. Dvorak	Keyes	Maxey	Savage
Burrows	D. Dworak	Kremer	Merz	Schmit
Carsten	Fitzgerald	Labedz	Mills	Stoney
Chambers	George	Lamb	Moylan	Warner
Clark	Goodrich	F. Lewis	Murphy	
Cope	Hefner	Luedtke	Newell	
Cullan	Kahle	Maresh	Nichol	
DeCamp	Kelly	Marsh	Rasmussen	

Voting in the negative, 0.

Present and not voting, 1:

Simon

Excused and not voting, 7:

Brennan	Hasebroock	R. Lewis	Venditte
Fowler	Koch	Rumery	

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

LEGISLATIVE BILL 955.

A BILL FOR AN ACT to amend section 81-1108.36, Reissue Revised Statutes of Nebraska, 1943, relating to state buildings; to name the Nebraska Educational Telecommunications Building; 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:

Bereuter	Cullan	Goodrich	Kremer	Marsh
Burrows	Duis	Hefner	Labedz	Marvel
Carsten	E. Dvorak	Kahle	Lamb	Maxey
Chambers	D. Dworak	Kelly	F. Lewis	Merz
Clark	Fitzgerald	Kennedy	Luedtke	Mills
Cope	George	Keyes	Maresh	Moylan

Murphy	Nichol	Reutzel	Schmit	Stoney
Newell	Rasmussen	Savage	Simon	Warner

Voting in the negative, 0.

Present and not voting, 2:

Barnett DeCamp

Excused and not voting, 7:

Brennan	Hasebroock	R. Lewis	Venditte
Fowler	Koch	Rumery	

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

LEGISLATIVE BILL 953. Mr. Schmit moved to return LB 953 to Select File for the following specific amendment:

1. On page 49, lines 4 and 5 strike "1,075,930" and insert "2,000,000"; and in line 25 strike "2,954,632" and insert "3,878,702".

2. On page 50, line 1 strike "4,432,132" and insert "5,356,202".

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 15 nays, and 12 not voting.

Mr. Schmit withdrew his motion.

Messrs. Schmit and Simon moved to return LB 953 to Select File for the following specific amendment:

AMENDMENTS TO LB 953
FINAL READING COPY

1. On page 49, lines 4 and 5 strike "1,075,930" and insert "2,075,930"; and in line 25 strike "2,954,532" and insert "3,954,632".

2. On page 50, line 1 strike "4,432,132" and insert "5,432,132".

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.

Mr. Schmit requested a roll call vote on the motion.

Voting in the affirmative, 13:

Cullan	Kremer	Maresh	Reutzel	Simon
DeCamp	Labedz	Merz	Rumery	
Kelly	Luedkte	Mills	Schmit	

Voting in the negative, 26:

Burrows	D. Dworak	Keyes	Moylan	Venditte
Carsten	Fitzgerald	Lamb	Murphy	Warner
Clark	Fowler	F. Lewis	Newell	
Cope	George	Marsh	Nichol	
Duis	Kahle	Marval	Rasmussen	
E. Dvorak	Kennedy	Maxey	Stoney	

Present and not voting, 6:

Barnett	Chambers	Hefner
Bereuter	Goodrich	Savage

Excused and not voting, 4:

Brennan	Hasebroock	Koch	R. Lewis

The Schmit-Simon motion lost with 13 ayes, 26 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Savage asked unanimous consent to be excused at 10:30 a.m. until he returns. No objections. So ordered.

Mr. F. Lewis moved to have LB 953 laid over until action has been taken on LB 965 and LB 957.

Mr. F. Lewis requested a roll call vote on his motion.

Voting in the affirmative, 18:

Brennan	E. Dvorak	Labedz	Newell	Simon
Clark	Fitzgerald	F. Lewis	Nichol	Venditte
DeCamp	Fowler	Maresh	Reutzel	
Duis	Keyes	Moylan	Schmit	

Voting in the negative, 22:

Barnett	D. Dworak	Kennedy	Merz	Stoney
Bereuter	George	Lamb	Mills	Warner
Burrows	Hefner	Luedtke	Murphy	
Carsten	Kahle	Marsh	Rasmussen	
Cope	Kelly	Maxey	Rumery	

Present and not voting, 5:

Chambers	Cullan	Goodrich	Kremer	Marvel

Excused and not voting, 4:

Hasebroock	Koch	R. Lewis	Savage

The motion to lay over LB 953 lost with 18 ayes, 22 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Nichol asked unanimous consent to be excused at 10:45 a.m. until he returns. No objections. So ordered.

Mr. Duis moved to reconsider action of the Schmit-Simon motion of today.

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.

Mr. Duis withdrew his motion to reconsider.

CHANGE OF ORDER

Speaker Luedtke changed the agenda order to take up LB 965 on Select File at this time.

UNANIMOUS CONSENT - Unbracket LB 965

Mr. Warner asked unanimous consent to unbracket LB 965 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 965. Messrs. Simon-Schmit-F. Lewis offered the following amendment:

AMENDMENT TO LB 965

Purpose: To provide intent language to accompany the amendment to LB 965 to increase the appropriation to the Resources Development Fund.
Amendment:
Add new section:

"Included in the appropriation is $1,000,000 to be utilized for grants to Natural Resources Districts only for flood control projects, including but not limited to, dike maintenance, improvements, repairs, and renovations.".

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 11 nays, and 31 not voting.

Mr. F. Lewis offered the following amendment to the above amendment:
Amend LB 965 line 2 strike "hundred" and insert "million".

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The Simon-Schmit-F. Lewis amendment, as amended, was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

Mr. F. Lewis asked unanimous consent to bracket LB 965 on E & R Final until April 11, 1978. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 373. Placed on Select File.
LEGISLATIVE BILL 271. Placed on Select File.

LEGISLATIVE BILL 386. Placed on Select File as amended.
E & R amendments to LB 386:

1. Renumber original sections 4, 6, and 7 as sections 2, 3, and 4.

2. In the title, line 2, strike the first comma and insert "and", and after the second comma strike "and"; in line 3, strike "53-168,"; in line 4, strike "sections 53-132, 53-133, and" and insert "section"; and strike beginning with the second "to" in line 6 through the semicolon in line 7.

LEGISLATIVE BILL 569. Replaced on Select File as amended.
E & R amendments to LB 569:

1. Because of Legislative Bills, 568, 569, 722, 723, 724, and 725, strike original section 1.

2. In the committee amendment, page 23, strike beginning with "and" in line 4 through "1977," in line 5.

3. In the title, strike beginning with "section" in line 2 through the second comma in line 3.

4. In E & R amendment 5, line 3, strike the second "and".

5. Renumber sections 2 to 14 added by the committee amendments as sections 1 to 13, and renumber section 15 on page 21 of the committee amendments as section 14.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 952.

Correctly Engrossed

The following bill was correctly engrossed: 44.

Correctly Enrolled

The following bills were correctly enrolled: 502, 951, 954, and 958.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 502, 951, 954, and 958.

MOTION - Reconsider Action on LB 226

Mr. Reutzel moved to reconsider action on LB 226 of April 5, 1978.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 386 in the Journal. No objections. So ordered. (Amendments printed separate from the Journal and on file in the Clerk's office. Req. #2914)

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 953. 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, 1979; to repeal Laws 1977, LB 532, section 10 as amended by section 19, Legislative Bill 924, Eighty-fifth Legislature, Second Session, 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, 44:

Bereuter	Duis	Kelly	Marsh	Rasmussen
Brennan	E. Dvorak	Kennedy	Marvel	Reutzel
Burrows	D. Dworak	Keyes	Maxey	Rumery
Carsten	Fitzgerald	Kremer	Merz	Schmit
Chambers	Fowler	Labedz	Mills	Simon
Clark	George	Lamb	Moylan	Stoney
Cope	Goodrich	F. Lewis	Murphy	Venditte
Cullan	Hefner	Luedtke	Newell	Warner
DeCamp	Kahle	Maresh	Nichol	

Voting in the negative, 0.

Present and not voting, 1:

Barnett

Excused and not voting, 4:

Hasebroock Koch R. Lewis Savage

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Mills asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 956. Mr. Newell moved to return LB 956 to Select File for the following specific amendment:

AMENDMENT TO LB 956

Add a new section:

"Sec. 11. Program 94. The Department of Roads is hereby authorized to contract for the installation of a wind electrical generation unit, and a solar domestic water heater at an interstate rest stop area in the Lincoln or Omaha vicinity. There is hereby appropriated $11,000 from the Highway Cash Fund for the fiscal year ending June 30, 1979, for the installation of such units.

The contract of such installation shall require that an evaluation of the project be conducted in conjunction with the University of Nebraska, including any benefits or problems identified due to the use of such units. A report containing the findings of such evaluation shall be submitted to the Clerk of the Legislature and the Governor within one calendar year of the date of installation of the units.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

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

Voting in the affirmative, 23:

Barnett	DeCamp	George	Luedtke	Reutzel
Brennan	E. Dvorak	Goodrich	Maresh	Rumery
Burrows	D. Dworak	Keyes	Merz	Simon
Chambers	Fitzgerald	Kremer	Moylan	
Cullan	Fowler	Labedz	Newell	

Voting in the negative, 18:

Bereuter	Cope	Kahle	F. Lewis	Nichol
Carsten	Duis	Kelly	Marsh	Rasmussen
Clark	Hefner	Kennedy	Marvel	Schmit

Stoney	Venditte	Warner

Present and not voting, 3:

Lamb	Maxey	Murphy

Excused and not voting, 5:

Hasebroock	Koch	R. Lewis	Mills	Savage

The motion lost with 23 ayes, 18 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused at 12:05 p.m. until he returns. No objections. So ordered.

LEGISLATIVE BILL 956. With Emergency.

A BILL FOR AN ACT to make appropriations for capital construction projects; to provide severability; and to declare an emergency.

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

Voting in the affirmative, 42:

Barnett	DeCamp	Kelly	Marvel	Rumery
Bereuter	Duis	Keyes	Maxey	Schmit
Brennan	E. Dvorak	Koch	Merz	Simon
Burrows	D. Dworak	Kremer	Moylan	Stoney
Carsten	Fitzgerald	Labedz	Murphy	Venditte
Chambers	Fowler	F. Lewis	Newell	Warner
Clark	Goodrich	Luedtke	Nichol	
Cope	Hefner	Maresh	Rasmussen	
Cullan	Kahle	Marsh	Reutzel	

Voting in the negative, 1:

George

Present and not voting, 1:

Lamb

Excused and not voting, 5:

Hasebroock Kennedy R. Lewis Mills 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.

VISITORS

The President introduced former Governor Dwight Burney from Hartington; 38 4th grade students, teachers and parents from Seward Public School, Seward; 70 Friends of St. Bernard Senior Citizens of Omaha; 60 7th grade students, teachers and parents from Schuyler Grade School, Schuyler; 20 seniors and teacher from Cedar Bluffs High School, Cedar Bluffs; and 30 8th grade students, teacher and sponsor from Wakefield, Nebraska Junior High.

RECESS

At 12:13 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., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hasebroock and R. Lewis who were excused and Messrs. Burrows, Kennedy, Mills, Savage, and Simon who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 713 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 713

1. On page 2, line 17 strike "13" and insert "14".
2. On page 3, line 11 strike "justice" and insert "history record".
3. Insert a new section 12 as follows:

"Sec. 12. Operator shall mean the agency, person

or group of persons designated by the governing body of the jurisdiction served by a criminal history record information system to coordinate and supervise the system.".

4. On page 8, line 14 after "a" insert "centralized"; and in line 17 after the second "system" insert "or to the arresting agency in a noncentralized criminal history record information system".

5. On page 12, line 20 strike "21" and insert "22".

6. On page 13, line 9 strike "22" and insert "23".

7. On page 17, in lines 18 and 21 strike "28" and insert "29"; and in line 20 strike "25" and insert "26".

8. Renumber original sections 12 to 33 as sections 13 to 34 respectively.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 964.

Correctly Engrossed

The following bills were correctly engrossed: 184A, 636, 715, 757, and 885.

Correctly Enrolled

The following bills were correctly enrolled: 812 and 955.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 812 and 955.

UNANIMOUS CONSENT - Add Co-Introducer to LB 800

Mr. Clark asked unanimous consent to add his name to LB 800. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 957. With Emergency.

A BILL FOR AN ACT to state legislative intent for Legislative Bills 951, 952, and 953, Eighty-fifth Legislature, Second Session, 1978; 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, 42:

Bereuter	E. Dvorak	Koch	Maxey	Savage
Brennan	D. Dworak	Kremer	Merz	Schmit
Carsten	Fitzgerald	Labedz	Moylan	Simon
Chambers	Fowler	Lamb	Murphy	Stoney
Clark	George	F. Lewis	Newell	Venditte
Cope	Goodrich	Luedtke	Nichol	Warner
Cullan	Kelly	Maresh	Rasmussen	
DeCamp	Kennedy	Marsh	Reutzel	
Duis	Keyes	Marvel	Rumery	

Voting in the negative, 0.

Present and not voting, 3:

Barnett	Hefner	Kahle

Excused and not voting, 4:

Burrows	Hasebroock	R. Lewis	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.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 42. Placed on Select File as amended.
E & R amendments to LB 42:

1. Because of Laws 1977, LB 510, section 10, strike sections 8, 9, 148, 149, and 150.

2. Strike sections 217, 218, and 219, which have been declared unconstitutional.

3. On page 314, line 5, after sections insert "2-201,"

and after "2-203," insert "2-203.01,"; in line 6 strike "2-203.06, 2-1559, 2-1560,"; in line 7 after "2-2444," insert "2-3225,", after "3-155," insert "3-504,", and strike "3-613,"; in line 18 after "19-3313," insert "19-3315,"; in line 19 after "19-3321," insert "19-3327, 21-17,126,", and after "23-104," insert "23-107.01, 23-120,"; in line 21 strike "23-343.01,"; in line 23 after "23-360," insert "23-362, 23-362.03,"; and in line 27 strike "31-816, 31-821, 31-827,".

4. On page 315, line 6, after "71-1629.01," insert "71-1701,"; in line 7 after "77-201," insert "77-202.32,", and strike "77-605,"; in line 8 after "77-1242.02," insert "77-1250, 77-1252," and after "77-1303," insert "77-1311,"; in line 10 strike "77-1506.05, 77-1506.07, 77-1506.08,"; in line 11 strike "77-1725," and insert "79-320.01,"; in line 12 after "79-422," insert "79-432,"; in line 13 strike "79-451,"; in line 14 after "79-548.01," insert "79-903," and after "79-904," insert "79-1007,"; in line 16 strike "79-2210,", after "79-2313," insert "79-2650,", and after "80-102," insert "81-815.34, 83-1,142,"; in line 17 strike "and"; strike beginning with "2-201," in line 18 through "23-362.03," in line 19; strike beginning with "71-1701," in line 21 through "83-1,142," in line 23; in line 20 strike "31-727.03,"; in line 21 after "39-1619," insert "and"; and in line 23 after "1976" insert ", and sections 2-203.06, 3-613, 23-343.01, 31-727.03, 77-605, 77-1725, 79-451, and 79-2210, Revised Statutes Supplement, 1977,".

5. Renumber original sections 10 to 91 as sections 8 to 89, the section added by committee amendment 1 as section 90, original sections 92 to 147 as sections 91 to 146, original sections 151 to 209 as sections 147 to 205, section added by committee amendment 3 as section 206, original sections 210 to 216 as sections 207 to 213, and original sections 220 to 266 as sections 214 to 260.

6. In the title, line 3 after "sections" insert "2-201,"; in line 4 after "2-203," insert "2-203.01," and strike "2-203.06,"; in line 5 strike "2-1559, 2-1560,", after "2-2444," insert "2-3225," and after "3-155," insert "3-504,"; in line 6 strike "3-613,"; in line 20 after "19-3313," insert "19-3315," and after "19-3321," insert "19-3327, 21-17,126,"; in line 21 after "23-104," insert "23-107.01, 23-120,"; in line 23 strike "23-343.01,"; in line 26 after "23-360," insert "23-362, 23-362.03,"; in line 31 strike "31-816, 31-821, 31-827,"; in line 39 after "71-1629.01," insert "71-1701,"; in line 40 after "77-201," insert "77-202.32,"; in line 41 strike "77-605,"; in line 42 after "77-1242.02," insert "77-1250, 77-1252," and after "77-1303," insert "77-1311,"; in line 44 strike "77-1506.05, 77-1506.07,"; in line 45 strike "77-1506.08,"; in line 47

strike "77-1725," and insert "79-320.01,"; in line 48 after "79-422," insert "79-432," and strike "79-451,"; in line 50 after "79-548.01," insert "79-903," and after "79-904," insert "79-1007,"; in line 52 strike "79-2210," and after "79-2313," insert "79-2650,"; in line 53 after "80-102," insert "81-815.34, 83-1,142,"; in line 54 strike "and"; strike lines 55 and 56; in line 57 strike "31-727.03,"; in line 58 after "39-1619," insert "and"; strike beginning with "71-1701," in line 58 through "83-1,142," in line 61; and in line 62 after "1976" insert ", and sections 2-203.06, 3-613, 23-343.01, 31-727.03, 77-605, 77-1725, 79-451, and 79-2210, Revised Statutes Supplement, 1977".

LEGISLATIVE BILL 693. Placed on Select File as amended.
E & R amendment to LB 693:

1. On page 4, line 8, strike the comma; and in line 12 after "but" insert "to".

LEGISLATIVE BILL 693A. Placed on Select File.

LEGISLATIVE BILL 566. Placed on Select File as amended.
E & R amendment to LB 566:

1. In the title, line 5, after the semicolon insert "to change who may investigate;".

LEGISLATIVE BILL 446. Replaced on Select File as amended.
E & R amendment to LB 446:

1. In lieu of the Schmit and Fitzgerald amendments, in the DeCamp amendment, line 4, strike "sixty-five" and insert "fifty-five".

(Signed) Samuel K. Cullen, Chairman

MOTION - Override Veto on LB 902

Mr. DeCamp renewed his pending motion found in the Journal on page 1663 to pass LB 902 notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 13 nays, and 9 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

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

Voting in the affirmative, 31:

Brennan	E. Dvorak	Koch	Moylan	Simon
Burrows	Fitzgerald	Kremer	Newell	Stoney
Clark	George	Labedz	Nichol	Venditte
Cope	Goodrich	F. Lewis	Rasmussen	
Cullan	Hefner	Luedtke	Rumery	
DeCamp	Kahle	Maresh	Savage	
Duis	Keyes	Merz	Schmit	

Voting in the negative, 15:

Barnett	Chambers	Kelly	Marsh	Mills
Bereuter	D. Dworak	Kennedy	Marvel	Reutzel
Carsten	Fowler	Lamb	Maxey	Warner

Present and not voting, 1:

Murphy

Excused and not voting, 2:

Hasebroock R. Lewis

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. Cullan moved the Call be raised. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

MOTION - Return LB 922 to Select File

Mr. Cullan moved to return LB 922 to Select File for the following specific amendment:

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

"Section 1. Except as provided for in section 7 of this act, commencing on the effective date of this act, no tax levied pursuant to subsection (2) of section 79-2650, shall be used by any area which has obligations

in excess of the amount to be derived under subsection (2) of section 79-2650 for (1) new capital construction, (2) site acquisition, or (3) as the consideration necessary for entering into any lease-purchase agreement or other contract in which the obligations or provisions of such agreement or contract would not be fully met out of the receipts from the mill levy permitted under subsection (2) of section 79-2650.

Sec. 2. Except as provided for in section 7 of this act, commencing on the effective date of this act, the tax levied pursuant to subsection (2) of section 79-2650, may be used by any area which does not have obligations in excess of the amount to be derived under such subsection for (1) new capital construction, (2) site acquisition, or (3) as the consideration necessary for entering into any lease-purchase agreement or other contract, if approved by a vote of the people as prescribed in section 3 of this act. Nothing in this section shall be construed to permit obligations to be incurred beyond the time allowed for receipt of revenue from the levy under subsection (2) of section 79-2650.

Sec. 3. (1) If the board in any technical community college area shall determine that it is necessary for the proper management and operation of such area to expend tax funds in a manner requiring a vote of the people as prescribed in section 2 of this act, the board may by resolution place the proposition for such expenditure on the general or primary ballot or call for a special election in such area for the purpose of approving such expenditure. The proposition appearing on the ballot in any election shall state the purpose for which such tax funds will be spent and the amount of funds to be so expended. Such proposition shall be adopted if approved by a majority of those voting in such election.

(2) The resolution calling for the election and the election notice shall show the proposed purpose for which such tax funds will be expended and the amount of money sought.

(3) Notice of the election shall state the date which the election is to be held and the hours the polls will be open. Such notice shall be published in a newspaper that is published in or of general circulation in such area at least fifteen days prior to such election. If no newspaper is published in or of general circulation in the area, notice shall be posted in at least two public places in each county in the area.

(4) If a special election is called the board shall prescribe the form of the ballot to be used.

Sec. 4. That section 79-2648, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2648. Except as provided in section 7 of this act, each ~~Each~~ board shall have the power to issue and sell revenue bonds and general obligation bonds for the purchase, construction, reconstruction, equipping, demolition, or alteration of capital assets and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances and other facilities connected with the operation of the technical community colleges. Each board may establish in its budget a capital improvement and bond sinking fund. Such fund shall be used first for the retirement of bonds assumed by the board, then for the retirement of bonds issued pursuant to this section, and then for the purchasing, purchasing on contract, leasing, constructing, renovating, and improving of facilities necessary to carry out the provisions of sections 79-2636 to 79-2662. Revenue bonds issued shall be subject to all applicable provisions of sections 79-1438.04 to 79-1438.12. No general obligation bonds shall be issued without the approval by a majority vote of the qualified electors of the area voting in a general, primary, or special election called for such purpose, upon notice given by the members of the board at least twenty days prior to such election. No bonds issued under the provisions of sections 79-2636 to 79-2662 shall be an obligation of the State of Nebraska and no state tax shall be levied to raise funds for the payment thereof or interest thereon.

Sec. 5. That section 79-2650, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2650. (1) On or before September 1 of each year, the board 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 the technical community college area.

(2) In addition to the levy provided in subsection (1) of this section, the board may subject to the provisions of sections 1, 2, and 7 of this act, also certify to the county board of exceed one mill, uniform throughout such area, for the purpose of establishing a capital improvement fund, a bond sinking fund, or for the

retirement of general obligation bonds. The power to levy such tax under this subsection shall not exist after June 30, 1980.

(3) The combined levy provided in subsections (1) and (2) of this section shall not exceed two and one half mills without prior approval by a majority vote of the qualified electors of the area voting in a primary, general, or special election called for such purpose, upon notice given by the members of the board at least twenty days prior to such election.

(4) 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.

Sec. 6. Except as provided for in section 7 of this act, each technical community college area shall fully retire all outstanding assumed general obligation debts prior to using any bond issue pursuant to section 79-2648 or a tax levied pursuant to subsection (2) of section 79-2650 for (1) new capital construction, (2) site acquisition, or (3) the consideration necessary for entering into any lease-purchase agreement or other contract.

Sec. 7. Sections 1, 2, and 6 of this act shall not apply to any technical community college area which meets one or more of the following conditions:

(1) Actual construction contracts have been let prior to the effective date of this act;

(2) Land has been acquired prior to the effective date of this act for the specific purpose of constructing a new campus;

(3) The total project cost for a new structure or addition to an existing structure does not exceed $100,000; or

(4) Project construction is for miscellaneous renovation and deferred maintenance projects, handicapped access, and life safety improvements made to existing structures or grounds.

Sec. 8. The Board of Governors of each technical community college area shall adopt plans and specifications in advance of letting bids for any capital construction project. Such plans and specifications shall be the basis upon which the bids are received.

Sec. 9. That original sections 79-2648 and 79-2650, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Fitzgerald moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 5 nays, and 30 not voting.

Mr. Cullan moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Cullan requested a roll call vote on the motion to return LB 922.

Voting in the affirmative, 28:

Bereuter	Cullan	Kahle	Murphy	Savage
Brennan	DeCamp	Lamb	Newell	Schmit
Burrows	D. Dworak	Maresh	Nichol	Stoney
Carsten	Fitzgerald	Marvel	Rasmussen	Venditte
Chambers	Fowler	Mills	Reutzel	
Clark	Goodrich	Moylan	Rumery	

Voting in the negative, 13:

Barnett	Hefner	Koch	Luedtke	Simon
E. Dvorak	Kelly	Kremer	Marsh	
George	Kennedy	Labedz	Maxey	

Present and not voting, 6:

Cope	Keyes	Murphy
Duis	F. Lewis	Warner

Excused and not voting, 2:

Hasebroock R. Lewis

The motion prevailed with 28 ayes, 13 nays, 6 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 922. Mr. Kelly requested a record vote on the Cullan specific amendment found in this day's Journal.

Voting in the affirmative, 29:

Bereuter	Cullan	Lamb	Moylan	Rumery
Brennan	DeCamp	Maresh	Murphy	Savage
Burrows	Duis	Marsh	Newell	Stoney
Carsten	D. Dworak	Marvel	Nichol	Venditte
Chambers	Fitzgerald	Merz	Rasmussen	Warner
Clark	Goodrich	Mills	Reutzel	

Voting in the negative, 10:

Barnett	George	Kelly	Koch	Labedz
E. Dvorak	Hefner	Kennedy	Kremer	Luedtke

Present and not voting, 8:

Cope	Kahle	F. Lewis	Schmit
Fowler	Keyes	Maxey	Simon

Excused and not voting, 2:

Hasebroock R. Lewis

The Cullan amendment was adopted with 29 ayes, 10 nays, 8 present and not voting, and 2 excused and not voting.

Mrs. Marsh requested a machine vote to advance LB 922.

Advanced to E & R for Engrossment with 28 ayes, 8 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

UNANIMOUS CONSENT - Withdraw Motion

Mr. F. Lewis asked unanimous consent to withdraw his pending motion found in the Journal on page 1649 to return LB 184 to Select File for a specific amendment. No objections. So ordered.

Mr. F. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 92

Mr. Goodrich renewed his pending motion found in the Journal on page 1663 to pass LB 92 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, 23:

Brennan	Fitzgerald	Luedtke	Moylan	Schmit
Burrows	Fowler	Marsh	Newell	Simon
Cope	Goodrich	Marvel	Nichol	Venditte
Duis	Hefner	Maxey	Rasmussen	
E. Dvorak	Kahle	Merz	Savage	

Voting in the negative, 18:

Barnett	Clark	George	Mills	Stoney
Bereuter	Cullan	Kennedy	Murphy	Warner
Carsten	DeCamp	Keyes	Reutzel	
Chambers	D. Dworak	Maresh	Rumery	

Present and not voting, 5:

Kelly	Koch	Kremer	Labedz	Lamb

Excused and not voting, 3:

Hasebroock	F. Lewis	R. Lewis

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

Mr. Goodrich withdrew his pending motion found in the Journal on page 1663 to override the veto on LB 92A.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 1978, at 2:30 p.m., were the following bills: 812, 955, 958, 954, 951, and 502.

(Signed) Janet M. Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 711. Placed on Select File as amended.
E & R amendments to LB 711:

1. Renumber original sections 8 and 9 as sections 7 and 8 respectively.

2. For correlation purposes on page 4, lines 17 and 18, strike "28-401, 28-417" and insert "28-303, 28-313,".

3. For correlation purposes on page 4, line 15 after "1943" insert ", as amended by section 23, Legislative Bill 748, Eighty-fifth Legislature, Second Session, 1978".

4. For correlation purposes on page 5, line 6, and in the title, line 2, strike "sections" and insert "section"; on page 5, lines 6 and 7, and in the title, line 2, strike "and 29-2524"; and on page 5, line 7, and in the title, line 3, after "1943" insert ", and section 29-2524, Reissue Revised Statutes of Nebraska, 1943, as amended by section 23, Legislative Bill 748, Eighty-fifth Legislature, Second Session, 1978".

LEGISLATIVE BILL 87. Placed on Select File as amended.
E & R amendments to LB 87:

1. In the last line of the Murphy amendment adopted April 4, 1978, strike "of subsection one" and insert "of subsection (1) of section 1".

2. For correlation purposes in lieu of the Barnett amendments adopted April 4, 1978, on page 2 strike beginning with "imprisoned" on line 18 through the first comma in line 21 and insert "guilty of a Class IIIA misdemeanor"; on page 3 strike beginning with "imprisoned" in line 8 through the first comma in line 11 and insert "guilty of a Class III misdemeanor"; and on page 4 strike beginning with "imprisoned" in line 5 through "years" in line 7 and insert "guilty of a Class IV felony".

3. For correlation purposes on page 2 line 2, page 5 line 5, and in the title line 3 after "1943" insert ", as amended by section 52, Legislative Bill 748, Eighty-fifth Legislature, Second Session, 1978".

LEGISLATIVE BILL 404. Placed on Select File as amended.
E & R amendment to LB 404:

1. In the title, strike lines 2 to 8 and insert:
"FOR AN ACT to amend sections 60-401 and 60-501, Reissue Revised Statutes of Nebraska, 1943, section 39-602,

Revised Statutes Supplement, 1976, and sections 39-666 and 60-301, Revised Statutes Supplement, 1977, relating to mopeds; to define a term; to provide for the regulation and operation of mopeds as prescribed; to require certain equipment; to provide penalties; and to repeal the original sections.".

Correctly Enrolled

The following bills were correctly enrolled: 953, 956, and 957.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Marvel asked unanimous consent to print the following in the Journal. No objections. So ordered.

I move that the Eighty-Fifth Nebraska Legislature, Second Session, grant approval to the Board of Regents of the University of Nebraska to remodel and repair two existing dormitories at the School of Technical Agriculture at Curtis, Nebraska, as described in the letter of February 28, 1978, to the Chairman of the Executive Board, and to pay for such improvements through the issuance of revenue bonds in an amount not to exceed $272,100, which bonds shall be payable solely out of the revenues and fees from such existing dormitories.

Explanation: Section 85-403 grants the Board of Regents the authority to issue revenue bonds for such projects as referred to above. Section 85-404 requires the approval of the Legislature, when in session, of the project and the financing plan.

(Signed) Richard D. Marvel, Chairman
Executive Board

I move that the Board of Trustees of the Nebraska State Colleges be authorized to expend the sum of $56,005 from the revenue bond Surplus Fund for needed repairs to two buildings on the campus of Kearney State College, specifically the replacement of a defective air conditioning unit in Centennial Towers West, and the installation of a water pressure booster system in Mantor Hall.

Explanation: The statutes (85-408) require the approval of the Legislature when in session (the Executive Board when the Legislature

is not in session) for any expenditures from the Surplus Fund in excess of $10,000. The Surplus Fund now has a balance of $1,298,693.68.

The air conditioning replacement unit will cost $45,000. Water pressure booster system will cost $11,005.

(Signed) Richard D. Marvel, Chairman
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 713 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 713

1. Insert the following new section:

"Sec. 25. Each criminal justice agency shall adopt procedures to insure that criminal history record information regarding an individual who (1) has fulfilled the conditions of his or her probation, sentence, parole, or suspension of sentence and (2) has remained free of criminal involvement for a period of ten years shall be sealed. The sealing of an individual's criminal history record information shall prevent any noncriminal justice agency from reviewing such records or disseminating information about the subject of the record except when the subject of the record:

(a) Is currently the subject of prosecution or correctional control as the result of an arrest;

(b) Is currently an announced candidate for or holder of public office; or

(c) Has made a notarized request for the release of such record to a specific person.".

2. On page 17, in lines 18 and 21 strike "28" and insert "29"; and in line 20 strike "25" and insert "26".

3. Renumber remaining sections accordingly.

MOTION - Return LB 184 to Select File

Mr. Chambers moved to return LB 184 to Select File for the following specific amendment:

Strike enacting clause.

Motion pending.

MOTION - Return LB 946A to Select File

Mr. Warner moved to return LB 946A to Select File for the following specific amendment:

Purpose:

The following are technical amendments which make corrections to the fund sources utilized and also add $29,263 to the Game and Parks Commission to provide longevity salary increases to Conservation Officers.

Amendments:

1. On page 9, line 25 strike "2,470" and insert "344"; and in line 26 strike "967" and insert "3,093".

2. On page 10, line 10 strike "13,736" and insert "11,610"; and in line 11 strike "967" and insert "3,093".

3. On page 14, line 17 strike "GENERAL" and insert "CASH", and strike "1,082" and insert "3,979"; strike line 18; in line 19 strike "1,746" and insert "3,979"; and in lines 24 and 25 strike "33,882" and insert "54,573".

4. On page 15, lines 4 and 5 strike "16,039" and insert "22,378"; in line 16 strike "31,986" and insert "37,243"; in line 17 strike "35,167" and insert "59,837"; strike line 18; and in line 19 strike "67,817" and insert "97,080".

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 946A. The Warner 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 Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 713 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 713

1. On page 2, line 17 strike "13" and insert "14".

2. Insert the following new sections:

"Sec. 12. Intelligence and investigative information shall mean criminal justice information which comprises personally identifiable information on one or more

individuals or groups compiled in an effort to anticipate, prevent, or monitor possible criminal activity or in the course of an investigation where there is reason to believe that specific criminal acts have or may take place.

Sec. 29. Intelligence and investigative information compiled for law enforcement purposes may be withheld from an applicant if a release of such information would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source;

(5) Disclose investigative techniques and procedures; or

(6) Endanger the life or physical safety of law enforcement personnel.

Nothing in this sectionshall be construed to withhold information from the Legisalture.".

3. On page 12, line 20 strike "21" and insert "22".

4. On page 13, line 9 strike "22" and insert "23".

5. On page 17, lines 3 and 15 after "history" insert "or intelligence and investigative"; in line 9 after "system" insert ", except as provided in section 29 of this act"; in lines 18 and 21 strike "28" and insert "30"; and in line 20 strike "25" and insert "26".

6. On page 18, line 27 after the underscored period insert "Any person denied a right under this act shall also be allowed an appeal pursuant to Chapter 84, article 9.".

7. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 153. The corrected E & R amendments found in the Journal on page 1605 for the Forty-Seventh Day were adopted.

Mr. Merz withdrew his pending amendment found in the Journal on page 948.

Mr. Barnett withdrew his pending amendment found in the Journal on page 919.

Mr. Cullan offered the following amendment:

Amend LB153CA, in line 9 page 2, (adopted Standing Committee amendment) insert "of not more than 775 dollars per month." Strike all new language in lines 9 through 13.

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.

Mr. Merz moved for a Call of the House. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

Mr. Merz requested a roll call vote on the Cullan amendment.

Voting in the affirmative, 24:

Bereuter	Cullan	Kelly	Maresh	Nichol
Carsten	D. Dworak	Kennedy	Marvel	Rasmussen
Chambers	Fitzgerald	Kremer	Merz	Schmit
Clark	George	Labedz	Mills	Warner
Cope	Hefner	Lamb	Moylan	

Voting in the negative, 21:

Barnett	E. Dvorak	Koch	Reutzel	Venditte
Brennan	Fowler	Luedtke	Rumery	
Burrows	Goodrich	Marsh	Savage	
DeCamp	Kahle	Maxey	Simon	
Duis	Keyes	Murphy	Stoney	

Present and not voting, 1:

Newell

Excused and not voting, 3:

Hasebroock F. Lewis R. Lewis

The Cullan amendment lost with 24 ayes, 21 nays, 1 present and not voting, and 3 excused and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Koch offered the following amendment:
Amend LB153 substitute the Barnett amendment page 919 of Journal.

Mr. Cullan 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. Koch moved for a Call of the House. The motion lost with 6 ayes, 15 nays, and 28 not voting.

The Koch amendment lost with 20 ayes, 15 nays, 11 present and not voting, and 3 excused and not voting.

Messrs. Rasmussen and Fitzgerald asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Nichol offered the following amendment:
Same as Senator Koch to limit session 60 days - 90 days

Mr. Simon offered the following amendment to the Nichol amendment:
To have the expenses a per diem only on legislative days

The Simon amendment lost with 7 ayes, 13 nays, 24 present and not voting, and 5 excused and not voting.

Mr. Newell offered the following amendment to the Nichol amendment:
Strike the Nichol amendment and replace it with - and allow for expenses and per diem for business conducted in the while performing Legislative duties.

The Newell amendment lost with 4 ayes, 16 nays, 24 present and not voting, and 5 excused and not voting.

The Nichol amendment lost with 10 ayes, 14 nays, 20 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 407A. Mrs. Labedz moved to indefinitely postpone.

Laid over.

COMMUNICATIONS ON LB 902

April 6, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol Building

Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to 84-503, RRS, we are forwarding LB 902 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 902 notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:br
cc: Governor Exon

CERTIFICATE

Legislative Bill 902 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 6th day of April, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 1978, at 4:27 p.m., were the following bills: 953, 956, and 957.

(Signed) Hazel Kaltenberger, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 219.

Introduced by Rasmussen, 41st District.

WHEREAS, the Unicameral Legislature of the State of Nebraska wishes to recognize the dedication and service of one of its retiring senators; and

WHEREAS, State Senator Richard Lewis has represented the 38th Legislative District since 1970; and

WHEREAS, Senator Lewis has always been a man of tireless energy and enthusiasm for any project he has undertaken; and

WHEREAS, the Legislature would like to recognize Senator Lewis' dedicated efforts in all areas of State government, but especially in the fields of Public Power and Public Health and Welfare legislation; and

WHEREAS, the Legislature wishes to thank him for the leadership and guidance he has provided to the State and its people.

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

1. That the Legislature acknowledge the dedicated efforts and achievements of Senator Richard Lewis.

2. That the Legislature wishes health and happiness to Senator Lewis and his wife, Mildred during his period of legislative retirement.

3. That the Legislature present a copy of this resolution to Senator Lewis.

Laid over.

VISITORS

The President introduced 24 fourth grade students, teacher, and sponsors from Lincoln Christian School; and 7 members from Ord F.F.A.

ADJOURNMENT

At 4:40 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, April 7, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - APRIL 7, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 7, 1978

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father, as we near the end of this session, we review the record of its accomplishments. If we should become satisfied with ourselves, hold ever before us thy demands of perfection. Lest we become content with a good batting average, let us see the absolutes of honesty, of love, and of obedience to Thy will. Seeing them, may we strive after them by Thy help. Through Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Hasebroock who was excused; Messrs. F. Lewis and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1689, line 23, delete "Murphy" insert "Merz".
Page 1693, line 11, insert:

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 953, 956, and 957.
The Journal for the Fiftieth Day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 6, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Elrod, Don (withdrawn 3/30/78), Omaha Suburban Area Council of Schools
Ryan, James E. - Lincoln, Dr. Ben Meckel
Wilson, Bruce H. (withdrawn 2/28/78), Fleet Reserve Association

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 964. Replaced on Select File as amended.
E & R amendments to LB 964:

1. In the title, line 3, after "agencies" insert "; to provide an operative date; to provide for repeal; and to declare an emergency".
2. In new section 3, line 4, strike "State".

LEGISLATIVE BILL 748. Replaced on Select File as amended.
E & R amendments to LB 748:

1. On page 51, original line 16, strike "28-1458" and insert "28-1450".
2. In the title as amended, line 13, after "54-137" insert a comma, and on page 51, line 8, after "54-137" insert a comma.

(Signed) Samuel K. Cullan, Chairman

MESSAGE FROM THE SECRETARY OF STATE

April 6, 1978

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

RE: LB 902, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 6, 1978 at 4:55 p.m., LB 902. Along with LB 902, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 902 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 6th day of April, 1978."

Further, I hereby acknowledge that LB 902, 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

SELECT FILE

LEGISLATIVE BILL 748. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 964. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

Mr. Kennedy asked unanimous consent to be excused at 9:15 a.m. until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 407A. Mrs. Labedz withdrew her pending motion found in the Journal on page 1698 to indefinitely postpone LB 407A.

Mr. Koch moved to suspend all rules, and adopt request number 2917, which previously was an amendment to LB 435, as an amendment to 407A, and to strike the original contents of 407A.

The motion prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Koch offered the following amendment:

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

"Section 1. That section 72-422, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-422. All income received from the land, described in section 72-421, shall be paid by the Board of Educational Lands and Funds to the State Treasurer and shall be set apart into a special fund, known as the Lydick Fund. From said fund, the State Treasurer shall pay, upon vouchers of the Board of Educational Lands and Funds, all charges required to be paid by the will of Jonathan J. Lydick, deceased, and all expenses of the management, maintenance, and upkeep of said real estate. The net proceeds, if any, ~~at the end of each biennium, if not reappropriated,~~ shall be paid to Jessie Lydick, the widow of Jonathan J. Lydick, for the remainder of her lifetime, and thereafter such proceeds shall be transferred to the Temporary School Fund and used exclusively for the support and maintenance of common schools.

Sec. 2. That original section 72-422, 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 through 14 and insert the following:

"FOR AN ACT to amend section 72-422, Reissue Revised Statutes of Nebraska, 1943, relating to the Board of Educational Lands and Funds; to provide for expenses and disposition of proceeds from the Lydick Fund; to repeal the original section; and to declare an emergency.".

The amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 562. Title read. Considered.

Standing Committee amendments found in the Journal on page 461 for the Eleventh Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Mills asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 867. Title read. Considered.

Mr. George renewed his pending amendment found in the Journal on page 1063.

The amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Mr. George withdrew his pending amendment found in the Journal on page 1604.

Mr. Fowler moved for a Call of the House. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Advanced to E & R for Review with 25 ayes, 13 nays, 6 present and not voting, and 5 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Marvel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 823. Title read. Considered.

Standing Committee amendments found in the Journal on page 465 for the Eleventh Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:

The fee for a fishing license for a Nebraska resident shall be 5.00.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Chambers amendment lost with 7 ayes, 18 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Murphy offered the following amendment:
On line 11 strike "collect and" and "additional fees of" and insert after "cents" in line 12 "of such funds".

Mr. Murphy moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Murphy amendment was adopted with 25 ayes, 17 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Venditte moved the Call be raised. The motion prevailed with 24 ayes, 4 nays, and 21 not voting.

Mr. Koch moved to indefinitely postpone.

Mr. DeCamp 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 indefinitely postpone prevailed with 24 ayes, 13 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 650. Title read. Considered.

Speaker Luedtke offered the following amendment:

1. On page 7, reinstate the stricken matter and strike the new matter.

2. On pages 7 to 11 reinstate subdivision numbers "(30)" through "(53)" and strike subdivision numbers "(29)" through "(52)".

3. On page 12, strike the new matter and reinstate the stricken matter; and in line 16 strike the reinstated "ten" and insert "~~ten~~" "three".

4. On page 37, line 25, reinstate the stricken matter.

5. On page 45, strike beginning with the underscored comma in line 22 through "complaint" in line

23; and in line 23 after the underscored period insert "Any personal representative, heir, devisee, creditor, or other person interested in the estate of such deceased person, may examine such person upon oath upon the matter of such complaint or direct interrogatories to him.".

6. Insert the following new sections:

"Sec. 33. That section 24-541, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-541. In all cases not otherwise specifically provided for, either party may appeal from the final judgment of the county or municipal court to the district court of the county where the judgment was rendered. All such appeals shall be de novo on the record except those matters referred to in section ~~30-1606~~ 30-1606 relating to the probate or denial of probate of wills and the allowance or disallowance of claims filed against an estate, which matters shall be appealed de novo. In matters appealed de novo on the record, the district court may, in its discretion, receive additional evidence if the court determines that such evidence is reasonably necessary to determine the issues, make findings of fact and render judgment thereon. The district court may affirm, modify, or vacate the judgment, or may remand the case to the county or municipal court for a new trial.

Sec. 34. That section 30-2221, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2221. A person, including a guardian ad litem, conservator, or other fiduciary, may waive notice or any other requirement for the mailing or receipt of instruments by a writing signed by him or his attorney and filed in the proceeding.

Sec. 35. That section 30-2352, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2352. (a) (1) A person (or his personal representative) who is an heir, devisee, person succeeding to a renounced interest, donee, beneficiary under a testamentary or nontestamentary instrument, donee of a power of appointment, grantee, surviving joint owner or surviving joint tenant, beneficiary of an insurance contract, person designated to take pursuant to a power of appointment exercised by a testamentary or nontestamentary instrument, or recipient of any benefit otherwise under a testamentary or nontestamentary instrument, may renounce in whole or in part, or with

reference to specific parts, fractional shares or assets thereof, by filing a written instrument within the time and at the place hereinafter provided.

(2) The instrument shall (i) describe the property or part thereof or the interest therein renounced, (ii) be signed and acknowledged by the person renouncing in the manner provided for in the execution of deeds of real estate, and (iii) declare the renunciation and the extent thereof.

(3) The appropriate court may direct or permit a trustee under a testamentary or nontestamentary instrument to renounce or deviate from any power of administration, management or allocation of benefit upon finding that exercise of such power may defeat or impair the accomplishment of the purposes of the trust whether by the imposition of tax or the allocation of beneficial interest inconsistent with such purposes. Such authority shall be exercised after hearing and upon notice to all known persons beneficially interested in such trust, in the manner directed by said court.

(b) The writing specified in (a) (1) and (a) (2) must be filed within nine months after the death of the decedent, settlor of the trust or donee of the power, or if the taker of the property is not then finally ascertained not later than nine months after the event by which the taker or the interest is finally ascertained. The writing must be filed in the court of the county where proceedings concerning the decedent's estate are pending, or where they would be pending if commenced. If an interest in real estate is renounced, a copy of the writing shall also be recorded in the office of the register of deeds in the county in which said real estate lies. A copy of the writing also shall be mailed to the personal representative of the decedent, the trustee of any trust in which the interest renouncing exists, or to such other person as has legal title to, or possession of, the property in which the interest renounced exists, and no such personal representative, trustee, or person shall be liable for any other proper distribution or other disposition made without actual notice of the renunciation.

(c) Unless the decedent or donee of the power has otherwise indicated by his will, the interest renounced, and any future interest which is to take effect in possession or enjoyment at or after the termination of the interest renounced, passes as if the person renouncing had predeceased the decedent, or if the person

renouncing is one designated to take pursuant to a power of appointment exercised by a testamentary instrument, as if the person renouncing had predeceased the donee of the power. In every case the renunciation relates back for all purposes to the date of death of the decedent or the donee, as the case may be.

(d) Any (1) assignment, conveyance, encumbrance, pledge or transfer of property therein or any contract therefor, (2) written waiver of the right to renounce or any acceptance of property by an heir, devisee, person succeeding to a renounced interest, beneficiary or person designated to take pursuant to a power of appointment exercised by testamentary instrument, or (3) sale or other disposition of property pursuant to judicial process, made before the expiration of the period in which he is permitted to renounce, bars the right to renounce as to the property.

(e) The right to renounce granted by this section exists irrespective of any limitation on the interest of the person renouncing in the nature of a spendthrift provision or similar restriction.

(f) This section does not abridge the right of any person to assign, convey, release, or renounce any property arising under any other section of this code or other statute.

(g) Any interest in property which exists on January 1, 1977, but which has not then become indefeasibly fixed both in quality and quantity, or the taker of which has not then become finally ascertained, may be renounced after January 1, 1977 as provided herein. An interest which has arisen prior to January 1, 1977 in any person other than the person renouncing is not destroyed or diminished by any action of the person renouncing taken under this section.

Sec. 36. That section 30-2458, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2458. (a) If a special administrator is to be appointed pending the probate of a will which is the subject of a pending application or petition for probate, the person named ~~executor~~ personal representative in the will shall be appointed if available and qualified.

(b) In other cases, any proper person may be appointed special administrator.

Sec. 37. That section 30-24,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-24,119. Unless previously barred by adjudication and except as provided in the closing statement, the rights of successors and of creditors whose claims have not otherwise been barred against the personal representative for breach of fiduciary duty are barred unless a proceeding to assert the same is commenced within six months after the filing of the closing statement. The rights ~~Thus~~ barred by reason of the filing of the closing statement do not include rights to recover from a personal representative for fraud, misrepresentation, or inadequate disclosure related to the settlement of the decedent's estate.

Sec. 38. That section 30-2625, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2625. (a) In a proceeding for the appointment or removal of a guardian of an incapacitated person other than the appointment of a temporary guardian or temporary suspension of a guardian, notice of hearing shall be given to each of the following:

(1) the ward or the person alleged to be incapacitated and his spouse, parents and adult children;

(2) any person who is serving as his guardian or conservator or who has his care and custody; and

(3) in case no other person is notified under (1), at least one of his closest adult relatives, if any can be found.

(b) Notice shall be served personally on the alleged incapacitated person, and his spouse and parents if they can be found within the state. Notice to the spouse and parents, if they cannot be found within the state, and to all other persons except the alleged incapacitated person shall be given as provided in section 30-2220. Waiver of notice by the person alleged to be incapacitated is not effective unless he attends the hearing or his waiver of notice is confirmed in an interview with the visitor or such notice is waived by a guardian ad litem. Representation of the alleged incapacitated person by a guardian ad litem is not necessary.

Sec. 39. That section 30-2634, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2634. (a) On a petition for appointment of a conservator or other protective order, the person to be protected and his spouse or, if none, his parents, must be served personally with notice of the proceeding at

least fourteen days before the date of hearing if they can be found within the state, or, if they cannot be found within the state, they must be given notice in accordance with section 30-2220.

(b) If petitioners are the natural parents, or if petitioner is a surviving natural parent, or a parent who has been given sole and exclusive custody of the minor in a legal proceeding, petitioners or petitioner may waive notice to parents, and may also waive notice to the minor, if the minor be under the age of fourteen years. ~~If the petition for appointment is filed by the person to be protected, no such notice shall be required. In either event, the~~ Waiver of notice by the person alleged to be incapacitated is not effective unless he attends the hearing or his waiver of notice is confirmed in an interview with the visitor or such notice is waived by a guardian at litem. The court may, in its discretion, direct that notice be given as provided in section 30-2220 or in any other manner and to any other persons as the court may determine.

(c) Notice of a petition for appointment of a conservator or other initial protective order, and of any subsequent hearing, must be given to any person who has filed a request for notice under section 30-2635 and to interested persons and other persons as the court may direct. Except as otherwise provided in (a) and (b), notice shall be given in accordance with section 30-2220.''.

7. On page 50, line 24, after ''sections'' insert ''24-541,''; in line 25, after ''30-2220,'' insert ''30-2221,'', and after ''30-2329,'' insert ''30-2352,''; in line 26 after ''30-2453,'' insert ''30-2458,''; and in line 27 after ''30-2489,'' insert ''30-24,119,''.

8. On page 51, line 1, after ''30-2619,'' insert ''30-2625,'' and after ''30-2626,'' insert ''30-2634,''; and in line 4, after ''1977,'' insert ''and also section 23-1604, Reissue Revised Statutes of Nebraska, 1943,''.

9. Renumber original section 33 as section 40.

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 Review with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused at 11:00 a.m. until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 569 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 569

1. In Standing committee amendments Req2701 on page 10, line 23 strike "for cause" show as stricken and insert "after a public hearing, by a three-fourths vote of the board for inefficiency, neglect of duty, or malfeasance in office".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 922. Replaced on Select File as amended. E & R amendments to LB 922:

(These amendments are to Req. 2916)

1. On page 1, lines 6, 7, and 19, strike the underscored comma; and in line 17, strike the second underscored comma.

2. On page 4, line 18 after "may" insert an underscored comma.

3. On page 4, line 20, after "board" insert "of equalization of each county within the area a mill levy" and in line 20 after "of" insert "not to", all as in the statutes.

4. On page 6, line 3, strike "$100,000" and insert "one hundred thousand dollars"; in line 8, after "The" insert "Technical Community College"; and in line 8 strike "of" and insert "for".

5. In the title, strike lines 2 to 11 and insert:

"FOR AN ACT to amend sections 79-2648 and 79-2650, Reissue Revised Statutes of Nebraska, 1943, relating to technical community colleges; to place restrictions on new capital construction, site acquisition, and certain contracts as prescribed; to provide for an election; to provide duties; to repeal the original sections; and to declare an emergency.".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 964.

Correctly Engrossed

The following bill was correctly engrossed: 748.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 595. Title read. Considered.

Mr. Kremer renewed his pending amendment found in the Journal on page 980.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Kremer renewed his pending amendment found in the Journal on page 1301.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. R. Lewis moved for a Call of the House. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. R. Lewis requested a roll call vote on the motion to advance.

Mr. DeCamp asked unanimous consent to start at the end of the alphabet.

Mr. Reutzel objected.

Voting in the affirmative, 22:

Barnett	Burrows	Cullan	George	Kelly
Bereuter	Carsten	Duis	Goodrich	Kremer
Brennan	Cope	Fowler	Kahle	Labedz

Lamb	R. Lewis	Marvel	Reutzel
F. Lewis	Maresh	Merz	

Voting in the negative, 17:

Chambers	Hefner	Moylan	Schmit	Warner
Clark	Keyes	Murphy	Simon	
DeCamp	Koch	Rumery	Stoney	
D. Dworak	Marsh	Savage	Venditte	

Present and not voting, 6:

E. Dvorak	Luedtke	Mills
Fitzgerald	Maxey	Nichol

Excused and not voting, 4:

Hasebroock	Kennedy	Newell	Rasmussen

Failed to advance to E & R for Review with 22 ayes, 17 nays, 6 present and not voting, and 4 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

LEGISLATIVE BILL 742. Title read. Considered.

Standing Committee amendments found in the Journal on page 534 for the Fourteenth Day were considered.

Mr. Barnett 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 Standing Committee amendments lost with 4 ayes, 20 nays, 20 present and not voting, and 5 excused and not voting.

Mr. Barnett withdrew his pending amendment found in the Journal on page 1543.

Advanced to E & R for Review with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 742A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 658 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 658

1. Insert new sections as follows:

"Section 1. That section 71-1,132.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.11. The board is authorized to adopt and, from time to time, revise such rules and regulations consistent with the provisions of sections 71-1,132.04 to 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41 as may be necessary t carry into effect the provisions thereof. All such rules and regulations shall be published and distributed. The board shall:

(1) Establish minimum standards to be met by educational programs conducted pursuant to sections 71-1,132.24 to 71-1,132.28;

(2) Develop standards in cooperation with schools of nursing to be used in the evaluation and approval of such schools;

(3) Review the standards at least every four years or more frequently as deemed necessary:

(4) Establish rules, regulations and procedures for approving and classifying schools of practical and professional nursing taking into consideration the administrative and organizational pattern of the school, the philosophy, the curriculum and program of studies, the number and selection of students, the student personnel services including housing, the guidance and health services, the number and preparation of faculty in relation to the curriculum and enrollments, the instructional materials and equipment, the instructional facilities including clinical resources and library facilities and materials, and the health and safety factors in residence halls, education buildings and clinical facilities;

(5) Provide surveys for each program at least every four years or more frequently as deemed necessary;

(6) Approve such programs as meet the requirements of the provisions of sections 71-1,132.04 to

71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41 and of the board;

(7) Evaluate and approve courses offered by cooperating agencies;

(8) Examine, license, and renew the license of duly qualified applicants;

(9) Conduct hearings upon charges of suspension or revocation of a license;

(10) Have power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings;

(11) Cause the prosecution of all persons violating the provisions of sections 71-1,132.04 to 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41 and have power to incur the necessary expense therefor;

(12) Keep a record of all its proceedings and make an annual report to the Governor;

(13) Approve the clinical facilities used by each school;

(14) Develop rules, regulations, and mandatory educational review courses governing the return to practice of any nurse who has not engaged in the ~~active~~ practice of nursing, as defined in section 3 of this act ~~on a regular and systematic basis~~ for five years or longer;

(15) Develop rules and regulations in cooperation with the Board of Examiners in Medicine and Surgery governing the expanding role of the professional nurse, and implement such rules and regulations. Such rules and regulations shall provide for the kind of functions the nurse would be able to perform, under what circumstances such function would be performed, and the necessary educational and clinical preparation needed to do so; and

(16) Establish fees at a level sufficient to provide for all expenses and salaries of the board pursuant to section 71-1,132.49.

The board shall appoint an executive director who shall be a registered nurse currently licensed in this state and who has graduated with a masters degree in nursing or a related field of study. The executive director shall have a minimum of five years' experience within the last ten years in the areas of administration, teaching, or consultation in the field of nurse education. The salary of the director shall be fixed by the Board of Nursing and be competitive with salaries of nursing education positions which require similar

education and experience. The director shall not be a member of the board. The director shall furnish bond, in the penal sum of five thousand dollars, running to the State of Nebraska, conditioned upon the faithful performance of his duties.

Sec. 3. In order or provide that all nurses have scientific and practical knowledge sufficient to maintain competency to practice nursing, any individual licensed to practice nursing in this state who has not engaged in the practice of nursing or participated in continuing education approved by the Board of Nursing within the last five years shall not have his or her license renewed. For the purposes of this section: (1) Practice of nursing shall mean performing for compensation or gratuitiously of any act expressing judgment or skill based upon systematized body of nursing knowledge as defined in subdivision (3) of section 71-1,132.05 for two hundred hours or more in any five-year period; and (2) continuing education shall mean attending seventy-five continuing education hours within any five-year period, in subjects designed to maintain a knowledge of and a proficiency in the treatments and techniques commonly related to the practice of nursing. The Board of Nursing shall adopt necessary rules and regulations to carry out the provisions of this section.".

2. On page 3 reinstate the stricken matter; in lines 13 and 14 strike the reinstated "on a regular and systematic basis" and show as stricken; in line 23 strike "section" and insert "sections 71-1,132.11 and"; and in line 24 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 4 respectively.

MOTION - Reconsider Action on LB 595

Mr. D. Dworak moved to reconsider action on the advancement of LB 595.

Motion pending.

RESOLUTION

LEGISLATIVE RESOLUTION 220.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Labedz, 5th District; Merz, 1st District; Schmit, 23rd District; Mills, 44th District.

WHEREAS, inflation has an adverse effect upon all sectors of the economy including the small loan business sector; and

WHEREAS, the small loan industry in Nebraska performs an important and vital service to the citizens of the state; and

WHEREAS, because of statutory limitations on interest rates, many small loan companies are having difficulty providing the services needed by citizens of the state.

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

1. That the Banking, Commerce, and Insurance Committee conduct an interim study of the small loan industry in Nebraska with emphasis on the need for higher interest rates.

2. That the committee report the results of the study together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

The President introduced 51 fourth grade students, teachers, and sponsors from Blumfield Elementary Grade School in Ralston, Nebraska; Representative Dan F. Rylance from North Dakota, William Sherman, Sociology Professor from North Dakota State University, and P. V. Thorson, History Professor from North Dakota State University; and the parents of Senator Bereuter, Mr. and Mrs. Rupert Bereuter of Utica and niece, Sara Bell, from Dillon, Colorado.

RECESS

At 11:52 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Hasebroock, Newell, and Rasmussen who were excused; and Messrs. Kennedy, Merz, F. Lewis, R. Lewis, Mesdames Labedz and Maxey who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 286. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused.

LEGISLATIVE BILL 637. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 821. Laid over.

LEGISLATIVE BILL 695. Title read. Considered.

Standing Committee amendment found in the Journal on page 595 for the Sixteenth Day was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 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.

LEGISLATIVE BILL 593. Title read. Considered.

Standing Committee amendments found in the Journal on page 596 for the Sixteenth Day were considered.

Mr. Merz moved the previous question. The question is, "Shall the debate now cose?" The motion lost with 20 ayes, 3 nays, and 26 not voting.

MR. SAVAGE PRESIDING

Standing Committee amendments were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Savage stated the time has expired on consideration of this bill and will allow Mr. Nichol to close on the bill.

Mr. Mills stated more lights were on to speak and therefore challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 5 ayes, 18 nays, and 26 not voting.

Mr. Nichol moved to advance LB 593.

Mr. Nichol moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mr. Nichol requested a roll call vote on the motion to advance.

Voting in the affirmative, 26:

Barnett	DeCamp	Koch	Moylan	Simon
Bereuter	Duis	Labedz	Nichol	Stoney
Brennan	D. Dworak	Luedtke	Reutzel	
Burrows	Fitzgerald	Marsh	Rumery	
Carsten	Fowler	Maxey	Savage	
Chambers	Kelly	Merz	Schmit	

Voting in the negative, 13:

Cope	George	Kremer	Marvel	Warner
Cullan	Goodrich	Lamb	Mills	
E. Dvorak	Kahle	Maresh	Murphy	

Present and not voting, 3:

Hefner	Keyes	Venditte

Excused and not voting, 7:

Clark	Kennedy	R. Lewis	Rasmussen
Hasebroock	F. Lewis	Newell	

Advanced to E & R for Review with 26 ayes, 13 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Nichol moved the Call be raised. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

MESSAGE FROM THE EXECUTIVE BOARD

April 7, 1978

TO THE MEMBERS OF THE NEBRASKA LEGISLATURE:

At the meeting of the Legislative Council Executive Board conducted on Wednesday, April 5, 1978, the following motion was made by Senator Richard Lewis, seconded by Senator Steve Fowler, and passed by a vote of 9 ayes, and no one voting nay.

> "Motion that Wednesday, April 12, 1978 be the final date for the introduction of legislative resolutions that call for an interim study."

It would be appreciated if all members would cooperate in seeing that all legislative resolutions which call for an interim legislative study be introduced on or before that date.

Sincerely,
(Signed) Senator Richard Marvel, Chairman
Legislative Council Executive Board

RM/ss

RESOLUTIONS

LEGISLATIVE RESOLUTION 221.

Introduced by Merz, 1st District.

WHEREAS, there is a serious problem with alcohol abuse in the State of Nebraska; and

WHEREAS, a large number of the cases involved in the criminal justice system are alcohol related; and

WHEREAS, there are several organizations, departments, and divisions throughout the State of Nebraska which are directly involved in helping to solve court-related alcohol problems; and

WHEREAS, there are several sources of funds available for solving alcohol-related problems and different rules governing the administration of the different funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRAKSA, SECOND SESSION:

1. That an interim study committee composed of the members of the Public Health and Welfare Committee and the Judiciary Committee and other interested senators examine the issues surrounding court-related alcohol problems, and the funding and administration of programs designed to solve alcohol abuse.

2. That the interim study committee report the methods, procedures, program funding, and administration needed to provide more efficient services for court-related alcohol problems and report methods to coordinate the programs of all agencies involved.

3. That the interim study committee at the conclusion of its study shall make a report of its findings, together with any recommendations to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 222.

Introduced by Goodrich, 20th District.

WHEREAS, the Legislature is a nonpartisan body; and

WHEREAS, speculation exists as to whether a partisan body would be more workable; and

WHEREAS, implementation of partisanship into the Nebraska legislative process requires much analysis and study.

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

1. That an interim study committee be appointed to study all aspects of implementing a partisan Legislature in Nebraska.

2. That the committee report the results of such study together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223.

Introduced by DeCamp, 40th District; Maresh, 32nd District; Cullan, 49th District; Kelly, 35th District; Moylan, 6th District.

WHEREAS, the Nebraska Dental Assistants Association was formed in Hastings, Nebraska on October 18, 1917 by seven dental assistants as the first organization of its kind in the United States; and

WHEREAS, the nationally formed American Dental Assistants Association was not chartered until seven years later in 1924; and

WHEREAS, the Nebraska Dental Assistants Association has experienced a steady growth resulting in a current membership of 317 active members and 140 student members; and

WHEREAS, the Nebraska organization is celebrating its sixtieth year of existence.

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

1. That the Legislature extend its congratulations and best wishes for the growth and development of the Nebraska Dental Assistants Association.

Laid over.

LEGISLATIVE RESOLUTION 224.

Introduced by Warner, 25th District.

WHEREAS, the people of Nebraska in November of 1972 amended Article VIII, section 1, of the Nebraska Constitution so that the Legislature could write laws designed to preserve and maintain in use prime agricultural land located near growing cities; and

WHEREAS, the Legislature in 1974 enacted Legislative Bill 359, a property tax abatement law, known as the Green Belt Law; and

WHEREAS, this law has never been implemented and its publicly beneficial purposes denied because of an opinion of the State Department of Justice; and

WHEREAS, questions have arisen as to the legal conclusions of such Attorney General's opinion, but individuals are unable to initiate a determinative judicial test of the act until the law itself is implemented.

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

1. That the Legislature expressly reaffirms its intent in the passage of Legislative Bill 359.

(a) When duly constituted local authorities grant a purely agricultural zoning classification to real estate in a general area, such zoning qualifies and only the land used for agricultural purposes itself for any property tax options made available to the owner under the Green Belt Law.

(b) Tax benefits should not be extended to homesteads by local authorities, in line with this restated legislative intent.
(c) It was not the intent of the Legislature that nonagricultural operations or improvements located in an area zoned agricultural, in line with the Green Belt Law, should qualify for any tax benefits provided under such law.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 900. 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 819. 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.

Mr. Marvel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 808. Title read. Considered.

Mr. DeCamp withdrew his pending amendments found in the Journal on page 1460.

Mr. Venditte renewed his pending amendments found in the Journal on page 1664.

Mr. Venditte offered the following amendment to his amendments:
Amend the Venditte amendments found on pg. 1664 of Journal line 15 strike "may".

The amendment was adopted with 21 ayes, 0 nays, 20 present and not voting, and 8 excused and not voting.

The Venditte amendments, as amended, were adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Bereuter asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Savage stated the time has expired for consideration of LB 808.

PRESIDENT WHELAN PRESIDING

Mr. Simon moved to overrule the Speaker's order and allow 5 more minutes on LB 808.

Mr. Simon moved for a Call of the House. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

The Simon motion to extend the time 5 minutes prevailed with 25 ayes, 4 nays, and 20 not voting.

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.

Advanced to E & R for Review with 26 ayes, 4 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 13 ayes, 4 nays, and 32 not voting.

LEGISLATIVE BILL 649. 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.

LEGISLATIVE BILL 872. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 874. 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.

LEGISLATIVE BILL 875. 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.

LEGISLATIVE BILL 908. 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.

LEGISLATIVE BILL 634. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 708. Title read. Considered.

Standing Committee amendments found in the Journal on page 638 for the Seventeenth 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 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Kelly asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 870. Title read. Considered.

Standing Committee amendments found in the Journal on page 638 for the Seventeenth Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 754. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 760. Title read. Considered.

Mr. Schmit withdrew his pending amendment found in the Journal on page 1604.

Mr. Murphy offered the following amendment:
Section 8-1101(12)

Security shall mean any note, stock, treasury stock, bond, debenture, units of beneficial interest in a real estate trust, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease or, in general, any interest or instrument commonly known as

a security, or any certificate of interest or participation in, temporary or interim certificate for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. Security does not include any insurance or endowment policy or annuity contract issued by an insurance company, ~~any nontransferable interest in a bona fide general partnership or joint venture, or any nontransferable partnership interest in a bona fide limited partnership where a certificate is executed, filed and recorded as provided by section 67-202~~; and

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Hefner asked unanimous consent to be excused at 4:00 p.m. No objections. So ordered.

LEGISLATIVE BILL 763. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 815. Title read. Considered.

Mr. DeCamp withdrew his pending amendments found in the Journal on page 750.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 766. Title read. Considered.

Standing Committee amendments found in the Journal on page 643 for the Eighteenth Day were adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 576. Title read. Considered.

Mr. Nichol offered the following amendment:

Amend LB 576 by adding the following new section:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 750. Title read. Considered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 407. Replaced on Select File as amended.
E & R amendments to LB 407:

1. Because of the Carsten amendment, on page 1056 of the Journal, strike the Carsten amendment on page 529 of the Journal and strike E & R 4.

2. Because of the Labedz amendment on pages 732 and 733 of the Journal, strike the Labedz amendment on page 603 of the Journal.

3. In the George amendment on page 843 of the Journal, in lines 2, 5, and 8 strike the underscored semicolons and insert an underscored comma.

4. Because of the Labedz amendment on page 1449 of the Journal, in E & R 5, strike beginning with the semicolon in line 3 through "thousand" in line 7; and strike E & R 7.

5. In lieu of the George amendment on page 1653 of the Journal, in the George amendment on page 843 of the Journal, strike beginning with "who" in line 8 through "sclerosis" in line 9 and insert "with progressive neuromuscular or neurological disease".

6. In the Maxey amendment on page 986 of the Journal, line 6, after "subdivision" insert an underscored comma.

7. In E & R 5, page 580 of the Journal, line 2, strike "under".

8. In lieu of E & R 8 and the Warner amendment 2, number the section added by the Newell amendment as section 3, the operative date as section 5, the severability section as section 6, and original section 3 as section 7.

9. In new section 6, lines 2 and 3, strike "of invalidity"; and after "validity" in line 3, insert "or constitutionality".

10. In the Newell amendment on page 1654 of the Journal, line 4, after "to" insert an underscored comma; in lines 4, 5, and 7 strike "65" each time it appears and insert "sixty-five years of age"; in lines 4 and 5, after "claimant" insert "with"; and in line 7 after the comma insert "and".

11. In the title, line 8, after the semicolon, and before E & R 9, insert "to provide duties; to change eligibility for homestead exemption as prescribed; to provide for express obligation;"; and in E & R 9 after the second semicolon insert "to provide for severability;".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 569. E & R amendments found in the Journal on page 1676 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 446. E & R amendments found in the Journal on page1684 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 922. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 407. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 373. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 271. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 711. E & R amendments found in the Journal on page 1692 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 87. E & R amendments found in the Journal on page 1692 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Change of Order

Mr. Koch asked unanimous consent to take up LB 871 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 871. Title read. Considered.

Standing Committee amendments found in the Journal on page 1021 for the Thirty-First Day were adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following amendments to LB 351 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 351
(WHITE COPY REQ 2840)

1. Insert 2 new sections as follows:

"Sec. 21. No bingo occasion shall be conducted at a facility other than a facility owned by the licensed organization or at a facility leased or rented by the licensed organization pursuant to the requirements for such arrangements set forth in this act.

Sec. 43. (1) No person, except a licensee operating pursuant to sections 1 to 42 of this act, shall conduct any game of bingo for which a charge is made or to the winner of which any money, property, or other prize is awarded. Any such game conducted in violation of this subsection is hereby declared to be a public nuisance. Any person violating the provisions of this subsection shall be guilty of a Class IV misdemeanor.

(2) No person shall play at any game of bingo conducted in violation of subsection (1) of this section. Any person violating the provisions of this subsection shall be

guilty of a Class IV misdemeanor.".

2. On page 1 strike beginning with "facilities" in line 13 through "occasions" in line 14 and insert ": (a) if facilities used for bingo occasions are leased or rented pursuant to the provisions of this act, they"; in line 15 strike "and that" and insert ", (b)"; in line 18 after "operation" insert "and, (c) rental or lease agreements entered into for facilities be separate and apart from lease and rental agreements for bingo equipment and supplies"; and strike beginning with "equipment" in line 19 through "occasions" in line 20 and insert "if equipment and supplies used for bingo occasions are leased or rented, they".

3. On page 4, lines 12 and 13 strike "three out of" and insert "four nonconsecutive days or".

4. On page 6, line 7 strike "one year" and insert "five years".

5. On page 8, line 22 strike "may'. and insert "shall" and in line 23 after "person" insert "for the conduct of or".

6. On page 9, lines 16 and 21 strike "fifteen" and insert "eighteen".

7. On page 10, line 3 strike "and"; in line 4 after "bingo" insert ", and the rental or lease of facilities and bingo equipment and supplies rented or leased pursuant to this act"; in line 8 strike "The" and insert "Except for limited period bingo the"; and strike beginning with "Leases" in line 26 through the period in line 27.

8. Strike section 31.

9. On page 13, line 16 strike "and"; in line 20 strike the period and insert as follows:

"; and

(p) The terms and conditions of all rental or lease agreements entered into for facilities used for bingo or bingo supplies and equipment.".

10. On page 13, line 24 after "information" insert "including all information required pursuant to subdivision (p) of subsection (3) of this section.".

11. On page 18, line 18 strike "person" and insert "licensee or employee or agent of any licensee".

12. On page 19, line 10 after "That" insert "original section 28-1115, Revised Statutes Supplement, 1977, and also"; strike beginning with "and" in line 12 through the second comma in line 13.

13. Renumber original sections 21 to 30 as sections 22 to 31 and sections 43 and 44 as sections 44 and 45 respectively.

Mrs. Maxey asked unanimous consent to print the following amendments to LB 867 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 867

1. On page 2, line 7 after the underscored period insert "If the State Racing Commission permits racing on Sunday the voters may prohibit such racing in the manner prescribed in section 2 of this act.".

2. Insert a new section as follows:

"Sec. 2. The voters of any city or incorporated village shall have the right to vote on the question of prohibiting the conducting of racing on Sunday within such city or village. The question may be submitted at any general state, city, or village election whenever petitions calling for its submission, signed by at least twenty per cent of the number of persons voting in the last preceding general state, city, or village election, are presented to the city or village clerk or election commissioner not less than thirty days prior to the date of such election, except that such question may not be submitted more often than once in four years. The question shall be placed on the ballot in substantially the following form:

SHALL THE CONDUCTING OF RACING ON SUNDAY BE PROHIBITED IN THE CITY (VILLAGE) OF _____

___ FOR RACING ON SUNDAY

___ AGAINST RACING ON SUNDAY

A majority of the voters voting on the issue shall determine such issue. Where racing is conducted outside the limits of any city or incorporated village, the voters of a county shall have the right to vote on the question of prohibiting the conducting of racing on Sunday outside the limits of any incorporated city or village within such county in the same fashion as that hereinbefore provided for voting upon such question by voters within such city or village.".

3. Renumber original section 2 as section 3.

Mr. Koch asked unanimous consent to print the following amendments to LB 871 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Request No. 2891).

Mr. Nichol asked unanimous consent to print the following amendments to LB 803 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 803

1. Insert two new sections as follows:

"Sec. 2. No technical community college area shall receive less state financial assistance per full-time equivalent student for the 1978-79 fiscal year than such area received per full-time equivalent student for the 1977-1978 fiscal year.

Sec. 3. The Department of Administrative Services shall, for the period commencing July 1, 1978 and ending June 30, 1979, provide financial assistance to the technical community college areas on a recomputed basis to reflect distribution pursuant to this act. If the department is unable to provide the financial assistance, required by this act, the department shall apportion the funds available among the technical community college areas. The sum granted to each area shall represent a proportionate reduction from the sum that it would otherwise receive.".

2. Renumber original sections 2 and 3 as sections 4 and 5.

MESSAGE FROM THE GOVERNOR

April 5, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills No. 202, 460, 653, 665, 668, 836, 923, 960, 961, 962 and 963.

These bills were signed by me on April 5, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:d

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 153, 407A, 777, and 946A.

(Signed) Samuel K. Cullan, Chairman

ADJOURNMENT

At 4:39 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:30 a.m., Monday, April 10, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - APRIL 10, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 10, 1978

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

Father in Heaven, help us to understand and be understood. So often I misjudge others meanings or intentions and often I am misunderstood.

Help us to be candid in our communication without being overly blunt. Help us be direct in our conversation without being unkindly direct.

Help us to stand for our principles, even in the face of active disagreement.

And in dealing with others, help us to give them credit for having intentions at least as honorable as our own. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Reutzel and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

LEGISLATIVE RESOLUTION 225.

Introduced by Telecommunications Committee: Clark, 47th District, Chairman.

WHEREAS, the Telecommunications Committee of the Eighty-Fourth Legislature undertook in 1976 a series of hearings on rural telephone service and identified several problems such as customer-owned lines (switchers), exchange-border problems (EAS) multi-party lines and other problems, as brought out by the general public; and

WHEREAS, innovative new pricing concepts such as usage-sensitive pricing are in an experimental stage in several states; and

WHEREAS, new digital offices are being placed in service in the state,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE, OF NEBRASKA, SECOND SESSION

1. That the Telecommunications Committee study these identified problems and potential solutions;

2. That the Telecommunications Committee review the programs of the PSC and the telephone industry in reaching the goal of rural update by the end of 1982;

3. That the Telecommunications Committee study the possible effect of usage sensitive pricing on the state and national telecommunication goals of universal service and value of service vs. cost of service concepts.

4. That the telecommunications committee study the cost effects of a speed-up in the use of digital switching with the objective of guidance for the PSC authorizing rates of return for telephone companies.

Referred to the Executive Board.

MOTION - Board of Regents

Mr. Marvel renewed his pending motion found in the Journal on page 1693 regarding improvements at the Curtis Tech School.

The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

MOTION - Nebraska State Colleges

Mr. Marvel renewed his pending motion found in the Journal on page 1693 regarding improvements at Kearney State College.

Mr. Savage 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 Marvel motion prevailed with 29 ayes, 1 nay, and 19 not voting.

MOTION - Return LB 184 to Select File

Mr. Chambers renewed his pending motion found in the Journal on page 1694 to return LB 184 to Select File for a specific amendment.

Motion pending.

SELECT FILE

LEGISLATIVE BILL 65. Mr. Chambers offered the following amendment:

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

"Section 1. That section 77-2715, Revised Statutes Supplement, 1977, 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, or 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.

(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 ~~twenty~~ twenty-four 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. In the event a dependent is claimed as an exemption on a federal return by a nonresident taxpayer who files no return in this state, such dependent resides in this state, and the support claimed by such nonresident taxpayer is substantially spent in this state, the taxpayer in this state who has legal custody of such dependent may claim such food sales tax credit for each such dependent. 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.

Sec. 2. This act shall become operative for all taxable years commencing on or after January 1, 1978.

Sec. 3. That original section 77-2715, Revised Statutes Supplement, 1977, is repealed.".

2. In the title, strike lines 2 and 3 and insert the following:

"FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1977, relating to sales and income tax; to increase the food sales tax credit; to provide an operative date; and to repeal the original section.".

The amendment lost with 10 ayes, 13 nays, 25 present and not voting, and 1 excused and not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Chambers requested a roll call vote to advance LB 65.

Voting in the affirmative, 17:

Brennan	D. Dworak	F. Lewis	Maxey	Warner
Burrows	Fitzgerald	Luedtke	Mills	
Cullan	Fowler	Marsh	Reutzel	
DeCamp	Kelly	Marvel	Simon	

Voting in the negative, 26:

Barnett	Cope	Kahle	R. Lewis	Nichol
Bereuter	Duis	Kennedy	Maresh	Rasmussen
Carsten	E. Dvorak	Keyes	Moylan	Rumery
Chambers	Hasebroock	Labedz	Murphy	Schmit
Clark	Hefner	Lamb	Newell	Stoney

Venditte

Present and not voting, 6:

George	Koch	Merz
Goodrich	Kremer	Savage

Failed to advance to E & R for Engrossment with 17 ayes, 26 nays, and 6 present and not voting.

Having failed to advance for the second time, LB 65 stands indefinitely postponed.

LEGISLATIVE BILL 210. Mr. D. Dworak renewed his pending amendments referred to in the Journal on page 1383 (Req #2850).

Mr. D. Dworak requested to divide the amendment, to vote through Sec. 14 in the first part and the remainder in the second part.

Mr. D. Dworak moved the adoption of the second portion first.

Mr. Bereuter requested a record vote on the amendment:

Voting in the affirmative, 28:

Barnett	Cullan	Hasebroock	Lamb	Nichol
Brennan	DeCamp	Hefner	F. Lewis	Rasmussen
Burrows	Duis	Kahle	R. Lewis	Simon
Carsten	D. Dworak	Kelly	Merz	Stoney
Clark	George	Kremer	Mills	
Cope	Goodrich	Labedz	Murphy	

Voting in the negative, 10:

Bereuter	Fowler	Maresh	Moylan	Venditte
E. Dvorak	Koch	Maxey	Rumery	Warner

Present and not voting, 11:

Chambers	Keyes	Marvel	Savage
Fitzgerald	Luedtke	Newell	Schmit
Kennedy	Marsh	Reutzel	

The second portion of the amendment (sec. 15 through end of amendment) was adopted with 28 ayes, 10 nays, and 11 present and not voting.

Mr. Kelly offered the following amendment to the first portion of the D. Dworak amendment:
Strike section 11, on page 6 of the white copy.

Mr. Kelly moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Kelly requested a roll call vote on his amendment:

Voting in the affirmative, 32:

Bereuter	DeCamp	Kahle	R. Lewis	Rasmussen
Brennan	Duis	Kelly	Luedtke	Reutzel
Burrows	D. Dworak	Keyes	Marvel	Savage
Carsten	Fitzgerald	Kremer	Merz	Schmit
Clark	Goodrich	Labedz	Mills	
Cope	Hasebroock	Lamb	Murphy	
Cullan	Hefner	F. Lewis	Nichol	

Voting in the negative, 14:

E. Dvorak	Kennedy	Marsh	Rumery	Venditte
Fowler	Koch	Maxey	Simon	Warner
George	Maresh	Newell	Stoney	

Present and not voting, 3:

Barnett	Chambers	Moylan

The Kelly amendment was adopted with 32 ayes, 14 nays, and 3 present and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Kelly moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Kelly requested a roll call vote on the first portion of the D. Dworak amendment, as amended.

Voting in the affirmative, 25:

Carsten	Cullan	D. Dworak	Hefner	Kennedy
Clark	DeCamp	George	Kahle	Kremer
Cope	Duis	Hasebroock	Kelly	Labedz

Lamb	R. Lewis	Murphy	Rasmussen	Savage
F. Lewis	Mills	Nichol	Reutzel	Simon

Voting in the negative, 19:

Barnett	Fitzgerald	Luedtke	Merz	Schmit
Bereuter	Fowler	Maresh	Moylan	Stoney
Chambers	Keyes	Marsh	Newell	Warner
E. Dvorak	Koch	Maxey	Rumery	

Present and not voting, 5:

Brennan	Burrows	Goodrich	Marvel	Venditte

The first portion of the D. Dworak amendment, as amended, was adopted with 25 ayes, 19 nays, and 5 present and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. DeCamp offered the following amendment:

AMENDMENTS TO LB 210

1. Insert the following new section:

"Sec. 2. This act shall become operative on January 1, 1979.".

2. Renumber section 2 added by the DeCamp amendment, on page 1011 of the Journal, as section 3.

3. In the E & R amendment 2. on page 1148 of the Journal in line 4 after "141;" insert "to provide an operative date;".

The amendment was adopted with 25 ayes, 1 nay, 22 present and not voting, and 1 excused and not voting.

Mr. Koch moved to indefinitely postpone.

Motion pending.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 943. Placed on General File as amended.
Standing Committee amendments to LB 943:

1. On page 3, strike lines 7 through 10; and strike lines 15 through 18.
2. On page 4, line 16 strike "General" and insert "Department of Aeronautics".
3. On page 5, strike lines 7 through 11.
4. On page 5, after line 20 insert the following:

"Claim No. D17, against the Liquor Control Commission, pay to Tri City Beer Company, 608-12 East Fourth Street, Grand Island, Nebraska 68801, out of the General Fund 1,317.44

Claim No. 033, against Public Retirement, pay to Emil W. Harris, 401 Circle D., Hastings, Nebraska, 68901, out of the General Fund 1,740.50

Claim No. 041, against Public Retirement, pay to Patrick H. Mass, 7050 Main Street, Scottsdale, Arizona, out of the General Fund 925.77

Claim No. 045, against the Department of Roads, pay to Perry Maze, 701 Morton Street, Falls City, Nebraska, 68355, out of Cash Fund 2270 14,270.58

Claim No. 059, against Public Retirement, pay to Sharon L. Struve, 8406 Browne Street, Omaha, Nebraska, 68134, out of the General Fund 355.25

Claim No. 064, against Public Retirement, pay to Tamara Gourley Royer, 4600 Kietzke Lane, Suite 104, Reno, Nevada, 89502, out of the General Fund 737.37

Claim No. 072, against Public Retirement, pay to Harriet Green, 2483 South Vine Street, Apt. 204, Denver, Colorado, 80210, out of the General Fund 320.10

Claim No. 073 against Public Retirement, pay to Agnes S. Marshall, 1801 J Street, Apt. 309, Lincoln, Nebraska, 68508, out of the General Fund 98.78

Claim No. 074, against Public Retirement, pay to Minda L. Chase, 4013

So. 29th Street, Omaha, Nebraska, 67107, out of the General Fund 120.44

Claim No. 075, against Public Retirement, pay to Edith Richards, Chimney Rock Villa, Bayard, Nebraska, 69334, out of the General Fund 107.11

Claim No. 076, against Public Retirement, pay to Urilla Pollard, Rt. 1E, Box 24, Dearborn, Missouri, 64439, out of the General Fund 593.50

Claim No. 077 against Public Retirement, pay to Frances Leiten, P.O. Box 5, Emery South Dakota, 57332, out of the General Fund 303.68

Claim No. 078, against Public Retirement, pay to William Flory, 910 Lake Shore Drive, Chicago, Illinois, 60611, out of the General Fund 237.98

Claim No. 079, against Public Retirement, pay to James Liggett, 4209 Las Cruces Way, Sacramento, California, 95825, out of the General Fund 509.48

Claim No. 080, against Public Retirement, pay to Ethel Riedel, Route 2, Madison, Indiana, 47250, out of the General Fund 210.92

Claim No. 081, against Public Retirement, pay to J. Ernest Messer, P.O. Box 325, Kayenta, Arizona, 86033, out of the General Fund 126.13

Claim No. 082, against Public Retirement, pay to Clarita Jean Clark Jones, 916 Arapaho, Cheyenne, Wyoming, 82001, out of the General Fund 2,154.74

Claim No. 083, against Pubic Retirement, pay to Nancy Wentzel Barnett, 1612 Barrington Lane, Casa Grande, Arizona, 85222, out of the General Fund 839.25

Claim No. 020, against the Board of Trustees of the Nebraka State Colleges and the Department of Roads, pay to Andrew Hansen, 721 Nebraska Street, Wayne, Nebraska, 68787, out of the General Fund 510.33

Claim No. 062, against the Board of Trustees of the Nebraska State Colleges, pay to Bernice Southard, 623 West 14th,

Grand Island, Nebraska, 68801, out of the General Fund 71.20

Claim No. 078, against the Military Department, pay to Robert J. Van Valkenburg, 7921 Reno Road, Lincoln, Nebraska, 68505, out of the General Fund 6,003.17

Claim No. 111, pay to Madison County sheriff Marvin Adams, Madison, Nebraska, 68748, out of the General Fund 810.00

Claim No. 125, against the State Treasurer, pay to Maza Florence Maulsby Falck, 745 Walnut Street, Storm Lake, Iowa, 50588, out of the General Fund 4,132.51

Claim No. 126, against the State Treasurer, pay to Wellington Amos Parlin, Box 314, Carlisle, Pennsylvania, 17013, out of the General Fund. 4,132.51

Claim No. 127, against the State Treasurer, pay to Lora Maulsby Jensen, Box 32, Newell, Iowa, 50568, out of the General Fund 4,132.51

Claim No. 128, against the State Treasurer, pay to Marissa Isabelle Maulsby Williams, P. O. Box 105, Newell Iowa, 50568, out of the General Fund 4,132.51

Claim No. 132, against the Department of Education, pay to Republican City School, Edwin Hollinger, Superintendent, Republican City, Nebraska, 68971, out of the General Fund 216.00

Claim No. 135, against Legislative Council, pay to Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 07632, out of the General Fund 569.21

Claim No. 143, against the Department of Insurance, pay to Manufacturer's Life Insurance Company, 200 Bloor Street East, Toronto, Canada, M4W 1E5 out of the General Fund 64,520.87

Claim No. 091, against the Department of Revenue, pay to Kenneth and Irene Brosius, Box 64, Stapleton, Nebraska, 69163, out of the General Fund 2,262.00"

LEGISLATIVE BILL 944. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

ANNOUNCEMENT

Mr. Carsten announced the Committee on LR 156, Oversight Committee, will be meeting immediately after adjournment today in Room 1113.

MOTION - Reconsider Action on LB 65

Mr. Chambers moved to reconsider our action on LB 65.

Motion pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 229
April 4, 1978

Re: Whether certain projects are exempt from Certificate of Need requirements in LB 795

Dear Senator Lewis:

You have asked whether section 24 of LB 795, with committee amendments found on page 840 of the Legislative Journal on February 21, 1978, could be construed to require the following projects to go through the Certificate of Need process: (1) Projects under construction prior to January 1, 1979, (2) Projects which have already undergone section 1122 review but for which construction has not commenced as of January 1, 1979, or (3) Projects which are not under construction prior to January 1, 1979, but which have undergone section 1122 review and are on appeal in the courts on January 1, 1979. We have concluded that it could. If the bill as thus amended were to become law, there are several ambiguities in it which would open it up to statutory construction.

It is a rule of statutory construction that referential and qualifying words in a statute, where no contrary intention appears, refer solely to the last antecedent. See Haiar v. Kessler, 188 Neb. 312, 196 N.W.2d 380 (1972). Even with this rule it is not clear in section 24(2) whether "of one hundred fifty thousand dollars" refers (1) to payments or commitments actually made before January 1, 1979, or (2) to the projected cost of the development or expansion of the facility or health maintenance organization on which some payments or

commitments toward that total have been made before January 1, 1979, or (3) to the value of the facility or health maintenance organization proposing to develop the new health service.

It is a rule of statutory construction that where a statute enumerates the things upon which it is to operate, it is to be construed as excluding from its effect all those not expressly mentioned unless the Legislature has plainly indicated a contrary purpose or intention. See Ledwith v. Bankers Life Insurance Company of Nebraska, 156 Neb. 107, 54 N.W.2d 409 (1952). Thus, section 24 could be construed as not exempting some projects in each of the three categories you have mentioned because they do not meet both requirements for exemption. Some examples are projects which did not require section 1122 reviews or, if they did, their developers chose to forego federal reimbursements rather than to have such a review.

It is a rule of statutory construction that a legislative act will not operate retroactively unless the legislative intent that it is to do so is clearly disclosed. See State ex rel. City of Grand Island v. Union Pacific Railroad Company, 152 Neb. 772, 788, 42 N.W.2d 867 (1950). Although LB 795 is not expressly given a retroactive application, it could be construed as not exempting projects on which the bill may have a retroactive effect because such projects are not expressly exempted. These are projects not meeting both requirements in section 24(1) but on which over $150,000.00 have been spent in planning and site construction before January 1, 1979, and/or on which construction has started before January 1, 1979. Such projects will have passed before the operative date of the bill the points at which Certificates of Need will be issued after that date.

In conclusion, all the projects you have mentioned are not clearly exempted from the Certificate of Need process. Neither are all projects on which the bill may have a retroactive effect. Such exemptions as well as the first requirement for exemption under section 24(1) could be clarified by additional amendments.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 872 in the Journal. No objections. So ordered.

AMENDMENT TO LB 872

1. On page 3, line 14 before "become" insert ",except as provided in subsection (6) of this section,"; and after line 22 insert:

"(6) Any Class II district maintaining a four-year high school which is subject to the provisions of subsection (5) of this section may contract with another district to provide educational services for its pupils in grades nine through twelve. Such contract may continue for a period not to exceed three years. At the end of such three-year period the district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such district has reached at least fifty students. If the district has not achieved such average daily membership it shall become a Class I district as prescribed in subsection (5) of this section.".

Mr. Simon asked unanimous consent to print the following amendments to LB 713 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 713

1. On page 12, line 8 strike "Complete criminal" and insert "Criminal"; in line 13 after "record" insert ", if such information is related to formal criminal charges"; in line 23 after "," insert "or"; strike beginning with the comma in line 24 through line 27.

2. On page 13, strike line 1 and insert "; (2)"; and in line 2 strike "(4)" and insert "(3)".

SELECT FILE

LEGISLATIVE BILL 128. E & R amendments found in the Journal on page 1242 for the Thirty-Eighth Day were adopted.

Mr. Maresh offered the following amendments:

AMENDMENTS TO LB 128:

1. Strike original section 1 and insert:

"Section 1. That section 48-628, Revised Statutes Supplement, 1977, be amended to read as follows:

48-628. An individual shall be disqualified for benefits:

(a) For the week in which he has left work voluntarily without good cause, if so found by the Commissioner of Labor, and for not less than seven weeks nor more than ten weeks which immediately follow such week, as determined by the commissioner according to the circumstances in each case;

(b) For the week in which he has been discharged for misconduct connected with his work, if so found by the commissioner, and for not less than seven weeks nor more than ten weeks which immediately follow such week, as determined by the commissioner in each case according to the seriousness of the misconduct; Provided, that if the commissioner finds that such individual's misconduct was gross, flagrant, and willful, or was unlawful, the commissioner shall totally disqualify such individual from receiving benefits with respect to wage credits earned prior to such misconduct;

(c) For any week of unemployment in which he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment, if any, and the commissioner so finds, and for not less than seven weeks nor more than ten weeks which immediately follow such week, as determined by the commissioner, and his total benefit amount to which he is then entitled shall be reduced by an amount equal to the number of weeks for which he has been disqualified by the commissioner. (1) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence. (2) Notwithstanding any other provisions of sections 48-601 to 48-669, no work shall be deemed suitable and benefits shall not be denied under said sections to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (i) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (ii) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or (iii) if, as a condition of being employed, the individual would be

required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(3) Notwithstanding any other provisions in this subdivision, no otherwise eligible individual shall be denied benefits with respect to any week in which he is in training with the approval of the commissioner, by reason of the application of the provisions in this subdivision relating to failure to apply for or a refusal to accept suitable work;

(d) For any week with respect to which the commissioner finds that his total unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed; Provided, that this subdivision shall not apply if it is shown to the satisfaction of the commissioner that (1) he is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work, and (2) he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating, financing, or directly interested in the dispute; and provided further, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purposes of this subdivision, be deemed to be a separate factory, establishment, or other premises;

(e) For any week with respect to which he is receiving or has received remuneration in the form of (1) wages in lieu of notice, or a dismissal or separation allowance, (2) compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States, (3) primary insurance benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress, or for which he has applied to receive such benefits or payments, or (4) retirement pension or other gratuity or bonus from an employer, paid after termination of employment, on account of prior length of service, or disability not compensated under the workmen's compensation law. If such remuneration is less than the benefits which would otherwise be due he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such

remuneration. In the case of lump sum payments as to items (1) and (4) of this subdivision, such payments shall be prorated by weeks on the basis of the most recent weekly wage of the individual; Provided, no payment by the United States to veterans (i) for service or nonservice connected disabilities, or (ii) for retirement in lieu of service connected disability compensation, shall be deemed to be disqualifying or deductible from the benefit amount; and provided further, no deduction shall be made for the part of any retirement pension which represents return of payments made by the individual;

(f) For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; Provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply;

(g) For any week of unemployment if such individual is a student. For the purpose of this subdivision, the term student shall mean an individual registered for full attendance at and regularly attending an established school, college, or university or who has so attended during the most recent school term, unless the major portion of his wages for insured work during his base period was for services performed while attending school; Provided, attendance for training purposes under a plan approved by the commissioner for such individual before attendance shall not be disqualifying;

(h) For any week of unemployment if benefits claimed are based on services performed (1) prior to December 31, 1977 in an instructional, research, or principal administrative capacity in an institution of higher education if such week of unemployment begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution of higher education for both such academic years or both such terms; (2) after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution if such week of

unemployment begins during the period between two successive years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms; or after December 31, 1977, in any other capacity for an educational institution, other than an institution of higher education, if such week of unemployment begins during a period between two successive academic years or terms, or which consists of authorized school vacation if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms or after such authorized school vacation; and

(i) For any week of unemployment benefits if the services upon which such benefits are based consist substantially of participating in sports or athletic events or training or preparing to so participate, if such week of unemployment begins during the period between two successive sport seasons or similar periods if such individual performed such services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods.''.

2. On page 7, line 10, strike ''1976'' and insert ''1977''.

3. On page 9, line 26, strike ''1976'' and insert ''1977''.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Rasmussen offered the following amendment:
Amend LB 128 by adding a new section as follows:
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.

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 Engrossment with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. F. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 700. Mr. Barnett renewed his pending amendment found in the Journal on page 862.

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 700A. Mr. Carsten renewed his pending amendment found in the Journal on page 1261.

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 632. E & R amendments found in the Journal on page 1243 for the Thirty-eighth Day were adopted.

Mr. Lamb renewed his pending amendment found in the Journal on page 1464.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. D. Dworak withdrew his pending amendment found in the Journal on page 1259.

Mr. D. Dworak offered the following amendment:

Section 11

The election commissioner or the county clerk in those counties in those counties in which there is no election commissioner shall provide one or more offices which shall be available for the purpose of allowing citizens to sign a referendum or initiative petition initiated pursuant to the Constitution, statute or local ordinance. The petition

sponsor or sponsors shall provide all of the necessary forms, materials and supplies to the various county clerks or election commissioners for the purpose of petition signing. In no event shall the office be provided and staffed for a period of longer than ninety days. In the case of an ordinance petition at the local level a lesser number of days may be used depending upon the nature of the local petition. The county clerk or election commissioner's duties under the provisions of the section shall be considered ministerial in nature and it shall be unlawful for a county clerk or election commissioner to in any way explain the nature of the petition or to, in any way, attempt to influence prospective signers of the said petitions. A county clerk or election commissioner if provided by the petition sponsor or sponsors, may hand to prospective signers a statement of the nature and purpose of the petition drive. Nothing in this section shall prohibit private individuals or sponsors of petition drives from carrying and circulating pages of the petition on their own behalf.

No Provisions of this act shall in any way change the procedure or requirements for signing or circulating referendum or initiative petitions.

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 560. Mr. R. Lewis re-offered his amendment found in the Journal on page 1041.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The Lamb-Rumery pending amendment found in the Journal on page 1224 was renewed.

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendments to LB 42 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 42

1. Insert the following new sections:

"Sec. 265. Except as provided in sections 266 to 272 of this act, every political subdivision of the state authorized to levy a tax or cause a tax to be levied shall limit its budget for the 1979-80 fiscal year to an amount not to exceed seven per cent more than its budget for the previous fiscal year; and for each fiscal year thereafter its budget shall not exceed the previous fiscal year's budget by more than seven per cent. Budget shall mean all expenditures except such expenditures as are used for employer's contributions under the Federal Insurance Contributions Act, retirement contributions, costs incurred under section 43-640, and funds necessary to pay interest on or for retiring, funding, or servicing bonded indebtedness during the upcoming fiscal year.

Sec. 266. Any political subdivision of the state which experiences a growth in population in exess of seven per cent during the preceding calendar year, by annual official estimates, may increase its budget by the same percentage as the percentage increase in the population growth. School districts' populations shall be measured by student enrollment.

Sec. 267. If the governing body of any political subdivision authorized to levy a tax or cause a tax to be levied determines that a budget higher than that permitted in section 265 or 266 of this act is needed, it shall by resolution call for a special election of such political subdivision for that purpose. The budget increase above the limit permitted in section 265 or 266 of this act may be adopted if approved by a majority of those voting in such special election or as provided in section 271 of this act.

Sec. 268. The resolution calling for the election and the election notice shall refer to section 265 or 266 of this act and state that the limitation contained therein is proposed to be exceeded and show the proposed increase in the budget amount in terms of dollars and percentages over the limitation as computed in section 265 or 266 of this act, in terms of dollars and the per cent of increase over the current budget, and shall give the date of the election. All such elections shall be held on the third Tuesday in July, during the year in which taxes will be levied to fund the budget.

Sec. 269. Notice of the election shall state the date on which the election is to be held, the location, and the hours the polls will be open. Such

notice shall be published in a newspaper of general circulation in such taxing district at least fifteen days prior to such election. If no newspaper is in general circulation in the taxing district, notice of the election shall be posted in three public places in the taxing district.

Sec. 270. The governing body of the taxing district shall prescribe the form of the ballot to be used at the election, and the proposition appearing on such ballot shall state the percentage and dollar increase which is proposed to be substituted for the percentage limitation imposed by this act. The form of submission upon the ballot shall be as follows:

FOR exceeding the statutory budget limit.

AGAINST exceeding the statutory budget limit.

Sec. 271. As an alternative to submitting the question of increasing the budget to a vote of the people, as provided in sections 267 to 270 of this act, such budget may be increased by the governing body of the political subdivision if it finds that the political subdivision would be benefited by expeditious action and that a vote by the electors of such political subdivision is not needed. If the governing body by a majority vote determines that a vote of the people is not needed the budget may be increased by a two-thirds vote of such governing body. The governing body shall not vote on such issued until a hearing has been conducted on the question of the necessity of increasing the budget by more than seven per cent.

Sec. 272. If any budget category or revenue source is beyond the control of a political subdivision as a result of a final judgment by the United States Supreme Court, the budget limit for that category shall be adjusted accordingly; but the budget limit shall remain in full force and effect with regard to all other budget categories and revenue sources.

Sec. 273. Sections 265 to 272 shall terminate on January 1, 1984, and each section shall be repealed in its entirety along with all amendments, unless reenacted or reestablished by the Legislature.".

2. On page 315, line 17 strike "and", and in line 23 after "1976" insert ", and also sections 77-1355 and 77-1356, Revised Statutes Supplement, 1977,".

3. Renumber remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 713 in the Journal. No objections. So ordered.

AMENDMENT TO LB 713

On page 16, line 26, after 81-1426 insert "; provided, that no activities or transfers or expenditures of funds available to the agency shall be inconsistent with legislative policy as reflected in substantive legislation, legislative intent legislation, or appropriations legislation"

VISITORS

The President introduced Mr. and Mrs. Kenneth Larson and their grandchildren Sheri and Cindy Larson and Lee, Wes and Sandra Bruce from Gurley and Harrisburg, Nebraska; Dr. Loveland and Mrs. Tyler; 24 juniors and teacher from Lawrence High School, Lawrence, Nebraska; Mr. Frank Kjeldgaard from Big Springs, Nebraska; Dr. and Mrs. Nyquist from West Point, Nebraska; Randy Duerr, 5th grader from Huntington Grade School, Lincoln, Nebraska; Mrs. Sadie Wedeking of Geneva, Nebraska.

RECESS

At 12:03 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Newell who was excused; Mesdames Labedz and Maxey, Messrs. Bereuter, Kremer, Schmit, and members of the Executive Board who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 562. Placed on Select File as amended. E & R amendments to LB 562:

1. On page 2, line 9 after "court" insert an underscored comma; and in line 11 after "defendant" insert an underscored comma.

2. In the title, strike beginning with "from" in

line 6 through "county" in line 7 and insert "to another district or county".

LEGISLATIVE BILL 867. Placed on Select File.

LEGISLATIVE BILL 650. Placed on Select File as amended.
E & R amendments to LB 650:

1. In the Luedtke amendment 5, line 6 strike the underscored comma.

2. In the title, line 2 after "sections" insert "24-541," and after "30-2220," insert "30-2221,"; in line 3 after "30-2329," insert "30-2352,"; in line 4 after "30-2453," insert "30-2458,"; in line 6 after "30-2489," insert "30-24,119,", after "30-2619," insert "30-2625,", and after "30-2626," insert "30-2634,"; in line 17 after the semicolon insert "to change provisions relating to notice;"; and line 21 after "sections" insert ", and also section 23-1604, Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 742. Placed on Select File as amended.
E & R amendment to LB 742:

1. On page 2, line 20, insert an underscored comma after "act".

LEGISLATIVE BILL 742A. Placed on Select File.

LEGISLATIVE BILL 286. Placed on Select File as amended.
E & R amendment to LB 286:

1. On page 3, line 5 after the comma insert "but"; insert a comma after line 17; and strike the comma in line 18.

LEGISLATIVE BILL 695. Placed on Select File as amended.
E & R amendment to LB 695:

1. In lieu of the committee amendment on page 2, line 2 after "or" insert "an inmate of any jail or correctional penal facility who has been".

LEGISLATIVE BILL 593. Placed on Select File as amended.
E & R amendments to LB 593:

1. In the title, line 3, after the semicolon insert "to amend section 39-684, Reissue Revised Statutes of Nebraska, 1943; to provide provisions relating to law enforcement officers; to provide an operative date;" and after "repeal" insert "the original section, and also".

LEGISLATIVE BILL 900. Placed on Select File as amended.
E & R amendment to LB 900:

1. Because of Legislative Bill 748 on page 6, lines 8 and 9, strike "July 1, 1978" and insert "January 1, 1979".

LEGISLATIVE BILL 819. Placed on Select File.
LEGISLATIVE BILL 649. Placed on Select File.
LEGISLATIVE BILL 872. Placed on Select File.
LEGISLATIVE BILL 875. Placed on Select File.
LEGISLATIVE BILL 908. Placed on Select File.
LEGISLATIVE BILL 634. Placed on Select File.

LEGISLATIVE BILL 708. Placed on Select File as amended.
E & R amendment to LB 708:

1. On page 2, line 12, strike the underscored period.
2. In the title, line 6, strike "real".

LEGISLATIVE BILL 754. Placed on Select File.
LEGISLATIVE BILL 763. Placed on Select File.

LEGISLATIVE BILL 815. Placed on Select File as amended.
E & R amendment to LB 815:

1. In the title, line 4 strike "provide" and insert "change".

LEGISLATIVE BILL 766. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

MOTION - Change of Order

Mr. F. Lewis moved that reconsideration motion on priority bills shall not be considered until all priority bills have been disposed of.

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.

Mr. Reutzel requested a record vote on the motion to close debate.

Voting in the affirmative, 26:

Brennan	Fitzgerald	Kahle	Lamb	Maxey
Cope	Goodrich	Kennedy	F. Lewis	Merz
Cullan	Hasebroock	Keyes	Maresh	Moylan
E. Dvorak	Hefner	Koch	Marsh	Murphy

Nichol	Rumery	Stoney	
Rasmussen	Simon	Warner	

Voting in the negative, 5:

Clark	D. Dworak	George	Mills	Reutzel

Present and not voting, 8:

Barnett	Carsten	DeCamp	Kelly
Burrows	Chambers	Duis	Venditte

Excused and not voting, 10:

Bereuter	Kremer	R. Lewis	Marvel	Savage
Fowler	Labedz	Luedtke	Newell	Schmit

The motion prevailed with 26 ayes, 5 nays, 8 present and not voting, and 10 excused and not voting.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 24 ayes, 6 nays, and 19 not voting.

Mr. D. Dworak requested a roll call vote on the F. Lewis motion.

Voting in the affirmative, 25:

Brennan	Fitzgerald	Kelly	Marsh	Savage
Cope	George	Keyes	Marvel	Simon
Cullan	Goodrich	Koch	Maxey	Stoney
DeCamp	Hefner	Lamb	Murphy	Venditte
Duis	Kahle	F. Lewis	Rumery	Warner

Voting in the negative, 14:

Burrows	D. Dworak	R. Lewis	Mills	Rasmussen
Carsten	Hasebroock	Maresh	Moylan	Reutzel
Clark	Kennedy	Merz	Nichol	

Present and not voting, 4:

Barnett	Chambers	E. Dvorak	Luedtke

Excused and not voting, 6:

Bereuter	Kremer	Newell
Fowler	Labedz	Schmit

The F. Lewis motion prevailed with 25 ayes, 14 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 27 ayes, 1 nay and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 712. Title read. Considered.

Mr. Koch moved to indefintely postpone.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 16 nays, and 19 not voting.

Mr. Nichol asked unanimous consent to be excused for 20 minutes. No objections. So ordered.

The Chair stated the time has expired on this bill and the motion to advance should be voted on now.

Mr. Murphy moved for a Call of the House. The motion prevailed with 22 ayes, 7 nays, and 20 not voting.

Mr. Murphy requested a roll call vote on the motion to advance.

Voting in the affirmative, 20:

Carsten	Duis	Kahle	R. Lewis	Murphy
Clark	D. Dworak	Kelly	Maresh	Rasmussen
Cope	George	Kennedy	Marvel	Rumery
Cullan	Hefner	Lamb	Moylan	Warner

Voting in the negative, 18:

Barnett	Fitzgerald	F. Lewis	Mills	Stoney
Brennan	Fowler	Luedtke	Reutzel	Venditte
Burrows	Keyes	Marsh	Savage	
Chambers	Koch	Maxey	Simon	

Present and not voting, 6:

DeCamp	Goodrich	Labedz
E. Dvorak	Hasebroock	Merz

Excused and not voting, 5:

Bereuter	Kremer	Newell	Nichol	Schmit

Failed to advance to E & R for Review with 20 ayes, 18 nays, 6 present and not voting, and 5 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

LEGISLATIVE BILL 604. Title read. Considered.

Standing Committee amendments found in the Journal on page 573 for the Sixteenth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Simon withdrew his pending amendments found in the Journal on page 808 and page 1342.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1661.

The amendment was adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

SPEAKER LUEDTKE PRESIDING

Mr. Maresh offered the following amendment to LB 604:
Page 2, line 7 after account insert "during December, January and February".

Mr. Maresh asked unanimous consent to withdraw the amendment until Select File. No objections. So ordered.

Mr. Simon requested a record vote to advance LB 604.

Voting in the affirmative, 13:

Brennan	D. Dworak	Labedz	Marvel	Simon
Burrows	Fowler	F. Lewis	Maxey	
DeCamp	Keyes	Marsh	Reutzel	

Voting in the negative, 20:

Carsten	Hasebroock	Kennedy	Merz	Rumery
Cope	Hefner	Koch	Mills	Savage
Cullan	Kahle	Lamb	Moylan	Stoney
Duis	Kelly	Maresh	Rasmussen	Warner

Present and not voting, 13:

Barnett	Clark	George	Luedtke	Venditte
Bereuter	E. Dvorak	Goodrich	Murphy	
Chambers	Fitzgerald	R. Lewis	Nichol	

Excused and not voting, 3:

Kremer	Newell	Schmit

Failed to advance to E & R for Review with 13 ayes, 20 nays, 13 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Stoney asked unanimous consent to be excused Tuesday, April 11, 1978 until he arrives. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 226.

Introduced by Merz, 1st District.

WHEREAS, the family farm and the economy of a farm state are endangered by low farm prices and high expenses; and

WHEREAS, one of the major causes of low farm prices is over-production; and

WHEREAS, decreasing the amount of farm ground in production would encourage higher prices and promote soil conservation; and

WHEREAS, farmers must receive an economic incentive for any set-aside program to be successful.

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

1. That the Nebraska Legislature hereby endorses the Dole-Talmadge Flexible Parity Plan and urges the President to sign it into law.

2. That a copy of this resolution be forwarded to the President of the United States, and each member of the Nebraska Congressional Delegation.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 726A. By Rasmussen, 41st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 726, Eighty-fifth Legislature, Second Session, 1978.

NOTICE OF COMMITTEE HEARING
Rules

Tuesday April 11, 1978, Room 1019 7:45 a.m.

(Signed) John DeCamp, Chairman

GENERAL FILE

LEGISLATIVE BILL 658. Title read. Considered.

Mr. R. Lewis renewed his pending amendments found in the Journal on page 1715.

Mr. R. Lewis offered the following amendment to his amendment:

Sec. 3 In order to provide that all nurses have scientific and practical knowledge sufficient to maintain competency to practice nursing, any individual licensed to practice nursing in this state who has not engaged in the practice of nursing ~~or~~ and participated in continuing education approved by the Board of Nursing within the last five years shall not have his or her license renewed. For the purposes of this section: (1) Practice of nursing shall mean performing for compensation or gratuitiously of any act expressing judgment or skill based upon systematized body of nursing knowledge as defined in subdivision (3) of section 71-1,132.05 for two hundred hours or more in any five-year period; and (2) continuing education shall mean attending ~~seventy-five~~ twenty continuing education hours within any five-year period, in subjects designed to maintain a

knowledge of and a proficiency in the treatments and techniques commonly related to the practice of nursing. The Board of Nursing shall adopt necessary rules and regulations to carry our the provisions of this section.

EFFECT OF THE CHANGES
Line 17—Change "or" to "and"
Line 27— Change "seventy-five" to "twenty"

Mr. Lamb requested a division of the amendment to the amendment.

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 first portion of the R. Lewis amendment to his amendment, through the word "renewed." in line 20, was adopted with 21 ayes, 8 nays, 17 present and not voting, and 3 excused and not voting.

The remaining portion of the amendment to the amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The R. Lewis amendment on page 1715, as amended, was adopted with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 32 ayes, 4 nays, 10 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 592. Placed on General File as amended.
Standing Committee amendments to LB 592:

1. On page 2 reinstate the stricken matter beginning with "Any" in line 10 through "seventy-two" in line 15; in line 12 strike the reinstated "sixty-fifth", show as stricken and insert "seventieth"; in line 15 insert an underscored period after the reinstated "seventy-two"; and reinstate the stricken matter in lines 24 through 26.

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) William H. Hasebroock, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 937 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 937
FINAL READING COPY

Purpose: To adjust the appropriation for the Omaha Medium-Minimum facility to reflect the cash flow needs based upon the current status of the project.

Amendment:

1. On page 12, line 21, strike "$1,000,000" and insert "$1,075,000"; in line 24 strike $4,990,000" and insert "$1,927,000"; and in line 26 strike "$830,000" and insert "$755,000".

2. On page 13, line 2 strike "$2,588,250" and insert "$4,200,000"; in line 4 strike "complete the project" and insert "continue the Omaha area medium-minimum facility"; after line 4 insert "There is hereby appropriated '$1,451,000 from the State Building Fund for the fiscal year ending June 30, 1981, to complete the project.'.

Mr. Koch asked unanimous consent to print the following amendments to LB 889A in the Journal. No objections. So ordered.

AMENDMENT TO LB 889A

On page 2, in line 1, strike "eight" and insert "ninety thousand two hundred twelve" and strike line 2.

Mr. Koch asked unanimous consent to print the following amendments to LB 889 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 889

Insert the following new sections:

Sec. 3. Effective July 1, 1979, the State Department of Education shall provide grants for ninety per cent of the costs of the special education programs, approved by the State Department of Education, to the school district of residence for handicapped children of less than five years of age, as defined in section 43-604, Revised Statute Supplement, 1976. The grant payments shall be made by the State Department of Education to the resident school district in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December, 1979, and each December thereafter.

Sec. 4. Effective July 1, 1979, each school district shall pay an amount equal to the average per pupil cost of the servicing agency of the preceding year or the cost as agreed upon pursuant to the contract to the agency providing the educational program for every handicapped student of less than five years of age who is a resident of the district and attending an educational program not operated by the school district, including programs operated by the State Department of Education, the Department of Public Institutions, and any other servicing agency whose programs are approved by the State Department of Education.

Sec. 5. For the period beginning on the first day of each school district's 1978-79 school year until June 30, 1979, each school district providing programs approved by the State Department of Education, for handicapped children of less than five years of age, shall receive grants from the State Department of Education for the approved cost of providing such programs. The State Department of Education shall only approve programs for the 1978-79 school year which were operated by local public school districts or educational service units and were funded by the State Department of Education during the 1977-78 school year; and the grants for such programs shall be based upon the 1977-78 actual costs.

Sec. 6. For the period from July 1, 1978 to June 30, 1979, the community based mental retardation regional governing board, school district of residence, and the handicapped child's parent or legal guardian shall approve the transfer of any handicapped child of less than five years of age from programs provided by the community based mental retardation regional governing boards to programs provided by the local school district prior to such transfer.

Sec. 11. The State Department of Education shall promulgate and publish such rules and regulations as shall be necessary to carry out the provisions of this act no later than July 1, 1979.

On page 2, in line 27, strike "Programs and budgets".

On page 3, strike lines 1 through 7.

On page 5, in line 9, after "than" insert "December 1, 1978, and"; in line 10, after "year" insert "thereafter. Based upon the submitted plans, the State Department of Education shall submit a budget request to the Department of Administrative Services no later than December 31, 1978 for the funds required to provide appropriate services to the handicapped children identified. Such budget request shall be developed in cooperation with the Department of Public Institutions, Office of Mental Retardation".

Renumber original sections 3 to 6 as sections 7 to 10 and renumber original section 7 as section 12.

UNANIMOUS CONSENT - Members Excused

Messrs. Kennedy and Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 737. Title read. Considered.

PRESIDENT WHELAN PRESIDING

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 737A. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 448. Title read. Considered.

Standing Committee amendments found in the Journal on page 1080 for the Fifty-First Day, First Session, were adopted with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Nichol renewed his pending amendment found in the Journal on page 838.

The amendment was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Nichol moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Maresh asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 7 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Nichol moved the Call be raised. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

REPORT OF EMPLOYEES

April 10, 1978

During the month of March, 1978, there were 146 full and part-time employees charged to Session Expenses:

Program 122-03 - Senators' Offices/Session Expenses
85 employees, $57,870.84

Program 123-03 - Temporary Session Expenses
61 employees, $24,532.14

Included in the total of $83,029.52 is $118.47 for overtime, as well as the state's share of OASDI and retirement and insurance contributions.

Detailed information is on file in the Accounting and Budgeting Office of the Legislative Council.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 637. Placed on Select File as amended.
E & R amendments to LB 637:

1. On page 6, lines 3 and 4, strike "1 of this act" and insert "3-155".

2. For correlation purposes, on page 2, line 17, insert ", as ameded by section 11, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977" after "1943"; on page 4, line 19, strike "assessed" and insert "actual"; and strike line 20 and insert ", (10)".

3. For correlation purposes, on page 6, line 5, and in the title, line 2, strike "sections 3-126 and 3-155" and insert "section 3-126"; and on page 6, line 6, and in the title, line 3, insert ", and section 3-155, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977" after "1943".

LEGISLATIVE BILL 874. Placed on Select File as amended.
E & R amendments to LB 874:

1. For correlation purposes, on page 2, line 2, insert ", as amended by section 232, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977" after "1977"; and on page 3, lines 25 and 26, strike "number of mills" and insert "rate of tax".

2. For correlation purposes, on page 7, line 26, and in the title, line 5, insert ", as amended by section 232, Legislative Bill 42, Eighty-fifth Legislature, First Session,

1977" after "1977".

LEGISLATIVE BILL 870. Placed on Select File as amended.
E & R amendments to LB 870:

1. For correlation purposes, on page 2, line 2, page 6, line 10, and in the title, line 3, insert ", as amended by section 146, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977" after "1976"; and on page 6, line 2, strike "assessed" and insert "actual".

2. In the title, line 5, strike "capital outlay" and insert "certain".

LEGISLATIVE BILL 446. Replaced on Select File as amended.
E & R amendments to LB 446:

1. All amendatory matter having been removed therefrom, in the white copy, strike section 3 and renumber original sections 9 and 10 as sections 3 and 4.

2. In the white copy, page 11, strike beginning with "section" in lines 16 and 24 through "and" in line 17 and the first "and" in line 25.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 922 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 922

Amendments to the Cullan Amendments starting on page 1685 of the Journal.

1. On page 6, line 3 strike "or"; in line 6 strike "and" and insert "or"; and in line 7 after "grounds" insert

"; or

(5) Project construction is for the purpose of acquiring or expanding vocational and technical education instructional space only".

Mr. Schmit asked unanimous consent to print the following amendments to LB 742 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 742

1. On page 2, in lines 2 and 3 strike "the registered owners of" and insert "a Nebraska resident who owns".

2. Insert a new section as follows:

"Sec. 3. Any person who displays a duplicate permit

on any vehicle without acquiring an annual permit under section 37-1105 and paying the fee required under such section shall be fined two hundred and fifty dollars.".

3. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 783. Title read. Considered.

Standing Committee amendments found in the Journal on page 651 for the Eighteenth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 877. Title read. Considered.

Mr. Kelly renewed his pending amendment found in the Journal on page 1437.

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Kelly renewed his pending amendment found in the Journal on page 1575.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Kelly withdrew his pending amendments referred to in the Journal on page 859 (Req. #2766).

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Mr. F. Lewis withdrew his pending amendments found in the Journal on page 1061.

Mr. F. Lewis withdrew his pending motion to indefinitely postpone found in the Journal on page 1061.

Mr. Kelly 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 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

MESSAGE FROM THE GOVERNOR

April 10, 1978

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

Dear Mr. President and Senators:

By your appropriations process you are continuing to threaten to increase state tax rates that supposedly you are pledged to maintain. I am reducing your spending authorizations by a total of $2,246,602 of general fund by this message.

I am returning herewith LB 924 with my signature and with my specific line item reduction vetoes.

I would have liked to approve some additional deficits in some of these areas, but your continued excessive spending patterns over available revenues leave me no recourse.

It is apparent that you have not heeded my messages to you of March 20, March 23, and April 3 to preserve the sales and income tax rates just reduced effective January 1, 1978. In those messages, I warned of future vetoes and urged you to show restraint in developing your budget proposals.

On Apirl 3, I urged you to sustain my vetoes on LB's 92, 92A, 108, 582, 586, and to reconsider your deficiency decisions in LB 924, and to review your current State operations, State Aid, and Capital Construction FY 1978/79 proposals.

In response, you have overridden my vetoes of LB 108 and LB 586; you have sent me LB 924 without a penny in reductions; and, you have refused to review your decisions on FY 1978/79 budgets.

I am approving $160,223 for the School Lunch Program as previously agreed and $210,240 for the School for the Deaf.

I am vetoing other items essentially for the same reasons that I vetoed them in prior years.

For the Department of Public Welfare, I must concur with the addition of $500,000 to my original recommendation of $750,000. In

my Budget Message of February 10, 1978, I informed you of the several factors - including your failure to sustain my vetoes of income support and eligibility levels - which are driving welfare costs upward. In addition, I am concerned about the reduction of $1,050,000 you have made from my recommendation for State Assistance programs next fiscal year and the additional deficit this action may portend.

The line item vetoes and reductions transmitted herewith total $2,246,602 from the General Fund. In light of your actions on other appropriations measures and their effect on the current sales andincome tax rates, I urge your sustaining of these vetoes.

I again plead with you to halt now all approval of any new spending or veto overrides until you know where you are on spending.

Before you are bills that many assume will pass, some commendable. The point is that you apparently do not have the funds available for these without state tax increases.

I renew my plea for caution and to reduce other spending if you intend to pass $.5 million in military bonuses in LB 564, $2.5 million in gasohol funding in LB 926, $2.2 million in school funding bill LB 192, $1.0 million in dike repairs in LB 965 and others.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

MOTION - Change of Order

Mr. Carsten moved to change the Speaker's order and take up LB 170 as the first item on priority bills on April 11, 1978.

Motion pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 227.

Introduced by Reutzel, 15th 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, SECOND 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.

LEGISLATIVE RESOLUTION 228.

Introduced by Miscellaneous Subjects Committee: D. Dworak, 22nd District, Chairman; F. Lewis, 45th District; Clark, 47th District; Brennan, 9th District; Murphy, 17th District; Keyes, 3rd District.

WHEREAS, regulation of the liquor industry is in the public interest; and

WHEREAS, state laws regulating the liquor industry were enacted immediately following the repeal of prohibition; and

WHEREAS, numerous legislative bills affecting the liquor industry have been introduced.

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

1. That the Committee on Miscellaneous Subjects of the Nebraska Legislature conduct an interim study of all aspects of the liquor industry.

2. That the committee specifically review state regulation affecting the liquor distributor, the liquor wholesaler, the liquor retailer, and the liquor consumer.

3. That the committee review the taxation of the liquor industry by the State of Nebraska.

4. That the committee review the operation of the Liquor Control Commission.

5. That the committee report the results of this study together with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 861 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 861

(1) At page 2, line 25, strike the new material and reinsert the stricken material.

(2) At page 3, line 11 strike the new material and reinsert the stricken material.

(3) Insert a new Section 2 which amends Section 19-921 R.R.S. as follows:

19-921. Subdivision, defined; where applicable. For the purposes of sections 15-106 and 19-916 to 19-920 and sections 16-901 to 16-904, in the area where the municipality has a comprehensive plan and has adopted subdivision regulations pursuant thereto, subdivision shall mean the division of lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownershp or building development, except that the division of land shall not be considered to be a subdivision when the smallest parcel created is more then ~~ten~~ five acres in area.

(4) Insert a new Section 3 which amends Section 23-372 R.R.S. as follows:

23-372. Terms, defined. For purposes of sections 23-372 to 23-377, subdivision shall mean the division of a lot, tract, or parcel of land into two or more sites, or other divisions of land for the purpose whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be subdivision when the smallest parcel of land created is more than ~~ten~~ five acres in area.

(5) Renumber Section 2 as Section 4.

Mr. Koch asked unanimous consent to print the following amendment to LB 922 in the Journal. No objections. So ordered.

AMENDMENT TO LB 922

Amendments are to Cullan amendment starting on page 1685 of Journal:

1. On page 5, line 26 strike "specific", and after "constructing" insert "or developing"; and in line 27 strike "new".

Mr. Schmit asked unanimous consent to print the following amendments to LB 910 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 910

1. Insert the following new sections:

"Sec. 26. The Department of Correctional Services shall provide for the employment of confined persons by private businesses. The employment may be provided under section 83-183, Reissue Revised Statutes of Nebraska, 1943, or may be provided under section 27 of this act.

Sec. 27. The Department of Correctional Services may permit private business, commercial, industrial, and agricultural enterprise to operate on the grounds of the Penal and Correctional Complex.

Sec. 28. (1) An inmate employed under this act who has dependents shall pay one-third of his or her wages as restitution to the state for the amount of compensation awarded a victim of a crime for which the inmate is sentenced and shall pay two-thirds of his or her wages to his or her legal dependents.

(2) An inmate employed under this act who does not have dependents shall pay his or her wages as restitution to the state for the amount of compensation awarded a victim of a crime for which the inmate is sentenced until paid in full, and then shall pay the Department of Correctional Services for room, board, and other maintenance costs.

(3) Any additional income shall be held until the inmate is released.

Sec. 29. The Department of Correctional Services shall establish and maintain farms to provide food for the institutions under the jurisdiction of the department.".

2. Renumber original sections 26 to 33 as sections 30 to 37 respectively.

VISITORS

The President introduced 6 guests from Scottsbluff and Gering, Nebraska; 76 Government Students from Millard High School, Millard, Nebraska; 16 9th grade students from Robin Mickle Junior High School, Lincoln, Nebraska.

ADJOURNMENT

At 5:12 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, April 11, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - APRIL 11, 1978

LEGISLATIVE JOURNAL

FIFTY-THIRD DAY - APRIL 11, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 11, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> We ask your guidance O Lord on these men and women who represent the people of this State in the decisions they will make today. In these days of very serious consideration of important bills may they be sensitive to the needs of all people of this State. As they approach the finish of the work of this sesison direct them, O Lord, with Your wisdom and instill in them the desire to reach the decisions that will enable this State to serve justly and with concern for all the people. Grant them Your strength, O Lord, in the days that remain in this session. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows, D. Dworak, Keyes, Stoney, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1744, line 36, correct spelling of "Public".
Page 1753, line 28, delete "in those counties".
Page 1754, line 32, insert: "Advanced to E & R for Engrossment.".
The Journal for the Fifty-Second Day was approved as corrected.

RESOLUTION

LEGISLATIVE RESOLUTION 229.

Introduced by The Committee on LR 156, "Oversight" Committee: Carsten, 2nd District, Chairman.

WHEREAS, the Eighty-Fifth Legislature Second Session recognized the need for developing a more uniform system of property valuation for tax purposes as well as the need for an examination of state financial assistance to political subdivision by creating a special committee composed of the chairman of all committees of the Nebraska Legislature and chaired by Senator Cal Carsten; and

WHEREAS, the committee has initiated its study into the equalization situation within the state; and

WHEREAS, the committee has inititated its study into the problems facing state aid to political subdivision; and

WHEREAS, the scope of this study requires a thorough and detailed analysis of the conditions in the state.

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

1. That the powers of the committee created under the authority of Legislative Resolution 156 be extended to January 1, 1980.

2. That the committee be empowered to continue its examination of property valuation for tax purposes as well as state assistance to political subdivision as required under Legislative Resolution 156.

3. That the committee cause to be undertaken a complete reexamination of the Nebraska Statutes as they relate to the property tax.

4. That the committee oversee the implementation of any property reassessment system which might be adopted by the Legislature.

5. That at the conclusion of its study the special committee make a report together with its recommendations to the Legislative Council at its next regular meeting.

Laid over.

MOTION - Return LB 569 to Select File

Mr. Rasmussen moved to return LB 569 to Select File for the specific amendment found in the Journal on page 1712.

The motion prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 569. The Rasmussen specific amendment found in the Journal on page 1712 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 922 to Select File

Mr. Barnett moved to return LB 922 to Select File for the following specific amendment:
Strike the enacting clause.

SPEAKER LUEDTKE PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Cullan requested a record vote on the Barnett motion.

Voting in the affirmative, 14:

Barnett	Hefner	Koch	Maresh	Merz
E. Dvorak	Kelly	Kremer	Marsh	Reutzel
Hasebroock	Kennedy	Luedtke	Maxey	

Voting in the negative, 21:

Bereuter	Cullan	F. Lewis	Newell	Simon
Burrows	Fitzgerald	R. Lewis	Nichol	
Carsten	Goodrich	Marvel	Rasmussen	
Chambers	Kahle	Moylan	Rumery	
Clark	Lamb	Murphy	Savage	

Present and not voting, 11:

Brennan	Duis	George	Schmit
Cope	D. Dworak	Labedz	Venditte
DeCamp	Fowler	Mills	

Excused and not voting, 3:

Keyes Stoney Warner

The Barnett motion lost with 14 ayes, 21 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Mills asked unanimous consent to be excused at 9:50 a.m. until he returns. No objections. So ordered.

MOTION - Return LB 922 to Select File

Mrs. Marsh moved to return LB 922 to Select File for the following specific amendment:
Strike the Emergency clause.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 16 ayes, 8 nays, and 25 not voting.

Mr. Barnett moved the Call be raised. The Speaker declared the Call raised.

The Marsh motion lost with 18 ayes, 21 nays, 7 present and not voting, and 3 excused and not voting.

MOTION - Return LB 715 to Select File

Mr. Rasmussen moved to return LB 715 to Select File for the specific amendment found in the Journal on page 1235.

The motion prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 715. The Rasmussen specific amendment found in the Journal on page 1235 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.

MR. MARVEL PRESIDING

MOTION - Return LB 624 to Select File

Mr. Reutzel moved to return LB 624 to Select File for the following specific amendment:

1. On page 2, line 1 strike "officer appointed" and insert "position existing"; strike beginning with "by" in line 2 through "court" in line 3; in line 4 strike "member" and insert "part" strike "officer" and insert "position"; in line 5 strike "serve" and insert "exist" and at the end of line 5 insert "members in such positions shall".

2. Insert a new section as follows:

"Sec. 4. Notwithstanding the provisions of this act, the salary of each officer in a probation position existing on or before January 1, 1978, shall continue to be paid through December 31, 1978, by the county or counties which such office serves.".

3. Renumber original section 4 as section 5.

4. In the title, line 5 strike "officers become members" and insert "positions become part"; and in line 6 after the semicolon insert "to provide provisions relating to salary;".

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 624. The Reutzel specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 937 to Select File

Mr. Warner moved to return LB 937 to Select File for the specific amendment found in the Journal on page 1766.

The motion prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 937. The Warner specific amendment found in the Journal on page 1766 was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Rasmussen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 889 to Select File

Mr. Koch moved to return LB 889 to Select File for the specific amendment found in the Journal on page 1766.

The motion prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 889. The Koch specific amendment found in the Journal on page 1766 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.

MOTION - Return LB 889 to Select File

Mr. F. Lewis moved to return LB 889 to Select File for the following specific amendment:

If other funds are not provided, the State Department of Public Welfare shall provide continuation funds from July 1, 1978 through June 30, 1979 for children under the age of five served by the United Cerebral Palsy School of Lincoln and the Omaha Hearing School.

Add on as last sentence of Section 5

The motion prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 889. The F. Lewis specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. F. Lewis asked unanimous consent to expedite LB 889. No objections. So ordered.

MOTION - Return LB 889A to Select File

Mr. Koch moved to return LB 889A to Select File for the specific amendment found in the Journal on page 1766.

The motion prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 889A. The Koch specific amendment found in the Journal on page 1766 was adopted with 25 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Koch asked unanimous consent to expedite LB 889A. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Venditte asked unanimous consent to print the following amendment to LB 808 in the Journal. No objections. So ordered.

AMENDMENT TO LB 808

1. In the Venditte amendment on pages 1664 to 1666 of the Journal, on page 2, line 16 strike "drug treatment centers" and insert "community mental health, alcoholism, and drug abuse services".

Mr. Kremer asked unanimous consent to print the following amendments to LB 922 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 922 AS AMENDED

1 Page 1 line 7 and page 2 line 20 "obligations" insert ", other than obligations assumed pursuant to section 79-2662,".

2. Page 5 beginning on line 11 strike Sec. 6 and insert a new section to read as follows:

"Sec. 6. Each technical community college area that

assumed outstanding general obligation bonds pursuant to section 79-2662 shall retire such bonds according to the terms and conditions therefore, provided, however, any area board may provide for the early retirement or prepayment of such bonds if the same is permitted by the terms and conditions thereof."

UNANIMOUS CONSENT - Print Intent in Journal

Mr. Maresh asked unanimous consent to print the following intent on LB 128 in the Journal. No objections. So ordered.

In my amendment to LB 128 which strikes original section 1, adopted 4/10/78, it was not my intent to strike the Mills amendment previously adopted to the same section.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 576. Placed on Select File as amended.
E & R amendments to LB 576:

1. Number the new section added by the Nichol amendment as section 3; and in line 2 insert a comma after "effect".

2. In the title, line 5, strike "and"; and in line 6 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 700. Replaced on Select File as amended.
E & R amendment to LB 700:

1. In the title, line 6 after the first semicolon insert "to provide an operative date;".

(Signed) Samuel K. Cullan, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 230.

Introduced by Chambers, 11th District.

WHEREAS, the Constitution of the State of Nebraska presently provides for removal of judges but not for other disciplinary procedure; and

WHEREAS, removal from a court may, in certain situations be excessively harsh; and

WHEREAS, the use of other methods of discipline for any judge of any court needs to be analyzed.

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

1. That the Judiciary Committee conduct an interim study of discipline, regulation and qualifications of all judges in the state.

2. That the committee report the results of the study together with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 210. Mr. Koch withdrew his pending motion found in the Journal on page 1742.

Speaker Luedtke requested a machine vote to advance LB 210.

Mr. Koch requested a record vote to advance LB 210.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

Mr. DeCamp moved the Call be raised. The Chair declared the Call raised.

Vote on advancement of LB 210.

Voting in the affirmative, 26:

Brennan	DeCamp	Hefner	Marvel	Savage
Burrows	Duis	Kahle	Merz	Simon
Carsten	E. Dvorak	Kennedy	Moylan	
Clark	D. Dworak	Lamb	Murphy	
Cope	George	F. Lewis	Nichol	
Cullan	Hasebroock	R. Lewis	Reutzel	

Voting in the negative, 15:

Barnett	Fowler	Kremer	Marsh	Rumery
Bereuter	Keyes	Luedtke	Maxey	Schmit
Fitzgerald	Koch	Maresh	Newell	Warner

Present and not voting, 5:

Chambers	Goodrich	Kelly	Labedz	Venditte

Excused and not voting, 3

Mills	Rasmussen	Stoney

Advanced to E & R for Engrossment with 26 ayes, 15 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 828. E & R amendments found in the Journal on page 1273 for the Thirty-Ninth Day were adopted.

Mr. Burrows renewed his pending amendment found in the Journal on page 1210.

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

Mr. Burrows moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

PRESIDENT WHELAN PRESIDING

Mr. Burrows requested a roll call vote.

Voting in the affirmative, 23:

Brennan	Cope	Kahle	R. Lewis	Nichol
Burrows	Cullan	Kennedy	Maresh	Rumery
Carsten	Duis	Keyes	Marvel	Schmit
Chambers	D. Dworak	Kremer	Merz	
Clark	Hefner	Lamb	Moylan	

Voting in the negative, 18:

Barnett	George	Labedz	Murphy	Stoney
E. Dvorak	Hasebroock	Luedtke	Newell	Warner
Fitzgerald	Kelly	Marsh	Reutzel	
Fowler	Koch	Maxey	Simon	

Present and not voting, 6:

Bereuter Goodrich Savage
DeCamp F. Lewis Venditte

Excused and not voting, 2:

Mills Rasmussen

The Burrows amendment lost with 23 ayes, 18 nays, 6 present and not voting, and 2 excused and not voting.

Mrs. Marsh moved the Call be raised. The Chair declared the Call raised.

Mr. Burrows withdrew his pending amendment found in the Journal on page 1330.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 907. E & R amendments found in the Journal on page 1274 for the Thirty-Ninth Day were adopted.

Mr. George renewed his pending amendment found in the Journal on page 1240.

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 643. Mr. Bereuter renewed his pending amendment found in the Journal on page 1459.

The amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Bereuter offered the following amendment:
Add the emergency clause.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Bereuter offered the following amendment:
Amend LB 643 by adding a new section as follows:
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.

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 830. Mr. Murphy offered the following amendment:

AMENDMENT TO LB 830

1. In the committee amendment at the end of section 1 insert the following: "It shall not be an unlawful employment practice to refuse employment based on a policy of not employing both husband and wife if such policy is equally applied to both sexes.".

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 868. E & R amendments found in the Journal on page 1389 for the Forty-Third Day were adopted.

Mr. George offered the following amendment:

AMENDMENT TO LB 868

1. On page 3, after line 13 insert a new subsection (3) as follows:

"(3) If a treasurer is employed, such treasurer shall furnish bond in an amount to be determined by the authority, running to the authority conditioned upon the faithful performance of such treasurer's duties.".

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.

Mrs. Maxey asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 837. E & R amendment found in the Journal on page 1389 for the Forty-Third Day was adopted.

Mr. Barnett renewed his pending amendment found in the Journal on page 1377.

Mr. Barnett moved for a Call of the House. The motion prevailed with 15 ayes, 7 nays, and 27 not voting.

Mr. Barnett requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Barnett	Cullan	Hasebroock	Lamb	Rumery
Carsten	DeCamp	Hefner	Luedtke	Schmit
Chambers	D. Dworak	Kennedy	Maresh	Simon
Cope	George	Koch	Murphy	Warner

Voting in the negative, 25:

Brennan	Fitzgerald	Kremer	Marvel	Nichol
Burrows	Fowler	Labedz	Merz	Reutzel
Clark	Goodrich	F. Lewis	Mills	Savage
Duis	Kahle	R. Lewis	Moylan	Stoney
E. Dvorak	Kelly	Marsh	Newell	Venditte

Present and not voting, 2:

Bereuter Keyes

Excused and not voting, 2:

Maxey Rasmussen

The Barnett amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Reutzel moved the Call be raised. The Chair declared the Call raised.

Messrs. Reutzel and Hasebroock asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moylan renewed his pending amendment found in the Journal on page 1578.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Moylan amendment lost with 12 ayes, 13 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 7 nays, 13 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 448A. By Nichol, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 448, Eighty-fifth Legislature, First Session, 1977.

RESOLUTIONS

LEGISLATIVE RESOLUTION 231.

Introduced by R. Lewis, 38th District; Schmit, 23rd District; Maxey, 46th District; Fitzgerald, 14th District; Fowler, 27th District; Cullan, 49th District; Bereuter, 24th District.

WHEREAS, the realization and the promise of solar energy will be observed and celebrated throughout the nation on the 3rd of May, 1978; and

WHEREAS, the development of solar technology will provide an abundant, economic, safe, and environmentally compatible source of energy; and

WHEREAS, a day devoted to a celebration of all solar technologies should help inform the general public, industry and labor, and demonstrate the potential of the sun in meeting the nation's energy needs; and

WHEREAS, federal, state, and local governments should foster and encourage the further development, refinement, and utilization of solar energy technology.

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

1. That May 3, 1978, is proclaimed "SUN DAY".

2. That the Legislature encourage the general public, industry, and labor of the State of Nebraska to observe such day with appropriate activities and ceremonies.

Laid over.

LEGISLATIVE RESOLUTION 232.

Introduced by Nichol, 48th District; E. Dvorak, 8th District.

WHEREAS, an important aspect of rehabilitation of prisoners is gainful employment; and

WHEREAS, employment of inmates both inside and outside the prisons needs to be analyzed; and

WHEREAS, such analysis is important and necessary to resolve problems of cost, security, training, and other aspects of an inmate employment program.

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

1. That the Judiciary Committee conduct an interim study of all aspects of an inmate employment program.

2. That the committee report the results of its study together with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 233.

Introduced by Nichol, 48th District; E. Dvorak, 8th District.

WHEREAS, a well conceived pretrial diversion program can be highly beneficial to all parties involved in the judicial process; and

WHEREAS, a pretrial diversion program implemented in Lincoln has proven to be a great success; and

WHEREAS, such a program could be of value to Nebraskans if implemented at the state level of government.

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

1. That the Judiciary Committee of the Legislature conduct an interim study of the feasibility of developing and implementing a statewide pretrial diversion program in Nebraska.

2. That the committee 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 234.

Introduced by Nichol, 48th District; E. Dvorak, 8th District.

WHEREAS, laws relating to procedures in cases involving criminal offenders have not been systematically reviewed in the recent past; and

WHEREAS, some segments of the judiciary have suggested a possible need for change in some criminal procedure laws; and

WHEREAS, a comprehensive review and reconsideration of current criminal procedure law could be of great value to all parties having contact with the criminal justice system in Nebraska.

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

1. That the Legislature's Judiciary Committee conduct a comprehensive interim study of laws in Nebraska relating to criminal procedure, and examine the feasibility of adopting a uniform code of procedure to be used in all levels of criminal justice.

2. 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.

LEGISLATIVE RESOLUTION 235.

Introduced by Marsh, 29th District; Labedz, 5th District; Maxey, 46th District.

WHEREAS, women constitute an increasing share of the work force; and

WHEREAS, there are many facets of employment that work special hardships on women in general and those with family responsibilities in particular; and

WHEREAS, thoughtful governmental planning could serve to alleviate to some degree the difficulties these women face, while assuring their greater contribution to our labor force.

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

1. That an interim study be conducted to investigate methods of alleviating the obstacles to full participation in the labor force experienced by working women.

2. That the study is directed to investigate the following topics:

a. Job-sharing, part-time employment, and flexible work hours as methods of providing greater flexibility in work scheduling.

b. Parental leave which would enable parents to have the option of extensive parental leave without fear of employment penalties.

c. The utilization of career ladders and upward mobility to assure movement of the qualified up the chain of employment from entrance level positions.

3. That results of this study and drafts of proposed legislation shall be reported to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 236.

Introduced by Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District.

WHEREAS, recent federal legislation has been passed raising the mandatory retirement age from sixty-five to seventy; and

WHEREAS, legislation was introduced into this session of the Legislature which would also change the mandatory retirement age for state employees; and

WHEREAS, employees of political subdivisions will also be affected by changes in laws affecting mandatory retirement; and

WHEREAS, such changes in law will have an impact on the fringe benefit programs of public employees.

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

1. That the Nebraska Retirement Systems Committee conduct an intensive interim study into the ramifications of changes in mandatory retirement laws and their effect on group life and health insurance programs, existing retirement programs for public employees, and the hiring and employment practices of state agencies and the political subdivisions of the state.

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.

LEGISLATIVE RESOLUTION 237.

Introduced by Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District.

WHEREAS, the State of Nebraska has after careful consideration, study, research, and expense determined that it would make available to its employees the benefits of an unfunded nonqualified deferred compensation plan so that employees would have the opportunity to set aside monies to provide a supplement to state retirement and federal social security benefits; and

WHEREAS, pursuant thereto, a plan was adopted by the state and a private letter ruling was requested from the national office of the Internal Revenue Service approving the terms of such plan; and

WHEREAS, the Internal Revenue Service issued a private letter ruling with respect to the Nebraska State Employees Deferred Compensation Plan; and in reliance thereon the State of Nebraska made such plan available to its employees; and many employees have elected, on a purely voluntary basis, to participate in such plan for the express purpose of building a supplemental retirement plan; and

WHEREAS, the Legislature of the State of Nebraska is of the opinion that the plan as adopted by the State of Nebraska provides a significant and needed opportunity for the employees of Nebraska to provide a supplemental plan for their retirement; and such plan is deemed by the Legislature to be in the best interest of the employees and the taxpayers of the State of Nebraska; and

WHEREAS, the Internal Revenue Service of the United States Treasury Department issued proposed regulations on February 3, 1978, which would have the effect of terminating all unfunded nonqualified deferred compensation arrangements similar to those available to the employees of the State of Nebraska.

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

1. That the Legislature of the State of Nebraska respectfully memorializes the Congress of the United States to enact legislation which will require the Internal Revenue Service to issue regulations consistent with existing Internal Revenue Service actions.

2. That Congress enact legislation which will (a) enable states and local governments to continue established deferred compensation

plans for their employees and (b) permit public agencies to establish new plans.

3. That a copy of this resolution be forwarded to the President and Vice President of the United States, the Secretary of the Treasury, the Speaker of the House of Representatives, the Secretary of the Senate and to each member of the Nebraska Congressional Delegation.

Laid over.

LEGISLATIVE RESOLUTION 238.

Introduced by DeCamp, 40th District.

WHEREAS, many minor acts are considered a misdemeanor under the criminal code revision; and

WHEREAS, a criminal record results from the conviction of a misdemeanor; and

WHEREAS, a criminal record is an extremely harsh penalty; and

WHEREAS, this penalty could be considered harsh in relation to the severity of some acts

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

1. That the Judiciary Committee conduct an interim study into the development of creating an infraction section to regulate certain acts.

2. That the Judiciary Committee report the findings of such study to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 239.

Introduced by Decamp, 40th District.

WHEREAS, recent court cases, and Attorney General's opinions have questioned and cast doubts as to certain definitions and regulations of current Nebraska law; and

WHEREAS, it has come to the attention of the Legislature that current gambling laws are vague, indefinite, overbroad and lacking clear legal definition; and

WHEREAS, when the criminal code becomes effective in January 1979 questions will remain in the above regards; and

WHEREAS, current law because of these questions, will prove ineffective in the regulation of gambling in Nebraska.

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

1. That the Legislature's Judiciary Committee conduct an interim study of the sections of Nebraska law dealing with gambling.

2. That such study shall include an analysis of recent court cases and investigations to determine whether modification is warranted in this regard.

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.

MESSAGE FROM THE GOVERNOR

April 10, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 502, 701, 812, 813, and 945.

These bills were signed by me on April 10, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

VISITORS

The president introduced Dr. and Mrs. Sunneetha from Hyderabad, India; Dr. S. D. Luke, Professor of Nebraska Wesleyan University, Lincoln, Nebraska; 9 students and sponsors of the School for the Visually Handicapped, Nebraska City, Nebraska; Gerald R. Lieske, Upland, Nebraska; Mr. and Mrs. Gabe Parks and Mr. and Mrs. Thomas Penke of Omaha, Nebraska; 25 6th graders and sponsors from Lincoln Elementary School, Hastings, Nebraska; 26 7th and 8th

grade students and teacher from Elba, Nebraska; and Senator Carsten's son and daughter-in-law, Steve and Nancy Carsten from Avoca, Nebraska.

RECESS

At 11:56 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel, Murphy, Rasmussen and Reutzel who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 943. Title read. Considered.

Standing Committee amendments found in the Journal on page 1743 for the Fifty-Second Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Schmit offered the following amendment:

AMENDMENT TO LB 943

1. On page 5, after line 20 insert:
"Claim to pay Platte Valley Drainage District, Yutan, Nebraska, 68073, out of the General Fund, for providing emergency flood control materials, services, and supplies used in connection with ice jams on the Platte River during February, 1971 21,497.49".

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 Review with 25 ayes, 0 nays, 20 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 803A. By Cullan, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 803, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 632. Replaced on Select File as amended. E & R amendments to LB 632:

1. In the Dworak amendment, line 4, after "statute" insert an underscored comma; in line 5 after "materials" insert an underscored comma; in line 9 after "level" insert an underscored comma; in line 10, strike "clerk" and insert "clerk's"; in line 11, strike "the" and insert "this"; in line 13 strike the commas and strike "the said" and insert "such"; in line 14 after "commissioner" insert an underscored comma; and in line 15, after "sponsors" insert an underscored comma.

2. Renumber the section added by the Lamb amendment as section 7, the section added by the Dworak amendment as section 12, and the new sections 6 to 9, 10, and 11, added by the committee amendments as sections 8 to 11, 13, and 14, respectively.

3. In E & R 15, line 2, after "32-526," insert "32-1040,"; and in line 11 after the semicolon insert "to provide when vacancies shall be filled; to provide provisions relating to referendum or initiative petitions as prescribed;".

4. In new section 4 added by the Rasmussen amendment, line 12, strike "~~,~~ ." and insert ". ~~,~~".

5. In E & R 15, line 4, strike the first "and".

(Signed) Samuel K. Cullan, Chairman

GENERAL FILE

LEGISLATIVE BILL 448A. 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 889 and 889A.

Correctly Engrossed

The following bills were correctly engrossed: 87, 271, 373, 407, 711, and 922.

(Signed) Samuel K. Cullan, Chairman

GENERAL FILE

LEGISLATIVE BILL 464. Title read. Considered.

Standing Committee amendments found in the Journal on page 701 for the Nineteenth 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 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 375. Title read. Considered.

Standing Committee amendment found in the Journal on page 746 for the Twenty-First Day was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Koch offered the following amendments:

AMENDMENTS TO LB 375

1. In the Committee amendments on page 746 of the Journal on page 1, line 3 strike "Every" and insert "Prior to Jan. 1, 1979, every"; and in line 8 after "provisions" insert "to carry out the intent of this act"; strike beginning with "In" in line 8 through "no" in line 13 and insert "No"; and strike beginning with "and" in line 23 through "process" in line 26.

2. Insert a new section as follows:

"Sec. 5. This act shall become operative on Jan. 1, 1979.".

3. Renumber remaining sections accordingly.

The amendment 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 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 743. Title read. Considered.

Mr. Mills moved to indefinitely postpone.

Mr. Mills requested a record vote on his motion.

Voting in the affirmative, 7:

Clark	D. Dworak	Mills	Simon
Cope	Lamb	Murphy	

Voting in the negative, 24:

Barnett	E. Dvorak	Hefner	F. Lewis	Moylan
Brennan	Fitzgerald	Kahle	R. Lewis	Newell
Burrows	George	Keyes	Luedtke	Stoney
DeCamp	Goodrich	Kremer	Maresh	Venditte
Duis	Hasebroock	Labedz	Marsh	

Present and not voting, 16:

Bereuter	Fowler	Maxey	Rumery
Carsten	Kelly	Merz	Savage
Chambers	Kennedy	Nichol	Schmit
Cullan	Koch	Reutzel	Warner

Excused and not voting, 2:

Marvel	Rasmussen

The motion to indefinitely postpone lost with 7 ayes, 24 nays, 16 present and not voting, and 2 excused and not voting.

Mr. F. Lewis offered the following amendments:

AMENDMENTS TO LB 743

1. On page 3, strike lines 9 to 14, inclusive and insert the following.

To establish the procedure for the Nebraska Coordinating Commission for Postsecondary Education to administer the Federal SSIG program.

2. On page 9, in line 27, strike "financial" and insert "aid funds made available to the State of Nebraska through the Federal SSIG program"

3. On page 10, strike line 1 and insert "under authority of Section 415 of the Higher Education Act of"

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 Review with 28 ayes, 7 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 743A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

Messrs. DeCamp and Mills asked unanimous consent to be excused. No objections. So ordered.

MOTION - Change Order

Mr. Carsten renewed his pending motion found in the Journal on page 1773 to overrule the Speaker's order and take up LB 170 on General File ahead of the other priority bills.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 14 nays, and 15 not voting.

Mr. Maresh 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. Carsten moved for a Call of the House. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Carsten requested a roll call vote on the motion to overrule the Speaker's order.

Voting in the affirmative, 34:

Barnett	Chambers	D. Dworak	Goodrich	Kremer
Bereuter	Cope	Fitzgerald	Hasebroock	F. Lewis
Brennan	Duis	Fowler	Hefner	R. Lewis
Carsten	E. Dvorak	George	Koch	Luedtke

Maresh	Maxey	Murphy	Rumery	Venditte
Marsh	Merz	Newell	Savage	Warner
Marvel	Moylan	Nichol	Schmit	

Voting in the negative, 9:

Cullan	Kennedy	Lamb	Reutzel	Stoney
Kahle	Keyes	Rasmussen	Simon	

Present and not voting, 4:

Burrows	Clark	Kelly	Labedz

Excused and not voting, 2:

DeCamp Mills

The Carsten motion prevailed with 34 ayes, 9 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Carsten moved the Call be raised. The Chair declared the Call raised.

MR. SAVAGE PRESIDING

GENERAL FILE

LEGISLATIVE BILL 170. Title read. Considered.

Mr. Marvel withdrew his pending amendments found in the Journal on page 1228, First Session.

PRESIDENT WHELAN PRESIDING

Mr. Carsten offered the following amendments (amendments printed separate from the Journal - Req. #2931).

Mr. Luedtke asked unanimous consent to be excused. No objections. So ordered.

MR. SAVAGE PRESIDING

The Carsten amendment was adopted with 29 ayes, 3 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 560. Replaced on Select File as amended.
E & R amendments to LB 560:

1. Renumber new sections 2 to 7 added by the Lamb-Rumery amendment as sections 4 to 9, and renumber original section 2 as section 10.

2. In the Lamb-Rumery amendments, page 2, line 24, after "disabled" insert an underscored comma; and on page 4, line 2, after "members" insert an underscored comma.

3. In the title, line 2, strike "section" and insert "sections", and after "23-343.07," insert "23-378, and 35-514.02,"; in lines 3 and 4 strike "county boards" and insert "political subdivisions"; in line 4 after the second semicolon insert "to permit contracting for ambulance service; to provide procedures for merger of hospital districts as prescribed; to provide for an election; to provide provisions relating to assets and liabilities;"; and in line 5, strike "section" and insert "sections".

4. In the Lamb-Rumery amendments, page 1, line 7, strike "4" and insert "6".

LEGISLATIVE BILL 937. Replaced on Select File as amended.
E & R amendments to LB 937:

1. For correlation purposes in the Final Reading Bill, page 3, line 26, strike "Laws 1977, LB 522, section 17" and insert "Laws 1978, LB 924, section 54"; and on page 4, line 10, insert "and $500,000 from the State Building Fund" after "Fund".

2. For correlation purposes, in the Final Reading Bill, page 18, line 7, strike "sections 28 and 39" and insert "section 28"; and in line 8, strike "sections 16 and 17, respectively" and insert "section 16, Laws 1976, LB 984, section 39, as amended by Laws 1978, LB 924, section 54".

3. For correlation purposes, in the Final Reading Bill, in the title, line 7, strike "sections 28 and 39" and insert "section 28"; and in lines 8 and 9, strike "sections 16 and 17, respectively" and insert "section 16, Laws 1976, LB 984, section 39, as amended by Laws 1978, LB 924, section 54".

LEGISLATIVE BILL 808. Placed on Select File as amended.
E & R amendments to LB 808:

1. In the Venditte amendments on page 1664 of the

Journal, on page 1, line 2, strike "6" and insert "8"; on line 8, strike the underscored period and insert an underscored semicolon; in line 10, after "citation" insert an underscored comma; in line 15, strike the first "and", and after "dollars" insert an underscored comma.

2. On page 2, line 19, strike "5" and insert "4".

3. In the title, line 2, strike "section" and insert "sections 29-422, 29-424, and 29-425, Reissue Revised Statutes of Nebraska, 1943, and section"; in line 4, strike "a penalty" and insert "penalties"; in line 5, after the semicolon insert "to provide for citations; to define a term; to provide for a course of instruction; to provide duties;"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 907. Replaced on Select File as amended.
E & R amendments to LB 907:

1. In E & R 4, line 1, after "after" insert "the second".

2. In the title, line 3, strike "village volunteer".

LEGISLATIVE BILL 868. Replaced on Select File as amended.
E & R amendments to LB 868:

1. In the George amendment, line 4 after "bond" insert an underscored comma.

2. In the title, line 5 after the semicolon insert "to provide for bond;".

LEGISLATIVE BILL 569. Replaced on Select File as amended.
E & R amendments to LB 569:

1. In committee amendments, page 1, strike lines 4 to 6 and renumber following sections accordingly.

2. In committee amendments, page 8, line 17, strike the second "the".

3. In line 1 of E & R 1 adopted 4/7, strike "569,".

4. In the title, strike lines 2 to 7 and all amendments and insert:

"FOR AN ACT to provide for the continued existence of the Board of Cosmetologist Examiners; to amend sections 71-313 to 71-316, 71-318 to 71-320, 71-322, 71-322.05, and 71-327, Reissue Revised Statutes of Nebraska, 1943; to change and provide for the regulation of cosmetology; to repeal the original sections, and also section 71-322.01, Reissue Revised Statutes of Nebraska, 1943, and also section 81-193, Revised Statutes Supplement, 1977; and to declare an emergency.".

(Signed) Samuel K. Cullan, Chairman

Rules

April 11, 1978

The Rules Committee met Tuesday, April 11, 1978 and acted favorably on the proposed rule changes submitted by Senator Carsten found on page 997 and Senator Newell found on page 1256 of the Legislative Journal.

The rule change submitted by Senator Simon found on page 1258 was indefinitely postponed.

In lieu of the proposed rule change submitted by Senator Newell found on page 1536, the following was favorably acted on:

1. Insert a new section 10 under Rule 7 as follows:

"Sec. 10. At any stage of consideration the introducer of the bill or the chairperson of the committee, if it is a committee bill, may move for cloture to the presiding officer. The presiding officer shall immediately recognize such introducer or chairperson and shall allow ~~him~~ the member to move for cloture. A move for cloture shall require 30 votes. Upon a successful move for cloture there shall be allowed an additional 90 minutes of debate. Thirty minutes after invoking cloture no additional amendments may be offered. The introducer ~~and~~ or committee chairperson shall then be allowed to close on ~~his~~ the cloture motion. A vote to advance the bill shall then be in order. A move for cloture shall be in order, except while a member is speaking or when a motion to indefinitely postpone a bill is pending."

(Signed) John W. DeCamp, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 240.

Introduced by Warner, 25th District.

WHEREAS, the State has recognized the needs of handicapped children by providing programs to meet those needs; and

WHEREAS, programs for handicapped children are being offered by numerous state, local, and private agencies; and

WHEREAS, the proliferation of programs to serve any special group may lead to inefficiency and waste of public funds; and

WHEREAS, the proliferation of programs and lack of coordination among programs may also hinder parents who are seeking services for their children.

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

1. That an interim study shall be conducted by the Appropriations Committee to

a) identify all state-operated or state-funded programs for handicapped children,

b) identify where gaps and overlaps in services currently exist, and

c) identify the organization of state government which will result in the best administration and coordination of these programs.

2. That the Committee report its findings and recommendations for legislative action to the Eighty-sixth Legislature, First Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 241.

Introduced by Appropriations Committee: Warner, 25th District, Chairman; Fowler, 27th District; Rumery, 42nd District; Marsh, 29th District; Cope, 36th District; Savage, 10th District; Bereuter, 24th District; Goodrich, 20th District; Hasebroock, 18th District.

WHEREAS, the Legislature finds that laboratory functions are an integral part of several state agency programs;

WHEREAS, these programs have a direct bearing upon the welfare and safety of the public;

WHEREAS, there has recently arisen a concern for the adequacy of the space and facilities housing agency laboratory operations;

WHEREAS, the existence of inadequate space and facilities may adversely affect the efficiency and effectiveness of laboratory operations and the programs they support.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE, SECOND SESSION:

1. That the Legislature's Appropriations Committee conduct an interim study to determine:

a) The space utilization and needs of those agency laboratory programs currently housed in the Lincoln State Laboratory facility;

b) The space utilization and needs of those agency laboratory programs housed in facilities outside of the Lincoln State Laboratory, excluding the Department of Roads, the Game and Parks Commission, the State Colleges and the University of Nebraska;

c) The feasibility and advantages of relocating those outside agency laboratory programs within the State Laboratory facility, or an expanded facility;

d) The feasibility and advantages of consolidating all or some of the above identified laboratory programs under a single administrative organization; and

e) The additional costs or cost savings which would result from taking such actions as outlined in c) and d) above.

2. That the Appropriations Committee is authorized to expend an amount not to exceed $10,000 for the purpose of hiring any professional expertise required for an evaluation of the issues identified for study.

3. That the Committee report its findings along with recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 242.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Murphy, 17th District; Merz, 1st District; Brennan, 9th District; Schmit, 23rd District; Mills, 44th District; Duis, 39th District; Labedz, 5th District.

WHEREAS, the Nebraska Banking Department feels that there is a strong need for increased salaries for state banking examiners; and

WHEREAS, increased salaries would attract higher rank and more experienced personnel; and

WHEREAS, current salaries are not competitive and it is not in the state's best interest for the state banking industry to be a training ground for state bank examiners who are soon drawn away by financial institutions offering higher salaries; and

WHEREAS, current state salaries of bank examiners vary from $5,000 to $10,000 less than Federal Deposit Insurance Corporation banks and that of private institutions; and

WHEREAS, the Banking Department on the 30th day of September 1977 presented LB 654, a proposal to increase state bank examiners salaries to this Committee for its consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION

1. That the Banking, Commerce and Insurance Committee study the proposed salary increases set out in LB 654.

2. That the Banking, Commerce and Insurance Committee determine whether there in fact is a need for increased salaries for state banking examiners.

3. That the Banking, Commerce and Insurance Committee determine whether the State of Nebraska would benefit by increasing the salaries of the state bank examiners.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 243.

Introduced by Fowler, 27th District.

WHEREAS, the need is imperative for national, statewide and local energy conservation goals; and

WHEREAS, steps are being taken to arrive at appropriate energy conservation goals at all levels of government; and

WHEREAS, it is appropriate for the Legislature to consider the establishment of uniform minimum standards for lighting and thermal design and operation of buildings constructed in the State of Nebraska to assist in meeting energy conservation goals; and

WHEREAS, the enforcement of any uniform standards for lighting and thermal design and operation must be fair, efficient and utilize to the extent possible cooperation from nongovernmental sources in order to best provide for the public health, safety and general welfare; and

WHEREAS, the creation of an enforcement procedure involving certification of compliance by a Nebraska builder to minimum standards of thermal efficiency requires that a builder have a thorough understanding of and ability to comply with the minimum standards.

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

1. That the Public Health and Welfare Committee conduct an interim study of lighting and thermal design and operation standards, and methods of enforcement of such standards for new building construction in the State of Nebraska. Consideration shall also be given to a cost analysis for enforcement of such standards, and projected energy cost savings.

2. That the committee also study the capability of the Nebraska building industry to comply with lighting and thermal design and operation standards, and to meet the needs of Nebraska citizens for energy efficient and safe residential and nonresidential buildings.

3. That the committee 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.

SELECT FILE

LEGISLATIVE BILL 937. 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 937. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 943

Mr. Maresh asked unanimous consent to expedite LB 943. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 405A. By Moylan, 6th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 405, Eighty-fifth Legislature, First Session, 1977.

LEGISLATIVE BILL 786A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 786, Eighty-fifth Legislature, Second Session, 1978.

LEGISLATIVE BILL 910A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, Eighty-fifth Legislature, Second Session, 1978.

LEGISLATIVE BILL 871A. By Koch, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 871, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 244.

Introduced by Warner, 25th District.

WHEREAS, the number of Legislative Resolutions introduced by members of the Eighty-Fifth Legislature exceeds 200; and

WHEREAS, the number of Legislative Resolutions requiring interim study by committees is increasing; and

WHEREAS, the amount of time a committee can devote to interim study for resolutions is limited; and

WHEREAS, the amount of time required for adequate study of many resolutions is great.

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

1. That the Legislature directs the Executive Board of the Legislative Council to adopt a policy of assigning all interim study resolutions dealing with the same subject matter to a single standing or special committee.

Laid over.

LEGISLATIVE RESOLUTION 245.

Introduced by Keyes, 3rd District.

WHEREAS, in 1883 the State of Nebraska granted the Federal government the right to acquire lands in this State for military installations; and

WHEREAS, at the same time the State of Nebraska granted automatic federal jurisdiction over such lands if the Federal government desired such jurisdiction; and

WHEREAS, in 1969 the State of Nebraska repealed the automatic granting of exclusive jurisdiction; and

WHEREAS, the State of Nebraska and its political subdivisions cannot tax PRIVATELY OWNED PROPERTY located on federally controlled land because of the federal jurisdication; and

WHEREAS, a study of this situation by the Revenue Committee during the summer of 1977 and early in 1978 shows that at a minimum, such exemption of privately owned personal property located at Offutt results in a property tax loss of approximately five hundred thousand dollars at the minimum; and

WHEREAS, the Revenue Committee found that at least some of the businesses leasing private personal property to the Federal government at Offutt do not appear to give the Federal government a "better price" on such leased equipment to reflect the tax exempt status of the property; and

WHEREAS, the taxation of such privately owned property should, therefore, not result in higher costs to the Federal government; and

WHEREAS, the taxation of such privately owned property would result in thousands of dollars of increased revenue to local governments in the Offutt area; and

WHEREAS, the Revenue Committee found that such taxation can only be accomplished if the Congress of the United States recedes exclusive jurisdiction to the State of Nebraska over the Offutt land.

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

1. That the Nebraska Congressional Delegation, including both Senators and all Congressmen, introduce the appropriate legislation in Congress to recede jurisdiction over Offutt to the State of Nebraska.

2. That should the congressional delegation collectively or individually decide not to introduce or support such legislation that they present to the Revenue Committee of the Legislature in writing the reason or reasons they will not support such legislation.

3. That a copy of this resolution be sent to each member of Nebraska's Congressional delegation, the President of the United States, the Secretary of Defense and the Secretary of the Air force.

Laid over.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting on Wednesday, April 12, 1978, at 8:00 a.m. in Room 2102.

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendments to LB 192 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal - Req. #2923.)

Mr. Dworak asked unanimous consent to print the following amendments to LB 386 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal - Req. #2935.)

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Wednesday, April 12, 1978 until he arrives. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 803. Title read. Considered.

Standing Committee amendments found in the Journal on page 748 for the Twenty-First Day were adopted with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

Mr. Nichol withdrew his pending amendment found in the Journal on page 1733.

Messrs. Kelly and Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Mr. Nichol offered the following amendment:

AMENDMENT TO LB 803

1. Insert two new sections as follows:

"Sec. 2. No technical community college area shall receive less state financial assistance per full-time equivalent student without the computation allowed by section 1 of this act for the 1978-1979 fiscal year than such area received per full-time equivalent student without the computation allowed by section 1 of this act for the 1977-1978 fiscal year.

Sec. 3. The Department of Administrative Services shall, for the period commencing July 1, 1978 and ending June 30, 1979, provide financial assistance to the technical community college areas on a recomputed basis to reflect distribution pursuant to this act. If the department is unable to provide the financial assistance, required by this act, the department shall apportion the funds available among the technical community college areas. The sum granted to each area shall represent a proportionate reduction from the sum that it would

otherwise receive.".

2. Renumber original sections 2 and 3 as sections 4 and 5.

Mr. Nichol moved for a Call of the House. The motion prevailed with 22 ayes, 5 nays, and 22 not voting.

Mr. Nichol requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Brennan	E. Dvorak	Labedz	Merz	Savage
Carsten	Fitzgerald	F. Lewis	Moylan	Schmit
Clark	George	R. Lewis	Newell	Simon
Cullan	Goodrich	Maresh	Nichol	
Duis	Hefner	Marvel	Reutzel	

Voting in the negative, 17:

Barnett	D. Dworak	Kennedy	Maxey	Warner
Bereuter	Fowler	Koch	Murphy	
Burrows	Hasebroock	Kremer	Rumery	
Cope	Kahle	Marsh	Stoney	

Present and not voting, 4:

Chambers	Keyes	Lamb	Venditte

Excused and not voting, 5:

DeCamp	Kelly	Luedtke	Mills	Rasmussen

The Nichol amendment lost with 23 ayes, 17 nays, 4 present and not voting, and 5 excused and not voting.

Mr. Bereuter requested a record vote on the advancement of LB 803.

Voting in the affirmative, 27:

Brennan	Fitzgerald	Koch	Marvel	Simon
Carsten	Fowler	Labedz	Merz	Stoney
Clark	George	Lamb	Moylan	Venditte
Cullan	Goodrich	F. Lewis	Nichol	
Duis	Hefner	R. Lewis	Savage	
E. Dvorak	Keyes	Maresh	Schmit	

Voting in the negative, 15:

Barnett	Cope	Kahle	Maxey	Reutzel
Bereuter	D. Dworak	Kremer	Murphy	Rumery
Burrows	Hasebroock	Marsh	Newell	Warner

Present and not voting, 2:

Chambers Kennedy

Excused and not voting, 5:

DeCamp	Kelly	Luedtke	Mills	Rasmussen

Advanced to E & R for Review with 27 ayes, 15 nays, 2 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Duis asked unanimous consent to print the following amendments to LB 892 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 892

1. In the Standing Committee amendments, page 2 strike lines 7 to 27 and on page 3 strike lines 1 to 14 and insert:

"(e) The date on which the group insurance policy or health maintenance organization agreement is terminated, or the date the employer or employer trust trustee terminates participation under such policy or agreement.

(2) The monthly premium rate to be charged for such coverage shall be the same as the total rate which would have been charged for such coverage had the terminated employee still been a member of the insured group. Such total premium rate shall be paid by the terminated employee. The experience of such coverage shall be charged to the group policy or contract which is in force; and

(3) The interruption of employment due to a labor dispute shall not be considered to be an involuntary termination of employment.

Sec. 2. Not later than ten days following the date of termination of employment of the employee, the employer shall send a notice by certified mail with return receipt requested to the terminated employee at his or her home address as shown on the records of the employer.

Such notice shall set forth (1) the right of the terminated employee to elect to continue coverage in accordance with section 1 of this act and the election form to be used in exercising such right, (2) the amount of each monthly premium to be paid by the terminated employee, and (3) the manner, time and to whom the election form must be completed and returned and each monthly premium must be paid.

Sec. 3. If the terminated employee elects to continue such coverage, the election form and the first monthly premium shall be sent by certified mail with return receipt requested to the insurance company or health maintenance organization within ten days after the date of receipt of the notice. Premiums for each subsequent month shall be paid by the terminated employee without further notice to the insurance company or health maintenance organization.''.

Mr. E. Dvorak asked unanimous consent to print the following amendments to LB 351 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office. Req. #2909)

VISITORS

The President introduced 28 eighth grade students and teacher from Axtell, Nebraska; and 29 fourth grade students, teacher, and sponsors from Bertha Barber Elementary School, Bellevue, Nebraska.

ADJOURNMENT

At 5:02 p.m., on a motion by Mr. Marvel, the Legislature adjourned until 9:00 a.m., Wednesday, April 12, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - APRIL 12, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 12, 1978

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, watch over the people of this house. Give them courage for their convictions and stamina to withstand criticism. Help their families who remain at home, some times lonely, always longing.

Let their desks and offices be places where people are taken care of, not factions or groups.

Let these aisles be paths leading to solutions for the need and want of others.

Let this room be the room of businessmen and artisan, professional man and poets.

Let the area behind the rail be witness to good men talking and working for others.

Let its buzzer be the voice of the people crying out "help us."

Let its gavel punctuate that work and ever be a reminder that we are not our own - we belong to you. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. DeCamp, Koch, F. Lewis, Newell, and Reutzel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 937.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 446. E & R amendments found in the Journal on page 1770 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 700. E & R amendment found in the Journal on page 1785 for the Fifty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 560. E & R amendments found in the Journal on page 1804 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 632. E & R amendments found in the Journal on page 1799 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 907. E & R amendments found in the Journal on page 1805 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 868. E & R amendments found in the Journal on page 1805 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 569. E & R amendments found in the Journal on page 1805 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 650. E & R amendments found in the Journal on page 1758 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 286. E & R amendment found in the Journal on page 1758 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 593. E & R amendment found in the Journal on page 1758 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 900. E & R amendment found in the Journal on page 1759 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 819. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 875. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 908. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 634. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 708. E & R amendment found in the Journal on page 1759 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 754. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 763. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 815. E & R amendment found in the Journal on page 1759 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 766. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 637. E & R amendments found in the Journal on page 1769 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 874. E & R amendments found in the Journal on page 1769 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 870. E & R amendment found in the Journal on page 1770 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 128 to Select File

Mr. Cullan moved to return LB 128 to Select File for the following specific amendments:

AMENDMENTS TO LB 128

1. Strike original section 3.
2. Strike E & R amendments 2, 3, 4, and 5.
3. Strike the Maresh amendments 2 and 3.
4. Number the section added by the Rasmussen amendment as section 2 and original section 4 as section 3.
5. In lieu of the Mills amendment 1 on page 593 of the Journal, in the Maresh amendment on page 7, line 8 strike "and" and show as stricken; and insert the Mills amendment 2 after "periods" on page 7, line 19 of the Maresh amendment; and in line 3 of the Mills amendment 2, strike "(i)" and insert "(j)".
6. In lieu of the Rasmussen amendment, insert a new section as follows:

"Sec. 2. 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.".

7. In the title, strike line 4 and insert "to provide additional provisions relating to disqualifications of"; strike beginning with "to" in line 6 through "workers" in line 7 and insert "to provide severability".

The motion prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 128. The Cullan 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 946A to E & R

Mr. Warner moved to return LB 946A to E & R Final for correction of an engrossing error.

The motion prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 910. Title read. Considered.

Mr. Schmit renewed his pending amendment found in the Journal on page 1776.

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 Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 910A. 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 RESOLUTION 152. Considered.

Mr. Barnett moved to place LR 152 at the bottom of the priority bills after other "reconsiderations" pursuant to Senator Frank Lewis' motion of April 10, 1978.

The motion lost with 12 ayes, 24 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Fowler offered the following amendment:

AMENDMENTS TO LR 152

1. Insert a new resolution 3. as follows:

"3. An application for a convention made under this resolution shall be conditioned on the convention delegates being selected in a manner determined by the state legislatures.".

2. Renumber original resolution 3. as resolution 4.

Mr. D. Dworak moved for a Call of the House. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Fowler amendment was adopted with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Simon moved the Call be raised. The Chair declared the Call raised.

Mr. Barnett offered the following amendment:

AMENDMENT TO LR 152

1. In resolution 1, line 1 after "That" insert "this issue be put to a vote of the people at the general election on November 7, 1978, and if approved by the voters that".

The amendment pending until Select File.

Mr. Venditte requested a record vote on the advancement to E & R for Review.

Voting in the affirmative, 27:

Brennan	E. Dvorak	Kelly	Marvel	Stoney
Burrows	D. Dworak	Keyes	Moylan	Venditte
Carsten	Fitzgerald	Labedz	Murphy	Warner
Cope	Hasebroock	Lamb	Newell	
Cullan	Hefner	F. Lewis	Rumery	
Duis	Kahle	Maresh	Simon	

Voting in the negative, 6:

Barnett	Fowler	Maxey
Clark	Marsh	Reutzel

Present and not voting, 14:

Bereuter	Goodrich	R. Lewis	Mills	Savage
Chambers	Kennedy	Luedtke	Nichol	Schmit
George	Kremer	Merz	Rasmussen	

Excused and not voting, 2:

DeCamp Koch

LR 152 was advanced to E & R for Review with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 884. Title read. Considered.

Standing Committee amendments found in the Journal on page 864 for the Twenty-Fifth 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 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 884A. 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.

ATTORNEY GENERAL'S OPINION

Opinion No. 231
April 10, 1978

Dear Senator DeCamp:

You have requested the opinion of this office regarding whether the Legislature may amend a bill which has been vetoed by the Governor and returned to the Legislature. We can find no constitutional prohibition to utilizing this procedure.

Article III, Section 10, of the Nebraska Constitution provides in part that the Legislature shall determine the rules of its proceedings. This section has been construed by the Nebraska Supreme Court in State ex rel. Johnson v. Hagemeister, 161 Neb. 475, 73 N.W.2d 625 (1955), wherein it is stated:

". . . This provision does not restrict the power given to the mere formulation of standing rules, or to the proceedings of the body in ordinary legislative matters. In the absence of costitutional restraints, and when exercised by a majority of a constitutional quorum, such authority extends to the determination of the propriety and effect of any action as it is taken by the body as it proceeds in the exercise of any power, in the transaction of any business, or in the performance of any duty conferred upon it by the Constitution."

Accordingly, it would appear that the Legislature would have the authority to promulgate rules allowing for the amendment of a bill which has been vetoed. See also, Attorney General Opinion No. 113, 1973-74 (attached).

You have also questioned whether the passage of such an amended bill which previously had been vetoed would be considered as having overridden the veto. In our opinion it would not. Article IV, Section 15, of the Nebraska Constitution provides only for overriding the veto of the same bill. For purposes of this provision, it would appear that the only reasonable interpretation is that once the vetoed bill has been amended, it is no longer the same bill that has been vetoed, and therefore, it must once again be presented to the Governor.

Your very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gary B. Schneider
Assistant Attorney General

GBS:ejg
attach. (on file in Clerk's Office)
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 943. Placed on Select File as amended.
E & R amendments to LB 943:

1. In committee amendments, page 1, line 5, insert "Cash" after "Aeronautics".

2. Insert the Schmit amendment following the committee amendments; and in line 1 thereof supply underscoring to "Platte Valley Drainage District".

LEGISLATIVE BILL 448A. Placed on Select File.

LEGISLATIVE BILL 760. Placed on Select File as amended.
E & R amendments to LB 760:

1. In lieu of the Murphy amendment insert:

"Section 1. That section 8-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1101. As used in sections 8-1101 to 8-1124, unless the context otherwise requires:

(1) Director shall mean the Director of Banking and Finance of the State of Nebraska, except as further provided in section 8-1120;

(2) Agent shall mean any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but agent does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by subdivision (8), (9), (10) of section 8-1110, (b) effecting transactions exempted by section 8-1111, or (c) effecting transactions with existing employees, partners or directors of the issuer or any of its subsidiaries if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state. A partner, officer, or director of a broker-dealer is an agent only if he otherwise comes within this definition;

(3) Broker-dealer shall mean any person engaged in the business of effecting transactions in securities for the account of others or for his own account. Broker-dealer does not include (a) an issuer-dealer, agent, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies, as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subdivision (3) (b) of this section;

(4) Guaranteed shall mean guaranteed as to

payment of principal, interest, or dividends;

(5) Investment adviser shall mean any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. Investment adviser does not include (a) a bank, savings institution, or trust company; (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession; (c) a broker-dealer; (d) an issuer-dealer; (e) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation; (f) a person whose advice, analyses, or reports relate only to securities exempted by subdivision (1) of section 8-1110; (g) a person who has no place of business in this state if his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies, as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in this subdivision; or (h) such other persons not within the intent of this subdivision as the director may by rule or order designate;

(6) Issuer shall mean any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors, or persons performing similar functions, or of the fixed, restricted management, or unit type, the term issuer shall mean the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued;

(7) Issuer-dealer shall mean (a) any issuer located in the State of Nebraska, or (b) any issuer which registered its securities by qualification who proposes

to sell to the public of the State of Nebraska the securities that it issues without the benefit of another registered broker-dealer. Such securities shall have been approved for sale in the State of Nebraska pursuant to section 8-1104;

(8) Nonissuer shall mean not directly or indirectly for the benefit of the issuer;

(9) Person shall mean an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government;

(10) Sale or sell shall include every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. Offer or offer to sell shall include every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security;

(11) Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940 shall mean the federal statutes of those names as amended before or after August 18, 1965;

(12) Security shall mean any note, stock, treasury stock, bond, debenture, units of beneficial interest in a real estate trust, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease or, in general, any interest

or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. Security does not include any insurance or endowment policy or annuity contract issued by an insurance company; and ~~, any nontransferable interest in a bona fide general partnership or joint venture, or any nontransferable partnership interest in a bona fide limited partnership where a certificate is executed, filed and recorded as provided by section 67-202; and~~

(13) State shall mean any state, territory, or possession of the United States as well as the District of Columbia and Puerto Rico.".

2. On page 7, line 12, strike "section" and insert "sections 8-1101 and"; and in line 13, strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3.

4. In the title, line 2, strike "section" and insert "sections 8-1101 and"; in line 4 after the semicolon insert "to redefine a term;"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 643. Replaced on Select File as amended.
E & R amendments to LB 643:

1. In new section 2, strike lines 3 to 5 and insert: "77-1605.01. The county"; and in line 16 insert an underscored comma after "street".

2. Insert the validity section as section 3 and renumber original section 2 as section 4.

3. In section 3, lines 2 and 3, strike "of invalidity"; and in line 3 after "validity" insert "or constitutionality".

4. For correlation purposes, in new section 2, line 2, insert ", as amended by section 218, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977" after "1943"; and in line 7 strike "assessed" and insert "actual".

5. On page 2, line 16, strike "is" and insert "and section 77-1605.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 218, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977, are".

6. 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.".

7. In the title, strike lines 2 to 6 and insert: "FOR AN ACT relating to court government; to remove a

limitation on a fund; to add an additional purpose for a tax levy; to amend section 23-106, Reissue Revised Statutes of Nebraska, 1943, and section 77-1605.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 218, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977; to provide severability; to repeal the original sections; and to declare an emergency.''.

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 246.

Introduced by F. Lewis, 45th District.

WHEREAS, a greater proportion of Sanitary and Improvement Districts are becoming homeowner owned; and

WHEREAS, SID's are required by law to set their budgets one year in advance of expenditure; and

WHEREAS, SID's are required by law not to exceed these budgets; and

WHEREAS, these legal restrictions do not allow for such unforeseen factors as inflation, adverse weather and so on, and thereby place undue burdens upon the operation and maintenance of homeowner owned SID's.

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

1. That an interim study committee be appointed to study all aspects of the legal restrictions placed upon Sanitary Improvement District budgeting procedures, including but not necessarily limited to, study of allowing expenses of greater than five-hundred dollars by SID's which are not contained in their budgets, and to study the feasibility of utilizing the services of county or city engineers in evaluation of maintenance or improvement work within SID's.

2. That the committee report the results of such study together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 247.

Introduced by Fowler, 27th District.

WHEREAS, members of the Legislature are keenly aware of the importance of employment in achieving the goals of self-support and self-sufficiency; and

WHEREAS, Federal legislation mandates that efforts be increased to integrate people with disabilities into the labor market; and

WHEREAS, a considerable number of people with disabilities require support services such as help with dressing, preparation of food, ambulation, and any other functions of daily living; and

WHEREAS, many people with disabilities who work forfeit their eligibility to receive support services due to uncoordinated funding sources in state and federal laws; and

WHEREAS, the cost of support services is a disincentive to work for people with disabilities which results in continued expenditures of state maintenance funds such as Title XIX and Title XX; and

WHEREAS, other states have enacted legislation to provide support services allowing people with disabilities to work if the individual is in need of such services and their income and resources are insufficient to cover the cost.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE, SECOND SESSION:

1. That the Appropriations Committee, with the cooperation of the appropriate subdivisions of state government, conduct an interim study to determine an equitable, cost-effective system of providing support services for people with disabilities. The study shall include, but not be limited to the following elements:

a.) the extent of the need for support services for people with disabilities including an analysis of the factors constituting such need,

b.) the extent to which the provision of support services would eliminate one of the disincentives currently embodied in state and federal law and thereby encourage people with disabilities to secure employment based on their abilities,

c.) the potential revenue to be returned to the state's economy by providing support services which would enable people with disabilities to increase their earning capacity and reduce their tax dependency, and

d.) the administration and delivery of such services and the cost-effectiveness, advantages, disadvantages, problems and related issues thereto.

2. That the Committee shall hold public hearings to gather citizen and consumer organization input on matters germane to this study.

3. That the Committee shall consider in its process of evaluation and study the legislation proposed or enacted in other states or federally, which deals specifically with the provision of support services.

4. That the Committee shall make a detailed report of its findings, conclusions, and recommendations for legislative action, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 248.

Introduced by Newell, 13th District.

WHEREAS, Sections 77-202.08 through 77.202.24 of the Reissued Revised Statutes of the State of Nebraska have been amended frequently and substantively since their original introductions, and

WHEREAS, the current language and structure of these sections are such that they have caused great confusion among the citizenery as to program distinction and eligibility, and

WHEREAS, the same confusion has existed within the legislature itself

THEREFORE, BE IT RESOLVED BY THE EIGHTY-FIFTH LEGISLATURE, SECOND SESSION,

That the Revenue Committee review the need to recodify sections 77-202.08 through 77-202.24 of the Reissued Revised Statutes of the State of Nebraska, and

That the Committee's findings be reported to the full of the Eighty-sixth Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 249.

Introduced by Newell, 13th District.

WHEREAS, the state's budgets have traditionally only reflected those expenditures allocated directly to the various programs, agencies, and governmental subdivisions, and

WHEREAS, passive tax expenditures are not monitored as are traditional, direct budget expenditures, and

WHEREAS, passive tax expenditures in effect serve as state subsidies to their recipients, and

WHEREAS, passive tax expenditures have the same impact upon state tax rates as direct budget expenditures, and

WHEREAS, passive tax expenditures have the additional impact of reducing the state's tax base

THEREFORE, BE IT RESOLVED BY THE EIGHTY-FIFTH LEGISLATURE, SECOND SESSION

That the Revenue Committee conduct an interim study to review the loss of state revenue due to passive tax expenditures, and

That the study also investigate the use of tax expenditure budgets as have been employed by the federal government and other states, and

That the Committee report its finding to the full Eighty-sixth Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 553. Title read. Considered.

Standing Committee amendment found in the Journal on page 900 for the Twenty-Sixth Day was considered.

Mr. Duis moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Duis moved the Call be raised. The Speaker declared the Call be raised.

Standing Committee amendment was adopted with 27 ayes, 4 nays, 17 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 553.

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 21 ayes, 0 nays, and 28 not voting.

Mr. Simon moved the Call be raised. The Speaker declared the Call raised.

The motion to close debate prevailed with 25 ayes, 15 nays, and 9 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone LB 553.

Voting in the affirmative, 20:

Barnett	Chambers	Fitzgerald	Luedtke	Reutzel
Bereuter	Cope	Fowler	Marsh	Simon
Brennan	Cullan	George	Maxey	Stoney
Burrows	D. Dworak	Koch	Mills	Warner

Voting in the negative, 24:

Carsten	Hefner	Kremer	Maresh	Rasmussen
Duis	Kahle	Labedz	Marvel	Rumery
E. Dvorak	Kelly	Lamb	Moylan	Schmit
Goodrich	Kennedy	F. Lewis	Murphy	Venditte
Hasebroock	Keyes	R. Lewis	Nichol	

Present and not voting, 4:

Clark	Merz	Newell	Savage

Excused and not voting, 1:

DeCamp

The motion to indefinitely postpone lost with 20 ayes, 24 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 20 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Clark moved the Call be raised. The Speaker declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 750. Placed on Select File as amended.
E & R amendments to LB 750:

1. On page 3, line 11, strike "Shall only" and insert "~~Shall only~~ Only".

2. For correlation purposes, on page 6, line 26, strike

"or"; and on page 7, line 3, after "operation" insert ", or (9) mobile homes not exceeding sixteen feet in width moving during daylight hours".

3. For correlation purposes on page 5, line 6, after "1977," insert "as amended by section 1, Legislative Bill 576, Eighty-fifth Legislature, Second Session, 1978,"; on page 8, lines 25 and 26, and in the title, lines 3 and 4, strike "and sections 39-6,177 and" insert "section"; and on page 8, line 26, and in the title, line 5, after "1977," insert "and section 39-6,177, Revised Statutes Supplement, 1977, as amended by section 1, Legislative Bill 576, Eighty-fifth Legislature, Second Session, 1978,".

LEGISLATIVE BILL 871. Placed on Select File as amended.
E & R amendment to LB 871:

1. In the title, line 2 strike "section 43-645" and insert "sections 79-1903 and 79-2003, Reissue Revised Statutes of Nebraska, 1943, and section 43-647"; in lines 4 and 5 strike "to redefine a term" and insert "to provide for payment of certain costs as prescribed"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 658. Placed on Select File as amended.
E & R amendments to LB 658:

1. In the R. Lewis amendment, white copy req. 2897, on page 3, line 11 after "act" insert an underscored comma.

2. In lieu of the R. Lewis amendment on page 1764 of the Journal, in the R. Lewis amendment on page 1715 of the Journal, on page 4, line 13 strike "or" and insert "to"; in line 17 strike "or" and insert "and"; in line 21 after "performing" insert an underscored comma; in line 22 after "gratuitiously" insert an underscored comma and strike "of"; in line 23 after "upon" insert "a"; in line 24 after "knowledge" insert an underscored comma; in line 25 before "for" insert an underscored comma; in line 26 after "(2)" insert "participating in"; in line 27 strike "seventy-five" and insert "twenty hours of", after "education" insert an underscored comma, and strike "hours".

3. In the title, line 3 after "1943," insert "and section 71-1,132.11, Reissue Revised Statutes of Nebraska, 1943, as amended by section 24, Legislative Bill 653, Eighty-fifth Legislature, Second Session, 1978,"; strike beginning with "to" in line 4 through "course" in line 5 and insert "to provide for continuing education; to define terms; to provide duties"; and in line 6 strike "section" and insert "sections".

4. For correlation purposes: (a) on page 1, line 4

of the R. Lewis amendment on page 1715 of the Journal, after "1943," insert "as amended by section 24, Legislative Bill 653, Eighty-fifth Legislature, Second Session, 1978"; (b) strike beginning with "in" on page 5, line 9 of the R. Lewis amendment on page 1715 of the Journal, through the semicolon in line 10; (c) on page 3, of the original bill line 24 after "1943," insert "and section 71-1,132.11, Reissue Revised Statutes of Nebraska, 1943, as amended by section 24, Legislative Bill 653, Eighty-fifth Legislature, Second Session, 1978,"; and (d) on page 4, of such R. Lewis amendments, strike beginning with "furnish" in line 9 through the period in line 12 and insert "be bonded under the blanket surety bond required by section 11-201.".

LEGISLATIVE BILL 737. Placed on Select File.

LEGISLATIVE BILL 737A. Placed on Select file as amended.
E & R amendment to LB 737A:

1. On page 2, line 2, strike the comma.

LEGISLATIVE BILL 448. Placed on Select File as amended.
E & R amendments to LB 448:

1. In lieu of Committee amendment 2, on page 7, line 22, after "1-107" insert "and 81-1117.02"; in lines 22 and 23 strike "32-4,104, 72-224.03, and 84-1204,"; and strike beginning with "and" in line 24 through "1976," in line 25.

2. In lieu of Committee amendment 3, renumber original sections 6 and 7 as sections 3 and 4.

3. In the title, line 2 after "1-107" insert "and 81-1117.02"; in lines 2 and 3 strike "32-4,104, 72-224.03, and 84-1204,"; strike beginning with "and" in line 4 through "1976," in line 5; in line 7 and 8 strike "various boards" and insert "a board; to provide access to certain data in computer files as prescribed".

LEGISLATIVE BILL 783. Placed on Select File as amended.
E & R amendments to LB 783:

1. In committee amendment 3, line 2 underscore "the" and in line 3 strike "~~the~~ any" and insert "any".

2. On page 2, line 7 after "works" insert an underscored comma; in line 20 after "criteria" insert an underscored comma; and in line 21 after "Commission" insert an underscored period.

3. On page 4, line 27 before "as" and after "adopted" insert an underscored comma.

4. In the title, line 4 strike "a plan" and insert

"plans"; in line 6 after the semicolon insert "to provide duties; to place restrictions on disbursement of state funds;"; and in line 7 before "and" insert a comma.

LEGISLATIVE BILL 877. Placed on Select file as amended.
E & R amendments to LB 877:

1. Because of the Kelly amendment on page 1437 of the Journal, in the Kelly amendment on page 1575 of the Journal, in lines 2 and 3 strike "Public Safety Academy Construction" and insert "Law Enforcement Training Center"; and in lines 5 and 6 strike "Public Safety Academy" and insert "Law Enforcement Training Center".

2. On page 2, line 6 strike the comma; in line 13 after "14," insert "Reissue Revised Statutes of Nebraska, 1943,"; in line 18 before "excluding" insert a comma; in line 19 after "facilities" insert a comma; and in line 21 strike the comma.

3. On page 3, line 6 after "12," insert "Reissue Revised Statutes of Nebraska, 1943,"; and in line 9 strike the comma.

4. In the title, line 2 after "construction" insert "and equipping"; and in line 5 after the semicolon insert "to appropriate funds;".

LEGISLATIVE BILL 464. Placed on Select File as amended.
E & R amendments to LB 464:

1. On page 1 of the committee amendments, line 11 strike the commas; in line 15 after "reinsurance" insert a comma; in line 18 after "surplus" insert a comma, and in line 19 after "law" insert a comma; in line 25 after "experience" insert a comma.

2. In the title, line 6 strike "declare an emergency" and insert "provide duties".

LEGISLATIVE BILL 743. Placed on Select File as amended.
E & R amendments to LB 743:

1. In the F. Lewis amendment 1 on page 1801 of the Journal, in line 3 before "To" insert "(2)".

2. On page 4, line 21 after "to" insert a comma and in line 22 after "toward" insert a comma.

3. On page 5, line 5 insert "a" before "parent".

4. On page 8, line 25 strike "must" and insert "shall".

LEGISLATIVE BILL 743A. Placed on Select File.

LEGISLATIVE BILL 965. Replaced on Select File as amended.
E & R amendment to LB 965:

1. Number the section added by the Schmit, Simon, F. Lewis amendment as section 2, and original section 2 as section 3.

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 250.

Introduced by Koch, 12th District.

WHEREAS, great concern has developed in the minds of parents and educators alike over the general decline in the core subject competency of students in elementary and secondary school grades; and

WHEREAS, the concept of minimal competency testing, in a narrow and broad perspective, has been the subject of legislative inquiry in several states; and

WHEREAS, the Legislature is obligated to provide for the free instruction of children and, through powers granted to the State Department of Education, to supervise and administer such education.

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

1. That the Legislature's Committee on Education conduct an interim study of the educational emphasis on core subject teaching in the various elementary and secondary schools in this state.

2. That, in addition to the above study, the Legislature's Committee on Education conduct a comprehensive study of the concept of minimal competency testing for the express purpose of developing an equal and individualized and excellent education for all school children of this state.

3. That the study of minimal competency testing include but not be limited to, the following elements:

(a) The testing of all students upon entrance into public schools;

(b) The nonadmission of students into the first grade until a pertinent level of reading readiness is achieved;

(c) The division of school programs, between the first and eighth grades, into levels with established academic competencies established

for each level; and the progress of students into higher levels only after demonstrating the competency required in the previous level as determined by the respective school district;

(d) The requirement that students pass a competency examination before passing from the eighth grade to the ninth grade, and if the test is not passed, the student is placed in a program of vocational training until the end of the tenth grade when these students would be placed in a full-time apprenticeship program with the appropriate industry;

(e) The academic high school program having the requirements of four years of study in literature and writing, three years of mathematics, two years physical science, two years foreign language, and three years social science; and the testing, as approved by the local school district, at the end of each of such sequences; and

(f) The award of an academic high school diploma only after completing the program and passing the testing as required.

4. That the Committee submit a report of its study and findings along with any recommendations for appropriate or necessary legislation at the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 251.

Introduced by Koch, 12th District.

WHEREAS, questions relating to the quality and costs of higher education have become an issue of national importance; and

WHEREAS, such questions have been posed by Nebraskans about the existing systems of higher education supported by tax dollars; and

WHEREAS, the Legislature must have accurate and current detailed information about our public higher education systems in order to reach intelligent decisions about the higher education funding, provisions for new facilities, personnel pay increases and related matters.

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

1. That the Legislature's Education Committee conduct an interim study of the Nebraska's state colleges, community colleges and the state university system.

2. That such study shall be an in-depth analysis of all aspects of the above enumerated system with a clear focus on the quality and effectiveness of Nebraska systems of higher education.

3. Such study shall include:
(a) Complete analysis of systems funding and expenditure
(b) Current and proposed capital construction programs
(c) The faculty-to-student ratio in each institution
(d) Faculty qualifications and level of educational attainment
(e) Development of an accurate student profile to include class ranks, entrance exam score levels and related matters
(f) Student counseling and placement programs
(g) Student failures and related factors
(h) Course offerings of each institution
(i) Continuing education programs
4. That the committee make a report of its findings to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 252.

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, SECOND SESSION:
1. That the Legislature's Executive Committee conduct an interim study on the specific purposes for and ramifications of the Nebraska Political Accountability and Disclosure Act.
2. That the Legislature's Executive Committee submit a report of its study and findings, along with any recommendations for corrective legislation to rid the act of inconsistent, inappropriate, or unnecessry

language thereby rendering the act more responsive to its declared intent.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 253.

Introduced by Koch, 12th District.

WHEREAS, the Legislature has in the past been asked by many of the non-medical human service professions to provide legislation which would limit the practice of these professions.

WHEREAS, many of the skills necessary to practice these professions are shared among these professions.

WHEREAS, the qualifications presented to this Legislature as necessary for the competent practice of these professions are varied and, at times, conflicting.

WHEREAS, this Legislature intends both to provide for an adequate supply of these skills in a free market, and to protect the public from incompetent practices.

WHEREAS, this Legislature feels a need to develop unified, consistent, and fair policy toward the credentialing and regulation of these professions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE, SECOND SESSION:

1. That Public Health and Welfare Committee shall study and recommend to the Eighty-Sixth Legislature a unified, consistent, and fair policy toward the credentialing of these professions.

2. That such recommendation provide consistently for levels of competence necessary for entry into these professions, levels of competence necessary for advancement within these professions, and conditions for retraction of credentials.

3. Such recommendation shall contain a suitable description of alternative ways with which competence may be achieved and demonstrated.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 254.

Introduced by Brennan, 9th District.

WHEREAS, the application of solar energy techniques for solar water heating and solar space heating is scientifically feasible; and

WHEREAS, the advent of these technologies in the State of Nebraska offers significant industrial and employment potential; and

WHEREAS, the federal government, the State of California, and the State of New Jersey have assessed the potential employment and industrial benefits derived from solar industries; and

WHEREAS, these industrial and employment assessments are beneficial to energy planning and economic development.

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

1. That an interim study to assess the potential economic and employment potential impact of solar industry development be conducted.

2. That such assessments measure the potential employment and industrial impact for the period 1981 to 1990.

3. That the committee upon completion of this assessment, report the findings of this study together with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Members Excused

Mr. Kremer asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. E. Dvorak asked unanimous consent to be excused this afternoon after 3:30 p.m. No objections. So ordered.

EXPLANATIONS OF VOTE

Had I been present on the floor, I would have voted in favor of advancing LR 152.

(Signed) Richard Lewis

Had I been present in the Chamber, I would have voted for LR 152.

(Signed) Dennis Rasmussen

If I would have been present in the Chamber when the vote was taken on LR 152, I would have voted "aye".

(Signed) Thomas C. Kennedy

Had I been in the Chamber, I would have voted "aye" to advance LR 152.

(Signed) Loran Schmit

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 742 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 742

1. On page 2, strike the new language in lines 19 and 20 and strike beginning with "duplicate" in line 20 through the period in line 21 and show as stricken; strike beginning with the comma in line 22 through line 23, show as stricken, and insert "the owner of the vehicle may obtain a duplicate permit by presenting the previous permit or a portion thereof to a vendor and paying a fee of one dollar.".

2. Insert the following new sections:

"Sec. 2. That section 37-1103, Revised Statutes Supplement, 1977, be amended to read as follows:

37-1103. Permits shall be furnished for sale in such form and manner as prescribed in sections 37-1101 to 37-1114 and shall be required to be permanently affixed to all motor vehicles entering designated permit areas except:

(1) Motor vehicles bearing tax-exempt state licenses;

(2) Motor vehicles in use for law enforcement or emergency purposes;

(3) Motor vehicles engaged in the servicing, enforcement, administration, repair, maintenance, or construction of facilities or property and motor vehicles engaged in the delivery of commodities or materials to the permit areas;

(4) Motor vehicles being operated on a federal, state, or county highway which crosses a permit area, entering at one point and exiting at another;

(5) Motor vehicles which are traveling directly between the permit boundary and the site within the area where permits are vended; ~~and~~

(6) Motor vehicles being operated by the holders of easements across permit areas or their agents, employees, or contractors; and ~

(7) Motor vehicles bearing dealer number plates which shall comply with section 37-1107.

Sec. 4. That section 37-1107, Revised Statutes Supplement, 1977, be amended to read as follows:

37-1107. Permits shall be furnished for sale in the form of a gummed sticker to be permanently affixed to the inside, lower right corner of the windshield of motor vehicles with windshields, except for motor vehicles bearing dealer number plates which shall display such permit but which is not required to have such permit permanently affixed. The method of display of permits on motor vehicles which do not have windshields shall be as prescribed by the commission.

Sec. 5 The commission shall adopt regulations for the issuance of duplicate permits for persons who have acquired a motor vehicle entry permit prior to the effective date of this act.

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.".

3. On page 2, line 24 strike "section" and insert "sections 37-1103," and after "37-1106," insert "and 37-1107,"; and in line 25 strike "is" and insert "are".

4. Renumber original sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 691. Title read. Considered.

Standing Committee amendments found in the Journal on page 918 for the Twenty-Seventh Day were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Messrs. Clark and Carsten asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 691A. Title read. Considered.

Mr. George offered the following amendment:

On page 2, in line 1, strike "nine", insert "two"; in line 2, strike "seven" and insert "five"; in line 2, strike "fifty"; in line 3, strike "fifteen" and insert "three"; in line 3, strike "two" and insert "seven".

The amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, 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 564. Title read. Considered.

Standing Committee amendments found in the Journal on page 918 for the Twenty-Seventh Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Rasmussen renewed his pending amendment found in the Journal on page 1356.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Murphy asked unanimous consent to be excused 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, 0 nays, and 24 not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Mr. Bereuter asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Barnett asked unanimous consent to be excused Thursday, April 13, 1978 and Friday, April 14, 1978. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 255.

Introduced by Burrows, 30th District.

WHEREAS, the primary problem of education in this state is adequate and sustained sources of finance; and

WHEREAS, the property tax in this state has been historically, a constant problem in equity both within and between taxing districts, and

WHEREAS, proposed or adopted measures to replace or relieve the property tax for education will need further study in detail.

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

1. That the Legislature will provide for setting up of a Special Committee, consisting of 7 members to be appointed by the Chairman of the Education Committee with the consultation of the Chairman of the Revenue Committee from the body of the Legislature.

2. Furthermore, that this Special Committee shall study alternative means of financing local education, that this committee shall study the economic impacts of any proposed or adopted legislation; that this committee shall resolve any technicalities arising from changing the present school finance systems; that this committee shall resolve any problems of implementation of any proposed or adopted legislation.

3. Finally this committee shall make an active effort to contact citizens throughout the state to gain their input on any proposed or adopted legislation.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 256.

Introduced by Newell, 13th District.

WHEREAS, the Court of Industrial Relations was established in Nebraska to promote harmonious labor-management relations and to prevent expensive strikes and other disputes, and

WHEREAS, it's the Court of Industrial Relations' responsibility to adjudicate disputes between labor and management, and

WHEREAS, the Court of Industrial Relations' operations have continually attracted controversy, and

WHEREAS, such controversy has encouraged many to set forth proposals to change the Court's rationale by which it's to formulate its decisions, and

WHEREAS, changes promoted by special interests on the side of either labor or management may encumber the Court's operation and preclude the objectives of its origin

THEREFORE, BE IT RESOLVED BY THE EIGHTY-FIFTH LEGISLATURE, SECOND SESSION

That the Judiciary Committee conduct an interim study to review the Court of Industrial Relation's operations and funding, and

That the Committee direct its efforts toward enabling the Court to fulfill its function of fairly and impartially adjudicating labor-management disputes, and

That the Committee report its findings to the full Eighty-sixth Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 257.

Introduced by Fowler, 27th District; Kelly, 35th District; Marvel, 33rd District; Burrows, 30th District.

WHEREAS, the purpose of the public power system in Nebraska is to provide power at the lowest overall cost; and

WHEREAS, the Legislature has passed legislation providing for joint planning of utility projects by Nebraska utilities; and

WHEREAS, the Nebraska Public Power District has recently made efforts to jointly plan and finance utility plants with private utilities in Kansas; and

WHEREAS, if utility plants are jointly financed with private utilities, such financing may violate the Constitution of the State of Nebraska regarding pledging the credit of the State of Nebraska to the benefit of private corporations.

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

1. That the Executive Board of the Legislative Council conduct an interim study of the following:

(a) The advisability of an out-of-state joint financing project by the Nebraska Public Power District at this time;

(b) The constitutionality of joint financing project participated in by public power districts and private utility companies;

(c) The efforts being made by Kansas Legislators to review the proposed construction agreement between the Nebraska Public Power District and Kansas private utilities for the Wolf Creek plant; and

(d) The need for the additional generating capacity.

2. That the Executive Board of the Legislative Council report its findings together with its recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 258.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Lamb, 43rd District; F. Lewis, 45th District; Rasmussen, 41st District; Brennan, 9th District; Fitzgerald, 14th District; Murphy, 17th 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, and Municipal Employees, AFL-CIO, concerning many aspects of employment with the 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, SECOND SESSION:

That the Legislature approves such contract.

Laid over.

LEGISLATIVE RESOLUTION 259.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Lamb, 43rd District; F. Lewis, 45th District; Rasmussen, 41st District; Brennan, 9th District; Fitzgerald, 14th District; Murphy, 17th District.

WHEREAS, agreement has been reached on a contract between the Nebraska Department of Public Institutions and Locals No. 601, 671, 1188, 1459, 2504 Council 32 of the American Federation of State, County and Municipal Employees, AFL-CIO, concerning many aspects of employment with the 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, SECOND SESSION:

That the Legislature approves such contract.

Laid over.

LEGISLATIVE RESOLUTION 260.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Lamb, 43rd District; F. Lewis, 45th District; Rasmussen, 41st District; Brennan, 9th District; Fitzgerald, 14th District; Murphy, 17th District.

WHEREAS, agreement has been reached on a contract between the Nebraska Game and Parks Commission and the Nebraska Association of Public Employees Game and Parks Chapter Number Eight, concerning many aspects of employment with the commission; 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, SECOND SESSION:

That the Legislature approves such contract.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 442A. By Kahle, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 442, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 624, 715, and 946A.

Correctly Engrossed

The following bills were correctly engrossed: 128, 828, 830, and 837.

(Signed) Samuel K. Cullan, Chairman

COMMUNICATIONS

Acknowledged receipt of resolution adopted by District II World War I Veterans in North Platte, Nebraska, regarding State Recreation Areas. (Filed in the Clerk's Office)

VISITORS

The President introduced Kevin Koch, grandson of Senator Koch; Mr. Bill Whelan from Sacramento, California, brother of Lt. Gov. Whelan; 25 fourth grade students and teacher from Stanton, Nebraska; 47 eighth grade students and instructor from Osceola, Nebraska; 17 sixth grade students and teacher from Oxford, Nebraska; 30 eleventh and twelfth grade students and instructor from Northeast High School, Lincoln, Nebraska; and 50 fourth grade students and teacher from Oakdale School, Omaha, Nebraska.

RECESS

At 12:10 p.m., on a motion by Mr. F. Lewis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. Kremer who was excused; Messrs. F. Lewis, Marvel, Newell, Rasmussen, Reutzel, and Mrs. Maxey who were excused until they arrive.

MOTION - Return LB 922

Mr. Koch moved to return LB 922 to Select File for the specific amendment found in the Journal on page 1775.

Mr. Mills 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. Koch moved for a Call of the House. The motion prevailed with 16 ayes, 8 nays, and 25 not voting.

Mr. Koch requested a roll call vote on the motion to return LB 922.

Voting in the affirmative, 20:

Barnett	Hasebroock	Koch	Marsh	Rumery
Fowler	Hefner	Labedz	Maxey	Savage
George	Kelly	Luedtke	Nichol	Schmit
Goodrich	Kennedy	Maresh	Rasmussen	Venditte

Voting in the negative, 20:

Bereuter	Chambers	D. Dworak	Lamb	Murphy
Brennan	Clark	Fitzgerald	R. Lewis	Simon
Burrows	Cullan	Kahle	Merz	Stoney
Carsten	DeCamp	Keyes	Mills	Warner

Present and not voting, 5:

Cope	Duis	E. Dvorak	Moylan	Reutzel

Excused and not voting, 4:

Kremer	F. Lewis	Marvel	Newell

The Koch motion lost with 20 ayes, 20 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Simon asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Return LB 922 to Select File

Mr. Kelly moved to return LB 922 to Select File for the specific amendment found in the Journal on page 1770.

Mr. Hefner 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. Kelly requested a roll call vote on the motion to return LB 922.

Voting in the affirmative, 16:

Fowler	Hefner	Keyes	Luedtke	Murphy
George	Kelly	Koch	Maresh	Rasmussen
Hasebroock	Kennedy	Labedz	Marsh	Rumery

Schmit

Voting in the negative, 17:

Bereuter	Clark	Kahle	Moylan	Warner
Burrows	Cullan	Lamb	Reutzel	
Carsten	D. Dworak	R. Lewis	Stoney	
Chambers	Goodrich	Merz	Venditte	

Present and not voting, 11:

Barnett	DeCamp	Fitzgerald	Nichol
Brennan	Duis	Maxey	Savage
Cope	E. Dvorak	Mills	

Excused and not voting, 5:

Kremer	F. Lewis	Marvel	Newell	Simon

The Kelly motion lost with 16 ayes, 17 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Kennedy moved the Call be raised. The Speaker declared the Call raised.

MOTION - Return LB 632

Mr. Fowler moved to return LB 632 to Select File for the following specific amendment:

AMENDMENTS TO LB 632
(White Copy Req. #2713)

1. Insert a new section as follows:

"Sec. 12. That section 32-428, Revised Statutes Supplement, 1976, be amended to read as follows:

32-428. In each division of the ballot at a primary election there shall be no write-in space for county weed control authority, delegates to the county convention, delegates to the national convention, ~~area board of a technical community college,~~ county surveyor, county superintendent, directors of public power districts, directors of reclamation districts, and members of the board of educational service units. In each division of the ballot at a general election there shall be no write-in space for President and Vice President, county weed control authority, directors of public power districts, ~~area board of a technical~~

~~community college,~~ county surveyor, county superintendent, township officers, directors of reclamation districts, members of the board of educational service units, and directors of natural resources districts. Beneath all candidates placed on the ballot by nomination or petition, a blank space shall be provided into which electors may write the name of any person for whom they wish to vote and whose name is not printed upon the ballot but for officers named in this section there shall be no write-in space provided.

In any primary election, if the names of candidates properly filed for nomination at the primary election for the offices named in this section, except for delegates to the county and national conventions, do not exceed two candidates for each vacancy to be filled, all so filed shall be declared nominated and their names shall not appear on any primary ballots. If the number of candidates for delegates to a county or national convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the ballot and those so filed shall receive a certificate of election. If the names of candidates exceed the number of delegates to be elected, all so filed shall have their names placed on the ballot and the electors shall cast ballots for the candidates of their choice. Certificates of nomination and election shall be issued as provided by law. The county clerk or election commissioner shall place the names of the automatically nominated candidates on the general election ballot as provided in section 32-424. The official abstract of votes kept by the county or the state, as the case may be, shall show the names of the nominated candidates with the statement nominated without opposition.".

2. On page 24, line 14 strike "and section" and insert "sections 32-428 and".

3. Renumber remaining sections accordingly.

The motion prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 632. The Fowler specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E and R for Engrossment.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Murphy asked unanimous consent to be excused at 2:30 p.m. No objections. So ordered.

MOTION - Return LB 560 to Select File

Mr. Hefner moved to return LB 560 to Select File for the following specific amendment:
Add Emergency Clause.

The motion prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 560. The Hefner specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 564A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

MESSAGES FROM THE GOVERNOR

April 11, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 955.

This bill was signed by me on April 11, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

April 11, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 954 and 958. These bills were signed by me on April 11, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

UNANIMOUS CONSENT - Print in Journal

Mr. Murphy asked unanimous consent to print the following amendment to LB 351 in the Journal. No objections. So ordered.

AMENDMENT TO LB 351

Strike Section 23 Insert new Section 23 "No more than three bingo occasions per week may be held at any one premises.

Mr. Maresh asked unanimous consent to print the following amendment to LB 884A in the Journal. No objections. So ordered.

AMENDMENT TO LB 884A

Beginning on page 2, line 1, strike the original section 1 and insert:

"Section 1. There is hereby appropriated fifty-two thousand five hundred dollars from the General Fund and seventeen thousand five hundred dollars in Cash Funds received from the University of Nebraska for the period July 1, 1978, to June 30, 1979, to the Department of Health, Agency No. 20 for Program 175,

the Nebraska Medical Student Assistance Fund, to aid in carrying out the provisions of Legislative Bill 884, Eighty-Fifth Legislature, Second Session, 1978."

Mr. Maresh asked unanimous consent to print the following amendments to LB 884 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 884

1. On page 2, line 19 strike "13" and insert "14".
2. Insert the following new section:
"Sec. 14. Department shall mean the Department of Health.".
3. On page 6, line 6 after "area" insert ", are graduates of a Nebraska high school," and after "and" insert "who".
4. Renumber remaining sections accordingly.

Mrs. Marsh asked unanimous consent to print the following amendments to LB 884 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 884

1. On page 8, line 20 after "plus" insert ", except for good cause,".
2. Strike original section 26.
3. Renumber remaining sections accordingly.

BILL ON FIRST READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 170A. By LR 156 Oversite Committee: Carsten, 2nd District, Chairman; Koch, 12th District; George, 16th District; D. Dworak, 22nd District; Warner, 25th District; R. Lewis, 38th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 170, Eighty-fifth Legislature, Second Session, 1978; and to declare an emergency.

Mr. Venditte asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 261.

Introduced by Fowler, 27th District; Warner, 25th District.

WHEREAS, the Department of Public Welfare has the primary responsibility for the provision of human services in the State of Nebraska; and

WHEREAS, the Department has grown to be one of the largest Nebraska state agencies with a budget of 178 million, consistently expanding and adding new programs; and

WHEREAS, it is incumbent upon the Legislature to insure that such human services are being provided in a manner that is well thought out and planned so as to serve the long term interest of the State of Nebraska and its citizens; and

WHEREAS, the Department has evidenced only limited planning of many of its new programs; and

WHEREAS, the Legislature desires to insure that the Department is appropriately organized, appropriately utilizing funding, doing comprehensive planning, and providing the necessary services.

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

1. That the Appropriations Committee shall conduct an interim study of the Department of Public Welfare's services, administrative structure, funding, and planning for services.

2. That the staff of the Legislative Fiscal Office assist in this study as necessary and directed.

3. That the committee report the results of this study together with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 262.

Introduced by Kelly, 35th District; Chambers, 11th District.

WHEREAS, various state law enforcement agencies operate under different rules and regulations; and

WHEREAS, the Law Enforcement Training Center serves all law enforcement agencies of the state; and

WHEREAS, knowledge of the different rules and regulations of each agency is needed in order to provide proper training.

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

1. That the Judiciary Committee conduct an interim study of the rules and regulations of all state law enforcement agencies in Nebraska.

2. That the Law Enforcement Training Center use the results of the study to provide the best possible training to the members of the various law enforcement agencies of the state.

3. That the committee report the results of its study to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 263.

Introduced by Marsh, 29th District; Bereuter, 24th District.

WHEREAS, a comprehensive salary survey to determine the competitive standing of state salaries with salary levels of the labor markets of public and private sector employees in Nebraska and its adjacent states will be conducted by the Director of Personnel; and

WHEREAS, measurements of job content and comparable worth have been refined in studies undertaken in other states, successfully identifying disparities between job classes predominantly filled by men compared to those predominantly filled by women; and

WHEREAS, a limited and preliminary investigation of comparable worth in state salaries can determine what resources are necessary to develop approaches to policy in this area

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

1. That an interim study be undertaken to determine what alternative courses of action might be taken to identify and correct disparities in salary levels of jobs of comparable worth.

2. That the Legislature's Appropriations 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.

LEGISLATIVE RESOLUTION 264.

Introduced by Maresh, 32nd District; Bereuter, 24th District.

WHEREAS, access roads to the interstate system are important to communities economically; and

WHEREAS, the Nebraska Legislature has passed legislation that would allow the Department of Roads to transfer access routes to more feasible locations; and

WHEREAS, at least one location in the state, south from Beaver Crossing, was determined to comply with this provision but no action has been finalized as to transfer in this location; and

WHEREAS, the legislature has a great interest in the future of Nebraka's roads.

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

1. That the Nebraska Transportation Advisory Committee be directed to study this problem concerning the implementation of LB 738 especially focusing on problems of multi-county participation.

2. That the Nebraska Transportation Advisory Committee hold public hearings to hear testimony from all interested parties concerning implementation of LB 738.

3. That the Nebraska Transportation Advisory Committee report to the Legislature the results of the hearing and any recommendations to resolve the problems that have been encountered.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 265.

Introduced by Stoney, 4th District; Maxey, 46th District.

WHEREAS, there presently exists inconsistency in the laws of Nebraska with respect to recall of school board members in various classes of school districts; and

WHEREAS, there is no provision for recall of school board members in Class IV and Class V school districts; and

WHEREAS, the citizens of such districts should have legal procedures available to recall a school board member if such recall is deemed necessary.

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

1. That the Education Committee conduct an interim study as to whether citizens of Class IV and Class V school districts desire a statutory provision to allow the recall of school board members.

2. That the committee report the results of its study together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 266.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Rasmussen, 41st District; Murphy, 17th District; Lamb, 43rd District; Kelly, 35th District.

WHEREAS, the Court of Industrial Relations function is an integral part of administrative labor relations in Nebraska's public sector; and

WHEREAS, there is an increasing nationwide and statewide concern for government's ability to provide uninterrupted delivery of public services; and

WHEREAS, uninterrupted flow of public services is due in part to the effectiveness of the machinery utilized to resolve disputes and contraversies arising out of employer-employee impasses; and

WHEREAS, local political subdivisions are expressing concern over fiscal hardships they feel are due to Court of Industrial Relations orders; and

WHEREAS, public power districts are political subdivisions and its employees are under the jurisdiction of the Court of Industrial Relations.

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

1. That an interim study shall be conducted to analyze the powers of the court of Industrial Relations and the manner in which those powers are exercised.

2. That particular emphasis be placed upon a study of the manner in which the court establishes or alters wage scales, hours of labor, or conditions of employment.

3. That the study include an investigation of other states' Public Sector Labor Management Relations Policies.

4. That the results of this study shall be reported to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 267.

Introduced by Barnett, 26th District.

WHEREAS, Nebraska has instituted a type of "no fault" divorce; and

WHEREAS, institution of such a method of divorce has not been conducted with adequate attention to economic safeguards for dependent spouses and children; and

WHEREAS, division of property, establishing credit, maintenance payments, and child support continue to be sources of problem for the divorced citizen.

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

1. That a study shall be conducted to investigate the following:

a. Whether appropriate value is given to each party's contribution to homemaking and child care services.

b. Whether economic safeguards could be legislated to protect dependent spouses and children.

c. Whether the six month transition period before a dissolution decree becomes final is working unnecessary economic hardships upon the parties and if so, what can alleviate those hardships.

d. Whether child support and maintenance payments awarded are collected regularly and whether improvement of the collection process is possible.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 268.

Introduced by Keyes, 3rd District.

WHEREAS, LB 351 was introduced by the Revenue Committee in 1977 to make a number of changes in the bingo laws which the Tax Commissioner felt would be beneficial; and

WHEREAS, the Revenue Committee did not feel all of the proposed changes should be made and proposed amendments; and

WHEREAS, once placed on General File a great deal of interest developed over the "Bingo Bill"; and

WHEREAS, a substitute bill is now on Select File; and

WHEREAS, many of the proposed changes in LB 351 on Select File have never been studied nor have they ever been presented at public hearing; and

WHEREAS, a wide range of people have expressed a great deal of concern over LB 351 as it presently stands; and

WHEREAS, a comprehensive study of the "Bingo Laws" appears to be in order regardless of legislative action on LB 351.

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

1. That the Revenue Committee conduct an interim study to determine what the major concerns over the present law and the proposed law are.

2. That the Committee determine what type of organizations authorized to conduct bingo in fact utilize bingo as a fund raising source.

3. That the Committee analyze the manner in which bingo is utilized as an activity of various organizations.

4. That the Committee determine how the proceeds from bingo are generally used by organizations conducting bingo.

5. That the State and local agencies and departments shall provide any and all assistance the Committee requires to fulfill their charge.

6. That the Committee report their findings along with their recommendations to the members of the first session of the 86th Legislature when it convenes in January, 1979.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 269.

Introduced by Keyes, 3rd District.

WHEREAS, certain property, certain sales transactions and certain income is exempt from taxation; and

WHEREAS, the "cost" of such exemptions to the treasuries of State and local governments because of "lost" revenues is currently unknown; and

WHEREAS, the current tax rates of State and local government would be reduced if no property, sales transactions or income were exempt from taxation; and

WHEREAS, some exemptions have been granted by the Legislature through the authority of the Constitution and are not mandated by the Constitution; and

WHEREAS, many exemptions have been granted in an attempt to promote or accomplish certain social or economic goals; and

WHEREAS, the success of certain exemptions in achieving their goals have never been reviewed by the Legislature; and

WHEREAS, some exemptions, may no longer be warranted after such review; and

WHEREAS, the elimination of certain exemption might prove to be beneficial to all taxpayers by broadening the tax base; and

WHEREAS, a structure for such review on an annual basis should be established.

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

1. That the Committee conduct an interim study to compile a report of all specific exemptions of property sales transactions and income in Nebraska statute.

2. That the committee review procedures used in other states to review exemptions from taxation on an annual basis.

3. That the Committee provide their report on tax exemptions and their suggestions on annual review of tax exemptions to the 1st Session of the 86th Legislature when it convenes in January of 1979.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 270.

Introduced by Keyes, 3rd District.

WHEREAS, the Nebraska Constitution provides for the manner in which tax revenues are to be generated from public corporations and political subdivisions organized primarily to provide electricity or irrigation and electricity; and

WHEREAS, the Constitution provides that such revenues shall be paid as "payments in lieu of taxes"; and

WHEREAS, the Constitutional provisions in fact affect different public corporations and political subdivisions differently depending on who they serve; and

WHEREAS, there has been suggested the possibility that the Nebraska Constitutional provision which provides for such payments may in fact, violate the U. S. Constitution; and

WHEREAS, some Nebraskans pay higher electrical rates than other Nebraskans because of the in lieu of tax payments; and

WHEREAS, if revenues are to be collected through in lieu of tax payments, they should be collected on a uniform basis from all electricity and irrigation users.

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

1. That the Revenue Committee conduct an interim study to determine if the current Constitutional provisions or in lieu of tax payment may in fact violate the U. S. Constitution.

2. That the Committee review the impact of in lieu of tax payments on the various public corporations and political subdivisions organized primarily to provide electricity and irrigation on electricity.

3. That the Committee attempt to determine whether the manner in whch in lieu of tax payments are assessed in fact results in higher utility rates for some Nebraskans while not affecting the rates of other Nebraskans.

4. That the Committee also review the manner in which in lieu of tax payments are distributed to the various political subdivisions of the State.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 271.

Introduced by Keyes, 3rd District.

WHEREAS, the State of Nebraska allows retailers to retain 3% of the sales tax they collect as a "collection fee"; and

WHEREAS, the collection fee of 3% is static; and

WHEREAS, the per transaction cost of collecting the tax does not change appreciably as the amount of tax per transaction changes; and

WHEREAS, in 1967 when the state sales tax of 2% was adopted, a retailer was allowed to retain 30¢ on a $500 sale; and

WHEREAS, in 1978 in Lincoln, Omaha, Bellevue and North Platte, the retailer retains 60¢ on a $500 sale while elsewhere in Nebraska the retailer only retains 45¢ on a $500 sale; and

WHEREAS, a collection fee based on the cost of collection rather than on a percent of the tax rate would most likely be beneficial to the taxpayers by increasing actual tax revenues without causing hardships on the retailers of this State.

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

1. That the Revenue Committee conduct an interim study to determine the affect of the current collection fee schedule on sales tax revenues for the State and local governments.

2. That the Committee study alternative collection fee schedules that could be implemented without causing hardships on retailers.

3. That the Committe make a report together with its recommendations to the 1st Session of the 86th Legislature when it convenes in January, 1979.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 272.

Introduced by Fowler, 27th District.

WHEREAS, the Interstate 80 highway system is a major transportation route; and

WHEREAS, unidentified trucks transporting radioactive material travel Interstate 80 weekly; and

WHEREAS, the public health and welfare may be jeopordized if an accident may occur during the transportation of radioactive material through the state.

WHEREAS, the final disposition of radioactive waste produced by nuclear power plants is not scientifically feasible; and

WHEREAS, the radioactive waste disposal sites established nationally are closed; and

WHEREAS, the radioactive waste produced by Nebraska's two operating nuclear power plants is being stored in this state.

WHEREAS, the storage of radioactive waste poses serious public health, welfare, and economic hazards.

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

1. That the Legislature direct the Executive Board to conduct an interim study on the transportation of radioactive material and storage of radioactive waste throughout the State of Nebraska.

2. That such study shall examine the frequency and nature of transportation of radioactive material.

3. That such study shall review the radioactive storage program now administered by the public utilities.

4. That the Board report the results of such study together with its recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION - Reconsider Action on LR 152

Mr. Chambers moved to reconsider our action on advancing LR 152.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 170A. 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 871A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 917. Title read. Considered.

Corrected Standing Committee amendments found in the Journal on page 1134 for the Thirty-Fourth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Rumery renewed his pending amendment found in the Journal on page 1159.

Mr. Rumery moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Stoney moved the Call be raised. The Chair declared the Call raised.

The Rumery amendment was adopted with 29 ayes, 2 nays, 12 present and not voting, and 6 excused and not voting.

Mr. D. Dworak offered the following amendment to LB 917:
Reinstate language on page 3 lines 2 and 3.

Mr. D. Dworak moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

PRESIDENT WHELAN PRESIDING

Mr. D. Dworak requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Barnett	E. Dvorak	Kahle	Marvel	Stoney
Carsten	D. Dworak	Keyes	Maxey	Warner
Clark	Fitzgerald	Labedz	Merz	
Cope	Fowler	Lamb	Nichol	
Cullan	George	Maresh	Rasmussen	
DeCamp	Hefner	Marsh	Reutzel	

Voting in the negative, 9:

Brennan	Hasebroock	Luedtke	Newell	Schmit
Duis	R. Lewis	Moylan	Rumery	

Present and not voting, 8:

Bereuter	Goodrich	Kennedy	Mills
Burrows	Kelly	Koch	Savage

Excused and not voting, 6:

Chambers	F. Lewis	Simon
Kremer	Murphy	Venditte

The amendment was adopted with 26 ayes, 9 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Savage moved the Call be raised. The Chair declared the Call raised.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 892. Title read. Considered.

Standing Committee amendments found in the Journal on page 950 for the Twenty-Eighth Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr.DeCamp withdrew his pending amendment found in the Journal on page 1524.

Mr. Duis renewed his pending amendment found in the Journal on page 1815.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 0 nays, and 28 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 861. Title read. Considered.

Standing Committee amendment found in the Journal on page 974 for the Twenty-Ninth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Barnett renewed his pending amendment found in the Journal on page 1234.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 1 nay, and 29 not voting.

Mr. Barnett moved for a Call of the House. The motion prevailed with 14 ayes, 4 nays, and 31 not voting.

The Barnett amendment was adopted with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Schmit moved the adoption of the amendment printed by DeCamp on page 1775.

Amendment pending.

Mr. Warner moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Warner requested a roll call vote to advance LB 861:

Voting in the affirmative, 30:

Bereuter	George	Koch	Maxey	Reutzel
Brennan	Goodrich	Kremer	Mills	Rumery
Chambers	Hefner	Lamb	Moylan	Savage
Cope	Kahle	F. Lewis	Newell	Schmit
D. Dworak	Kelly	Maresh	Nichol	Stoney
Fowler	Keyes	Marsh	Rasmussen	Warner

Voting in the negative, 7:

Carsten	DeCamp	Labedz	Luedtke
Clark	Hasebroock	R. Lewis	

Present and not voting, 8:

Barnett	Cullan	Fitzgerald	Marvel
Burrows	Duis	Kennedy	Merz

Excused and not voting, 4:

E. Dvorak	Murphy	Simon	Venditte

Advanced to E & R for Review with 30 ayes, 7 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Clark moved the Call be raised. The Chair declared the Call raised.

MESSAGE FROM THE GOVERNOR

April 12, 1978

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

Dear Mr. President and Senators:

I am sure you are as distraught at receiving these numerous veto messages as I am in preparing them. Again, by your appropriation process you are continuing to threaten to increase State tax rates that supposedly you are pledged to maintain. Herewith you will find further reduction of your spending authorization by a total of $3,710,298 affecting the General Fund.

With these vetoes I have already struck from your spending authorizations this session approximately $8,000,000.

I am returning herewith LB 953 and LB 956 with my signature and with my specific line-item reduction vetoes. As with LB 924, returned Monday, I would have liked the opportunity to approve some additional items. However, once again, you have left me no other recourse in my efforts to hold the line on the State tax rates.

These vetoes and line-item reductions in LB's 953 and 956, coupled with the $2,246,602 in vetoes and line-item reductions in LB 924 delivered to you Monday, total $5,956,900. Even this large amount will not totally serve to bring your current spending plans back into line with the existing sales and income tax rates and still maintain my original recommendation of a 5 percent reserve. To accomplish this, I again urge you to show restraint in your spending proposals.

In LB 956, I am approving $100,000 to develop preliminary plans and refine cost estimates for renovating the needed Agricultural Engineering Building at the University of Nebraska. We necessarily must approve $138,000 for land acquisition as a University obligation. With these exceptions, I am reducing Capital Construction authorization at the University of Nebraska to my original recommendation of $1.2 million with the understanding that the University will initiate installation of a chiller for the East Campus from this amount.

Among a few items I am approving are the Botany lab at Wayne State College for $60,000, the program statement for Library expansion at Kearney State College for $5,000 and first year cost of $60,000 for athletic field improvement also at the Kearney campus, and $6,000 for the soil testing for the Field House at Chadron State College.

I am vetoing $450,000 for the Legislative Council which I understand was to be used to renovate and redecorate Legislator's offices. In light of my other necessary vetoes, I do not believe this to be a priority item at this time.

I again urge you to proceed with caution on your spending proposal so as to maintain the integrity of current sales and income tax rates.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:gw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 210. Replaced on Select File as amended.
E & R amendments to LB 210:

1. On page 1, lines 9, 16, and 21, on page 2, lines 3, 8, and 12, on page 3, line 23, on page 4, line 10, and on page 6, line 1, strike "14" and insert "13".

2. On page 11, line 20 strike "16 to 26" and insert "15 to 25".

3. On page 3, line 23, page 4, line 10, and page 7, lines 4 and 6 strike "12" and insert "11".

4. Renumber original sections 12 to 34 as sections 11 to 33.

5. In lieu of the DeCamp amendment on page 1742 of the Journal, on page 17, line 13 strike "July 1, 1978" and insert "January 1, 1979".

6. Because of the DeCamp amendment, page 2, line 25 strike "July" and insert "January".

7. On page 18, line 20 strike the comma and insert "and"; in line 21 strike ", and lobbying"; in line 22 after "amend" insert "sections 49-1403, 49-1404, 49-1414, 49-1425, 49-1429, 49-1431 to 49-1434, 49-1436, 49-1437, 49-1438, and 49-1484, Revised Statutes Supplement, 1976, section 49-1489, Revised Statutes Supplement, 1977, and".

LEGISLATIVE BILL 803. Placed on Select File as amended.
E & R amendment to LB 803:

1. In the title, line 4 strike "an"; and in line 4 strike "date" and insert "and termination dates".

LEGISLATIVE RESOLUTION 152. Placed on Select File as amended.
E & R amendments to LR 152:

1. Renumber Resolutions 3 as follows:
(a) The one added by the Marsh amendment as 5;
(b) The first one added by Fowler amendment as 3;
(c) The second one added by Fowler amendment 4; and
(d) Original Resolution 3 as 6.

LEGISLATIVE BILL 375. Placed on Select File as amended.
E & R amendments to LB 375:

1. In the Koch amendments, lines 3 and 10, strike "Jan" and insert "January".

2. In the title, line 2, strike beginning with "to" through the semicolon in line 6 and insert "to require certain boards to adopt a reduction of force policy; to provide procedures for reduction and reappointment; to provide an operative date;".

LEGISLATIVE BILL 170. Placed on Select File as amended.
E & R amendments to LB 170:

(References are to the Carstens amendments unless otherwise specified.)

1. On page 3, line 18, insert an underscored comma after "Assessment"; strike the comma in line 19; and in line 27, strike "same".

2. On page 5, line 20, insert an underscored comma after "property".

3. On page 6, line 15, insert an underscored comma after "program".

4. On page 8, line 19, strike "is" and insert "shall be".

5. On page 10, line 22, strike the second "such" and insert "so".

6. On page 11, line 10, insert "each of" after "of"; and in line 19, strike "provided" and insert "except".

7. On page 12, line 24, strike the second comma and show stricken.

8. On page 15, line 3, and page 17, line 21, insert an underscored comma after "fee".

9. For correlation purposes, on page 17, line 17, insert ", as amended by section 204, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977" after "1943"; and in line 24, strike "assessed" and insert "actual".

10. On page 18, line 18, strike "77-1250,"; and in line 19, insert ", and section 77-1250, Reissue Revised Statutes of Nebraska, 1943, as amended by section 204, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977" after "1943".

11. In the title, strike lines 2 to 11 and insert:

"FOR AN ACT relating to taxation; to provide for centralized valuation and assessment of real property as prescribed; to provide duties and penalties; to amend sections 77-705, 77-509, 77-629, 77-1241.09, 77-1301.06, 77-1331, and 77-1342, Reissue Revised Statutes of Nebraska, 1943, and section 77-1250, Reissue Revised

Statutes of Nebraska, 1943, as amended by section 204, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977; to provide severability; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 910A. Placed on Select File.
LEGISLATIVE BILL 691A. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following amendments to LB 708 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 708

1. Insert a new section1 as follows:

"Section 1. That section 17-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-201. Any town or village containing not less than one hundred nor more than eight hundred inhabitants, incorporated as a city, town or village, under the laws of this state, and any city of the second class that shall have adopted village government as provided by law, shall be a village, and shall have the rights, powers, and immunities hereinafter granted, and none other; Provided, all county seat towns shall have the powers and immunities as hereinafter granted. Whenever a majority of the taxable inhabitants of any town or village, not incorporated under any laws of this state, shall present a petition to the county board of the county in which said petitioners reside, praying that they may be incorporated as a village, designating the name they wish to assume, and the metes and bounds of the proposed village, and such county board or majority of the members thereof shall be satisfied that a majority of the taxable inhabitants of the proposed village have signed such petition, and that inhabitants to the number of one hundred or more are actual residents of the territory described in the petition, the board shall declare the proposed village incorporated, and enter the order of incorporation upon its records, and designate the metes and bounds thereof. Thereafter the said village shall be governed by the provisions of law applicable to the government of villages. The county board shall, at the time of the incorporation of said village, appoint five persons, having the qualifications provided in section 17-203,

as trustees, who shall hold their offices and perform all the duties required of them by law until the election and qualification of their successors at the time and in the manner provided in section 17-202; Provided, the county board shall not declare a proposed village incorporated or enter an order of incorporation if any portion of the territory of such proposed village is within five milles of a Nebraska incorporated village or city of any class~~.~~[1], which is located within the same county except when the following circumstances exist:

1) The proposed village has no territory within 3 miles of a Nebraska incorporated village or city of any class located within the same county and

2) A majority of the governing board of any Nebraska incorporated village or city of any class located within five miles of the proposed village and located in the same county have no objection to the county board declaring a proposed village incorporated or entering an order of incorporation.

3) The County, by a unanimous vote declares a proposed village incorporated or enters an order of incorporation.

2. On page 2, line 13 strike "section" and insert "sections 17-201 and"; and in line 14 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

NOTICE OF COMMITTEE HEARING

Business and Labor

Contract between Department of Correctional Services and representatives of the Nebraska Correctional Officer's Union

Monday, April 17, 1978 1:00 p.m.

(Signed) Richard Maresh, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 273.

Introduced by Koch, 12th District; Marsh, 29th District.

WHEREAS, the Nebraska Constitution is a venerable document which has been the foundation of state government for more than a century; and

WHEREAS, the principles, concepts and guidelines expressed in this document are largely responsible for the effectiveness of government and its responsiveness to those governed; and

WHEREAS, the periodic review of principles, concepts and guidelines contained in such a document may be highly beneficial to all Nebraskans whose lives are somehow touched by state government.

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

1. That the Legislature's Constitutional Revision Committee conduct an interim study of the need for a state constitutional convention.

2. That such study shall include input from a broad segment of community interests and professional expertise in formulating conclusions relating to the need for a state constitutional convention.

3. That the committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 274.

Introduced by DeCamp, 40th District.

WHEREAS, Nebraska is one of the many states whose primary industry is agriculture; and

WHEREAS, the agriculture industry in the State of Nebraska produces major quantities of grains; and

WHEREAS, these grains have been and are being marketed through the national and international grain commodity markets; and

WHEREAS, the national and international grain commodity markets are predominantly controlled by a small number of business and governmental concerns; and

WHEREAS, there are few if any controls on these markets by the farming community; and

WHEREAS, such lack of control and input by the farming community into the grain marketing system could lead to improper manipulation of such markets.

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

1. That the Agriculture and Environment Committee conduct an interim study of the feasibility and possibility of Nebraska joining with other grain-producing states in the formation of an interstate compact to study and evaluate the current national and international grain marketing system.

2. That if such compact is formed, it be given the necessary latitude to conduct such investigations as may be relevant to the farming community providing input concerning the marketing of its grain.

3. That the committee report the results of its study together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 275.

Introduced by Maresh, 32nd District.

WHEREAS, grain production and sale is one of the major industries in the State of Nebraska; and

WHEREAS, currently there is a shortage of railroad boxcars and other railroad cars used for the transportation of grain; and

WHEREAS, such shortages are causing daily financial losses to farmers and grain dealers in the State of Nebraska; and

WHEREAS, the reasons for such shortages and possible solutions need to be analyzed.

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

1. That the Agriculture and Environment Committee conduct a public hearing as soon as possible on the reasons for and solutions to the shortages of transportation equipment in the state.

2. That the Agriculture and Environment Committee contact all members of Nebraska's congressional delegation for the purpose of obtaining their assistance in solving the transportation problem.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 276.

Introduced by Maresh, 32nd District.

WHEREAS, existing Nebraska law allows for licensure as a medical doctor of individuals who have been licensed in other states or territories of the United States; and

WHEREAS, because the state is currently suffering a shortage of licensed medical doctors; and

WHEREAS, the question of whether individuals who have taken the Licentiate of the Medical Council of Canada examination and the

examination provided by the Educational Commission of Foreign Medical Graduates and who have been duly licensed in Canada can be licensed in Nebraska without further examination needs to be analyzed.

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

1. That the Public Health and Welfare Committee and the Department of Health conduct an interim study of Canadian requirements for licensure of medical doctors to determine if such requirements are compatible with those of Nebraska.

2. That the results of such study together with any recommendations for legislation be reported to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 277.

Introduced by Fowler, 27th District.

WHEREAS, the population in Nebraska's correctional facilities has been in a state of flux, showing both periods of significant increase and decrease within the past two years; and

WHEREAS, when prison populations fluctuate significantly, careful consideration cannot always be given to assigning the security classification to offenders accurately and appropriately; and

WHEREAS, with fluctuating populations there is overcrowding in the prisons and this overcrowding may continue; and

WHEREAS, this too may result in incorrectly classifying legal offenders as to the proper and correct security classification; and

WHEREAS, the incorrect assigning of security classifications to legal offenders may place unnecessary restraints on the offender as well as maintaining a security classification system which is more costly than it need be for the State of Nebraska; and

WHEREAS, the Department of Correctional Services is currently constructing three new correctional facilities and may be constructing others; and

WHEREAS, it is imperative that the most appropriate and adequate offender classification system be used, not only in the existing facilities, but in the new facilities to be occupied within two years;

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

1. That the Judiciary Committee of the Nebraska Legislature conduct an interim study of the existing classification system used in Nebraska's correctional facilities.

2. That the Judiciary Committee conduct the study in such a way as to ensure the opinions, reviews and comments from representatives of the Department of Correctional Services, representatives from other states with prison classification systems and any other persons available with knowledge and expertise in the area of prisoner severity classification are given full consideration.

3. That the study analyze and assess the existing offender classification systems used by the Department of Correctional Services.

4. That the study analyze and assess the offender classification systems used by other states.

5. That the study attempt to compile as many alternative prisoner classification systems and compare the findings from these surveys with the prisoner classification systems now used by the Department of Correctional Services.

6. That the Committee report back to the Nebraska Legislature on this study with information to include comparative impacts of the various classification methods on inmates, facilities, and fiscal demands.

7. That, prior to reporting to the Nebraska Legislature, a public hearing shall be held on the study findings.

8. That the committee report the results of the study together with recommendations for budgetary and legislative actions to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 278.

By F. Lewis, 45th District.

WHEREAS, the technical community colleges have made a significant contribution to the successful growth and development of local communities and the state; and

WHEREAS, a stable and equitable system for the financing of the technical community colleges is necessary to insure their continued ability to serve local, regional, and state educational needs; and

WHEREAS, the approach for provision of state aid to the technical community colleges should further the educational goals, objectives and roles and missions of the colleges; and

WHEREAS, the Legislature recognizes that the current distributive state aid formula for the technical community colleges is deficient in several respects; and

WHEREAS, an equitable and educationally sound comprehensive formula for state aid to the technical community colleges is necessary and desirable.

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

1. That three Senators each from the committees on Education and Appropriations and two Senators from the Legislature at-large be appointed by the Executive Board of the Legisalture to serve as an interim study committee on financing the technical community colleges.

2. That this committee is directed to study the following topics:

(a) identify the deficiencies in the state's present distributive state aid formula for the technical community colleges.

(b) identify alternative approaches for the provision of state funds to the technical community colleges within the limits of the colleges present governing structure.

(c) the alternative funding approaches should recognize differences in program cost, and college area populations and assessed valuation.

3. The interim study committee shall collect such financial information from the technical community colleges as is necessary to complete the requirements of the study.

4. The interim study committee shall present to the 1979 regular session of the Legislature a comprehensive state aid formula for the technical community colleges and such other recommendations as may be related to formula development and maintenance.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 279.

Introduced by F. Lewis, 45th District; Marvel, 33rd District; Cullan, 49th District.

WHEREAS, the Legislature recognizes its constitutional and statutory authority to direct the vocational-technical community college of Nebraska; and

WHEREAS, the Legislature recognizes a lack of coordination within the existing vocational-technical community college system; and

WHEREAS, the Legislature has shown an awareness of the concerns surfacing in regard to the functioning of the vocational-technical community college system, especially in regard to capital construction programs, financing programs and long-range planning; and

WHEREAS, the Legislature has a history of exerting leadership in providing the benefits of coordination and study in systems of education within the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE, SECOND SESSION:

1. That an interim study committee composed of the members of the Education Committee be appointed by the Executive Board of the Legislature to conduct a comprehensive study of the vocational-technical community college system in Nebraska.

2. That this committee shall consider in the course of their study the subjects of the governance, financing, and facility programs of the existing system and also develop a long-range projection of the function and direction of the vocational-technical community college system in Nebraska.

3. That this committee shall collect such information, employ such personnel, meet and confer with such officials, and utilize the services of such state agencies, offices or departments of the state as may be necessary to complete the study.

4. That the committee shall present the results of the study along with its recommendations to the 1979 regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 280.

Introduced by Kahle, 37th District; Maxey, 46th District; Marvel, 33rd District.

WHEREAS, taxation of mobile homes in the state has not been consistent; and

WHEREAS, valuation of mobile homes has not been consistent; and

WHEREAS, such inconsistencies do not allow fair taxation of all citizens of the state.

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

1. That the Revenue Committee conduct an interim study of valuation and taxation of mobile homes in the state.

2. That the results of such study together with any recommendations for legislation be reported to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 281.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Kelly, 35th District; Merz, 1st District; R. Lewis, 38th District; Kennedy, 21st District; Moylan, 6th District; Mills, 44th District; Cullan, 49th District.

WHEREAS, recent floods and droughts have emphasized the need for a comprehensive state water management policy; and

WHEREAS, the Natural Resources Commission is developing a work plan for revising the state water planning effort to include evaluation of water management policy alternatives; and

WHEREAS, the Public Works Committee within the last few years 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 1979 Session of the Nebraska Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND 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 and local governments 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 assist the Natural Resources Commission in its efforts to develop a work plan for the state water planning effort.

5. That the Public Works Committee, at the conclusion of its interim study, prepare such legislation as it deems necessary and appropriate for introduction in the next regular session of the Nebraska Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 282.

Introduced by DeCamp, 40th District.

WHEREAS, the maintenance of a sound economic base is vital to the continued prosperity of the State of Nebraska; and

WHEREAS, securities and all related financial transactions are a part of such economic base; and

WHEREAS, the necessity to insure fairness and equity without undue governmental interference in the trading of any such securities or similar transactions is a duty of the state.

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

1. That the Banking, Finance and Insurance Committee conduct an interim study of security and related financial transactions pursuant to this resolution.

2. That at the conclusion of the study the committee report its findings, together with any recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 283.

Introduced by Keyes, 3rd District.

WHEREAS, the Legislature is currently trying to deal with the problems of property valuation and property equalization; and

WHEREAS, the State Board of Equalization and Assessment is an integral part of the equalization process; and

WHEREAS, charges of inaction are constantly directed toward the State Board; and

WHEREAS, many believe our current property valuation problems are a result of the political pressures on the elected members of the State Board; and

WHEREAS, such beliefs may or may not be true.

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

1. That the Revenue Committee conduct an interim study to review the makeup of State Boards of Equalization of other states.

2. That the Committee examine the current structure of Nebraska State Board of Equalization.

3. That the Committee make recommendations as to alternative approaches for the structure and membership of the State Board of Equalization to the members of the First Session of the Eighty-Sixth Legislature when they convene in January of 1979.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 210. E & R amendments found in this day's Journal were adopted.

Mr. Cullan requested a machine vote to advance to E & R for Engrossment.

Mr. Cullan moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mrs. Marsh requested a roll call vote to advance LB 210.

Voting in the affirmative, 23:

Brennan	Cullan	Hasebroock	F. Lewis	Reutzel
Burrows	DeCamp	Hefner	Marvel	Rumery
Carsten	Duis	Kahle	Moylan	Savage
Clark	D. Dworak	Kelly	Nichol	
Cope	George	Lamb	Rasmussen	

Voting in the negative, 20:

Barnett	Fowler	Kremer	Maresh	Newell
Bereuter	Kennedy	Labedz	Marsh	Schmit
Chambers	Keyes	R. Lewis	Maxey	Stoney
Fitzgerald	Koch	Luedtke	Mills	Warner

Present and not voting, 2:

Goodrich Merz

Excused and not voting, 4:

E. Dvorak Murphy Simon Venditte

Failed to advance to E & R for Engrossment with 23 ayes, 20 nays, 2 present and not voting, and 4 excused and not voting.

Mr. Barnett moved the Call be raised. The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 803A. Title read. Considered.

Mr. Kelly requested a record vote to advance to E & R for Review.

Voting in the affirmative, 25:

Chambers	Duis	Kelly	Maresh	Moylan
Clark	George	Keyes	Marsh	Reutzel
Cope	Hasebroock	Labedz	Marvel	Rumery
Cullan	Hefner	F. Lewis	Merz	Schmit
DeCamp	Kahle	Luedtke	Mills	Warner

Voting in the negative, 3:

D. Dworak Kennedy Newell

Present and not voting, 16:

Barnett	Carsten	Koch	Maxey
Bereuter	Fitzgerald	Kremer	Nichol
Brennan	Fowler	Lamb	Savage
Burrows	Goodrich	R. Lewis	Stoney

Excused and not voting, 5:

E. Dvorak Murphy Rasmussen Simon Venditte

Advanced to E & R for Review with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 601. Title read. Considered.

Mr. D. Dworak offered the following amendment:

AMENDMENTS TO LB 601

1. On page 2, strike beginning with "The" in line 26 through line 27.

2. On page 3, strike lines 1 through 8.

3. Insert the following new section:

"Sec. 7. No new public radio station shall be established without the authorization of the Nebraska Legislature. The commission shall prepare a study that will be presented to the Legislature for the purpose of determining the feasibility and cost of a public radio network in Nebraska. This study shall be done in cooperation with other public institutions including existing public radio stations and institutions of higher education.".

4. Renumber original sections 7 to 21 as 8 to 22 respectively.

Mr. Fowler 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 D. Dworak amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Bereuter asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Fowler moved for a Call of the House. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mr. Fowler requested a roll call vote to advance LB 601 to E & R for Review.

Voting in the affirmative, 20:

Brennan	Fitzgerald	Keyes	Marsh	Nichol
Chambers	Fowler	Koch	Marvel	Reutzel
Cullan	George	F. Lewis	Maxey	Savage
D. Dworak	Goodrich	Luedtke	Newell	Warner

Voting in negative, 20:

Carsten	Hasebroock	Kennedy	R. Lewis	Moylan
Clark	Hefner	Kremer	Maresh	Rumery
DeCamp	Kahle	Labedz	Merz	Schmit
Duis	Kelly	Lamb	Mills	Stoney

Present and not voting, 3:

Barnett	Burrows	Cope

Excused and not voting, 6:

Bereuter	Murphy	Simon
E. Dvorak	Rasmussen	Venditte

Failed to advance to E &R for Review with 20 ayes, 20 nays, 3 present and not voting, and 6 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 284.

Introduced by Schmit, 23rd District; Maresh, 32nd District; Lamb, 43rd District; DeCamp, 40th District; Kahle, 37th District; Burrows, 30th District; Hefner, 19th District.

WHEREAS, it is predicted by fertilizer industry representatives that farmers will use just as much fertilizer on their crops during this planting season as they did in the last planting season; and

WHEREAS, it is also predicted by those representatives that most fertilizers are in ample supply this year; and

WHEREAS, fertilizer industry representatives state that there is not enough transportation to keep pace with the demand for fertilizer once the farmers begin to plant their crops this year; and

WHEREAS, the railroads have been unable to supply rail equipment to move grain since December, a situation that puts fertilizer movement by rail in a questionable position this season; and

WHEREAS, the railroads have been able to provide extensive coal shipping facilities but are not predicted to be able to provide for the timely shipment of fertilizer.

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

1. That the Agriculture and Environment Committee conduct an interim study into the reasons why the railroads are able to provide extensive coal shipping facilities and are unable to provide for the timely shipment of fertilizer to the farmers of the State of Nebraska and other crop producing states.

2. That the committee report the results of its study together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 285.

Introduced by Schmit, 23rd District; DeCamp, 40th District; Maresh, 32nd District; Lamb, 43rd District; Kahle, 37th District; Burrows, 30th District; Hefner, 19th District.

WHEREAS, there is concern that there may be an increase of nonresident aliens purchasing and holding agricultural lands in the State of Nebraska; and

WHEREAS, these purchases if they are occurring are not generally known and may in fact be disguised through the use of corporations, trusts, partnerships, and other legal entities; and

WHEREAS, these purchases are not being reported under the Alien Land Ownership Act to the Secretary of State because they could be acquired through the use of other legal entities, such as corporations, trusts, and partnerships; and

WHEREAS, these acquisitions of agricultural lands in the State of Nebraska, if they are occurring, could be detrimental to the economy and well-being of the State of Nebraska and its citizenry; and

WHEREAS, it has been difficult to detect if and when the purchase of agricultural lands in the State of Nebraska is taking place for the benefit of nonresident aliens who have no intention of living in the United States.

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

1. That the Agriculture and Environment Committee conduct an interim study on nonresident aliens purchasing and holding agricultural lands in the State of Nebraska.
2. That the Agriculture and Environment Committee also study the form these purchases by nonresident aliens are taking and how they could be stopped effectively.
3. That the committee report the results of its study together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 286.

Introduced by Stoney, 4th District; D. Dworak, 22nd District; Labedz, 5th District; George, 16th District; Koch, 12th District.

WHEREAS, it is necessary to maintain competent, well-trained people in the state personnel system; and
WHEREAS, the present salary administration plan for state employees affects many people; and
WHEREAS, employee morale, performance, and turnover has a direct relationship with salaries; and
WHEREAS, it would be beneficial to study whether state salaries and benefits are competitive with private employment; and
WHEREAS, the feasibility and anticipated costs of performing an independent evaluation of the present salary administration plan are unknown; and
WHEREAS, the evaluation, if performed, would likely be made by an independent private firm possessing the necessary ability and expertise to perform such an evaluation and study.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Appropriations Committee conduct an interim study of the present state salary administration plan.
2. That the committee report 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 287.

Introduced by Bereuter, 24th District.

WHEREAS, plans to provide emergency medical services to all areas of the state have been developed;

WHEREAS, the Federal Government has encouraged the development of emergency medical services throughout the state by promising to provide funding; and

WHEREAS, the availability of Federal funds to complete the development of emergency medical services is now uncertain; and

WHEREAS, State general funds are now to be used to sustain emergency medical services until Federal funds become available.

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

1. That the legislature express its continuing support of the development of emergency medical services.

2. That an interim study be conducted by a subcommittee composed of members of the Appropriations and Public Health and Welfare Committees to determine:

a) the extent to which Nebraska's emergency medical services have fully utilized available Federal funds;

b) the extent to which changes in Federal policy may limit Nebraska's ability to complete the implementation of its emergency medical services plans; and

c) the probability that State general funds will be needed to maintain future emergency medical services.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 288.

Introduced by Bereuter, 24th District.

WHEREAS, Congress and the State of Nebraska have enacted legislation relating to the protection of the health and welfare of the General public; and

WHEREAS, in many cases such legislation mandates inspection activities in order to monitor and enforce the provisions of the law; and

WHEREAS, there are many instances where such inspections are or may be duplicated at the Federal, state, or local level; and

WHEREAS, such duplication is not in the best interest of efficient government at all levels of government.

NOW, THEREFORE, BE IT RESOLVED BY THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an interim study be conducted by a subcommittee of the Appropriations Committee activities conducted in Nebraska that are mandated by both Federal and State law.

2. That such study shall identify the entity responsible for such inspections as required by law, and the entity which actually conducts the inspections.

3. That such study shall identify the sources of funding utilized in conducting such inspections.

4. That a report of the findings of the study be submitted to the Legislature on or before January 1, 1979.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 289.

Introduced by Bereuter, 24th District.

WHEREAS, the State of Nebraska affirms its desire to provide maximum employment opportunities to its citizens; and

WHEREAS, the Nebraska State Department of Labor, through the State's Federal CETA Program, engages in activities which affect the employment of Nebraska citizens; and

WHEREAS, the use of Federal CETA Funds are greatly influenced by Federal legislation and regulations which affect the administration of Federal Funds; and

WHEREAS, the coordination of the use of Federal CETA Funds for employment stimulus in Nebraska State Government and private industry may not be consistent with the needs of the citizens of Nebraska.

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

1) That a subcommittee of the Appropriations Committee conduct an interim study to assess the coordination of Federal CETA Funds in Nebraska State Government and private industry to assess the economic and employment stimulus that such Federal CETA Funds have upon the state.

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 290.

Introduced by Bereuter, 24th District.

WHEREAS, the U.S. Congress has passed legislation which funded and set guidelines for State Energy Conservation Plans to reduce a state's 1980 energy consumption by 5%; and

WHEREAS, the State of Nebraska is participating in such a program which has resulted in the creation of a Nebraska State Energy Conservation and Implementation Plan; and

WHEREAS, the Carter Administration will soon be introducing the Comprehensive State Energy Planning and Management Act; and

WHEREAS, it is crucial that the State of Nebraska evaluate its energy needs and identify those areas of the greatest concern in order to assess and implement Federal energy programs in a comprehensive manner.

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

1. That the Executive Board create a special interim committee to review Federal energy legislation and its effects on the energy environment of Nebraska.

2. That this committee call upon the expertise of the State Energy Office and other pertinent state agencies in assessing the energy priorities of the State.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 291.

Introduced by Bereuter, 24th District.

WHEREAS, the Constitution of the State of Nebraska guarantees free educational instruction in the public schools to all persons between the ages of five and twenty-one years; and

WHEREAS, the State of Nebraska has passed legislation relating to handicapped persons, in order to assure that all children receive a meaningful educational program regardless of their physical or mental capacity; and

WHEREAS, Federal legislation, P.O. 94-142 - Education of the Handicapped Act and Section 504 of the Rehabilitation Act of 1973,

has been passed to insure that a free, appropriate public education will be available to all handicapped children between the ages of three and eighteen by September 1, 1978; and

WHEREAS, the failure to provide a handicapped person the right to a free appropriate education may endanger the State's receipt of any Federal funds from the U.S. Department of Health, Education, and Welfare.

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

1. That a subcommittee of the Appropriations Committee conduct a study to determine Nebraska's compliance with the provisions of federally mandated educational programs for the handicapped.

2. That the subcommittee investigate: 1) the steps taken by the State to comply with P.L. 94-142 and Section 504 of the Rehabilitation Act of 1973; 2) the problems encountered in complying with the Federal legislation; 3) the appropriateness of the future requirements for compliance; and 4) the costs and benefits of compliance.

3. That the subcommittee at the conclusion of its study shall make a report of its findings at the conclusion of its study, together with any recommendations to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 292.

Introduced by Bereuter, 24th District.

WHEREAS, 21% of the 1978-79 appropriation for the operation of Nebraska State Government is expected to be Federal funds; and

WHEREAS, the actual amount of Federal funds to be received and expended in the coming year can only be estimated during the appropriations process; and

WHEREAS, the receipt of Federal funds has, in some instances, resulted in increased expenditure of State funds without legislative approval.

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

That a subcommittee of the Appropriations Committee shall conduct an interim study of methods which could be used by the Legislature to

a) provide better control of Federal fund expenditures, and

b) provide better estimates of future Federal fund receipts.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 293.

Introduced by Bereuter, 24th District.

WHEREAS, Congress has enacted a substantial amount of legislation relating to the protection of our environment; and

WHEREAS, in many instances such legislation mandates state and local government to conduct certain planning, monitoring and enforcement activities; and

WHEREAS, such mandatory activities result in significant expenditures of state and local dollars.

NOW, THEREFORE, BE IT RESOLVED BY THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an interim study be conducted by a subcommittee of the Appropriations Committee to identify all activities at the state and local level relating to environmental protection that are mandated by Federal law.

2. That such study identify the sources of funding utilized in paying the costs of such activities.

3. That a report of the findings of the study be submitted to the Legislature on or before January 1, 1979.

Referred to the Executive Board.

MOTION - Return LB 632 to Select File

Mr. D. Dworak moved to return LB 632 to Select File for the following specific amendment:

General File Amendment to L.B. 632

32-503.01

All partisan and nonpartisan candidates for elective offices shall be nominated:

(1) By a primary held in accordance with Chapter 32, article 5, or (2) by nomination papers signed and filed as provided by section 32-504. If a candidate for an elective office is the incumbent of ~~another~~ a partisan or non partisan elective office, the filing of the requisite nomination papers of such incumbent for any ~~other~~ partisan or nonpartisan elective office shall be perfected at least seventy-five days prior to the date of the primary, notwithstanding sections 32-504 and

32-515. All other candidates shall file for a partisan or nonpartisan elective office at least sixty days prior to the date of the primary. If any person holding an elective office created by act of the Legislature shall be elected to any other elective office, his office to which first elected shall become vacated~~.and the county attorney shall notify the elected official and the governing board on which he serves of such vacancy.~~

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Rumery asked unanimous consent to print the following amendments to LB 917 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 917

1. Strike the Rumery amendment on page 1159 of the Journal.

2. On page 7 strike the new matter in lines 19 through 21 and insert "or who renders an estimate or opinion of value of real estate, any interest therein, or damages thereto, when such estimate or opinion is offered as testimony in any condemnation proceeding".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 900 in the Journal. No objections. So ordered.

(Amendments printed separate and on file in the Clerk's office. Req. #2932)

ATTORNEY GENERAL'S OPINION

Opinion No. 232
April 6, 1978

Dear Senator Mills:

You have asked for our opinion on the constitutionality of LB 743 of the Eighty-fifth Legislature, Second Session (1978). The same is hereinafter discussed.

LB 743 would establish a scholarship award program to Nebraska students based on need and who are attending postsecondary educational institutions located in Nebraska which satisfy Nebraska laws relating to approval, licensure and accreditation. Subject to certain conditions, section 15 of that legislative bill would authorize

the Nebraska Coordinating Commission for postsecondary education to annually give eligible students the lesser of the following amounts: one thousand eight hundred dollars ($1,800.00) or the actual tuition charge at the eligible postsecondary educational institution selected by the student, whichever is less. Thus, state aid would be used by the student to purchase education; it would be given to the student for educational expenses and the student would select the college.

Is LB 743 in violation of the Constitution of the United States? It appears to be similar to the "Tennessee Student Assistance Act" which was recently challenged before a three-judge United States District Court on the grounds that the Act, on its face and in its applciation, was violative of the Establishment Clause of the Constitution of the United States. That court examined the Act and found that it did not offend the values protected by the Establishment Clause, and its findings and judgment were affirmed on appeal. Americans United for Sep. of Church and State v. Blanton, 433 F.Supp. 97 (M.D.Tenn. 1977), aff'd, ___ U.S. ___, 98 S.Ct. 39, 54 L.Ed.2d 65 (1978).

Is LB 743 in violation of the Constitution of Nebraska? In answering that question it must be kept in mind that, with but one exception, since the State of Nebraska was admitted into the Union its citizens have been opposed to any state aid under any guise to any educational institution other than the public school. The separation of church and state is dramatically illustrated in the recorded proceedings of the 1919-1920 Constitutional Convention. For example, one of the delegates had this to say:

> "As far as I am personally concerned, I desire to have the Constitution prohibit any state aid under any guise to any educational institution other than the public school. It is not a difficult matter, if the Legislature sees fit to find an excuse in the interests of general welfare, to make donations under the guise of military training or normal training or what not, in a private institution. I have absolutely no hostility to those institutions, but it will invariably bring on the kind of war fare that this state should stay clear from, if you mingle the state and church even to that extent. * * *"
>
> "* * * The state might desire to adopt the policy, instead of extending its own plan for normal schools, to utilize the denominational schools. * * *"
>
> "I am opposed to that principle. * * *"
>
> "Mr. Taylor: This amendment simply does this: It prohibits the aiding by the state of any schools other than those owned and

controlled by the state or its subdivisions. It makes that matter plain and the amendment ought to be adopted." (Emphasis supplied.) Vol. II, Proceedings of the Constitutional Convention, 1919-1920, pp. 2661, 2678, 2680."

The amendment was adopted. It became section 11 of Article VII of the Constitution of Nebraska.

Somehow the values protected by section 11 of Article VII of the Constitution of Nebraska were overlooked in 1972 when the Legislature passed LB 1171. The legislative bill provided public grants to students in need of tuition aid to attend private colleges. It was declared unconstitutional by the Supreme Court. State ex rel. Rogers v. Swanson, 192 Neb. 125, 219 N.W.2d 726 (1974).

In 1976 the Legislature passed LB 666. That legislative bill provided that at the general election in November, 1976, there would be submitted to the electors of the State of Nebraska two (2) amendments to section 11 of Article VII of the Constitution of Nebraska. It further provided that the proposition for the submission of the proposed amendments would be placed upon the ballots in the following form:

(I)

"Constitutional amendment to permit contracting with institutions not wholly owned or controlled by the state or any political subdivision for nonsectarian services for handicapped children."

"For"

"Against"

(II)

"Constitutional amendment to permit financial aid for nonsectarian purposes to students attending postsecondary educational institutions not wholly owned or controlled by the state or a political subdivision thereof; and to prohibit the expenditure of public funds, added to funds received from the federal government, for sectarian purposes."

"For"

"Against"

Proposition I, which is quoted above, was approved by the electorate. However, proposition II, which is also quoted above, was disapproved by the electorate. Thus, it appears to us that the basic objectives of LB 793 were rejected by the electorate of the State of Nebraska at the last general election when a majority voted against a constitutional amendment which would have permitted financial aid for nonsectarian purposes to students attending postsecondary

educational institutions not wholly owned or controlled by the State of Nebraska or a political subdivision thereof. Hence, in our opinion, LB 743 is unconstitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:sjr
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

BILL ON FIRST READING

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

LEGISLATIVE BILL 808A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 808, Eighty-Fifth Legislature, Second Session, 1978; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 793. Title read. Considered.

Mr. Koch moved to indefinitely postpone. The motion lost with 6 ayes, 18 nays, 18 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 8 nays, 9 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 294.

Introduced by Stoney, 4th District; Newell, 13th District; Cope, 36th District; Marsh, 29th District; Maxey, 46th District; Nichol, 48th District; Kahle, 37th District; Cullan, 49th District; Koch, 12th District.

WHEREAS, continuing discussion concerning the rights of smokers and nonsmokers has provided no resolution of the issue; and

WHEREAS, philosophies expressed by both smokers and nonsmokers each contain valid points of discussion; and

WHEREAS, the use of smoking in public places and in public vehicles needs to be properly analyzed and studied.

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

1. That the Public Health and Welfare Committee conduct an interim study of smoking in public places and in public vehicles to determine the feasibility of providing designated smoking and nonsmoking areas in public places.

2. That the committee report the results of such study together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 295.

Introduced by Keyes, 3rd District; Clark, 47th District.

WHEREAS, the people have been expressing a great deal of concern over "high taxes"; and

WHEREAS, the only solution to lowering "high taxes" is to reduce the cost of government; and

WHEREAS, the only way to significantly reduce the cost of government is to reduce the services provided by government; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION

1) That the Revenue Committee conduct an interim study to determine what government services the people would be willing to forego for lower taxes.

2) That the Committee be authorized to conduct public opinion surveys and to hold public hearings.

3) That the Committee also determine by what taxes or combination of taxes the citizens of this state would find acceptable to pay for government services.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendments to LB 658 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 658

1. Strike the R. Lewis amendment on page 1764 of the Journal.

2. In the R. Lewis amendment, page 1715 of the Journal, on page 4, line 13 strike "or" and insert "to"; in line 17 strike "or" and insert "and", at the end of line 17 insert "at least twenty hours of"; in line 18 after "education" insert "or participated in at least seventy-five hours of continuing education,"; after "Nursing" in line 18 insert an undersocred comma; in line 26 after "(2)" insert "participating in"; in line 27 strike "seventy-five"; and in line 27 strike "hours" and insert "courses which have been approved by the federal government for medicaid and medicare programs,".

UNANIMOUS CONSENT - Unbracket LB 424

Mr. Schmit asked unanimous consent to unbracket LB 424 on Select File. No objections. So ordered.

MOTION - Labor Contracts

Speaker Luedtke moved that the Labor Contract between the Department of Correctional Services and the Nebraska Correctional Officers Union be referred to the Business and Labor Committee for public hearing.

The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

MOTION - Suspend Rules

Mrs. Marsh moved to suspend the rules to advance the following bills: 592, 840, 631, 794, 879, and 442 on the priority list.

The motion lost with 17 ayes, 13 nays, and 19 not voting.

ADJOURNMENT

At 4:59 p.m. on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, April 13, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 13, 1978

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY - APRIL 13, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 13, 1978

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> We gather this day as instruments of your direction. O Lord, to further Your work for the betterment of your people. You have led us to establish a system of checks and balances in government: a debating and deliberating society in this place which gives a voice to divergent opinions which by nature arise from a melting pot society.
>
> Help us to see our role as just that, a voice of the people to help them move closer to a full participation in the Kingdom of Heaven; to be citizens of the City of God.
>
> As we exercise our power, and therefore responsibility, remind us that our kingdom must be a kingdom of truth and life, a kingdom of holiness and grace, a kingdom of justice, love and peace. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Barnett who was excused; and Mrs. Maxey, Messrs. Burrows, Marvel, Newell, and Reutzel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fourth Day was approved.

SELECT FILE

LEGISLATIVE BILL 643. E & R amendments found in the Journal on page 1828 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 965. E & R amendment found in the Journal on page 1837 for the Fifty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 743. E & R amendments found in the Journal on page 1836 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 743A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 464. E & R amendments found in the Journal on page 1836 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 448. E & R amendments found in the Journal on page 1835 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 448A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 737. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 737A. E & R amendments found in the Journal on page 1835 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 750. E & R amendments found in the Journal on page 1833 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 943. E & R amendments found in the Journal on page 1824 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 375. E & R amendments found in the Journal on page 1871 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 210. Advanced to E & R for Engrossment.

MOTION - Prayer Book

Mr. Duis moved that the Chaplain be requested to prepare selected prayers for publication and the Clerk be directed to cause the same to be printed.

The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

MOTION - Change of Order

Mr. Koch moved to overrule the Speaker's order to take up LB 739 on General File at this time.

The motion prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 739. Title read. Considered.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

MOTION - Change of Order

Mrs. Marsh moved to amend the Speaker's order to place non-controversial legislation needed this year, LB 860, 831 and 859 on the agenda.

Mr. Maresh moved to amend the Marsh motion in include LB 322.

The Maresh amendment lost with 8 ayes, 18 nays, 20 present and not voting, and 3 excused and not voting.

Mrs. Marsh moved for a Call of the House. The motion lost with 9 ayes, 11 nays, and 29 not voting.

The Marsh motion lost with 20 ayes, 10 nays, 16 present and not voting, and 3 excused and not voting.

MOTION - Change of Order

Mr. Nichol moved to overrule the Speaker's order to consider LB 966.

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.

Mr. Nichol moved for a Call of the House. The motion prevailed with 23 ayes, 8 nays, and 18 not voting.

The Nichol motion prevailed with 26 ayes, 9 nays, 11 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 966. Title read. Considered.

Advanced to E & R for Review with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

MOTION - Change of Order

Mr. Kahle moved to change the Speaker's order to consider the balance of the six priority bills today.

Mr. Kahle moved for a Call of the House. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

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

Voting in the affirmative, 22:

Bereuter	Fowler	Koch	Marvel	Newell
Brennan	George	Labedz	Maxey	Nichol
Cope	Kahle	F. Lewis	Merz	Rumery
Fitzgerald	Keyes	Marsh	Mills	Schmit

Venditte Warner

Voting in the negative, 15:

Carsten	D. Dworak	Kremer	Maresh	Reutzel
Chambers	Hasebroock	Lamb	Moylan	Simon
Clark	Kennedy	R. Lewis	Rasmussen	Stoney

Present and not voting, 10:

Cullan	Duis	Goodrich	Kelly	Murphy
DeCamp	E. Dvorak	Hefner	Luedtke	Savage

Excused and not voting, 2:

Barnett Burrows

The motion lost with 22 ayes, 15 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Merz moved the Call be raised. The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 233
April 11, 1978

Dear Senator Venditte:

This letter is in response to your inquiry of April 6, 1978, concerning whether or not there is a distinction between the concept of a memorialization of a congressional proposal of an amendment and a petition for the calling of a constitutional convention; and if so, whether that distinction would make a difference under Rule 4, Section 2 of the Rules of the Nebraska Unicameral.

By your inquiry, you are asking this office to construe the meaning and application of rules which have been adopted by the Nebraska Legislature and which are subject to that body's interpretation and usage. We would again point out that these rules may be altered as the majority of the Legislature deems appropriate pursuant to its authority to determine the rules of its proceedings, and our interpretation is therefore not binding.

The common and ordinary usage of the word memorialize, which we are assuming was intended in Rule 4, Section 2, should be employed unless otherwise indicated. Memorialize is defined in Webster's Dictionary as follows: To present a memorial to; petition. A memorial is a statement of facts which often accompanies a petition that something be done. Neither the word petition nor the word memorialize is restricted by definition to a specific action as you suggest in your letter. If the Legislature meant to propose such a usage, we do not find reference to it in the aforementioned rule, and consequently the common definition of the word should be utilized.

If the general usage of the referenced language is followed, then Rule 4, Section 2 is directly applicable to LB 152.(sic) Rule 4, Section 2 states in pertinent part: ". . . or memorialize the Congress for the purpose of proposing amendments to the U.S. Constitution, . . ." The use of memorialize in the aforementioned section can be synonymous with the word petition. Rarely would the state simply present a statement of fact to Congress without requesting some action. LR 152 is requesting that a convention be called and not simply presenting a statement of fact. It would therefore appear that the definition most appropriate in this context is petition. LR 152 petitions Congress to call a constitutional convention for the sole purpose of proposing an amendment to the Constitution of the United States. Consequently, it is our determination that LB 152(sic) may properly fall within the scope of Rule 4, Section 2, if the Legislature so chooses.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Linda A. Akers
Assistant Attorney General

LAA:pjs
cc: Patrick O'Donnell
Acting Clerk of the Legislature

Opinion No. 234
April 12, 1978

Re: LB 448, Section 6

Dear Senator Bereuter:

This is in reply to your inquiry concerning the right of the Legislature to establish qualifications for the office of Auditor of Public

Accounts, more particularly that the auditor be a certified public accountant.

In State ex rel. Quinn v. Marsh, 141 Neb. 436, 3 N.W.2d 892, in upholding the constitutionality of an act establishing a minimum age of thirty years to qualify as a member of the State Railway Commission, the Supreme Court held:

> ". . . that no presumption arises from section 2, art. IV, and section 7, art. V of the Constitution, of an intent that the legislature should be without power to require that railway commissioners should possess reasonable qualifications as a condition of eligibility to hold office."

and;

> ". . . that in the light of the importance of the functions of the office as disclosed by the Constitution and the statutes, the restriction of section 75-101, Comp.St. 1929, as to minimum age of railway commissioners is not unreasonable."

Based upon the decision of the Supreme Court in the above case, it is our conclusion that the Legislature does have the power to establish reasonable qualifications for the office of State Auditor.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 210.

(Signed) Samuel K. Cullan, Chairman

GENERAL FILE

LEGISLATIVE BILL 808A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 952. 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, 1978, to June 30, 1979; to recite limitations on expenditures; to provide severability; and to declare an emergency.

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

Voting in the affirmative, 46:

Bereuter	D. Dworak	Keyes	Maxey	Savage
Brennan	Fitzgerald	Koch	Merz	Schmit
Carsten	Fowler	Labedz	Mills	Simon
Chambers	George	Lamb	Moylan	Stoney
Clark	Goodrich	F. Lewis	Murphy	Venditte
Cope	Hasebroock	R. Lewis	Newell	Warner
Cullan	Hefner	Luedtke	Nichol	
DeCamp	Kahle	Maresh	Rasmussen	
Duis	Kelly	Marsh	Reutzel	
E. Dvorak	Kennedy	Marvel	Rumery	

Voting in the negative, 0.

Present and not voting, 1:

Kremer

Excused and not voting, 2:

Barnett Burrows

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 733. With Emergency.

A BILL FOR AN ACT to amend section 80-401, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Veterans' Aid Fund; to increase such fund to eleven million dollars; to provide for 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, 43:

Bereuter	Fitzgerald	Koch	Maxey	Rumery
Burrows	George	Labedz	Merz	Savage
Carsten	Goodrich	Lamb	Mills	Schmit
Chambers	Hasebroock	F. Lewis	Moylan	Simon
Clark	Hefner	R. Lewis	Murphy	Stoney
Cope	Kahle	Luedtke	Newell	Venditte
Duis	Kelly	Maresh	Nichol	Warner
E. Dvorak	Kennedy	Marsh	Rasmussen	
D. Dworak	Keyes	Marvel	Reutzel	

Voting in the negative, 0.

Present and not voting, 5:

Brennan	Cullan	DeCamp	Fowler	Kremer

Excused and not voting, 1:

Barnett

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 733A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 733, Eighty-fifth Legislature, Second Session, 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, 47:

Bereuter	E. Dvorak	Kennedy	Marvel	Rumery
Brennan	D. Dworak	Keyes	Maxey	Savage
Burrows	Fitzgerald	Koch	Merz	Schmit
Carsten	Fowler	Labedz	Mills	Simon
Chambers	George	Lamb	Moylan	Stoney
Clark	Goodrich	F. Lewis	Murphy	Venditte
Cope	Hasebroock	R. Lewis	Newell	Warner
Cullan	Hefner	Luedtke	Nichol	
DeCamp	Kahle	Maresh	Rasmussen	
Duis	Kelly	Marsh	Reutzel	

Voting in the negative, 0.

Present and not voting, 1:

Kremer

Excused and not voting, 1:

Barnett

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 897. With Emergency.

A BILL FOR AN ACT relating to information systems for postsecondary education; to provide for a state-level uniform information system as prescribed; to provide powers and duties; to establish an advisory committee; to provide for 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:

Bereuter	Chambers	DeCamp	Fowler	Kahle
Brennan	Clark	Duis	George	Kelly
Burrows	Cope	E. Dvorak	Hasebroock	Kennedy
Carsten	Cullan	Fitzgerald	Hefner	Keyes

Koch	Luedtke	Mills	Reutzel	Venditte
Kremer	Maresh	Moylan	Rumery	Warner
Labedz	Marsh	Murphy	Savage	
Lamb	Marvel	Newell	Schmit	
F. Lewis	Maxey	Nichol	Simon	
R. Lewis	Merz	Rasmussen	Stoney	

Voting in the negative, 2:

D. Dworak Goodrich

Excused and not voting, 1:

Barnett

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 897A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 897, Eighty-fifth Legislature, Second Session, 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:

Bereuter	Duis	Kremer	Merz	Schmit
Brennan	Fitzgerald	Lamb	Mills	Simon
Burrows	Fowler	F. Lewis	Moylan	Stoney
Carsten	Hasebroock	R. Lewis	Murphy	Venditte
Chambers	Hefner	Luedtke	Newell	Warner
Clark	Kelly	Maresh	Nichol	
Cope	Kennedy	Marsh	Reutzel	
Cullan	Keyes	Marvel	Rumery	
DeCamp	Koch	Maxey	Savage	

Voting in the negative, 1:

D. Dworak

Present and not voting, 6:

E. Dvorak	Goodrich	Labedz
George	Kahle	Rasmussen

Excused and not voting, 1:

Barnett

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 198. With Emergency.

A BILL FOR AN ACT relating to the University of Nebraska; to provide increased retirement benefits for certain retirees of the Universtiy of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 32:

Bereuter	George	Labedz	Mills	Schmit
Brennan	Hasebroock	Lamb	Moylan	Simon
Burrows	Hefner	F. Lewis	Newell	Venditte
Chambers	Kelly	Luedtke	Nichol	Warner
Duis	Keyes	Marsh	Reutzel	
Fitzgerald	Koch	Maxey	Rumery	
Fowler	Kremer	Merz	Savage	

Voting in the negative, 13:

Carsten	Cullan	Goodrich	Maresh	Stoney
Clark	E. Dvorak	Kahle	Murphy	
Cope	D. Dworak	Kennedy	Rasmussen	

Present and not voting, 3:

DeCamp	R. Lewis	Marvel

Excused and not voting, 1:

Barnett

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, 32:

Bereuter	George	Labedz	Mills	Schmit
Brennan	Hasebroock	Lamb	Moylan	Simon
Burrows	Hefner	F. Lewis	Newell	Venditte
Chambers	Kelly	Luedtke	Nichol	Warner
Duis	Keyes	Marsh	Reutzel	
Fitzgerald	Koch	Maxey	Rumery	
Fowler	Kremer	Merz	Savage	

Voting in the negative, 12:

Carsten	Cullan	Goodrich	Maresh
Clark	E. Dvorak	Kahle	Rasmussen
Cope	D. Dworak	Kennedy	Stoney

Present and not voting, 4:

DeCamp	R. Lewis	Marvel	Murphy

Excused and not voting, 1:

Barnett

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 198A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 198, Eighty-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, 32:

Bereuter	George	Labedz	Mills	Schmit
Brennan	Hasebroock	Lamb	Moylan	Simon
Burrows	Hefner	F. Lewis	Newell	Venditte
Chambers	Kelly	Luedtke	Nichol	Warner
Duis	Keyes	Marsh	Reutzel	
Fitzgerald	Koch	Maxey	Rumery	
Fowler	Kremer	Merz	Savage	

Voting in the negative, 12:

Carsten	Cullan	Goodrich	Maresh
Clark	E. Dvorak	Kahle	Rasmussen
Cope	D. Dworak	Kennedy	Stoney

Present and not voting, 4:

DeCamp	R. Lewis	Marvel	Murphy

Excused and not voting, 1:

Barnett

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

The Chair stated this bill takes 30 votes to pass.

Mrs. Maxey requested a roll call vote with the emergency clause stricken.

Voting in the affirmative, 31:

Bereuter	George	Labedz	Moylan	Simon
Brennan	Hasebroock	Lamb	Newell	Venditte
Burrows	Hefner	F. Lewis	Nichol	Warner
Chambers	Kelly	Luedtke	Reutzel	
DeCamp	Keyes	Marsh	Rumery	
Duis	Koch	Maxey	Savage	
Fowler	Kremer	Mills	Schmit	

Voting in the negative, 16:

Carsten	E. Dvorak	Kahle	Marvel
Clark	D. Dworak	Kennedy	Merz
Cope	Fitzgerald	R. Lewis	Rasmussen
Cullan	Goodrich	Maresh	Stoney

Present and not voting, 1:

Murphy

Excused and not voting, 1:

Barnett

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 541.

A BILL FOR AN ACT to amend sections 84-201.01 and 84-721, Reissue Revised Statutes of Nebraska, 1943, relating to constitutional officers; to increase salaries; 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:

Bereuter	E. Dvorak	Kremer	Mills	Schmit
Brennan	Fitzgerald	Labedz	Moylan	Simon
Burrows	Fowler	F. Lewis	Murphy	Stoney
Carsten	George	R. Lewis	Newell	Venditte
Chambers	Goodrich	Marsh	Nichol	Warner
Clark	Hasebroock	Marvel	Reutzel	
Cope	Kelly	Maxey	Rumery	
Cullan	Koch	Merz	Savage	

Voting in the negative, 6:

D. Dworak	Kahle	Lamb
Hefner	Kennedy	Maresh

Present and not voting, 5:

DeCamp	Duis	Keyes	Luedtke	Rasmussen

Excused and not voting, 1:

Barnett

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

LEGISLATIVE BILL 541A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 541, Eighty-fifth Legislature, First Session, 1977; to amend section 1, Legislative Bill 930, Eighty-fifth Legislature, Second Session, 1978; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 36:

Bereuter	E. Dvorak	Kremer	Moylan	Simon
Brennan	Fitzgerald	Labedz	Murphy	Stoney
Burrows	Fowler	F. Lewis	Newell	Venditte
Carsten	George	R. Lewis	Nichol	Warner
Chambers	Goodrich	Marsh	Reutzel	
Clark	Hasebroock	Marvel	Rumery	
Cope	Kelly	Maxey	Savage	
Cullan	Koch	Mills	Schmit	

Voting in the negative, 5:

D. Dworak	Hefner	Kennedy	Lamb	Maresh

Present and not voting, 7:

DeCamp	Kahle	Luedtke	Rasmussen
Duis	Keyes	Merz	

Excused and not voting, 1:

Barnett

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 135. With Emergency.

A BILL FOR AN ACT to authorize the Department of Agriculture to enter into agreements to control insect and plant disease outbreaks; to impose a restriction; to authorize appropriations therefor; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	D. Dworak	Koch	Marvel	Savage
Burrows	George	Kremer	Mills	Schmit
Carsten	Goodrich	Labedz	Moylan	Simon
Clark	Hasebroock	Lamb	Murphy	Stoney
Cope	Hefner	F. Lewis	Newell	Venditte
Cullan	Kahle	R. Lewis	Nichol	Warner
DeCamp	Kelly	Luedtke	Rasmussen	
Duis	Kennedy	Maresh	Reutzel	
E. Dvorak	Keyes	Marsh	Rumery	

Voting in the negative, 2:

Brennan Fitzgerald

Present and not voting, 4:

Chambers Fowler Maxey Merz

Excused and not voting, 1:

Barnett

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 135A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 135, 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, 43:

Bereuter	D. Dworak	Kennedy	Marsh	Rumery
Brennan	Fitzgerald	Keyes	Marvel	Savage
Burrows	Fowler	Kremer	Merz	Schmit
Carsten	George	Labedz	Mills	Simon
Clark	Goodrich	Lamb	Murphy	Stoney
Cope	Hasebroock	F. Lewis	Newell	Venditte
Cullan	Hefner	R. Lewis	Nichol	Warner
Duis	Kahle	Luedtke	Rasmussen	
E. Dvorak	Kelly	Maresh	Reutzel	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	DeCamp	Koch	Maxey	Moylan

Excused and not voting, 1:

Barnett

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. MOYLAN PRESIDING

LEGISLATIVE BILL 169.

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.

Whereupon the 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:

Bereuter	D. Dworak	Kremer	Maxey	Rumery
Burrows	Fitzgerald	Labedz	Merz	Savage
Carsten	Fowler	Lamb	Mills	Simon
Chambers	George	F. Lewis	Murphy	Stoney
Clark	Goodrich	R. Lewis	Newell	
Cope	Hefner	Luedtke	Nichol	
Cullan	Kahle	Marsh	Rasmussen	
E. Dvorak	Kelly	Marvel	Reutzel	

Voting in the negative, 3:

Maresh	Schmit	Warner

Present and not voting, 9:

Brennan	Duis	Kennedy	Koch	Venditte
DeCamp	Hasebroock	Keyes	Moylan	

Excused and not voting, 1:

Barnett

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

LEGISLATIVE BILL 596.

A BILL FOR AN ACT to amend section 79-520, Reissue Revised Statutes of Nebraska, 1943, and section 79-549, Revised Statutes Supplement, 1977, relating to school districts; to extend authority to borrow; to provide another option for kindergarten programs; 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:

Bereuter	Duis	Kelly	Marsh	Rasmussen
Brennan	E. Dvorak	Kennedy	Marvel	Reutzel
Burrows	D. Dworak	Kremer	Maxey	Rumery
Carsten	Fitzgerald	Labedz	Merz	Savage
Chambers	Fowler	Lamb	Mills	Schmit
Clark	George	F. Lewis	Moylan	Simon
Cope	Goodrich	R. Lewis	Murphy	Stoney
Cullan	Hefner	Luedtke	Newell	Venditte
DeCamp	Kahle	Maresh	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 3:

Hasebroock Keyes Koch

Excused and not voting, 1:

Barnett

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

LEGISLATIVE BILL 609.

A BILL FOR AN ACT to amend sections 16-503, 17-616, and 84-1413, Reissue Revised Statutes of Nebraska, 1943, relating to votes by public bodies; to allow the use of electronic voting devices 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, 46:

Bereuter	DeCamp	Goodrich	Kremer	Marsh
Brennan	Duis	Hasebroock	Labedz	Marvel
Carsten	E. Dvorak	Hefner	Lamb	Maxey
Chambers	D. Dworak	Kahle	F. Lewis	Merz
Clark	Fitzgerald	Kelly	R. Lewis	Mills
Cope	Fowler	Kennedy	Luedtke	Moylan
Cullan	George	Koch	Maresh	Murphy

Newell	Reutzel	Schmit	Venditte
Nichol	Rumery	Simon	Warner
Rasmussen	Savage	Stoney	

Voting in the negative, 0.

Present and not voting, 2:

Burrows Keyes

Excused and not voting, 1:

Barnett

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

LEGISLATIVE BILL 672.

A BILL FOR AN ACT to amend sections 24-201.01, 24-301.01, 24-513, 26-106, and 48-159, Revised Statutes Supplement, 1976, relating to salaries; to provide for an increase in salaries as prescribed; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 36:

Brennan	Fitzgerald	Labedz	Mills	Simon
Burrows	Goodrich	Lamb	Moylan	Stoney
Carsten	Hasebroock	F. Lewis	Newell	Venditte
Chambers	Hefner	R. Lewis	Nichol	Warner
Cullan	Kahle	Luedtke	Rasmussen	
DeCamp	Kelly	Marsh	Rumery	
Duis	Koch	Maxey	Savage	
E. Dvorak	Kremer	Merz	Schmit	

Voting in the negative, 6:

Bereuter	Cope	Maresh
Clark	D. Dworak	Reutzel

Present and not voting, 6:

Fowler	Kennedy	Marvel
George	Keyes	Murphy

Excused and not voting, 1:

Barnett

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

PRESIDENT WHELAN PRESIDING

LEGISLATIVE BILL 672A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 672, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 37:

Brennan	D. Dworak	Kremer	Merz	Schmit
Burrows	Fitzgerald	Labedz	Mills	Simon
Carsten	Goodrich	Lamb	Moylan	Stoney
Chambers	Hasebroock	F. Lewis	Newell	Venditte
Cullan	Hefner	R. Lewis	Nichol	Warner
DeCamp	Kahle	Luedtke	Rasmussen	
Duis	Kelly	Marsh	Rumery	
E. Dvorak	Koch	Maxey	Savage	

Voting in the negative, 6:

Bereuter	Cope	Marvel
Clark	Maresh	Reutzel

Present and not voting, 5:

Fowler	George	Kennedy	Keyes	Murphy

Excused and not voting, 1:

Barnett

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

LEGISLATIVE BILL 692. Mr. Schmit moved to return LB 692 to Select File for the following specific amendment:

AMENDMENTS TO LB 692
Final Reading Copy

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

"Section 1. That section 81-2,162.02, Revised Statutes Supplement, 1977, 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 invidivdually compounded 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 new 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. 2. That section 81-2,162.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,162.05. (1) Any packaged commercial fertilizer ~~or soil conditioner~~ distributed in this state, except custom blended products, shall have placed on or affixed to the package a label stating clearly and conspicuously the net weight or measure of the product and the information required by subdivisions (c), (d), (e), and (g) of subsection (1) of section 81-2,162.03.

(2) If distributed in bulk, a written or printed statement of the weight and the information required by subdivisions (c), (d), (e), and (g) of subsection (1) of section 81-2,162.03, shall accompany delivery and be supplied to the purchaser.

(3) Whenever a commercial fertilizer ~~or soil conditioner~~ is so comprised as to be recognized by a name commonly understood by ordinary individuals, such name shall be prominently and conspicuously displayed on the label.

(4) Notwithstanding any other provision of this act, any commercial fertilizer ~~or soil conditioner~~ which is also a pesticide, labeled in conformance with the Nebraska Pesticides and Devices Act, shall be deemed to be labeled in conformance with this act.

Sec. 3. (1) Any packaged soil conditioner distributed in this state, except custom blended products, shall have placed on or affixed to the package a label stating clearly and conspicuously the (a) net weight or measure of the product, (b) the information required by subdivisions (c) and (d) of subsection (1) of section 81-2,162.03, (c) the total percentage of the active ingredients in the soil conditioner, (d) the identification and percentage of each individual active ingredient, (e) the total percentage of the inactive ingredients, (f) the identification and percentage of each individual inactive ingredient which comprises more than two per cent of the entire soil conditioner, and (g) under a category entitled other inactive ingredients, the total percentage of the remaining inactive ingredients which individually do not comprise two per cent or more of the soil conditioner.

(2) If distributed in bulk, a written or printed statement of the weight and the information required by subdivisions (c) and (d) of subsection (1) of section 81-2,162.03 and by subdivisions (c) through (g) of subsection (1) of this section, shall accompany delivery and be supplied to the purchaser.

(3) Whenever a soil conditioner is so comprised as to be recognized by a name commonly understood by ordinary individuals, such name shall be prominently and conspicuously displayed on the label.

(4) Notwithstanding any other provision of this act, any soil conditioner which is also a pesticide, labeled in conformance with the Nebraska Pesticides and Devices Act, shall be deemed to be labeled in conformance with this act.

Sec. 4. It shall be unlawful for any person to use or supervise the use of any restricted use pesticide, except as provided in section 2-2619, unless such person using or supervising the use of any restricted use pesticide is certified pursuant to sections 2-2613 to 2-2618.

Sec. 5. Any person who shall knowingly violate any provision of section 4 of this act shall be guilty of a Class V misdemeanor.

Sec. 6. That original section 81-2,162.05,

Reissue Revised Statutes of Nebraska, 1943, and section 81-2,162.02, Revised Statutes Supplement, 1977, and also section 2-2615, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title, strike lines 2 through 4 and insert:

"FOR AN ACT to amend section 81-2,162.05, Reissue Revised Statutes of Nebraska, 1943, and section 81-2,162.02, Revised Statutes Supplement, 1977, relating to agriculture; to change a definition; to provide labeling requirements on soil conditioners; to restrict the use of certain pesticides; to provide penalties; and to repeal the original sections and also section 2-2615, Reissue Revised Statutes of Nebraska, 1943.".

MR. MILLS PRESIDING

Mr. Schmit requested a roll call vote on his motion to return LB 692 to Select File.

Voting in the affirmative, 32:

Bereuter	Fowler	Lamb	Merz	Simon
Burrows	Hasebroock	F. Lewis	Mills	Stoney
Carsten	Hefner	Luedtke	Moylan	Venditte
Clark	Kelly	Maresh	Nichol	Warner
Cope	Keyes	Marsh	Reutzel	
DeCamp	Kremer	Marvel	Rumery	
Fitzgerald	Labedz	Maxey	Schmit	

Voting in the negative, 6:

E. Dvorak	Goodrich	Rasmussen
D. Dworak	R. Lewis	Savage

Present and not voting, 10:

Brennan	Cullan	George	Kennedy	Murphy
Chambers	Duis	Kahle	Koch	Newell

Excused and not voting, 1:

Barnett

The motion prevailed with 32 ayes, 6 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 692. The Schmit specific amendments found in this day's Journal were adopted with 30 ayes, 8 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 692 to Select File

Mr. Schmit moved to return LB 692 to Select File for the following specific amendments:

AMENDMENTS TO LB 692
(FINAL READING COPY)

1. Insert the new section as follows:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title in line 4 after "1943" insert "; and to declare an emergency".

The motion prevailed with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 692. The Schmit specific amendments found in this day's Journal were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 722. With Emergency.

A BILL FOR AN ACT relating to barbering; to provide for the continued existence of the Board of Barber Examiners; to revise statutes regulating barbering; to amend sections 71-201, 71-202, 71-202.01, 71-203, 71-206, 71-208, 71-208.07, 71-209, 71-210, 71-212, 71-216, 71-218, 71-219, 71-219.02, 71-222, 71-222.01, 71-223.01, 71-223.04, 71-225, 71-227, and 71-232, Reissue Revised Statutes of Nebraska, 1943, and section 81-193, Revised Statutes Supplement, 1977; to repeal the original sections, and also sections 71-201.01, 71-226, 71-229, and 71-233, 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:

Bereuter	D. Dworak	Kremer	Maxey	Rumery
Burrows	Fitzgerald	Labedz	Merz	Schmit
Chambers	George	Lamb	Mills	Simon
Clark	Goodrich	F. Lewis	Moylan	Stoney
Cope	Hasebroock	R. Lewis	Murphy	Venditte
Cullan	Hefner	Luedtke	Newell	Warner
DeCamp	Kelly	Maresh	Nichol	
Duis	Kennedy	Marsh	Rasmussen	
E. Dvorak	Keyes	Marvel	Reutzel	

Voting in the negative, 0.

Present and not voting, 5:

Brennan	Fowler	Kahle	Koch	Savage

Excused and not voting, 2:

Barnett	Carsten

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 773.

A BILL FOR AN ACT to amend section 33-105, Reissue Revised Statutes of Nebraska, 1943, relating to fees; to provide an exception from filing fee charges 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	Fitzgerald	Koch	Marvel	Reutzel
Burrows	George	Kremer	Maxey	Rumery
Chambers	Goodrich	Labedz	Merz	Schmit
Clark	Hasebroock	Lamb	Mills	Simon
Cope	Hefner	F. Lewis	Moylan	Stoney
Cullan	Kahle	R. Lewis	Murphy	Venditte
Duis	Kelly	Luedtke	Newell	Warner
E. Dvorak	Kennedy	Maresh	Nichol	
D. Dworak	Keyes	Marsh	Rasmussen	

Voting in the negative, 0.

Present and not voting, 4:

Brennan	DeCamp	Fowler	Savage

Excused and not voting, 2:

Barnett	Carsten

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

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Simon asked unanimous consent to add his name to LR 252. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 965

Mr. Warner asked unanimous consent to brakcet LB 965 on E & R Engrossing. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 910. Placed on Select File as amended.
E & R amendments to LB 910:

1. On page 5, line 14, strike the first "the"; and in line 15 strike the comma and insert "and".

2. On page 7, line 27, after "prosecuted" insert "for".

3. On page 11, line 10, strike "No" and insert "Except as provided in section 13 of this act, no".

4. In the Schmit amendment on page 1776 of the Journal on page 1, line 6, strike "may be provided".

LEGISLATIVE BILL 884. Placed on Select File as amended.
E & R amendments to LB 884:

1. On page 2, line 8 strike "This" and insert "Sections 1 to 33 of this"; in line 10 strike "purpose" and insert "purposes" and strike "is" and insert "are"; in line 19 strike "section" and insert "sections"; in line 20 strike "Nebraska"; and in line 27 strike "to have" and insert "as having".

2. On page 3, line 18 strike "as defined in this act"; in line 20 after "medical" insert "profession"; in line 24 after "designated" insert "medical profession"; in line 26 after "cancel" insert an underscored comma; and in line 27 after "practice" insert an underscored comma.

3. On page 5, line 2 strike "the provisions of"; in line 3 strike "accredited" and insert "eligible"; in line 17 after "medical" insert "profession"; and in lines 21 and 23 after "a" insert "medical profession".

4. In the committee amendment, page 1, lines 12 and 23 strike "department" and insert "Department of Health".

5. On page 6, lines 2, 6, 9, 10, 13, and 16, before "shortage" insert "medical profession"; in line 17 strike "(1)"; in line 20 strike "(a)" and insert "(1)"; and in line 24 strike "(b)" and insert "(2)".

6. On page 7, line 10 after "medical" insert "profession"; and in line 16 strike the comma.

7. On page 8, line 6 strike "loans" and insert "loan"; in line 9 after "medical" insert "profession"; and in line 14 strike the period and insert "; and".

8. On page 9, line 10 strike "numbers" and insert "the number".

9. On page 10, line 1 strike "begin" and insert "begins".

10. In the title, strike lines 2 to 5 and insert:
"FOR AN ACT to adopt the Nebraska Medical Student Assistance

Act; to provide duties; to amend sections 71-5609 and 71-5612, Revised Statutes Supplement, 1977; and to repeal the original sections.".

LEGISLATIVE BILL 884A. Placed on Select File.

LEGISLATIVE BILL 553. Placed on Select File as amended.
E & R amendment to LB 553:

1. On page 2, lines 19 and 20 strike "defined by the Leislature".

LEGISLATIVE BILL 691. Placed on Select File.

LEGISLATIVE BILL 564. Placed on Select File as amended.
E & R amendments to LB 564:

1. Strike any amendment that renumbers original section 5.

2. In the Rasmussen amendment on page 1356 of the Journal, in line 7 after "from" insert "the".

LEGISLATIVE BILL 564A. Placed on Select File.

LEGISLATIVE BILL 170A. Placed on Select File as amended.
E & R amendment to LB 170A:

1. On page 2, line 7 and in the title, lines 4 and 5, strike "Second Session, 1978" and insert "First Session, 1977".

LEGISLATIVE BILL 871A. Placed on Select File.
LEGISLATIVE BILL 803A. Placed on Select File.

LEGISLATIVE BILL 632. Replaced on Select File as amended.
E & R amendments to LB 632:

1. Renumber the new section added by the Fowler amendment as section 13 and renumbered sections 13 and 14 as sections 14 and 15.

2. In lieu of the Fowler amendment 2, in E & R amendment 14, on page 1243 of the Journal, line 2, after "sections" insert "32-428,".

3. In E & R amendment 15, on page 1243 of the Journal, line 4 after "sections" insert "32-428," and in line 15 after the second semicolon insert "to change provisions relating to write-in space on ballots;".

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 296.

Introduced by Cullan, 49th District; Stoney, 4th District.

WHEREAS, the people of the State of Nebraska have provided excellent building facilities across the state at the university, technical community colleges and the state colleges;

WHEREAS, in recent years utilization of these facilities has declined in some areas because of declining enrollments;

WHEREAS, the facilities at these colleges are not being used to their maximum potential;

WHEREAS, the buildings at the colleges should be sustained in some active use to ensure their continued maintenance and usefulness;

WHEREAS, any new state supported buildings would encourage the further disuse and deterioration of the state's existing buildings.

NOW, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASA, SECOND SESSION:

1. That the Legislature of the State of Nebraska designate that an interim study be conducted by a joint committee of the Judiciary and the Education Committees.

2. The interim study shall include a thorough investigation of the possibility and economics of using the existing building facilities at a number of locations for the siting of the proposed Nebraska Public Safety Academy.

3. The Judiciary and the Education Committees, when satisfied with the interim study, shall organize their recommendations into an acceptable form to be presented to the Legislature during the next session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 297.

Introduced by Cope, 36th District.

WHEREAS, the city of Ravenna, Nebraska has been named an All-American City for 1977-1978 by the National Municipal League; and

WHEREAS, Ravenna is the smallest community to win one of the awards; and

WHEREAS, such an award indicates the strong spirit and attitude of the citizens of Ravenna.

WHEREAS, the spirit and attitude of the citizens is evidenced by their efforts to recruit a doctor for Ravenna; and

WHEREAS, the citizens have pledged to continue to beautify and improve the environment of the city; and

WHEREAS, new construction and the establishment of industry in the city provides evidence of confidence in the future of the city.

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

1. That the Legislature congratulates the citizens of Ravenna, Nebraska for receipt of the All-American City award.

2. That a copy of this resolution be presented to the city.

Laid over.

VISITORS

The President introduced 46 3rd and 4th grade students and sponsor from Yutan, Nebraska; 8 students and teacher from Ralston High School, Ralston, Nebraska; 37 high school students and sponsor from Gibbon, Nebraska; Senator Rumery's grandson, Jeff Rumery and friend, Kevin Griesor; Senator Dvorak's mother, Mrs. Dvorak,and daughter and son-in-law, Diane and Mike Powers, and friend, Sherry Lee.

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 1:34 p.m., Mr. Savage presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett and Hasebroock who were excused; Mrs. Maxey, Messrs. Carsten, Duis, F. Lewis, R. Lewis, and Marvel, and Merz who were excused until they arrive.

MR. VENDITTE PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 833.

A BILL FOR AN ACT to amend sections 81-572, 81-573, 81-577, 81-578, 81-579, 81-589, 81-590, 81-592, 81-596, 81-598, 81-5,105, 81-5,110, and 81-5,111, Reissue Revised Statutes of Nebraska, 1943, and section 81-575, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 906, Eighty-fifth Legislture, Second Session, 1978, relating to the State Electrical Act; to provide for the licensing of electrical contractors; to provide and change fees; and to repeal the original sections.

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

Voting in the affirmative, 35:

Brennan	E. Dvorak	Kennedy	Maresh	Reutzel
Burrows	D. Dworak	Keyes	Marsh	Rumery
Chambers	George	Koch	Mills	Savage
Clark	Goodrich	Kremer	Moylan	Schmit
Cope	Hefner	Labedz	Newell	Simon
Cullan	Kahle	Lamb	Nichol	Stoney
DeCamp	Kelly	Luedtke	Rasmussen	Venditte

Voting in the negative, 2:

Bereuter Murphy

Present and not voting, 3:

Fitzgerald Fowler Warner

Excused and not voting, 9

Barnett	Duis	F. Lewis	Marvel	Merz
Carsten	Hasebroock	R. Lewis	Maxey	

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

PRESIDENT WHELAN PRESIDING

LEGISLATIVE BILL 845. With Emergency.

A BILL FOR AN ACT relating to the Public Service Commission; to authorize the review of operating conditions of motor carriers permitted to transport people or property under commission approved tariffs; to allow the employment of necessary technical assistance; to prepare and file applications necessary to change effected tariffs; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	E. Dvorak	Kelly	Maresh	Reutzel
Burrows	D. Dworak	Kennedy	Marsh	Rumery
Carsten	Fitzgerald	Keyes	Mills	Savage
Chambers	Fowler	Koch	Moylan	Schmit
Clark	George	Kremer	Murphy	Simon
Cope	Goodrich	Labedz	Newell	Stoney
Cullan	Hefner	Lamb	Nichol	Venditte
DeCamp	Kahle	Luedtke	Rasmussen	Warner

Voting in the negative, 0.

Present and not voting, 1:

Brennan

Excused and not voting, 8:

Barnett	Hasebroock	R. Lewis	Maxey
Duis	F. Lewis	Marvel	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 847. With Emergency.

A BILL FOR AN ACT to amend section 23-1601, Reissue Revised Statutes of Nebreaska, 1943, relating to county treasurers; to impose certain duties on county treasurers as prescribed; to provide an operative date; to repeal the original section, and also sections 15-825, 15-826, and 17-705, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Voting in the affirmative, 33:

Bereuter	D. Dworak	Labedz	Murphy	Schmit
Brennan	Fitzgerald	Lamb	Newell	Simon
Burrows	Fowler	Luedtke	Nichol	Stoney
Chambers	George	Marsh	Rasmussen	Venditte
Cope	Kelly	Maxey	Reutzel	Warner
Cullan	Kennedy	Mills	Rumery	
E. Dvorak	Koch	Moylan	Savage	

Voting in the negative, 8:

Clark	Goodrich	Kahle	Kremer
DeCamp	Hefner	Keyes	Maresh

Present and not voting, 1:

Carsten

Excused and not voting, 7:

Barnett	Hasebroock	R. Lewis	Merz
Duis	F. Lewis	Marvel	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 851.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 2, of the Constitution of Nebraska, relating to state, county, and municipal indebtedness; to

provide that counties and municipalities may sell or finance real and personal property as prescribed; to provide that governmental subdivisions may issue revenue bonds to acquire and develop property for commercial or business enterprises; to provide exceptions; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. Notwithstanding any other provision in the Constitution, the Legislature may authorize any county, incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, finance, and lease real and personal property suitable for use by manufacturing or industrial enterprises or real and personal property suitable for use by commercial or business enterprises, excluding real or personal property to be utilized by such commercial or business enterprises primarily for direct sale to the general public, and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued and such bonds shall not be a charge upon the general credit or taxing powers of such governmental subdivision. Any such real or personal property so acquired, owned, developed or used by any such county, city or village, shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, financing, leasing, and disposition of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease or any sale or loan agreement and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof."

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 expand the powers of counties, cities, and villages to issue revenue bonds to include bonds for commercial or business enterprises, and to provide that such bonds shall not be a charge on the general credit or taxing powers of any such county, city, or village.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Mr. Goodrich requested a roll call vote.

Voting in the affirmative, 30:

Bereuter	E. Dvorak	Keyes	Maresh	Nichol
Brennan	D. Dworak	Koch	Marsh	Rasmussen
Carsten	Fitzgerald	Labedz	Merz	Rumery
Cope	George	F. Lewis	Mills	Simon
DeCamp	Goodrich	R. Lewis	Moylan	Stoney
Duis	Kahle	Luedtke	Newell	Venditte

Voting in the negative, 13:

Burrows	Cullan	Kelly	Lamb	Warner
Chambers	Fowler	Kennedy	Murphy	
Clark	Hefner	Kremer	Reutzel	

Present and not voting, 3:

Maxey	Savage	Schmit

Excused and not voting, 3:

Barnett	Hasebroock	Marvel

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

LEGISLATIVE BILL 855.

A BILL FOR AN ACT to amend sections 25-2221 and 62-301, Reissue Revised Statutes of Nebraska, 1943; relating to holidays; to change the holiday schedule 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, 35:

Bereuter	E. Dvorak	Kahle	Marsh	Rumery
Burrows	D. Dworak	Koch	Maxey	Savage
Carsten	Fitzgerald	Kremer	Merz	Schmit
Chambers	Fowler	Labedz	Mills	Simon
Cullan	George	Lamb	Moylan	Stoney
DeCamp	Goodrich	F. Lewis	Newell	Venditte
Duis	Hefner	Luedtke	Reutzel	Warner

Voting in the negative, 9:

Clark	Kelly	Keyes	Maresh	Rasmussen
Cope	Kennedy	R. Lewis	Nichol	

Present and not voting, 2:

Brennan Murphy

Excused and not voting, 3:

Barnett Hasebroock Marvel

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

LEGISLATIVE BILL 903.

A BILL FOR AN ACT relating to operation of aircraft; to prohibit such operation while under the influence of alcoholic liquor or drugs as prescribed; to provide for implied consent of operator to chemical testing; and to provide penalties.

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

Voting in the affirmative, 41:

Bereuter	E. Dvorak	Kennedy	Marsh	Schmit
Burrows	D. Dworak	Keyes	Mills	Simon
Carsten	Fitzgerald	Koch	Moylan	Stoney
Chambers	Fowler	Labedz	Newell	Venditte
Clark	George	Lamb	Nichol	Warner
Cope	Goodrich	F. Lewis	Rasmussen	
Cullan	Hefner	R. Lewis	Reutzel	
DeCamp	Kahle	Luedtke	Rumery	
Duis	Kelly	Maresh	Savage	

Voting in the negative, 0.

Present and not voting, 5:

Brennan	Kremer	Maxey	Merz	Murphy

Excused and not voting, 3:

Barnett	Hasebroock	Marvel

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

LEGISLATIVE BILL 44.

A BILL FOR AN ACT to amend sections 84-901, 84-902, 84-904, 84-908, and 84-908.01, Reissue Revised Statutes of Nebraska, 1943, 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 the legislative oversight of rules and regulations; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 40:

Bereuter	D. Dworak	Kennedy	Luedtke	Nichol
Brennan	Fitzgerald	Keyes	Maresh	Rasmussen
Carsten	Fowler	Koch	Marsh	Reutzel
Cope	George	Kremer	Maxey	Rumery
Cullan	Goodrich	Labedz	Merz	Savage
DeCamp	Hefner	Lamb	Moylan	Simon
Duis	Kahle	F. Lewis	Murphy	Venditte
E. Dvorak	Kelly	R. Lewis	Newell	Warner

Voting in the negative, 4:

Chambers	Clark	Mills	Stoney

Present and not voting, 2:

Burrows	Schmit

Excused and not voting, 3:

Barnett	Hasebroock	Marvel

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

LEGISLATIVE BILL 184. Mr. Chambers renewed his pending motion found in the Journal on page 1694 to return LB 184 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 25 ayes, 8 nays, and 16 not voting.

Mr. Chambers requested a roll call vote on his motion to return LB 184.

Voting in the affirmative, 19:

Bereuter	D. Dworak	R. Lewis	Mills	Rumery
Burrows	Fowler	Maresh	Murphy	Stoney
Chambers	Kremer	Marvel	Newell	Warner
Cullan	Lamb	Maxey	Reutzel	

Voting in the negative, 23:

Brennan	E. Dvorak	Kennedy	Marsh	Schmit
Carsten	Goodrich	Keyes	Moylan	Simon
Clark	Hefner	Koch	Nichol	Venditte
DeCamp	Kahle	F. Lewis	Rasmussen	
Duis	Kelly	Luedtke	Savage	

Present and not voting, 5:

Cope	Fitzgerald	George	Labedz	Merz

Excused and not voting, 2:

Barnett	Hasebroock

The motion lost with 19 ayes, 23 nays, 5 present and not voting, and 2 excused and not voting.

Messrs. Maresh and Lamb moved to return LB 184 to Select File to remove their names.

The Chair ruled the motion out of order.

LEGISLATIVE BILL 184.

A BILL FOR AN ACT relating to littering; to adopt a program to reduce littering and encourage recycling; to impose a tax and provide for the use thereof; to provide for termination; and to provide an operative date.

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

Voting in the affirmative, 29:

Brennan	Fitzgerald	Kennedy	Marsh	Rumery
Carsten	George	Keyes	Marvel	Savage
Clark	Goodrich	Koch	Merz	Schmit
DeCamp	Hefner	Labedz	Moylan	Simon
Duis	Kahle	F. Lewis	Nichol	Venditte
E. Dvorak	Kelly	Leudtke	Rasmussen	

Voting in the negative, 18:

Bereuter	Cullan	Lamb	Mills	Stoney
Burrows	D. Dworak	R. Lewis	Murphy	Warner
Chambers	Fowler	Maresh	Newell	
Cope	Kremer	Maxey	Reutzel	

Excused and not voting, 2:

Barnett Hasebroock

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

LEGISLATIVE BILL 184A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 184, Eighty-fifth Legislature, Second Session, 1978.

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

The Chair stated this bill requires 30 votes to pass.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 29:

Brennan	Fitzgerald	Kennedy	Marsh	Rumery
Carsten	George	Keyes	Marvel	Savage
Clark	Goodrich	Koch	Merz	Schmit
DeCamp	Hefner	Labedz	Moylan	Simon
Duis	Kahle	F. Lewis	Nichol	Venditte
E. Dvorak	Kelly	Luedtke	Rasmussen	

Voting in the negative, 17:

Bereuter	Cullan	Lamb	Mills	Warner
Burrows	D. Dworak	R. Lewis	Murphy	
Chambers	Fowler	Maresh	Reutzel	
Cope	Kremer	Maxey	Stoney	

Present and not voting, 1:

Newell

Excused and not voting, 2:

Barnett Hasebroock

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass.

LB 847 - Revote

Mr. Bereuter requested a revote on LB 847 because of a possible mechanical malfunction of the voting machine.

The Chair ruled a revote on LB 847 due to machine problems.

Whereupon the President 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. Bereuter requested a roll call vote.

Voting in the affirmative, 39:

Bereuter	D. Dworak	Keyes	Merz	Rumery
Brennan	Fitzgerald	Koch	Mills	Savage
Burrows	Fowler	Labedz	Moylan	Schmit
Carsten	George	Lamb	Murphy	Simon
Chambers	Goodrich	Luedtke	Newell	Stoney
Cope	Kahle	Marsh	Nichol	Venditte
Cullan	Kelly	Marvel	Rasmussen	Warner
E. Dvorak	Kennedy	Maxey	Reutzel	

Voting in the negative, 6:

Clark	Hefner	R. Lewis
DeCamp	Kremer	Maresh

Present and not voting, 2:

Duis F. Lewis

Excused and not voting, 2:

Barnett Hasebroock

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

LEGISLATIVE BILL 757. With Emergency.

A BILL FOR AN ACT to amend Laws 1977, LB 532, section 45, as amended by section 41, Legislative Bill 924, Eighty-fifth Legislature, Second Session, 1978, relating to state aid appropriations; to change the manner of distributing a certain General Fund appropriation; to provide duties of the State Department of Education as prescribed; to provide for setting of tax rates; 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:

Bereuter	E. Dvorak	Koch	Marvel	Schmit
Brennan	Fitzgerald	Kremer	Maxey	Simon
Burrows	George	Labedz	Merz	Stoney
Carsten	Goodrich	Lamb	Mills	Venditte
Clark	Hefner	F. Lewis	Moylan	Warner
Cope	Kahle	R. Lewis	Newell	
Cullan	Kelly	Luedtke	Nichol	
DeCamp	Kennedy	Maresh	Reutzel	
Duis	Keyes	Marsh	Rumery	

Voting in the negative, 2:

D. Dworak Murphy

Present and not voting, 4:

Chambers Fowler Rasmussen Savage

Excused and not voting, 2:

Barnett Hasebroock

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. Koch moved to suspend the rules, Rule 6, Sec. 6b, to read LB 889 and LB 889A on Final Reading today.

The motion prevailed with 33 ayes, 2 nays, 12 present and not voting, and 2 excused and not voting.

Mr. D. Dworak withdrew his pending amendments found in the Journal on page 1605 to LB 889.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 889.

A BILL FOR AN ACT to amend sections 43-646 and 43-646.01, Revised Statutes Supplement, 1976, relating to the care and education of handicapped children; to provide for reimbursement of certain costs; 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, 36:

Bereuter	E. Dvorak	Kremer	Mills	Schmit
Brennan	Fitzgerald	Labedz	Moylan	Simon
Burrows	Fowler	F. Lewis	Newell	Venditte
Carsten	George	Luedtke	Nichol	Warner
Chambers	Goodrich	Maresh	Rasmussen	
Cope	Hefner	Marsh	Reutzel	
DeCamp	Keyes	Marvel	Rumery	
Duis	Koch	Maxey	Savage	

Voting in the negative, 7:

Clark	D. Dworak	R. Lewis	Stoney
Cullan	Lamb	Murphy	

Present and not voting, 4:

Kahle	Kelly	Kennedy	Merz

Excused and not voting, 2:

Barnett	Hasebroock

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

LEGISLATIVE BILL 889A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 889, Eighty-fifth Legislature, Second Session, 1978.

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

The Chair stated this bill requires 30 votes to pass.

Voting in the affirmative, 36:

Bereuter	Fitzgerald	Kremer	Mills	Schmit
Brennan	Fowler	Labedz	Moylan	Simon
Burrows	George	F. Lewis	Newell	Venditte
Carsten	Goodrich	Luedtke	Nichol	Warner
Chambers	Hefner	Maresh	Rasmussen	
Cope	Kelly	Marsh	Reutzel	
DeCamp	Keyes	Marvel	Rumery	
Duis	Koch	Maxey	Savage	

Voting in the negative, 6:

Clark	D. Dworak	Murphy
Cullan	Lamb	Stoney

Present and not voting, 5:

E. Dvorak Kahle Kennedy R. Lewis Merz

Excused and not voting, 2:

Barnett Hasebroock

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

MOTION - Reconsider Action on LB 184A

Mr. Newell moved to reconsider action on final passage of LB 184A.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 17 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 22 ayes, 6 nays, and 21 not voting.

Mr. DeCamp requested a roll call vote on the Newell motion to reconsider action on LB 184A.

Voting in the affirmative, 31:

Brennan	George	Kremer	Moylan	Simon
Carsten	Goodrich	Labedz	Newell	Venditte
Clark	Hefner	F. Lewis	Nichol	Warner
DeCamp	Kahle	Luedtke	Rasmussen	
Duis	Kennedy	Marsh	Rumery	
E. Dvorak	Keyes	Marvel	Savage	
Fitzgerald	Koch	Merz	Schmit	

Voting in the negative, 15:

Bereuter	Cope	Fowler	Maresh	Murphy
Burrows	Cullan	Lamb	Maxey	Reutzel
Chambers	D. Dworak	R. Lewis	Mills	Stoney

Present and not voting, 1:

Kelly

Excused and not voting, 2:

Barnett Hasebroock

The Newell motion to reconsider prevailed with 31 ayes, 15 nays, 1 present and not voting, and 2 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, 30:

Brennan	Fitzgerald	Kennedy	Marsh	Rasmussen
Carsten	George	Keyes	Marvel	Rumery
Clark	Goodrich	Koch	Merz	Savage
DeCamp	Hefner	Labedz	Moylan	Schmit
Duis	Kahle	F. Lewis	Newell	Simon
E. Dvorak	Kelly	Luedtke	Nichol	Venditte

Voting in the negative, 17:

Bereuter	Cullan	Lamb	Mills	Warner
Burrows	D. Dworak	R. Lewis	Murphy	
Chambers	Fowler	Maresh	Reutzel	
Cope	Kremer	Maxey	Stoney	

Excused and not voting, 2:

Barnett Hasebroock

Having received a constitutional majority voting in the affirmative, the bill was passed and the title agreed to.

Mr. Brennan moved the Call be raised. The Chair declared the Call raised.

SPEAKER LUEDTKE PRESIDING

Messrs. Hefner and Carsten asked unanimous consent to be excused for a short time. No objections. So ordered.

MOTION - Change of Order

Mr. Warner moved to overrrule the Speaker's Order to consider LB 932 on General File.

The motion prevailed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 932. 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.

ANNOUNCEMENT

Mr. Warner announced as required by Rule 6 Section 13 the Appropriations Committee will meet at 8:30 a.m., Monday, April 17, 1978, Room 1003, to consider vetoes by the Governor.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 892. Placed on Select File as amended.
E & R amendments to LB 892:

1. On page 1, line 12 of the committee amendments insert a comma after "surgical".

2. In the committee amendments, page 2, line 3, strike "or"; and on page 2, line 6 after the semicolon insert "or".

3. In the Duis amendment on page 1815 of the Journal, page 1, line 8, strike the period and insert a semicolon; and on page 2, line 3, after "time" insert a comma.

LEGISLATIVE BILL 861. Placed on Select File as amended.
E & R amendments to LB 861:

1. For correlation purposes in new section2, added by the Barnett amendment, page 1, line 4, after "1943," insert "as amended by section 12, Legislative Bill 186, Eighty-fifth Legislature, Second Session, 1978," and in line 10, after "village," insert "and such city or village is exercising such jurisdiction,".

2. Strike the Barnett amendment 2 and on page 3 of the original bill, line 24, strike "is" and insert "and section 23-174.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 12, Legislative Bill 186,

Eighty-fifth Legislature, Second Session, 1978, are".

3. In the title, line 3, after "1943," insert "and section 23-174.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 12, Legislative Bill 186, Eighty-fifth Legislature, Second Session, 1978,"; in lines 3 and 4, strike "cities of the primary class" and insert "real estate"; in line 6, after the semicolon, insert "to redefine terms;"; and in line 7, strike "section" and insert "sections".

LEGISLATIVE BILL 808A. Placed on Select File.

LEGISLATIVE BILL 739. Placed on Select File as amended.
E & R amendment to LB 739:

1. On page 3, line 2, after "servant" insert an underscored comma; and in line 4, strike "entitle" and insert "entitled".

LEGISLATIVE BILL 966. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: 446.

Correctly Enrolled

The following bills were correctly enrolled: 135, 135A, 169, 596, 609, 672, 672A, 722, 773, 833, 845, 847, 952, 897, 897A, 198, 198A, 541, 541A, 733, and 733A.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of tranacting business, the Speaker signed the following bills: 135, 135A, 169, 596, 609, 672, 672A, 722, 773, 833, 845, 847, 952, 897, 897A, 198, 198A, 541, 541A, 733, and 733A.

RESOLUTIONS

LEGISLATIVE RESOLUTION 298.

Introduced by Goodrich, 20th District.

WHEREAS, costs of hospitalization have greatly increased in recent years; and

WHEREAS, efforts have been made through legislation at both the federal and state levels to stabilize hospital costs; and

WHEREAS, federal requirements mandate that Nebraska enact certificate of need legislation by June 30, 1979; and

WHEREAS, additional study of certificate of need legislation is required.

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

1. That the Legislature requests that all hospitals in the state through the Nebraska Hospital Association, the Nebraska Medical Association and all other health care provider groups continue the study of the concept of certificate of need as regards to hospital costs.

2. That such organizations continue strong efforts to stabilize the costs of hospital care in the State of Nebraska.

3. That such organizations report the results of such study to the Public Health and Welfare Committee before the next regular session of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 299.

Introduced by Kennedy, 21st District; Cullan, 49th District.

WHEREAS, Dr Francisco D. Dozon and Dr. Angelito dela Cruz are licensed doctors in the State of Nebraska; and

WHEREAS, Dr. Francisco D. Dozon and Dr. Angelito dela Cruz are citizens of the Phillippine Islands; and

WHEREAS, Dr. Francisco D. Dozon is currently practicing medicine in Rushville, Nebraska; and

WHEREAS, Dr. Francisco D. Dozon is dedicated to serving the residents of Rushville and all residents within a fifty-mile radius of Rushville, a twenty-one bed acute care hospital, and a forty-four bed convalescence hospital; and

WHEREAS, Dr. Angelito dela Cruz is currently practicing medicine in Friend, Nebraska; and

WHEREAS, Dr. Angelito dela Cruz is dedicated to serving the residents of Friend and the twenty-five bed acute care hospital; and

WHEREAS, Dr. Francisco D. Dozon and Dr. Angelito dela Cruz were admitted to the United States to practice medicine on nonimmigrant student exchange visas in 1972 and 1973 respectively; and

WHEREAS, the Embassy of the Philippines requests that Dr. Dozon and Dr. Cruz return to the Philippine Islands for medical service; and

WHEREAS, this action would have a tremendous negative impact upon the availability of health care in the villages of Rushville and Friend, Nebraska; and

WHEREAS, the Rushville City Council, Rushville Chamber of Commerce, Rushville Hospital Board, the American Legion, the American Legion Auxiliary, the Rushville Rotary Club, the Daughters of the American Republic, and the St. Mary's Altar Society, as well as the citizens of Rushville, Nebraka, respectfully request that Dr. Dozon be allowed to remain as the doctor in Rushville; and

WHEREAS, the Mayor of Friend, the Friend City council, the Friend Fire Department, Warren Memorial Hospital Board, the Hospital Administrator, Chamber of Commerce, Rotary International, Chapter D.Q. of the P.E.O., the Federated Women's Club, Federated Garden Club, School District 68 Board, Rebekahs, Odd Fellows, American Legion Post 183, American Legion Auxiliary, order of the Eastern Star, Masonic Lodge, Royal neighbors, Jaycees, Mrs. Jaycees, St. Joseph's Catholic Church, United Church of Christ, Friend Bible Church and many other citizens of Friend, Nebraska respectfully request that Dr. Cruz be allowed to remain as the doctor in Friend; and

WHEREAS, the State of Nebraska acknowledges the importance and value of those who practice medicine in the rural areas of the state; and

WHEREAS, it is in the interest of all citizens in the State of Nebraska that the Government of the Philippines allow Dr. Francisco D. Dozon to and Dr. Angelito dela Cruz to continue practicing medicine in Nebraska.

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

1. That the Legislature respectively requests that the Government of the Philippines issue a no objection statement on behalf of Dr. Francisco D. Dozon and Dr. Angelito dela Cruz and allow them to continue practicing medicine in Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 742 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 742

1. On page 2, strike the new language in lines 19 and 20 and strike geginning with "duplicate" in line 20 through the period in line 21 and show as stricken; strike beginning with the comma in line 22 through line 23, show as stricken, and insert "the seller of the vehicle may obtain a duplicate permit by presenting the previous permit or a portion thereof to a vendor and paying a fee of one dollar.".

2. Insert the following new sections:

"Sec. 2. That section 37-1103, Revised Statutes Supplement, 1977, be amended to read as follows:

37-1103. Permits shall be furnished for sale in such form and manner as prescribed in sections 37-1101 to 37-1114 and shall be required to be permanently affixed to all motor vehicles entering designated permit areas except:

(1) Motor vehicles bearing tax-exempt state licenses;

(2) Motor vehicles in use for law enforcement or emergency purposes;

(3) Motor vehicles engaged in the servicing, enforcement, administration, repair, maintenance, or construction of facilities or property and motor vehicles engaged in the delivery of commodities or materials to the permit areas;

(4) Motor vehicles being operated on a federal, state, or county highway which crosses a permit area, entering at one point and exiting at another;

(5) Motor vehicles which are traveling directly between the permit boundary and the site within the area where permits are vended; ~~and~~

(6) Motor vehicles being operated by the holders of easements across permit areas or their agents, employees, or contractors; and ~~.~~

(7) Motor vehicles bearing dealer number plates which shall comply with section 37-1107.

Sec. 4. That section 37-1107, Revised Statutes Supplement, 1977, be amended to read as follows:

37-1107. Permits shall be furnished for sale in the form of a gummed sticker to be permanently affixed to the inside, lower right corner of the windshield of motor vehicles with windshields, except for motor vehicles bearing dealer number plates which shall display such permit but which are not required to have such permit permanently affixed. The method of display of permits on motor vehicles which do not have windshields shall be as

prescribed by the commission.

Sec. 5. The commission shall adopt regulations for the issuance of duplicate permits for persons who have acquired a motor vehicle entry permit prior to the effective date of this act.

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.".

3. On page 2, line 24 strike "section" and insert "sections 37-1103," and after "37-1106," insert "and 37-1107,"; and in line 25 strike "is" and insert "are".

4. Renumber original sections accordingly.

MOTION - Change of Order

Mrs. Maxey moved to overrule the Speaker's order to consider LB 860 and LB 859 on General File.

Mrs. Maxey moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

The Chair declared the Call raised.

The Maxey motion prevailed with 26 ayes, 1 nay, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 860. Title read. Considered.

Standing Committee amendment found in the Journal on page 692 for the Nineteenth Day was adopted with 27 ayes, 0 nays, 18 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 859. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

MOTION - Change of Order

Mr. Duis moved to overrule the Speaker's order to consider LB 554, LB 786, and LB 786A on General File.

Mr. Duis moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

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

Voting in the affirmative, 27:

Brennan	Fitzgerald	Labedz	Moylan	Schmit
Burrows	Fowler	F. Lewis	Murphy	Venditte
Chambers	George	Marsh	Newell	Warner
DeCamp	Goodrich	Marvel	Nichol	
Duis	Keyes	Maxey	Rumery	
E. Dvorak	Koch	Merz	Savage	

Voting in the negative, 13:

Carsten	Kahle	Kremer	Mills	Stoney
Cullan	Kelly	R. Lewis	Rasmussen	
Hefner	Kennedy	Maresh	Reutzel	

Present and not voting, 7:

Bereuter	Cope	Lamb	Simon
Clark	D. Dworak	Luedtke	

Excused and not voting, 2:

Barnett	Hasebroock

The Duis motion prevailed with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

MR. SAVAGE PRESIDING

GENERAL FILE

LEGISLATIVE BILL 554. Title read. Considered.

Standing Committee amendments found in the Journal on page 597 for the Sixteenth 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 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 786. Title read. Considered.

Standing Committee amendments found in the Journal on page 693 for the Nineteenth 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, 1 nay, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 786A. 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.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 814 in the Journal. No objections. So ordered.

(Amendments printed separate and on file in the Clerk's office. Req. #2943)

MOTION - Change of Order

Mr. F. Lewis moved to overrule the Speaker's order to go directly to Select File and continue until 6:00 p.m.

The motion prevailed with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Venditte moved to suspend rules for the purpose of allowing 15 minutes debate for bills on Select File.
1. Each bill shall be allotted 15 minutes only for debate on Select File.
2. The introducer, or chairman of the committee, shall be given a total for 5 minutes for opening & closing, five minutes of which may be reserved for closing (in which case the chair will advise the person five minutes before the end of the thirty minute period).
3. At the end of the 15 minute period, the question of advancing the bill is voted up or down. If the bill is not advanced, it is placed at the bottom of the Select File (individual & committee bills).

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

The Venditte motion lost with 14 ayes, 15 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Venditte asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 424. Mr. Murphy renewed his pending amendment found in the Journal on page 914.

Mr. Murphy moved for a Call of the House. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

Mr. F. Lewis requested a roll call vote on the Murphy amendment.

Voting in the affirmative, 19:

Bereuter	DeCamp	Kelly	R. Lewis	Rasmussen
Carsten	D. Dworak	Kennedy	Maresh	Schmit
Clark	George	Kremer	Mills	Warner
Cope	Hefner	Lamb	Murphy	

Voting in the negative, 20:

Brennan	Duis	Goodrich	Labedz	Moylan
Burrows	E. Dvorak	Kahle	F. Lewis	Newell
Chambers	Fitzgerald	Keyes	Marvel	Rumery
Cullan	Fowler	Koch	Maxey	Simon

Present and not voting, 7:

Luedtke	Merz	Reutzel	Stoney
Marsh	Nichol	Savage	

Excused and not voting, 3:

Barnett	Hasebroock	Venditte

The Murphy amendment lost with 19 ayes, 20 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Schmit withdrew his pending amendment found in the Journal on page 743.

Mr. Hefner renewed his pending amendment found in the Journal on page 1301.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. Hefner withdrew his amendment.

Mr. Schmit offered the following amendments:
(Amendments printed separate from the Journal and on file in the Clerk's office. Req. #2938)

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 Schmit amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

SPEAKER LUEDTKE PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 917. Placed on Select File as amended.
E & R amendments to LB 917:

1. Because of the Dworak amendment, on page 2, line 25, strike "or"; on page 3, line 1, strike the new matter and reinstate the stricken matter; and in line 2, strike reinstated "(5)" and insert "~~(5)~~ (4)".

2. In the corrected committee amendment, on page 3, line 1, after "proceeding" insert a period.

3. In lieu of all amendments to page 8, line 4, strike "81-8,276" and insert "81-8,277".

4. In the title, line 3, strike "81-8,276" and insert "81-8,277"; and in line 9 strike "to redefine a term" and insert "to provide an exception".

LEGISLATIVE BILL 793. Placed on Select File as amended.
E & R amendments to LB 793:

1. On page 3, line 24, strike "Redwillow" and insert "Red Willow".

2. On page 4, line 22, after "1980" insert a comma.

3. On page 5, line 13, strike "from".

4. On page 6, line 10, after "1980" insert a comma.

5. On page 7, line 6, after "administration" insert a comma.

6. On page 9, line 15, after "authority" insert a comma; and in line 26, strike the first comma.

7. On page 10, line 3, strike the semicolon and insert a comma; and in line 17, strike "systems" and insert "system's".

8. On page 11, line 26, after "be" insert "in the"; and in lines 26 and 27, strike "for the".

9. On page 12, line 17, strike "trustees" and insert "trustee"; and in line 23, strike the comma.

10. On page 15, line 2, after "1980" insert a comma; and in line 11 strike "individual" and insert "individuals".

11. On page 16, line 13, strike "effective" and insert "operative"; and in line 14, strike "act" and insert "section".

12. For correlation purposes, on page 17, line 2, and in the title, line 9, strike "to 79-2650" and insert ", 79-2649"; and on page 17, line 6, and in the title, line 13, after "1977" insert ", section 79-2648, Reissue Revised Statutes of Nebraka, 1943, as amended by section 4, Legislative Bill 922, Eighty-fifth Legislature, Second Session, 1978, and section 79-2650, Reissue Revised Statutes of Nebraska, 1943, as amended by section 5, Legislative Bill 922, Eighty-fifth Legislature, Second Session, 1978"; and on page 17, line 4, and in the title, line 11, strike "and".

LEGISLATIVE BILL 692. Replaced on Select File as amended.
E & R amendments to LB 692:

1. In white copy request 2933, page 5, line 1 after "If" insert "any soil conditioner is" and in line 5 strike the underscored comma; and in lieu of the Schmit amendment 2, page 6, line 11 strike "and" and in line 14 after "1943" insert "; and to declare an emergency".

2. Renumber the emergency clause section added by the Schmit amendment as section 7.

Correctly Engrossed

The following bills were correctly engrossed: 700 and 700A.

Correctly Enrolled

The following bills were correctly enrolled: 44, 184, 851, 855, 889, 889A, and 903.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 44, 184, 851, 855, 889, 889A, and 903.

MR. SAVAGE PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Stoney asked unanimous consent to be excused Friday afternoon, April 14, 1978. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 1978, at 4:28 p.m., were the following bills: 672A, 672, 609, 596, 135A, 135, 169, 722, 773, 833, 845, 847, 952, 897, 897A, 198, 198A, 541, 541A, 733, 733A.

(Signed) Jan Loder, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 800. Mr. Kremer renewed his pending amendment found in the Journal on page 1380.

The amendment was adopted with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Merz withdrew his pending amendment referred to in the Journal on page 1600 (Req. #2899).

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 800A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 248. E & R amendments found in the Journal on page 1389 for the Forty-Third Day were adopted.

Mr. Mills renewed his pending amendments found in the Journal on page 831.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Mills amendment was adopted with 28 ayes, 2 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 919.

The amendment was adopted with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

The Barnett amendments found in the Journal on page 1007 and page 1171 were withdrawn.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 713. E & R amendments found in the Journal on page 1390 for the Forty-third Day were adopted.

Mr. Murphy renewed his pending amendment found in the Journal on page 1661.

The amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. D. Dworak offered the following amendment:

AMENDMENT TO LB 713

1. On page 5, line 15 strike the underscored comma and insert "or"; and strike beginning with the underscored comma in line 16 through "justice" in line 19.

MR. MILLS PRESIDING

Mr. D. Dworak moved for a Call of the House. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mr. D. Dworak requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Bereuter	E. Dvorak	Labedz	Marsh	Rumery
Brennan	D. Dworak	Lamb	Maxey	Savage
Burrows	Fitzgerald	F. Lewis	Merz	Simon
Chambers	Fowler	R. Lewis	Mills	Stoney
Cullan	Kahle	Luedtke	Moylan	
DeCamp	Koch	Maresh	Newell	

Voting in the negative, 8:

Cope	Hefner	Keyes	Rasmussen
George	Kennedy	Murphy	Warner

Present and not voting, 9:

Carsten	Duis	Kelly	Marvel	Reutzel
Clark	Goodrich	Kremer	Nichol	

Excused and not voting, 4:

Barnett	Hasebroock	Schmit	Venditte

The amendment was adopted with 28 ayes, 8 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mrs. Marsh asked unanimous consent to be excused at 5:20 p.m. No objections. So ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 1757.

The amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Simon moved to indefinitely postpone LB 713.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 7(3), and take up the indefinitely postpone motions today on all bills on Select File.

Mr. Cullan 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 DeCamp motion to suspend the rules prevailed with 30 ayes, 7 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Cullan 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 Simon motion to indefinitely postpone lost with 10 ayes, 25 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Marvel asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 943 to Select File

Mr. Maresh moved to return LB 943 to Select File for the following specific amendment:

In committee amendment No. 2 Page 4 strike "Dept of Aeronautics" and re-insert "General"

The motion prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 943. The Maresh specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Members Excused

Mr. Carsten asked unanimous consent to be excused Friday, April 14, 1978. No objections. So ordered.

Mr. George asked unanimous consent to be excused on Thursday, April 20, 1978. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused at 11:15 a.m., Friday, April 14, 1978. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to be excused at 10:00 a.m., Friday, April 14, 1978. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 786A. Placed on Select File.
LEGISLATIVE BILL 859. Placed on Select File.

LEGISLATIVE BILL 860. Placed on Select File as amended.
E & R amendment to LB 860:

1. In the title, line 5, after "fund" insert ", time, and manner".

LEGISLATIVE BILL 932. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 1978, at 5:03 p.m., were the following bills: 889, 889A, 903, 184, 44, 851, and 855.

(Signed) Jan Loder, Enrolling Clerk

VISITORS

The President introduced Jon Langeland from Oslo, Norway; Mr. and Mrs. Harold Langeland, and Karen Langeland; 55 fourth grade students and teacher from Howard School, Grand Island, Nebraska; Mr. Brady DeVore from North Platte, Nebraska; and 24 fourth grade students and teacher from Brownell Talbot School, Omaha, Nebraska.

ADJOURNMENT

At 6:03 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 8:00 a.m., Friday, April 14, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 14, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 14, 1978

Pursuant to adjournment, the Legislature met at 8:06 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

Father in Heaven, we acknowledge Your greatness; all Your actions show Your wisdom and love for us. You made us in Your image and likeness and placed us in the center of Your creation.

When we disobeyed You, You did not abandon us, but helped us to seek and find you.

Time after time You offered to us the means of repentance, friendship, and peace and time after time we have rejected it. We thank You for Your eternal patience and everlasting care.

Help us now to once more lift our minds and hearts to You and resolve to follow You, abandoning self seeking, prejudice and jealousy. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett and Carsten who were excused; Mrs. Marsh, Messrs. George, Koch, Newell, Reutzel, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1939, line 30, add "for" at beginning of the line.
The Journal for the Fifty-Fifth Day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 13, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Denney, Max A. - Lincoln (Effective 6-1-78 withdrawing) Nebraska Consumer Credit Association; Nebraska Manufactured Housing Institute, Inc.
Haney, Bruce E. - Omaha, Piper Jaffray & Hopwood, Inc.
Tews and Radcliffe: Radcliffe, Walter H. - Lincoln, The Nebraska Independent Oil & Gas Association; Tews, David D. - Lincoln, The Nebraska Independent Oil & Gas Association

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 184A and 757.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 184A and 757.

SELECT FILE

LEGISLATIVE BILL 632. E & R amendments found in the Journal on page 1950 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 692. E & R amendments found in the Journal on page 1959 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 910. E & R amendments found in the Journal on page 1929 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 910A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 739. E & R amendment found in the Journal on page 1950 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 966. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 892. E & R amendments found in the Journal on page 1949 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 793. E & R amendments found in the Journal on page 1958 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 859. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 860. E & R amendment found in the Journal on page 1964 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 808A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 932. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 803. E & R amendments found in the Journal on page 1870 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 803A. Advanced to E & R for Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 323.

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 direct alternate energy systems; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for th determination of value of household goods and personal effects. The Legislature by general law may provide that the increased value of land or improvements to real property by reason of shade or ornamental trees planted along the highway, or by reason of the installation of direct alternate energy systems, including direct solar energy systems, direct wind-generated energy systems, solid waste conversion systems, and water powered systems designed primarily for and utilized on either residential, commercial, or industrial buildings by the collection, conversion, transfer, and use of alternate energy for providing heat, refrigeration, or electricity shall not be taken into account in the assessment of such land. The value of a home substantially contributed by the Veterans' Administration of the United States for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death of his widow or her remarriage. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. The Legislature may classify personal property in such manner as it sees fit, and may exempt any of

such classes, or may exempt all personal property from taxation. No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to allow tax exemptions or tax credits for installation of direct alternate energy systems.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 36:

Bereuter	Fitzgerald	Keyes	Marvel	Savage
Brennan	Fowler	Koch	Maxey	Schmit
Chambers	Goodrich	Kremer	Mills	Simon
Clark	Hasebroock	Labedz	Moylan	Stoney
Cope	Hefner	F. Lewis	Murphy	
DeCamp	Kahle	R. Lewis	Nichol	
Duis	Kelly	Luedtke	Rasmussen	
E. Dvorak	Kennedy	Maresh	Rumery	

Voting in the negative, 4:

Cullan	D. Dworak	Lamb	Warner

Present and not voting, 2:

Burrows Merz

Excused and not voting, 7:

Barnett	George	Newell	Venditte
Carsten	Marsh	Reutzel	

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

LEGISLATIVE BILL 636.

A BILL FOR AN ACT relating to weights and measures; to provide for inspection and testing of grain moisture measuring devices; to provide duties of the Public Service Commission; 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, 39:

Bereuter	Duis	Kennedy	Luedtke	Nichol
Brennan	E. Dvorak	Keyes	Maresh	Rasmussen
Burrows	D. Dworak	Koch	Marvel	Savage
Chambers	Fitzgerald	Kremer	Maxey	Schmit
Clark	Goodrich	Labedz	Merz	Simon
Cope	Hefner	Lamb	Mills	Stoney
Cullan	Kahle	F. Lewis	Moylan	Warner
DeCamp	Kelly	R. Lewis	Murphy	

Voting in the negative, 0.

Present and not voting, 3:

Fowler	Hasebroock	Rumery

Excused and not voting, 7:

Barnett	George	Newell	Venditte
Carsten	Marsh	Reutzel	

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

LEGISLATIVE BILL 885.

A BILL FOR AN ACT relating to specific conveyances; to provide for the acceptance of certain real property by the Game and Parks Commission; and to provide conditions.

Whereupon the 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	E. Dvorak	Koch	Marvel	Savage
Brennan	D. Dworak	Kremer	Maxey	Schmit
Burrows	Fitzgerald	Labedz	Merz	Simon
Chambers	Goodrich	Lamb	Mills	Stoney
Clark	Hefner	F. Lewis	Moylan	Warner
Cope	Kahle	R. Lewis	Murphy	
Cullan	Kelly	Luedtke	Nichol	
DeCamp	Kennedy	Maresh	Rasmussen	
Duis	Keyes	Marsh	Rumery	

Voting in the negative, 0.

Present and not voting, 2:

Fowler Hasebroock

Excused and not voting, 6:

Barnett	George	Reutzel
Carsten	Newell	Venditte

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

LEGISLATIVE BILL 153. Mr. F. Lewis moved to return LB 153 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Simon 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 F. Lewis motion lost with 16 nays, 24 ayes, 4 present and not voting, and 5 excused and not voting.

Mr. Mills moved to return LB 153 to Select File for the following specific amendments:

AMENDMENTS TO LB 153

1. Strike original sections 1 and 2 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 III, section 7 of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the General Election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of ~~his~~ office. In addition to ~~his~~ such salary, each member ~~shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature~~ may receive a per diem, as shall be limited by law, and an amount equal to actual and necessary expenses incurred while engaged in the performance of such individual's duties as a member of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary, per diem, and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide a per

diem and expenses of members of the Legislature to be limited by law.
For
Against".".

2. In the title, strike beginning with "that" in line 5 through "prescribed" in line 7 and insert "a per diem and expenses of members of the Legislature to be limited by law".

The Mills motion prevailed with 27 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 153. The Mills specific amendment found in this day's Journal was adopted with 27 ayes, 13 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 407A. With Emergency.

A BILL FOR AN ACT to amend section 72-422, Reissue Revised Statutes of Nebraska, 1943, relating to the Board of Educational Lands and Funds; to provide for expenses and disposition of proceeds from the Lydick 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, 40:

Bereuter	Fitzgerald	Kelly	F. Lewis	Mills
Brennan	Fowler	Kennedy	R. Lewis	Moylan
Burrows	George	Keyes	Luedtke	Newell
Clark	Goodrich	Koch	Maresh	Nichol
Cullan	Hasebroock	Kremer	Marsh	Rasmussen
Duis	Hefner	Labedz	Marvel	Reutzel
E. Dvorak	Kahle	Lamb	Maxey	Rumery

Savage Schmit Simon Stoney Warner

Voting in the negative, 0.

Present and not voting, 6:

Chambers DeCamp Merz
Cope D. Dworak Murphy

Excused and not voting, 3:

Barnett Carsten 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.

Mr. Mills asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 748. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to harmonize provisions; to correct erroneous internal references; to clarify language; to change classifications; to defer operative dates; to provide a duty; to amend sections 2-1221, 20-128, 25-2310, 29-2519, 29-2520, 29-2524, 29-2901, 30-2219, 39-669.07, 39-6,104.02, 39-6,104.03, 44-515, 54-141, 60-1004, 71-161.01, 71-5122, 77-2601, 77-2612, 79-429, 83-120, 83-184, 83-912, and 86-304, Reissue Revised Statutes of Nebraska, 1943, sections 39-703, 54-137, and 54-160, Revised Statutes Supplement, 1976, sections 24-216, 28-319, 28-333, 28-405, 28-518, 28-611, 28-703, 28-704, 28-705, 28-803, 28-807, 28-825, 28-827, 28-1003, 28-1203, 28-1204, 28-1206, 28-1328, 28-1341, 28-1423, 43-512.01, 54-101, 60-1005, 71-649, 71-4632, 75-361, 77-1318.02, and 83-1,133, Revised Statutes Supplement, 1977, and Laws 1977, LB 39, section 340, LB 40, section 321, and LB 41, section 64; to provide an operative date; to repeal the original sections, and also sections 29-102 and 29-2015, Reissue Revised Statutes of Nebraska, 1943, and sections 28-426, and 28-1450 to 28-1462, Revised Statutes Supplement, 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, 43:

Bereuter	E. Dvorak	Keyes	Marsh	Rumery
Brennan	D. Dworak	Koch	Marvel	Savage
Burrows	Fitzgerald	Kremer	Maxey	Schmit
Chambers	George	Labedz	Merz	Simon
Clark	Hasebroock	Lamb	Moylan	Stoney
Cope	Hefner	F. Lewis	Murphy	Venditte
Cullan	Kahle	R. Lewis	Nichol	Warner
DeCamp	Kelly	Luedtke	Rasmussen	
Duis	Kennedy	Maresh	Reutzel	

Voting in the negative, 0.

Present and not voting, 3:

Fowler	Goodrich	Newell

Excused and not voting, 3:

Barnett	Carsten	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 777. Laid over.

LEGISLATIVE BILL 964. With Emergency.

A BILL FOR AN ACT to provide salary increases for all state departments and agencies; to provide an operative date; to provide for repeal; and to declare an emergency.

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

Voting in the affirmative, 44:

Bereuter	Cope	D. Dworak	Hefner	Kremer
Brennan	Cullan	Fitzgerald	Kelly	Labedz
Burrows	DeCamp	Fowler	Kennedy	Lamb
Chambers	Duis	George	Keyes	F. Lewis
Clark	E. Dvorak	Hasebroock	Koch	R. Lewis

Luedtke	Maxey	Newell	Rumery	Stoney
Maresh	Merz	Nichol	Savage	Venditte
Marsh	Moylan	Rasmussen	Schmit	Warner
Marvel	Murphy	Reutzel	Simon	

Voting in the negative, 0.

Present and not voting, 2:

Goodrich Kahle

Excused and not voting, 3:

Barnett Carsten 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 87.

A BILL FOR AN ACT to amend section 39-669.07, Reissue Revised Statutes of Nebraska, 1943, as amended by section 52, Legislative Bill 748, Eighty-fifth Legislature, Second Session, 1978, relating to rules of the road; to provide when conviction shall be only for a first offense; and to repeal the original section.

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

Voting in the affirmative, 28:

Burrows	Hefner	Kremer	Maxey	Rumery
Clark	Kahle	Labedz	Moylan	Savage
DeCamp	Kelly	Lamb	Newell	Schmit
Duis	Kennedy	R. Lewis	Nichol	Warner
George	Keyes	Luedtke	Rasmussen	
Hasebroock	Koch	Marvel	Reutzel	

Voting in the negative, 11:

Bereuter	Cullan	Maresh	Stoney
Chambers	E. Dvorak	Marsh	Venditte
Cope	D. Dworak	Murphy	

Present and not voting, 7:

Brennan	Fowler	F. Lewis	Simon
Fitzgerald	Goodrich	Merz	

Excused and not voting, 3:

Barnett	Carsten	Mills

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

LEGISLATIVE BILL 271.

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.

Whereupon the 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	D. Dworak	Kelly	Marsh	Schmit
Brennan	Fitzgerald	Kennedy	Marvel	Simon
Burrows	George	Keyes	Moylan	Stoney
Clark	Goodrich	Kremer	Newell	Venditte
Cope	Hasebroock	R. Lewis	Nichol	
Cullan	Hefner	Luedtke	Rasmussen	
Duis	Kahle	Maresh	Savage	

Voting in the negative, 7:

Chambers	Koch	Maxey	Warner
E. Dvorak	Lamb	Reutzel	

Present and not voting, 7:

DeCamp	Labedz	Merz	Rumery
Fowler	F. Lewis	Murphy	

Excused and not voting, 3:

Barnett Carsten Mills

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

LEGISLATIVE BILL 373. With Emergency.

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.

Whereupon the President stated: "All provisions of 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	Fitzgerald	Kremer	Maxey	Savage
Chambers	George	Labedz	Merz	Schmit
Clark	Goodrich	Lamb	Moylan	Simon
Cope	Hasebroock	F. Lewis	Murphy	Stoney
Cullan	Hefner	R. Lewis	Newell	Venditte
DeCamp	Kahle	Luedtke	Nichol	Warner
Duis	Kelly	Maresh	Rasmussen	
E. Dvorak	Kennedy	Marsh	Reutzel	
D. Dworak	Keyes	Marvel	Rumery	

Voting in the negative, 2:

Burrows Koch

Present and not voting, 2:

Brennan Fowler

Excused and not voting, 3:

Barnett Carsten 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 407.

A BILL FOR AN ACT to amend sections 77-202.12 and 77-202.13, Reissue Revised Statutes of Nebraska, 1943, 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; to provide duties; to change eligibility for homestead exemption as prescribed; to provide for express obligation; to provide applicability; to provide an operative date; to provide for 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, 39:

Bereuter	E. Dvorak	Kelly	Maresh	Reutzel
Brennan	D. Dworak	Kennedy	Marsh	Rumery
Burrows	Fitzgerald	Keyes	Maxey	Savage
Chambers	George	Kremer	Merz	Schmit
Clark	Goodrich	Labedz	Moylan	Simon
Cope	Hasebroock	F. Lewis	Newell	Stoney
DeCamp	Hefner	R. Lewis	Nichol	Venditte
Duis	Kahle	Luedtke	Rasmussen	

Voting in the negative, 4:

Cullan	Lamb	Murphy	Warner

Present and not voting, 3:

Fowler	Koch	Marvel

Excused and not voting, 3:

Barnett	Carsten	Mills

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

LEGISLATIVE BILL 711. With Emergency.

A BILL FOR AN ACT to amend section 29-2522, Reissue Revised Statutes of Nebraska, 1943, and section 29-2524, Reissue Revised Statutes of Nebraska, 1943, as amended by section 23, Legislative Bill 748, Eighty-fifth Legislature, Second Session, 1978, relating to criminal procedure; to require a review and analysis of certain cases; to provide guidelines for sentencing in criminal homicide cases; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 28:

Bereuter	Duis	Koch	Marvel	Rumery
Brennan	D. Dworak	Kremer	Maxey	Savage
Burrows	Fowler	F. Lewis	Moylan	Simon
Chambers	George	R. Lewis	Newell	Warner
Cope	Kelly	Luedtke	Nichol	
Cullan	Keyes	Marsh	Reutzel	

Voting in the negative, 17:

Clark	Hasebroock	Labedz	Murphy	Venditte
DeCamp	Hefner	Lamb	Rasmussen	
E. Dvorak	Kahle	Maresh	Schmit	
Goodrich	Kennedy	Merz	Stoney	

Present and not voting, 1:

Fitzgerald

Excused and not voting, 3:

Barnett Carsten 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, 28:

Bereuter	Duis	Keyes	Marvel	Rumery
Brennan	D. Dworak	Kremer	Maxey	Savage
Burrows	Fitzgerald	F. Lewis	Moylan	Simon
Chambers	Fowler	R. Lewis	Newell	Warner
Cope	George	Luedtke	Nichol	
Cullan	Kelly	Marsh	Reutzel	

Voting in the negative, 17:

Clark	Hasebroock	Labedz	Murphy	Venditte
DeCamp	Hefner	Lamb	Rasmussen	
E. Dvorak	Kahle	Maresh	Schmit	
Goodrich	Kennedy	Merz	Stoney	

Present and not voting, 1:

Koch

Excused and not voting, 3:

Barnett	Carsten	Mills

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 922. Mr. Kremer moved to return LB 922 to Select File for the specific amendment found in the Journal on page 1784.

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

Voting in the affirmative, 15:

Bereuter	Hasebroock	Kelly	Luedtke	Rasmussen
Cope	Hefner	Koch	Marsh	Savage
Duis	Kahle	Kremer	Nichol	Schmit

Voting in the negative, 25:

Brennan	E. Dvorak	Keyes	Marvel	Newell
Burrows	D. Dworak	Lamb	Maxey	Rumery
Chambers	Fitzgerald	F. Lewis	Merz	Simon
Clark	Fowler	R. Lewis	Moylan	Stoney
Cullan	Goodrich	Maresh	Murphy	Warner

Present and not voting, 6:

DeCamp	Kennedy	Reutzel
George	Labedz	Venditte

Excused and not voting, 3:

Barnett	Carsten	Mills

The Kremer motion lost with 15 ayes, 25 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Schmit asked unanimous consent to have LB 922 laid over one hour.

Mr. Cullan objected.

Mr. Schmit moved to have the bill laid over one hour. The motion lost with 10 ayes, 25 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 922. With Emergency.

A BILL FOR AN ACT to amend sections 79-2648 and 79-2650, Reissue Revised Statutes of Nebraska, 1943, relating to technical community colleges; to place restrictions on new capital construction, site acquisition, and certain contracts as prescribed; to provide for an election; to provide duties; to repeal the original sections; and to declare an emergency.

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

Mr. Cullan requested a roll call vote.

Voting in the affirmative, 30:

Bereuter	DeCamp	Kahle	Marvel	Reutzel
Brennan	D. Dworak	Keyes	Merz	Rumery
Burrows	Fitzgerald	Lamb	Moylan	Simon
Chambers	Fowler	F. Lewis	Murphy	Stoney
Clark	George	R. Lewis	Newell	Venditte
Cullan	Goodrich	Maresh	Nichol	Warner

Voting in the negative, 16:

Cope	Hefner	Kremer	Maxey
Duis	Kelly	Labedz	Rasmussen
E. Dvorak	Kennedy	Luedtke	Savage
Hasebroock	Koch	Marsh	Schmit

Excused and not voting, 3:

Barnett	Carsten	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, 32:

Bereuter	D. Dworak	Koch	Moylan	Simon
Brennan	Fitzgerald	Lamb	Murphy	Stoney
Burrows	Fowler	F. Lewis	Newell	Venditte
Chambers	George	R. Lewis	Nichol	Warner
Clark	Goodrich	Maresh	Reutzel	
Cullan	Kahle	Marvel	Rumery	
DeCamp	Keyes	Merz	Savage	

Voting in the negative, 13:

Cope	Hasebroock	Kennedy	Marsh	Schmit
Duis	Hefner	Kremer	Maxey	
E. Dvorak	Kelly	Luedtke	Rasmussen	

Present and not voting, 1:

Labedz

Excused and not voting, 3:

Barnett	Carsten	Mills

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Suspend Rules

Mrs. Labedz moved to suspend the rules, Rule 6, Sec. 6b to read LB 946 and LB 946A on Final Reading today.

The motion lost with 13 ayes, 19 nays, 14 present and not voting, and 3 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 12, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 951 and Reengrossed Legislative Bill No. 957.
These bills were signed by me on April 12, 1978 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 554. Placed on Select File as amended.
E & R amendments to LB 554:

1. Because section 29-1803.03 was repealed on page 4, strike beginning with "is" in line 6 through the period in line 7 and insert an underscored period after "counsel" in line 6, and show old matter as stricken.

2. In the title, line 2, after "29-2902," insert "29-2903, and 29-2906,"; and in line 7 after the semicolon insert "to provide for annual review;".

3. For correlation purposes: (a) strike original section 1; (b) in lieu of committee amendment 2, on page 5, line 14, strike "29-2901 and" and after "29-2902," insert "29-2903, and 29-2906,"; (c) in the title, line 2, strike "29-2901 and", and in lines 4 and 5, strike "to redefine

sexual offense;''; and (d) renumber original sections 2 and 3 as sections 1 and 4, and sections 3 and 4 added by the committee amendment as sections 2 and 3.

LEGISLATIVE BILL 800. Replaced on Select File as amended.
E & R amendments to LB 800:

1. In the Kremer amendment, page 1, line 10, strike the comma; in line 24, strike the period and insert an underscored semicolon; and in line 27, strike the period and insert ''; or''.

2. In the title, line 5, strike ''and'' and insert ''to require authorization to construct microwave communication facilities; to provide exceptions;'' and in line 6, after ''section'' insert ''; and to declare an emergency''.

LEGISLATIVE BILL 424. Replaced on Select File as amended.
E & R amendments to LB 424:

1. On page 1, line 11, strike the comma and insert ''and''.

2. On page 2, line 23, after ''now'' insert a comma; and in line 25, strike the comma.

3. On page 3, line 1, after ''future'' insert a comma; in line 5, strike the comma and insert ''and''; in line 16, after ''success'' insert a comma.

4. On page 4, line 11, after ''12,'' insert ''Reissue Revised Statutes of Nebraska, 1943,''.

5. On page 5, line 16, after ''committee'' insert a comma.

6. On page 6, line 14, after ''grants'' insert a comma.

7. On page 7, line 9, strike the comma.

8. On page 8, strike beginning with ''relating'' in line 12 through ''plants'' in line 13 and insert ''to adopt the Nebraska Gasohol and Energy Development Act''.

LEGISLATIVE BILL 248. Replaced on Select File as amended.
E & R amendments to LB 248:

1. In the title, line 4, after ''60-1401.02,'' insert ''60-1402,''; and in line 13, after the semicolon insert ''to limit the number of consecutive terms served by board members; to change provisions relating to devise, revocation, or suspension of licenses;''.

2. In the DeCamp amendment adopted 4/13/78, line 2, strike ''Article 17.'' and insert ''Chapter 60, article 17; or -''.

3. Renumber original sections 4 to 11 as sections 5 to 12, the section added by the committee amendment as section 13, and original section 12 as section 14.

Correctly Enrolled

The following bills were correctly enrolled: 323, 407A, 636, and 885.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature is in session and capable of transacting business, the Speaker signed the following bills: 323, 407A, 636, and 885.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1978, at 9:22 a.m., were the following bills: 757 and 184A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

EXPLANATION OF VOTE

Had I been present I would have voted aye on LB 748 and nay on LB 323CA and LB 777.

(Signed) Dave Newell

Had I been present I would have voted in favor of LB 323, 636, 885, and 952.

(Signed) Barry Reutzel

MR. MARVEL PRESIDING

UNANIMOUS CONSENT - Unbracket LB 756

Mr. Warner asked unanimous consent to unbracket LB 756 on Final Reading. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Cullan, F. Lewis, and Murphy asked unanimous consent to add their names to LB 756. No objections. So ordered.

MOTION - Return LB 756 to Select File

Mr. Warner moved to return LB 756 to Select File for the specific amendments:

(Amendments printed separately from the Journal. Req. No. 2941)

The motion prevailed with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 756. The Warner specific amendment referred to in this day's Journal (Req. No. 2941) was adopted with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 756 to Select File

Mr. Cope moved to return LB 756 to Select File for the following specific amendment:

Page 14 White Copy

Starting Line 2, strike "Beginning with Kearney and ending with 1980 on line 5"

Mr. Cope moved for a Call of the House. The motion lost with 10 ayes, 13 nays, and 26 not voting.

The Cope motion to return to Select File lost with 9 ayes, 11 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Warner asked unanimous consent to expedite LB 756. No objections. So ordered.

MOTION - Suspend Rules

Mr. Bereuter moved to suspend the rules, Rule 7, Sec. 3a, so that motions to indefinitely postpone a bill on Select File be taken up immediately. This motion shall apply to all bills this legislative day.

The motion prevailed with 30 ayes, 2 nays, 12 present and not voting, and 5 excused and not voting.

Mrs. Maxey and Mr. Warner asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 7, Section 1, Subsection b and d, and the following procedure be followed:

1. The Speaker shall select bills on select file which he determines have no amendments and these bills shall first be processed.
2. The Speaker shall next select bills on select file which have minor amendments, technical amendments and/or amendments of a nature which are non-controversial to the degree reasonably possible for the Speaker to determine; these shall then be processed on select file.
3. The Speaker shall next select bills on select file which have a major amendment or amendments which may be controversial but which compromises or agreements have been reached between the opposing sides and these shall be processed on select file.
4. The Speaker shall next select bills which have amendments which are controversial in nature or which have no apparent possibility of reaching agreement on and these shall then be dealt with.

Mr. Newell offered the following amendment to the DeCamp motion:

Add a section 5 to the DeCamp procedural change.

5. All bills shall be limited to 15 min. of debate on select file which may only be extended if in the opinion of the Speaker that addition time might finally determine the issue. If the Introducer or the Sponsor of the legislation determines the bill is not ready for advancement he may avoid the vote by allowing the bill to fall to the bottom of select file.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 20 not voting.

The Newell amendment lost with 15 ayes, 12 nays, 16 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 prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Marsh moved for a Call of the House. The motion lost with 9 ayes, 15 nays, and 25 not voting.

The DeCamp motion to suspend the rules lost with 16 ayes, 10 nays, 17 present and not voting, and 6 excused and not voting.

MOTION - Change Order

Mr. Simon moved to overrule the Speaker's order and take bills up on select file in the manner outlined in the original DeCamp motion.

Mr. Simon moved for a Call of the House. The motion lost with 9 ayes, 20 nays, and 20 not voting.

The Simon motion lost with 17 ayes, 14 nays, 12 present and not voting, and 6 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1978, at 10:40 a.m., were the following bills: 636, 885, 407A, and 323.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MR. SAVAGE PRESIDING

Messrs. Marvel and F. Lewis asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Recess

Mr. Chambers moved to recess until 2:00 p.m. The motion lost with 7 ayes, 22 nays, and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 713. Mr. Koch withdrew his pending amendment found in the Journal on page 1367.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to LB 713:
Strike Section 26 and show as stricken; insert: "No records relating to the adjudication of a youth in juvenile court shall be disseminated to non-criminal justice agencies, unless a statute, court order or court decision specifically authorizes such dissemination"

Mr. Simon moved for a Call of the House. The motion lost with 11 ayes, 12 nays, and 26 not voting.

Mr. Simon requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 20:

Brennan	D. Dworak	R. Lewis	Merz	Rumery
Burrows	Fitzgerald	Luedtke	Mills	Schmit
Chambers	Fowler	Maresh	Moylan	Simon
Cullan	Goodrich	Marsh	Newell	Stoney

Voting in the negative, 4:

Kahle	Lamb	Murphy	Reutzel

Present and not voting, 16:

Bereuter	George	Kennedy	Labedz
Cope	Hasebroock	Keyes	Nichol
Duis	Hefner	Koch	Savage
E. Dvorak	Kelly	Kremer	Venditte

Excused and not voting, 9:

Barnett	Clark	F. Lewis	Maxey	Warner
Carsten	DeCamp	Marvel	Rasmussen	

The Chambers amendment lost with 20 ayes, 4 nays, 16 present and not voting, and 9 excused and not voting.

Mr. Fowler withdrew his pending amendment found in the Journal on page 1459.

Mr. Fowler renewed his pending amendment found in the Journal on page 1680.

The amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Mr. Fowler renewed his pending amendment found in the Journal on page 1694.

RECESS

Mr. Simon moved to recess until 1:30 p.m. The motion prevailed with 14 ayes, 13 nays, and 22 not voting.

At 11:55 a.m., on a motion by Mr. Simon, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Mr. Savage presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett, Carsten, Clark, Rasmussen, and Stoney who were excused; and Messrs. Kelly, F. Lewis, Maresh, Marvel, and Warner who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 153. Replaced on Select File as amended.
E & R amendment to LB 153:

1. In lieu of the Mills amendment 2, in the title, Final Reading Copy, strike beginning with "that" in line 5 through "limitations" in line 8 and insert "a per diem and expenses of members of the Legislature to be limited by law"

LEGISLATIVE BILL 756. Replaced on Select File as amended.
E & R amendments to LB 756:

1. On page 4, line 3, strike "insitutions" and insert "institutions".

2. On page 11, line 27, after "1978" insert an underscored comma.

3. On page 15, line 27, strike "community" and insert "Community".

4. On page 20, line 2, after "records" insert an underscored comma.

5. On page 25, section 56, line 2 of such section strike "The" and insert "the"; in line 5 of such section strike "The University of Nebraska" and insert "the", and after "Regents" insert "of the University of Nebraska".

6. Insert the unnumbered section as section 57, and in line 3 of this section insert an underscored comma before "and".

7. On page 25, line 6, strike "79-4,154,".

8. Renumber sections 57 to 59 as sections 58 to 60.

9. In the title of the final reading copy, strike lines 2 through 6 and insert

"FOR AN ACT relating to postsecondary education; to provide legislative intent; to define terms;

to provide role and mission assignments for the University of Nebraska, state colleges, and technical community colleges as prescribed; to provide duties of the Legislature; to amend sections 79-1422, 79-1429, 85-194, 85-195, and 85-308, Reissue Revised Statutes of Nebraska, 1943, and section 79-2644, Revised Statutes Supplement, 1977; to provide for severability; to repeal the original sections, and also Chapter 14, article 13, and section 71-1,132.43, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.".

LEGISLATIVE BILL 786. Placed on Select File as amended.
E & R amendments to LB 786:

1. On page 3, line 1, strike the comma; after "hospitalization" insert a comma; and after the third "or" insert "services".

2. In the committee amendment, page 1, line 3, strike "in any case"; in line 5, strike "must" and insert "shall"; in line 6, strike "in all such cases where" and insert "when"; and in line 14, strike "where" and insert "when".

3. On page 4, lines 21 and 25, page 5, lines 7, 10, 13, 16, 20, and 26, page 6, lines 12, 20, 23, and 26, and page 7, lines 4, 8, 11, and 14, after "provided" insert "with the application for a certificate of authority".

4. On page 5, line 10, strike the comma.

5. On page 6, lines 15 and 16, strike the comma.

6. On page 7, line 21, after "disapprove" insert "the modification,"; and in line 25, strike the comma.

7. On page 8, line 23, strike the second "by" and insert "of"; and in line 27, after "provides" insert "in making determination pursuant to section 33 of this act".

8. On page 9, line 24, strike ", such" and insert ". Such".

9. On page 10, line 6, strike "and"; and in line 27, strike the period and insert a semicolon.

10. On page 11, line 17, strike the comma; in line 24, strike "purpsoes" and insert "purposes".

11. On page 13, line 2, strike the comma.

12. On page 14, line 22 after "control" insert a comma.

13. On page 15, line 9, strike the comma.

14. On page 16, line 23, strike the comma.

15. On page 17, line 9, after "Health" insert a comma.

16. On page 18, line 4, after the second "year" insert a comma.

17. On page 19, line 10, strike "pre-existing" and insert "preexisting"; in line 11 before "except" insert a comma; in line 13, strike the comma; and in line 19, strike "where" and insert "when".

18. On page 20, line 1, strike "complaince" and insert "compliance"; and in line 13, strike "thereof" and insert "of such application".

19. On page 21, line 4, after "director" insert a comma; in line 20, strike "such" and insert "the", and after "system" insert "maintained under section 59 of this act"; and in line 26, strike "of this act,".

20. On page 23, line 17, after "exclusion" insert a comma.

21. On page 25, line 4, strike the first "and" and strike "may"; in lines 14 and 15, strike the commas; in line 15, after "may" insert a comma; and in line 16, after "affliliate" insert a comma.

22. On page 27, line 6, after "facilitate" insert "an examination of"; and in line 8, strike the comma.

23. On page 30, line 17, strike the comma; and in line 21, strike the second comma.

24. On page 31, line 3, strike the comma; and in line 17, strike the comma.

25. On page 34, line 7, strike the comma.

26. On page 35, line 13, after "state" insert a comma.

27. On page 36, line 14, strike "or"; and in line 15, strike the second "or".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 553. E & R amendment found in the Journal on page 1930 for the Fifty-Fifth Day was adopted.

Mr. Chambers requested a machine vote to advance LB 553.

Mr. Venditte moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. DeCamp moved the Call be raised. The Chair declared the Call raised.

Advanced to E & R for Engrossment with 25 ayes, 10 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 800. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 424. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 248. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 153. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 756. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 554. E & R amendments found in this day's Journal were adopted.

Mr. Reutzel requested a machine vote to advance LB 554.

Advanced to E & R for Engrossment with 25 ayes, 3 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 713. Mr. Fowler withdrew his pending amendment found in the Journal on page 1694.

Mr. Fowler renewed his pending amendment found in the Journal on page 1695.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Fowler moved for a Call of the House. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

Mr. Fowler requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Brennan	Duis	Koch	Merz	Rumery
Chambers	D. Dworak	Luedtke	Mills	Savage
Cullan	Fitzgerald	Marsh	Moylan	Schmit
DeCamp	Fowler	Maxey	Newell	Simon

Voting in the negative, 12:

Bereuter	Goodrich	Kennedy	R. Lewis
Cope	Hefner	Labedz	Murphy
E. Dvorak	Kelly	Lamb	Venditte

Present and not voting, 8:

Burrows	Hasebroock	Keyes	Nichol
George	Kahle	Kremer	Reutzel

Excused and not voting, 9:

Barnett	Clark	Maresh	Rasmussen	Warner
Carsten	F. Lewis	Marvel	Stoney	

The Fowler amendment lost with 20 ayes, 12 nays, 8 present and not voting, and 9 excused and not voting.

The Chair declared the Call be raised.

Mr. Simon renewed his pending amendment found in the Journal on page 1748.

Mr. Simon moved for a Call of the House. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

Mr. Simon requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Bereuter	D. Dworak	Koch	Mills	Simon
Brennan	Fitzgerald	Luedtke	Moylan	
Chambers	Fowler	Marsh	Newell	
Cullan	Goodrich	Maxey	Reutzel	
DeCamp	Keyes	Merz	Schmit	

Voting in the negative, 10:

Cope	Hefner	Lamb	Maresh	Rumery
E. Dvorak	Labedz	R. Lewis	Murphy	Venditte

Present and not voting, 10:

Burrows	George	Kahle	Kennedy	Nichol
Duis	Hasebroock	Kelly	Kremer	Savage

Excused and not voting, 8:

Barnett	Clark	Marvel	Stoney
Carsten	F. Lewis	Rasmussen	Warner

The Simon amendment lost with 21 ayes, 10 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Koch offered the following amendment:
Strike Section 26

The amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Murphy moved to suspend the rules, Rule 7, subsection 3 and Rule 6, subsection 4 to discontinue any further debate and vote on advancement of LB 713 at this time.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Murphy motion lost with 21 ayes, 14 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
Page 2, line 2, after "the", insert "The Tews and Radcliffe"

The amendment lost with 1 aye, 18 nays, 24 present and not voting, and 6 excused and not voting.

Mr. George asked unanimous consent to be excused. No objections. So ordered.

Mr. F. Lewis asked unanimous consent to be excused at 4:30 p.m. No objections. So ordered.

CHANGE ORDER

Speaker Luedtke changed the order to consider bills on Select File without amendments.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 793. Replaced on Select File as amended.
E & R amendment to LB 793:

1. For correlation purposes, on page 17, line 4, and in the title, line 11, strike "79-2644," and in E & R 12, line 7, strike "and"; and in line 9 after "1978" insert ", and section 79-2644, Revised Statutes Supplement, 1977, as amended by section 52, Legislative Bill 756, Eighty-fifth Legislature, Second Session, 1978".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 793. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 808. Mr. Venditte withdrew his pending amendments found in the Journal on page 1784.

E & R amendments found in the Journal on page 1804 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 576. E & R amendments found in the Journal on page 1785 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 695. Mr. Chambers withdrew his pending amendments found in the Journal on page 753.

E & R amendments found in the Journal on page 1758 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 786. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 693. E & R amendments found in the Journal on page 1684 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 693A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 872. Mr. Lamb withdrew his pending amendments found in the Journal on page 1748.

Advanced to E & R for Engrossment.

SPEAKER LUEDTKE PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 300.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Cullan, 49th District; Kelly, 35th District; Kennedy, 21st District; R. Lewis, 38th District; Merz, 1st District; Moylan, 6th District.

WHEREAS, Nebraska's water laws and related court decisions have been formulated on an ad hoc basis rather than within the framework of a comprehensive state water policy; and

WHEREAS, the water planning process in Nebraska is not currently organized and focused on consideration of water policy issues, such as conflicts among ground and surface water users, the conjunctive use of ground and surface waters, conflicts among riparian and appropriative water rights holders, groundwater management policies, water needs for municipalities, environmental and recreational demands for water, interbasin water transfers, the protection of surface and groundwater quality, the integration and

coordination of state water allocation and water quality policies, and the role of the state and its political subdivisions in financing water resources development and management; and

WHEREAS, Nebraska's water resources planning, and the availability and use of water in Nebraska, will be affected by developments at the state, regional, and federal levels of government, such as, regional energy developments, state and federal environmental and water quality policies, federal policies on wildlife, recreation, and environmental needs, Indian water rights, federal reserved water rights, the study of the Ogallala Formation, and the proposed study of the Madison Formation; and

WHEREAS, relationships within and among basins, natural resources districts, state, and nations can both complement and conflict with state water management objectives; and

WHEREAS, long-range water plans cannot be adequately developed and implemented without due consideration of many of these water policy issues; and

WHEREAS, the 1965 session of the Nebraska Legislature assigned responsibility to the agency which is now the Natural Resources Commission to: "...plan, develop, and encourage the implementing of a comprehensive program of resources development, conservation, and utilization for the soil and water resources of this state..."; and

WHEREAS, in adopting Legislative Resolution No. 5 in the 1967 session, the Nebraska Legislature directed the Commission "to prepare a comprehensive water and related land plan for the State of Nebraska, such framework plan to be completed no later than June 30, 1971, and to be known as the State Water Plan"; and

WHEREAS, the Commission did complete and transmit to the Legislature in May of 1971 the Framework Study for the State Water Plan and has since that date continued to work toward the development of remaining portions of the state water planning effort, including river basin studies for the thirteen major river basins of the state; and

WHEREAS, the development of and increased demands upon the state's water and related land resources have occurred at a faster rate than that anticipated at the commencement of the state water planning effort; and

WHEREAS, the commitment of resources, financial and otherwise, to the state water planning effort has not been sufficient to allow that effort to keep pace with such rate of development and increased demands; and

WHEREAS, the 1978 Legislature has provided additional funds for accelerating the state water planning process and has directed the Commission to develop in cooperation with other state agencies and political subdivisions a policy statement and work plan setting forth the future direction for such process; and

WHEREAS, the 1978 Legislature has also indicated its desire that the state water planning process include information and guidance on numerous water and water-related legislative and administrative policy problems, including the review and revision, where necessary, of existing Nebraska water laws; and

WHEREAS, there is a need for a review mechanism in the development and implementation of the State Water Plan to consider potential impacts of alternative state and local water management policies, federal programs and projects, and interstate and other water-related developments;

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

1. That the Legislature directs the Natural Resources Commission, the Department of Water Resources, the Department of Environmental Control, the Game and Parks Commission, the University of Nebraska-Lincoln Conservation and Survey Division, the Nebraska Water Resources Center, and the State Office of Planning and Programming to cooperate in the preparation of work plan for redirecting and accelerating development of the State Water Plan, to commit personnel, time, and other resources sufficient to provide for satisfactory completion of such work plan by November 15, 1978, and to place a high priority on analysis of water policy issues.

2. That the work plan shall list the responsibilitites of each agency in developing the elements of the State Water Plan, and shall further include an identification of the order in which policy issues should be analyzed to facilitate the development of a state water policy framework, an identification of information needs for those issues to be initially evaluated, and the tentative schedule for acquiring and interpreting such information.

3. That the analysis of policy issues be developed with participation from interested resources-related organizations, locally elected officials, and the general public.

4. That the policy issues to be considered include, but not be limited to, questions concerning conflicts among ground and surface water users, the conjunctive use of ground and surface waters, conflicts

among riparian and appropriative water right holders, groundwater management policies, water needs for municipalities, environmental and recreational demands for water, interbasin water transfers, the protection of surface and groundwater quality, the integration and coordination of state water allocation and water quality policies, and the role of the state and its political subdivisions in financing water resources development and management.

5. That the Commission provide to the Legislature and the Governor no later than September 15 of each year, beginning in 1979, a progress report indicating (a) the policy issues on which work has been completed, including evaluation of relevant alternative approaches to each issue and any recommendations by the Commission of the alternatives to consider for implementation, and (b) the plan of work for the next ensuing year.

6. That the Commission develop a review mechanism for implementation of the State Water Plan to consider potential impacts of alternative state and local water management policies, federal programs and projects, and interstate and other water-related developments.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 286, 593, 650, 754, 763, 766, 815, 868, and 908.

Correctly Enrolled

The following bills were correctly enrolled: 87, 271, 373, 407, 711, 748, 922, and 964.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 87, 271, 373, 407, 711, 748, 922, and 964.

MR. MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 867. Mrs. Maxey withdrew her pending amendments on page 1732.

Advanced to E & R for Engrossment.

Mrs. Labedz, Messrs. Mills, George, and Fitzgerald asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 713. Mr. Fowler renewed his pending amendment found in the Journal on page 1694.

The amendment lost with 13 ayes, 10 nays, 16 present and not voting, and 10 excused and not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Chambers moved for a Call of the House. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 12:

Brennan	E. Dvorak	Marsh	Moylan
Burrows	Fowler	Marvel	Newell
Chambers	R. Lewis	Merz	Simon

Voting in the negative, 19:

Cope	Hefner	Lamb	Murphy	Savage
Duis	Kelly	Luedtke	Nichol	Schmit
D. Dworak	Kennedy	Maresh	Reutzel	Venditte
Hasebroock	Kremer	Maxey	Rumery	

Present and not voting, 8:

Bereuter	DeCamp	Kahle	Koch
Cullan	Goodrich	Keyes	F. Lewis

Excused and not voting, 10:

Barnett	Clark	George	Mills	Stoney
Carsten	Fitzgerald	Labedz	Rasmussen	Warner

The motion to indefinitely postpone lost with 12 ayes, 19 nays, 8 present and not voting, and 10 excused and not voting.

The Chair declared the Call be raised.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Murphy moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Murphy requested a roll call vote to advance LB 713.

Voting in the affirmative, 26:

Bereuter	Hefner	Lamb	Moylan	Schmit
Cope	Kahle	F. Lewis	Murphy	Venditte
Duis	Kelly	R. Lewis	Nichol	
D. Dworak	Kennedy	Luedtke	Reutzel	
Goodrich	Kremer	Maresh	Rumery	
Hasebroock	Labedz	Merz	Savage	

Voting in the negative, 9:

Brennan	Chambers	Fowler	Marvel	Simon
Burrows	E. Dvorak	Marsh	Maxey	

Present and not voting, 4:

Cullan	Keyes	Koch	Newell

Excused and not voting, 10:

Barnett	Clark	Fitzgerald	Mills	Stoney
Carsten	DeCamp	George	Rasmussen	Warner

Advanced to E & R for Engrossment with 26 ayes, 9 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the Call be raised.

LEGISLATIVE BILL 713A. Mr. Chambers requested a machine vote to advance to E & R for Engrossment.

Advanced to E & R for Engrossment with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1978, at 3:50 p.m., were the following bills: 922, 711, 407, 373, 271, 87, 964, and 748.

(Signed) Hazel Kaltenberger, Enrolling Clerk

Mr. Duis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 786A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 649. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 562. E & R amendments found in the Journal on page 1757 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 404. E & R amendment found in the Journal on page 1692 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 965 in the Journal. No objections. So ordered.

(1)
AMENDMENT TO LB 965

Purpose: To appropriate $1,200,000 general funds to the Governor's Emergency Fund.

Amendment:

Add a new section to read as follows:

"There is appropriated one million two hundred thousand dollars from the General Fund to the Military Department, Agency 31, Program
192, Governor's Emergency Fund, for the period July 1, 1977, to June

30, 1978. The unexpended General Fund existing on June 30, 1978, in the Governor's Emergency Fund, Program 192, Agency 31, is hereby re-
appropriated."

(2)
AMENDMENT TO LB 965

Add the following new section:

"Sec. ____. (1) There is hereby appropriated four hundred twenty thousand dollars from the General Fund to the State Emergency Capital Construction Contingency Fund for the period July 1, 1977, to June 30, 1978. Any funds held in the State Emergency Capital Construction Contingency Fund are hereby appropriated for the period July 1, 1977, to June 30, 1978, to Agency No. 65 - Department of Administrative Services for Program 920 - State Emergency Capital Construction, for emergency construction projects at state facilities, but control of such funds shall remain with the Governor in accordance with Sections 81-1108.24 and 81-1108.25, Revised Statutes Supplement, 1976. The unexpended balance existing in the State Emergency Capital Construction Contingency Fund as of June 30, 1978, is hereby reappropriated for the period July 1, 1978, to June 30, 1979, to Agency No. 65 - Department of Administrative Services, Program 920.

(2) It is the intent of the Legislature that the following emergency construction projects be undertaken with the funds appropriated in this section.

AGENCY	FACILITY	AMOUNT
Department of Public Institutions	Grand Island Veterans Home	$234,000
Game and Parks Commission	Two Rivers State Recreation Area	38,000
	Louisville State Recreation Area	58,000
	Dead Timber State Recreation Area	10,000
	Fremont State Recreation Area	5,000
	Schramm State Recreation Area	5,000
	Plattsmouth Waterfowl Area	5,000
	Niobrara State Park	65,000."

(3)
AMENDMENTS TO LB 965

Purpose: To clarify language relating to personal services limitations in LB 951, LB 952, LB 953, and LB 954.

Amendment:

1. Insert two new sections as follows:

"Sec. 3. Except for programs for which federal funds in excess of the amounts shown are avilable, personal services expenditures for those budget programs reflected in Legislative Bills 951, 952, and 954, Eighty-fifth Legislature, Second Session, 1978, shall be limited to the amounts shown. For those programs which do not have such limitations stated, there shall be no limitations on such personal services expenditures.

Sec. 4. (1) Except for programs for which federal funds in excess of the amounts shown are available and as provided in subsections (2) and (3) of this section, no personal services expenditures shall be made from any budget program reflected in Legislative Bill 953, Eighty-fifth Legislature, Second Session, 1978, which does not have a personal services limitation within such program.

(2) for those programs shown in this subsection, personal services expenditures shall not be limited.

(a) Agency No. 23 - Department of Labor
Program No. 031, 435, 436, 437, 438

(b) Agency No. 31 - Military Department
Program No. 192

(c) Agency No. 46 - Department of Correctional Services
Program No. 379, 386, 388, 389

(d) Agency No. 78 - Nebraska Commission on Law Enforcement and Criminal Justice
Program No. 196, 200

(3) Personal services expenditures for Agency No. 27 - Department of Roads shall not be limited within the specific programs, but shall be subject to the limitation set for the entire agency.".

2. Renumber remaining sections accordingly.

3. In the title, line 2 after the semicolon insert "to provide intent;".

(4)

AMENDMENTS TO LB 965

Purpose: To reappropriate the unexpended balance in the Federal Surplus Property Fund in the Department of Roads.

Amendment:

1. Insert a new section as follows:

"Sec. 5. The unexpended balance of the one hundred thousand dollar General Fund appropriation to the Department of Roads, Agency 27, Program 572, in section 49, Legislative Bill 924, Eighty-fifth Legislature, Second Session, 1978, is hereby reappropriated to the Federal Surplus Property Fund for the fiscal year 1978-79.

The unexpended balance existing on June 30, 1978, in the Federal Surplus Property Fund in the Department of Roads, Agency 27, Program 572 is hereby reappropriated for the fiscal year 1978-79.''.

2. Renumber remaining sections accordingly.

3. In the title, line 2 after the semicolon insert ''to provide for a reappropriation;''.

Mr. Reutzel asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 578. Mr. Hefner renewed his pending amendments found in the Journal on page 1418.

Mr. Nichol asked if the amendments were germane.

Mr. Marvel ruled the amendments were germane to the bill.

Mr. Hefner moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Bereuter	Goodrich	kennedy	Luedtke	Warner
Brennan	Hasebroock	Keyes	Maresh	
Cope	Hefner	Koch	Maxey	
E. Dvorak	Kahle	Kremer	Savage	
George	Kelly	Lamb	Venditte	

Voting in the negative, 5:

R. Lewis	Marvel	Nichol	Rumery	Schmit

Present and not voting, 12:

Burrows	D. Dworak	Marsh	Murphy
Chambers	Fowler	Merz	Newell
Cullan	Labedz	Moylan	Simon

Excused and not voting, 11:

Barnett	DeCamp	F. Lewis	Reutzel
Carsten	Duis	Mills	Stoney
Clark	Fitzgerald	Rasmussen	

The Hefner amendment lost with 21 ayes, 5 nays, 12 present and not voting, and 11 excused and not voting.

The Chair declared the Call be raised.

Mr. Nichol moved the adoption of the following Rasmussen amendment to LB 578:
Page 2, line 23 strike line 23 and insert the original line: (a) Unground Hay

The Rasmussen amendment lost with 13 ayes, 11 nays, 14 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendments to LB 783 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 783

1. On page 2 reinstate the stricken language in lines 21 through 27.

2. On page 3 reinstate the stricken language in lines 1 through 21.

3. On page 5, line 3 after the period insert "The Natural Resources Commission shall develop and make available to the districts suggested guidelines regarding the format and general content of such long-range implementation plans."

SELECT FILE

LEGISLATIVE BILL 639. E & R amendments found in the Journal on page 1390 for the Forty-Third Day were adopted.

Mr. Schmit withdrew his pending amendment found in the Journal on page 1215.

Mr. Lamb renewed his pending amendment found in the Journal on page 1580.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 19 not voting.

The Lamb amendment was adopted with 25 ayes, 6 nays, 8 present and not voting, and 10 excused and not voting.

Mr. R. Lewis offered the following amendment to LB 639:
Strike Sec. 28 of LB 639.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. R. Lewis moved for a Call of the House. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mr. R. Lewis requested a roll call vote.

Voting in the affirmative, 25:

Brennan	Kahle	Marsh	Murphy	Savage
Cope	Keyes	Marvel	Newell	Schmit
DeCamp	Koch	Maxey	Nichol	Simon
E. Dvorak	Labedz	Merz	Reutzel	Venditte
Hefner	R. Lewis	Moylan	Rumery	Warner

Voting in the negative, 10:

Burrows	George	Kelly	Kremer	Luedtke
Cullan	Hasebroock	Kennedy	Lamb	Maresh

Present and not voting, 5:

Bereuter	Chambers	D. Dworak	Fowler	Goodrich

Excused and not voting, 9:

Barnett	Clark	Fitzgerald	Mills	Stoney
Carsten	Duis	F. Lewis	Rasmussen	

The amendment was adopted with 25 ayes, 10 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

Mrs. Marsh asked unanimous consent to be excused at 4:50 p.m. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 560, 569, 634, 708, 737, 819, 875, 900, and 943.

(Signed) Samuel K. Cullan, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 301.

Introduced by Warner, 25th District.

WHEREAS, the Nebraska Coordinating Commission was directed to conduct special studies concerning a statewide information system, the transferability of credit, student attrititon, and adult and continuing education; and

WHEREAS, the commission completed its study responsibilities after considerable effort; and

WHEREAS, the Legislature found the Commission's report on a Uniform Information System for Nebraska to be of great assistance in developing an information system proposal which the Legislature has approved; and

WHEREAS, the Legislature has received the study findings on issues of public importance; and

WHEREAS, the study reports require further review to determine what action the Legislature should consider in response to the issues identified.

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

1. That the Legislative Performance Review and Audit Committee review the commission's study findings and recommendations.

2. The Committee identify any legislative action needed to correct problems identified in the Commission's reports on the transferability of credit, student attrition, and adult and continuing education.

3. The Legislative Performance Review and Audit Committee report any recommendations for further legislative action to the 1979 regular session of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 302.

Introduced by Bereuter, 24th District; Maxey, 46th District; Marsh, 29th District; Warner, 25th District; Luedtke, 28th District; Barnett, 26th District; Koch, 12th District.

WHEREAS, the city of Lincoln, Nebraska has been named an All-American City for 1977-1978 by the National Municipal League; and

WHEREAS, such an award indicates the strong spirit and attitude of the citizens of Lincoln; and

WHEREAS, the spirit and attitude of the citizens is evidenced by their efforts to work with the officials of the city to reach workable solutions to various problems; and

WHEREAS, the citizens have pledged to continue to beautify and improve the environment of the city; and

WHEREAS, new construction provides evidence of confidence in the future of the city.

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

1. That the Legislature congratulates the citizens of Lincoln, Nebraska for receipt of the All-American City award.

2. That a copy of this resolution be presented to the city.

Laid over.

SELECT FILE

LEGISLATIVE BILL 639. Mr. Kahle offered the following amendment:

To amend the Lamb amendment page one line 13 after the word in add the following language each of the 8 districts of continue with the original language also on page two-line 24 change the word Seventh to the word ninth

The amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Cullan offered the following amendment:
SECTION 22
Page 9
Line 1
After the Phrase on line 1 - "shall be subject to the fee more than once."
ADD THE FOLLOWING: "All first purchasers designated to collect the fee shall
forward the total of such collections to the board by the last day of each January, April, July and October, on forms prescribed by the board. Such first purchasers shall deduct and withhold from the amount of fee paid to the board an amount of three percent as reimbursement for the cost of collecting the fee.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Cullan amendment lost with 14 ayes, 13 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 639A. Advanced to E & R for Engrossment.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

MOTION - Suspend Rules

Mr. Venditte moved to suspend the rules and advance LR 152.

The motion prevailed with 30 ayes, 0 nays, 17 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 152. Advanced to E & R for Engrossment.

EASE

The Legislature was at ease from 5:26 p.m. until 5:40 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engossed

The following bill was correctly re-engrossed: 756.

(Signed) Samuel K. Cullan, Chairman

VISITORS

The President introduced 35 seniors and teacher from Walthill, Nebraska; fourth grade students and teachers from Meadow Lane School, Lincoln; 38 fourth grade students, teacher, and sponsors from Loveland Elementary School, Omaha; 27 fourth grade students and teacher from Norris School, Lancaster County; 8 grade students and teacher from District 18, Fullerton, Nebraska; 24 fourth and sixth grade students, teacher, and sponsors from St. Paul's Lutheran School, West Point, Nebraska.

ADJOURNMENT

At 5:51 p.m., on a motion by Mr. Warner, the Legislature adjourned until 9:00 a.m., Monday, April 17, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 17, 1978

LEGISLATIVE JOURNAL

FIFTY-SEVENTH DAY - APRIL 17, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 17, 1978

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

In this, the day that the Lord hath made, help us to appreciate its beauty and to use aright its opportunities.

Deliver us from the tyranny of trifles during these closing days of the Legislature. May we give our best thought and attention to what is important, that we may continue to accomplish those things which are worthwhile. Teach us how to listen to the prompting of Thy spirit, and thus save us from floundering in indecision that wastes time, subtracts from our peace, divides our efficiency, and multiplies our troubles. In the name of Christ. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. George, Reutzel, Schmit, Venditte, and the Appropriations Committee who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

On Page 1966, line 27, delete "page 1950" and insert "page 1930". The Journal for the Fifty-Sixth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 695. Replaced on Select File as amended.
E & R amendment to LB 695:

1. In line 2 of the E & R amendment, insert "or" after "correctional".

LEGISLATIVE BILL 713. Replaced on Select File as amended.
E & R amendments to LB 713:

1. Strike all amendments that renumber original sections 27 to 33.

2. In the Fowler amendment line 5, after "person" insert an underscored comma; and strike beginning with "in" in line 15 through the first "and" in line 16.

3. In the Warner amendment, line 1, strike "; provided," and insert ", except".

LEGISLATIVE BILL 639. Replaced on Select File as amended.
E & R amendments to LB 639:

1. In the Lamb amendment, page 1, line 10, strike the comma; on page 2, lines 8 and 23, strike the comma.

2. Renumber original sections 8 to 22 as sections 9 to 23, sections 23 to 25 added by the Lamb amendment as sections 24 to 26, original sections 23 to 27 as sections 27 to 31, and original sections 29 to 33 as sections 32 to 36.

3. On page 9, lines 3, 16, and 20, strike "22" and insert "23"; and in the committee amendment, page 1, line 8, strike "22" and insert "23".

4. In the Kahle amendment adopted April 14, strike "8" and insert "eight" and strike all underscoring.

5. In the title, line 4, after "fund;" insert "to provide for a referendum as prescribed;".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 695. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 713. E & R amendments found in this day's Journal were adopted.

Mr. Simon requested a machine vote to advance LB 713.

Mr. D. Dworak moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. D. Dworak requested a roll call vote to advance LB 713.

Voting in the affirmative, 32:

Bereuter	D. Dworak	Keyes	Maresh	Rumery
Carsten	Goodrich	Kremer	Marsh	Savage
Clark	Hasebroock	Labedz	Merz	Stoney
Cope	Hefner	Lamb	Moylan	Warner
DeCamp	Kahle	F. Lewis	Murphy	
Duis	Kelly	R. Lewis	Nichol	
E. Dvorak	Kennedy	Luedtke	Rasmussen	

Voting in the negative, 6:

Burrows	Cullan	Newell
Chambers	Maxey	Simon

Present and not voting, 7:

Barnett	Fitzgerald	Koch	Mills
Brennan	Fowler	Marvel	

Excused and not voting, 4:

George	Reutzel	Schmit	Venditte

Advanced to E & R for Engrossment with 32 ayes, 6 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 639. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

Mr. Marvel asked unanimous consent to be excused until 11:30 a.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 192. E & R amendments found in the Journal on page 1552 for the Forty-Seventh Day were adopted.

Mr. Burrows renewed his pending amendments referred to in the Journal on page 1813 (Req. #2923).

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Koch moved to indefinitely postpone LB 192.

Mr. Koch moved to suspend the rules, Rule 7, Sec. 7(3) to take up motions to indefinitely postpone today on all bills on Select File.

The motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

Mr. Koch requested a roll call vote on his motion to indefinitely postpone LB 192.

Voting in the affirmative, 14:

Barnett	Goodrich	Koch	Luedtke	Rumery
Carsten	Hefner	Kremer	Marsh	Warner
Cope	Kelly	Lamb	Rasmussen	

Voting in the negative, 22:

Bereuter	Cullan	Kahle	Murphy	Stoney
Brennan	DeCamp	Kennedy	Nichol	Venditte
Burrows	D. Dworak	R. Lewis	Savage	
Chambers	Fowler	Maresh	Schmit	
Clark	Hasebroock	Merz	Simon	

Present and not voting, 10:

Duis	Fitzgerald	Labedz	Maxey	Moylan
E. Dvorak	Keyes	F. Lewis	Mills	Newell

Excused and not voting, 3:

George Marvel Reutzel

The motion to indefinitely postpone lost with 14 ayes, 22 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Keyes withdrew his pending amendment found in the Journal on page 1572.

Mr. Maresh offered the following amendment:

AMENDMENTS TO LB 192

1. Insert a new section as follows:

"Sec. ____. Each nonresident individual, corporation, trust, or estate engaged in the raising of agricultural products or the feeding or grazing of livestock within the State of Nebraska, for sale outside the state, shall file a report with the Tax Commissioner within one hundred five days after the end of the tax year for such individual, corporation, trust, or estate stating, or estimating if final figures are not available, the total yield of such agricultural products or the total weight gain of such livestock while within the state for the previous year ending January 1.".

2. Renumber remaining sections accordingly.

The amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mrs. Marsh requested a machine vote to advance LB 192.

Mr. Burrows moved for a Call of the House. The motion prevailed with 16 ayes, 0 ayes, and 33 not voting.

Mr. Burrows requested a roll call vote to advance LB 192.

Voting in the affirmative, 25:

Bereuter	Cullan	Kahle	Merz	Savage
Brennan	DeCamp	Kennedy	Moylan	Simon
Burrows	D. Dworak	Labedz	Murphy	Stoney
Chambers	Fowler	R. Lewis	Reutzel	Venditte
Clark	Hasebroock	Maresh	Rumery	Warner

Voting in the negative, 10:

Barnett	Cope	Hefner	Lamb	Rasmussen
Carsten	Duis	Kelly	Marsh	Schmit

Present and not voting, 13:

E. Dvorak	Goodrich	Kremer	Maxey	Nichol
Fitzgerald	Keyes	F. Lewis	Mills	
George	Koch	Luedtke	Newell	

Excused and not voting, 1:

Marvel

Advanced to E & R for Engrossment with 25 ayes, 10 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 192A. Mr. Burrows requested a roll call vote to advance LB 192A.

Voting the affirmative, 26:

Bereuter	DeCamp	Kahle	Merz	Venditte
Brennan	D. Dworak	Kennedy	Murphy	Warner
Burrows	Fitzgerald	Labedz	Reutzel	
Chambers	Fowler	F. Lewis	Savage	
Clark	Goodrich	R. Lewis	Simon	
Cullan	Hasebroock	Maresh	Stoney	

Voting in the negative, 10:

Barnett	Cope	Hefner	Marsh	Rumery
Carsten	Duis	Kelly	Rasmussen	Schmit

Present and not voting, 12:

E. Dvorak	Koch	Luedtke	Moylan
George	Kremer	Maxey	Newell
Keyes	Lamb	Mills	Nichol

Excused and not voting, 1:

Marvel

Advanced to E & R for Engrossment with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 351. E & R amendments found in the Journal on page 1554 for the Forty-Seventh Day were adopted.

Mr. Keyes withdrew his pending amendment found in the Journal on page 1325.

Mr. Murphy renewed his pending amendment found in the Journal on page 703.

The amendment was adopted with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

Mr. Keyes withdrew his pending amendment found in the Journal on page 1730.

Mr. Barnett withdrew his pending amendment found in the Journal on page 1543.

Mr. E. Dvorak renewed his pending amendments referred to in the Journal on page 1816 (Req. #2909).

Mr. Barnett offered the following amendment to the E. Dvorak amendment to LB 351, Req. #2909:
Page 9, Line 10, after the word "month" insert "per license".

The amendment was adopted with 25 ayes, 1 nay, 22 present and not voting, and 1 excused and not voting.

Mr. Merz 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 E. Dvorak amendment, as amended, was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Murphy withdrew his pending amendment found in the Journal on page 1854.

Mr. E. Dvorak offered the following amendment:

1. On page 6, line 15 strike "one-year" and insert "five-year".
2. On page 12, line 3 after "Bingo" insert "gross".

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:

(1)

"Sec. Any citizen shall have standing to sue a person issued a license pursuant to section Such suit may challenge the legitimacy of any bingo game operation, including but not limited to, the distribution of gross proceeds, the awarding of prizes, and the conduct of such game. Any citizen bringing an action under this section shall, if successful, be entitled to recover court costs, and reasonable attorneys' fees.".

The amendment was adopted with 30 ayes, 1 nay, 17 present and not voting, and 1 excused and not voting.

Mr. Murphy offered the following amendment:

Page 4 following "taxes" in line 26 add "rent" also on page 22 line 27 after "fees" insert "rent".

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Murphy offered the following amendment:

page 16 lines 7 and 8, strike subsection (4).

The amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:

(2)

No political subdivision shall conduct a lottery or a bingo.

SPEAKER LUEDTKE PRESIDING

The amendment lost with 8 ayes, 22 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Chambers requested a record vote to advance LB 351.

Voting in the affirmative, 31:

Barnett	D. Dworak	Koch	Moylan	Simon
Brennan	Fitzgerald	Labedz	Murphy	Venditte
Carsten	Fowler	Lamb	Newell	Warner
Clark	Goodrich	Luedtke	Rasmussen	
Cope	Hasebroock	Maresh	Reutzel	
DeCamp	Hefner	Marsh	Rumery	
E. Dvorak	Keyes	Merz	Schmit	

Voting in the negative, 1:

Chambers

Present and not voting, 16:

Bereuter	George	Kremer	Mills
Burrows	Kahle	F. Lewis	Nichol
Cullan	Kelly	R. Lewis	Savage
Duis	Kennedy	Maxey	Stoney

Excused and not voting, 1:

Marvel

Advanced to E & R for Engrossment with 31 ayes, 1 nay, 16 present and not voting, and 1 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 17, 1978

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

Dear Mr. President and Senators:

I hereby return LB 184 and LB 184A without my signature and with my objections.

The reasons for my veto of LB 184, the litter tax bill, are many and varied, and I will list the most important.

My major reason for vetoing this bill is that it is a tax bill, pure and simple, and not a legitimate litter bill, despite election year rhetoric extolling the virtues of fighting litter. This litter tax bill creates a new tax which ultimately the consumer will have to pay. This tax will be an easy mark for every special interest spending group in every future legislative session. As little attention as is paid by the Legislature to the sales and income tax rates as they now exist, I am frightened to think what would happen if the spenders were cut loose on the new tax created by LB 184 in the future. We do not need or want new money grabbing tax laws !

The bill, if adopted, could not be properly initiated by the Department of Revenue since the only appropriation to the Department to implement the tax comes from the litter tax fund itself. However, the litter tax fund will not receive any revenue until the tax is implemented. But the tax cannot be implemented until the Department of Revenue has the resources to implement the tax. It is a Catch 22 created either by design or inadequate consideration.

The litter tax bill is poorly drafted, ambiguous and subject to varied interpretation. In Section 6 it is stated that the tax shall not apply to "gross sales involving any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substances obtained therefrom". Does this mean that sales by farmers of their grain crops are to be taxed? This is just one example of the can of worms that would be created during any attempt to administer and implement this new tax law.

The intentions of the legislative drafters of LB 184 are interesting. Last year, LB 220 was introduced in almost identical form to LB 184. This year, LB 184 includes all of the items to be taxed as LB 220 except for newspapers. Interestingly enough, LB 184 does not include newspapers as being subject to the tax in this year's rebirth. I suspect, although the proponents will probably deny, that newspapers were eliminated this year for the specific purpose of attempting to quiet opposition from that influential segment in our society. I do not believe the newspapers of Nebraska can be so hoodwinked by legislative game players. The question though as to why newspapers were suddenly and without explanation excused should be answered by the proponents of this new tax.

LB 184 is a bad bill and creates a bad tax. The people of this state simply don't want, nor do they need, more taxation. I urge you to support my veto and eliminate this potentially monstrous tax burden from the people of this state.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah2
Enclosures

RESOLUTION

LEGISLATIVE RESOLUTION 303.

Introduced by Barnett, 26th District; Bereuter, 24th District; Brennan, 9th District; Burrows, 30th District; Carsten, 2nd District; Chambers, 11th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Duis, 39th District; E. Dvorak, 8th District; D. Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Hasebroock, 18th District; Hefner, 19th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Maxey, 46th District; Merz, 1st District; Mills, 44th District; Moylan, 6th District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Rasmussen, 41st District; Reutzel, 15th District; Rumery, 42nd District; Savage, 10th District; Schmit, 23rd District; Simon, 31st District; Stoney, 4th District; Venditte, 7th District; Warner, 25th District.

WHEREAS, Gerald Whelan is the President of the Legislature; and

WHEREAS, upon the conclusion of the current session, Gerald Whelan will not continue as President of the legislature; and

WHEREAS, the efficiency of the Legislature greatly depends upon the abilities and decisiveness of the President of the Legislature; and

WHEREAS, Gerald Whelan has provided strong leadership and decisiveness which greatly contributed to the efficiency and effectiveness of the legislative process; and

WHEREAS, appreciation of such excellence is not shown as often as it should be.

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

1. That the Legislature greatly appreciates and offers its thanks to Gerald Whelan for his four years of effective leadership.

2. That a copy of this resolution be provided to Gerald Whelan.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 153 and 692.

Correctly Engrossed

The following bills were correctly engrossed: 375, 404, 424, 448, 448A, 464, 553, 554, 562, 576, 578, 632, 649, 693, 693A, 737A, 739, 743, 743A, 786, 786A, 800, 800A, 803, 803A, 859, 860, 867, 872, 892, 907, 910, 910A, 932, 966, and LR 152.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 386. E & R amendments found in the Journal on page 1675 for the Fiftieth Day were adopted.

Mr. Barnett offered the following amendment:
Reinstate original sections 2 and 3.

The amendment lost with 11 ayes, 16 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kelly withdrew his pending amendments referred to in the Journal on page 1677 (Req. #2914).

Mr. D. Dworak renewed his pending amendment referred to in the Journal on page 1813 (Req. #2935)

The amendment was adopted with 27 ayes, 7 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Keyes offered the following:

Amendment to Request 2935, strike on page 3, lines 15 through 20

The amendment lost with 8 ayes, 13 nays, 26 present and not voting, and 2 excused and not voting.

Mrs. Maxey offered the following amendment:
To reinstate the stricken language on page 1 line 25 and page 2 line 1.

Mrs. Maxey moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mrs. Maxey requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Bereuter	Kennedy	Lamb	Maxey	Rasmussen
Burrows	Keyes	R. Lewis	Merz	Rumery
Cope	Kremer	Marsh	Mills	Warner
Fowler	Labedz	Marvel	Murphy	

Voting in the negative, 16:

Barnett	E. Dvorak	Koch	Nichol
Carsten	D. Dworak	F. Lewis	Reutzel
Cullan	George	Luedtke	Schmit
DeCamp	Hasebroock	Moylan	Stoney

Present and not voting, 13:

Brennan	Fitzgerald	Kahle	Newell	Venditte
Clark	Goodrich	Kelly	Savage	
Duis	Hefner	Maresh	Simon	

Excused and not voting, 1:

Chambers

The amendment lost with 19 ayes, 16 nays, 13 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Barnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. F. Lewis offered the following amendment:
On page 11 and 12 of the Dworak amendment reinstate the stricken language (Section I.) Renumber the original sections.

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 F. Lewis amendment was adopted with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 884. E & R amendments found in the Journal on page 1929 for the Fifty-Fifth Day were adopted.

Mr. Maresh withdrew his pending amendment found in the Journal on page 1855.

Mrs. Marsh withdrew her pending amendment found in the Journal on page 1855.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 884A. Mr. Maresh renewed his pending amendment found in the Journal on page 1854.

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 877. E & R amendments found in the Journal on page 1836 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at noon today in room 2102.

VISITORS

The President introduced 17 3rd and 4th grade students, teacher and sponsors from Hordville Public School, Hordville, Nebraska; 43 4th grade students, teachers and sponsors from Maywood and Seymour Elementary Schools, Ralston, 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 1:34 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz and Mr. Chambers who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 695, 793, 808, and 808A.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 42. E & R amendments found in the Journal on page 1682 for the Fiftieth Day were adopted.

Mr. Newell renewed his pending amendments found in the Journal on page 1755.

Mr. Newell offered the following amendment to his amendment:
1. On page 1756, Line 18 insert "two thirds" after "a" and prior to "majority". On line 20 after increased add a "period" and strike the remaining Language. Until Line 24.
2. On page 1756, Line 6 of Sec. 273 strike "1984" and insert "1982".

Mr. Bereuter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Newell amendment to his amendment was adopted with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Koch offered the following amendment to the Newell amendment:

Page 1755, Line 12 after "for" insert "fixed charges,"

Mr. Bereuter 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. Bereuter asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch moved for a Call of the House. The motion prevailed with 24 ayes, 4 nays, and 21 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Barnett	Goodrich	Kremer	Mills	Savage
Brennan	Hefner	F. Lewis	Moylan	Simon
Carsten	Kahle	Luedtke	Murphy	Warner
Cope	Kelly	Maresh	Rasmussen	
Fitzgerald	Keyes	Marsh	Reutzel	
Fowler	Koch	Maxey	Rumery	

Voting in the negative, 16:

Clark	E. Dvorak	Kennedy	Marvel
Cullan	D. Dworak	Labedz	Merz
DeCamp	George	Lamb	Newell
Duis	Hasebroock	R. Lewis	Schmit

Present and not voting, 4:

Burrows	Nichol	Stoney	Venditte

Excused and not voting, 2:

Bereuter Chambers

The Koch amendment was adopted with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

The Newell amendment, as amended, was adopted with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

MR. MARVEL PRESIDING

Mr. Warner offered the following amendments to LB 42:

AMENDMENTS TO LB 42

1. Strike original section 265 and insert the following new sections:

"Sec. 265. That section 23-927.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-927.01. On or before August 15 of each year, the county assessor shall certify to each governing body or board empowered to levy or certify a ~~mill~~ tax levy the current valuation of all property subject to the applicable levy. Current valuation shall mean that valuation established by the county assessor and equalized by the county board of equalization and the State Board of Equalization and Assessment.

Sec. 266. That section 23-2909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2909. The board of trustees shall annually fix the amount of money for the proposed budget statement as may be deemed sufficient and necessary for carrying out the proposed policy in regard to the contemplated building or buildings for the ensuing fiscal year. After the adoption of the district's budget statement, the president and secretary shall certify the amount to be received from taxation, according to the adopted budget statement, to the proper county clerk, or county clerks, and the proper county board or boards which shall levy a tax, not to exceed the amount so certified nor to exceed one ~~half mill~~ and three-fourths cents on the dollar upon the ~~assessed~~ actual value of all the taxable property in such district, except intangible property, for the acquisition or maintenance of the building or buildings

in the district for the fiscal year as provided by law. Such tax shall be collected as other taxes are collected in the county by the county treasurer and shall be placed to the credit of the district so authorizing the same, and shall be paid to the treasurer of the district upon warrants drawn upon the fund by the board of trustees of the district. Such warrants shall bear the signature of the president and the counter-signature of the secretary of the district. The amount of the tax levy shall not exceed the amount of funds required to defray the expenses of the district for a period of one year as set forth in the adopted budget statement.

Sec. 267. (1) At the time of any general reappraisal of all lands and improvements in a county, the assessed valuations established by the county assessor and equalized by the county board of equalization and the State Board of Equalization and Assessment shall separately identify the increased assessed valuations due to (a) improvements made to real property during the preceding calendar year and (b) increases in valuation made to centrally assessed property.

(2) The county assessor shall determine the percentage increase in assessed valuations for real property, other than centrally assessed property, which is not due to improvements made during the preceding calendar year over the previous year's assessed valuations.

(3) Commencing with the tax year in which a general reappraisal of all real property becomes applicable, all tax levy authorizations shall be reduced in an amount proportionate to the percentage increase in assessed valuations, as determined under subsection (2) of this section, which is in excess of fifteen per cent. Such changed tax levy authorizations shall remain as the maximum limit until specifically provided otherwise by law.

Sec. 268. The county assessor shall from (1) the assessed valuation established by the county assessor and equalized by the county board of equalization and the State Board of Equalization and Assessment, and (2) the percentage increase in assessed valuations determined under section 267 of this act compute the percentage that tax levy authorization shall be reduced pursuant to such section. The county assessor shall include in the certification of current valuations to each governing body or board empowered to levy or certify a tax levy

pursuant to section 23-927.01 the specific tax levy authorizations which have been reduced and the maximum authorizations currently allowed as a result of computations under sections 267 to 269 of this act.

Sec. 269. The Tax Commissioner shall adopt and promulgate rules and regulations necessary to make the computations required by sections 267 and 268 of this act and shall specifically provide procedures for dealing with multicounty tax districts.

Sec. 270. Sections 1 to 266 of this act shall become operative on April 1, 1984.

Sec. 271. 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.".

2. On page 314, line 24, insert "23-927.01," after the fifth comma; and in line 25, insert "23-2909," after the first comma.

3. Add emergency clause.

4. Renumber remaining sections accordingly.

Mr. Newell requested the Warner amendment be divided to vote on Sections 270 and 271 in one vote and the remainder in one vote.

Sections 270 and 271 of the Warner amendment were adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The balance of the Warner amendment was adopted with 28 ayes, 3 nays, 17 present and not voting, and 1 excused and not voting.

Mr. George asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maresh offered the following amendment:

Amend LB 42 on page 13 line 8 strike "fifteen" and insert "thirty"

Also add a new section to allow this section to be effective 90 days after the end of the session.

Mr. Maresh moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Maresh requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Cope	Keyes	Maresh	Murphy	Schmit
Cullan	Kremer	Marsh	Nichol	Warner
Hasebroock	Lamb	Marvel	Rasmussen	
Hefner	F. Lewis	Merz	Reutzel	
Kahle	R. Lewis	Mills	Rumery	
Kennedy	Luedtke	Moylan	Savage	

Voting in the negative, 11:

Barnett	Carsten	Duis	Newell
Brennan	Clark	E. Dvorak	Stoney
Burrows	DeCamp	D. Dworak	

Present and not voting, 10:

Chambers	Fowler	Kelly	Labedz	Simon
Fitzgerald	Goodrich	Koch	Maxey	Venditte

Excused and not voting, 2:

Bereuter George

The amendment was adopted with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Override Line-item Veto on LB 924

Mr. Warner moved pursuant to Rule 6, Section 13, that the Legislature override the Governor's line-item veto of the State Department of Education - Program 292 - Special Education, Section 41, on page 77 and 78 and Program 143 - State Aid and School Food Services and Reserve Teacher Act, Section 41, on page 76; and the University of Nebraska utility improvements, Program 913, Section 53, page 107 of LB 924.

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.

Whereupon the President stated: "Shall the above sections of LB 924 pass notwithstanding the objections of the Governor?"

Voting in the affirmative, 42:

Brennan	Fitzgerald	Kremer	Merz	Savage
Burrows	Fowler	Lamb	Mills	Schmit
Carsten	Goodrich	F. Lewis	Moylan	Simon
Clark	Hasebroock	R. Lewis	Murphy	Stoney
Cope	Hefner	Luedtke	Newell	Venditte
Cullan	Kahle	Maresh	Nichol	Warner
DeCamp	Kelly	Marsh	Rasmussen	
Duis	Keyes	Marvel	Reutzel	
E. Dvorak	Koch	Maxey	Rumery	

Voting in the negative, 2:

D. Dworak Kennedy

Present and not voting, 3:

Barnett Chambers Labedz

Excused and not voting, 2:

Bereuter George

Having received a constitutional three-fifths majority voting in the affirmative, the above sections passed notwithstanding the objections of the Governor.

Mr. Warner moved pursuant to Rule 6, Section 13, that the Legislature override the Governor's line-item veto of the Game and Parks Commission, Program 336 - Wildlife Conservation, Section 25, on page 43 of LB 924.

Whereupon the President stated: "Shall the above section of LB 924 pass notwithstanding the objections of the Governor?"

Mr. Savage moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Savage requested a roll call vote on the Warner motion.

Voting in the affirmative, 30:

Brennan	Fowler	Kremer	Marvel	Reutzel
Carsten	Goodrich	Labedz	Maxey	Rumery
Cullan	Hasebroock	F. Lewis	Merz	Savage
DeCamp	Hefner	R. Lewis	Mills	Schmit
E. Dvorak	Kelly	Luedtke	Moylan	Venditte
Fitzgerald	Koch	Marsh	Nichol	Warner

Voting in the negative, 15:

Burrows	D. Dworak	Kennedy	Maresh	Rasmussen
Cope	George	Keyes	Murphy	Simon
Duis	Kahle	Lamb	Newell	Stoney

Present and not voting, 3:

Barnett Chambers Clark

Excused and not voting, 1:

Bereuter

Having received a constitutional three-fifths majority voting in the affirmative, the above section passed notwithstanding the objections of the Governor.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 192. Replaced on Select File as amended. E & R amendments to LB 192:

1. On page 3, line 14, strike the second "by".

2. On page 4, line 12, after "176" insert "of".

3. On page 5, line 5, after the comma insert "as"; in line 8, after "and" insert "on January 1"; in line 19 strike "as of" and insert "at"; and in line 22 after "fund" insert "in".

4. On page 6, line 1 after the second "in" insert "this"; and in line 8 after "expenditures" insert "shall be".

5. On page 7, line 23 after "and" insert "on or before"; and in line 27 after "include" insert "an amount".

6. On page 8, line 5 strike "years' " and insert "year's"; and in line 20 strike "leased" and insert "based".

7. On page 9, line 12, strike the comma; in line 14, strike "; and" and insert a period; in lines 18 and 25, strike

the semicolon; and insert a period; in line 20, strike "the prior year's income by"; and in line 25 strike "effective" and insert "operative".

8. On page 13, line 6, strike the second comma; and in line 9, strike "where" and insert "when".

9. On page 14, line 2, after "thereto" insert a comma.

10. Number the section added by the Maresh amendment as section 23 and renumber original section 23 as section 24.

11. In the title, line 5, strike "and" and insert a comma, and after "corporations" insert ", trusts, and estates"; and in line 8 after the semicolon insert "to provide penalties; to provide severability;".

LEGISLATIVE BILL 351. Replaced on Select File as amended.
E & R amendments to LB 351:

1. In the Chambers amendment adopted 4/17, in line 1 after "Sec." insert "49"; in line 2, strike "section" and insert "this act."; and in line 8 strike the comma.

2. In the Murphy amendment to page 4, in line 3 before "rent" insert ", and"; and in the Murphy amendment to page 22, before "rent" insert an underscored comma.

3. On page 4, line 26 strike "and".

4. On pages 16, 17, and 18, renumber subdivisions (5) to (12) as subdivisions (4) to (11).

5. On page 22, line 14, strike "49" and insert "50".

6. Renumber sections 49 to 51 as sections 50 to 52.

7. In the title, strike lines 2 to 14 and insert:

"FOR AN ACT to adopt the Nebraska Bingo Act; to amend section 28-1115, Revised Statutes Supplement, 1977; to limit expenses; to provide penalties; and to repeal the original section, and also sections 9-101 to 9-123, Reissue Revised Statutes of Nebraska, 1943.".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 192. E & R amendments found in this day's Journal were adopted.

Mrs. Marsh requested a machine vote to advance LB 192.

Mr. Burrows moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Burrows requested a roll call vote on advancing LB 192.

Voting in the affirmative, 25:

Barnett	DeCamp	Labedz	Maxey	Reutzel
Brennan	Fitzgerald	F. Lewis	Merz	Simon
Burrows	Fowler	R. Lewis	Murphy	Stoney
Chambers	Kahle	Luedtke	Newell	Venditte
Cullan	Keyes	Maresh	Nichol	Warner

Voting in the negative, 16:

Carsten	Hefner	Lamb	Moylan
Cope	Kelly	Marsh	Rasmussen
Duis	Kennedy	Marvel	Rumery
Hasebroock	Koch	Mills	Schmit

Present and not voting, 7:

Clark	D. Dworak	Goodrich	Savage
E. Dvorak	George	Kremer	

Excused and not voting, 1:

Bereuter

Advanced to E & R for Engrossment with 25 ayes, 16 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 351. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION - Rule Change

Mr. DeCamp offered the following rule change:

PROPOSED RULE CHANGE

Amend Rule 6, Section 5 by striking all the original language and inserting the following:

Rule 6, Section A. Upon a bill being replaced on Select File, it shall be proper to consider only the Enrollment and Review amendments. No other amendments shall be considered. The E & R amendments may be adopted by a voice vote. If a machine vote is requested a majority of those voting shall be sufficient to adopt the amendments. Upon adoption of the Enrollment and

Review amendments the bill may be readvanced to Enrollment and Review for Engrossment by voice vote. If a machine vote is requested, a majority of those voting shall be sufficient to readvance the bill.

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

Referred to the Rules Committee.

MR. SAVAGE PRESIDING

SELECT FILE

LEGISLATIVE BILL 566. E & R amendment found in the Journal on page 1684 for the Fiftieth Day was adopted.

Mr. Luedtke moved the adoption of the following Bereuter amendment:

1. On page 2, line 12 after "adoption" insert ", except that the county judge shall not be required to request such an exemination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive.

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 742. E & R amendment found in the Journal on page 1758 for the Fifty-Second Day was adopted.

Mr. Barnett renewed his amendments found in the Journal on page 1543.

Mr. Newell 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 Barnett amendment lost with 11 ayes, 23 nays, 14 present and not voting, and 1 excused and not voting.

Mr. Barnett withdrew his pending amendment found in the Journal on page 1660.

Mr. Schmit renewed his pending amendment found in the Journal on page 1770.

Mr. Mills offered the following amendment to the Schmit amendment:
Amend the Schmit amendment by striking Part 1 of the amendment.

The Mills amendment was adopted with 27 ayes, 5 nays, 16 present and not voting, and 1 excused and not voting.

Mr. Barnett offered the following amendment to the Schmit amendment:
In the Schmit amendment strike all language after "fined" in line 7 and insert "Class IV misdemeanor"

The amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Newell 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. Schmit moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mr. Schmit requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 23:

Cope	Hefner	Merz	Reutzel	Stoney
Cullan	Kahle	Mills	Rumery	Venditte
DeCamp	Kennedy	Murphy	Savage	Warner
D. Dworak	Lamb	Newell	Schmit	
Hasebroock	F. Lewis	Rasmussen	Simon	

Voting in the negative, 21:

Barnett	Clark	Keyes	Maresh	Nichol
Brennan	E. Dvorak	Kremer	Marsh	
Burrows	Fowler	Labedz	Marvel	
Carsten	Goodrich	R. Lewis	Maxey	
Chambers	Kelly	Luedtke	Moylan	

Present and not voting, 4:

Duis Fitzgerald George Koch

Excused and not voting, 1:

Bereuter

The Schmit amendment, as amended, lost with 23 ayes, 21 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Fowler withdrew his amendments found in the Journal on page 1842.

Mr. Fowler renewed his pending amendments found in the Journal on page 1953.

Mr. Mills 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. BARNETT PRESIDING

Mr. Fowler moved for a Call of the House. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

The Chair declared the Call raised.

The Fowler amendment was adopted with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

Mr. Mills offered the following amendment:

1. Insert the following new section:

"Sec. 2. That section 37-1105, Revised Statutes Supplement, 1977, be amended to read as follows:

37-1105. The commission shall devise permits in four forms: Annual and temporary for residents and nonresidents.

(1) The annual permit may be purchased by any person and shall be valid through December 31 of the year for which issued. The fee for the annual permit shall be ~~seven~~ five dollars ~~and fifty cents~~ for residents and ~~twelve~~ ten dollars ~~and fifty cents~~ for nonresidents per permit.

(2) A temporary permit may be purchased by any

person and shall be valid until noon of the day following the date of issue. The fee for the temporary permit shall be one dollar and fifty cents for residents and two dollars for nonresidents.

Sec. 3. This act shall become operative on January 1, 1979.".

2. On page 3, line 24 strike "section" and insert "sections 37-1105 and"; in line 25 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

4. In the title, line 2 strike "section" and insert "sections 37-1105 and"; in line 5 after the semicolon insert "to change fees; to provide an operative date;"; and in line 6 strike "section" and insert "sections".

The amendment was adopted with 25 ayes, 5 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Fowler offered the following amendment:

1. In the Fowler amendments on page 1842 of the Journal on page 2 after line 27 insert the following:

"Sec. 6. The Game and Parks Commission shall provide the duplicate permits provided under sections 1 and 2 of this act within forty-five days of the effective date of this act or earlier if possible.";

and on page 3, line 1 strike "Sec. 6." and insert Sec. 7.".

The amendment was adopted with 27 ayes, 8 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 760. E & R amendments found in the Journal on page 1825 for the Fifty-Fourth Day were adopted.

Mr. Schmit offered the following amendment:

(1)

1. On page 6, in lines 6 and 7 strike "to a patron" and insert "for cash" and strike beginning with "or" in line 8 through "interest" in line 9.

The amendment was adopted with 26 ayes, 1 nay, 21 present and not voting, and 1 excused and not voting.

Mr. Schmit offered the following amendment:

(2)

1 1. Strike the Murphy amendment on pages 1726
2 and 1727 of the Journal.

Mr. Barnett ruled this amendment would be a reconsideration.

Mr. Schmit challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Schmit moved for a Call of the House. The motion prevailed with 19 ayes, 13 nays, and 17 not voting.

Mr. Schmit requested a roll call vote on his challenge of the Chair.

Voting in the affirmative, 19:

Carsten	Goodrich	Labedz	Merz	Schmit
DeCamp	Hasebroock	F. Lewis	Mills	Stoney
D. Dworak	Koch	Luedtke	Rasmussen	Venditte
George	Kremer	Maresh	Rumery	

Voting in the negative, 20:

Burrows	Cullan	Kennedy	Maxey	Nichol
Chambers	E. Dvorak	Lamb	Moylan	Reutzel
Clark	Fowler	R. Lewis	Murphy	Savage
Cope	Kelly	Marsh	Newell	Warner

Present and not voting, 9:

Barnett	Duis	Hefner	Keyes	Simon
Brennan	Fitzgerald	Kahle	Marvel	

Excused and not voting, 1:

Bereuter

The motion lost with 19 ayes, 20 nays, 9 present and not voting, and 1 excused and not voting.

The Chair was sustained.

Mr. Venditte asked unanimous consent to be excused at 4:45 p.m. No objections. So ordered.

Mr. DeCamp offered the following amendment to LB 760:
In the Murphy amendment pages 1726 and 1727, reinsert the stricken language and strike the semicolon and insert "provided the provisions of this section relating to joint ventures shall not be operative until July 1, 1979".

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The DeCamp amendment was adopted with 25 ayes, 13 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 742A. Mr. Mills offered the following amendment:
Amend LB 742A by adding the following new section:
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, 2 nays, and 20 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 871. E & R amendments found in the Journal on page 1834 for the Fifty-Fourth Day were adopted.

Mr. Koch withdrew his pending amendment found in the Journal on page 1106.

Mr. Koch renewed his pending amendments referred to in the Journal on page 1732. (Req. #2891)

Mr. Mills 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 was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Kahle offered the following amendment:

AMENDMENTS TO LB 871

1. Insert the following new sections:

"Sec. 5. As used in sections 5 to 14 of this act, unless the context otherwise requires:

(1) Board shall mean the State Board of Education;

(2) Center shall mean the Diagnostic Resource Center at Cozad authorized by section 6 of this act;

(3) Diagnosis shall mean:

(a) Systematic observation and assessment of children in order to gather information on the child's functioning strenghts, weaknesses, learning characteristics, and vocational potential;

(b) Preparation of individualized educational plans;

(c) Trial implementation of the individualized educational plans within the center;

(d) Follow-up procedures to be conducted after a child has been placed in the local education program; and

(e) Development of a transitional plan as to coordination of services linking education and employment opportunities; and

(4) Handicapping conditions shall mean those conditions defined or provided for in section 43-604.

Sec. 6. The State Board of Education is authorized to establish, within the State Department of Education, a program to be known as the Diagnostic Resource Center at Cozad.

Sec. 7. The purposes of the program shall include:

(1) Diagnosis of educational handicapping conditions of children to age twenty-one;

(2) Training services for special education teachers and others;

(3) Research into the improvement of educational services for handicapped children;

(4) Utilization of diagnostic services on a contractual basis with other state agencies; and

(5) Coordinated delivery of the services available within the State Department of Education for handicapped individuals.

Sec. 8. Admission to the program shall be open to all Nebraska children who are in need of diagnostic services. The State Department of Education shall in consultation with appropriate state agencies approve criteria, priorities, and procedures for admission to

insure the most efficient and effective use of facilities, staff, and financial resources. The board may set rates for diagnostic services to be paid by the school districts of residence for the school-age children receiving such services or by state agencies.

Sec. 9. The board shall establish criteria, priorities, and procedures under which nonresident children may be admitted to the program. No nonresident child shall be granted admission if such would result in denial of services to any eligible Nebraska resident nor unless satisfactory arrangements have been made for payment of all costs for services at a rate fixed by the board.

Sec. 10. The board shall appoint and fix the compensation of a director who shall be the chief administrative officer of the program. The board shall also employ such additional personnel as shall be necessary and desirable to accomplish the purposes of the program.

Sec. 11. No child shall remain in the residential care component of the program for longer than is necessary to complete appropriate diagnosis.

Sec. 12. The parents or legal guardian shall furnish suitable clothing for any children admitted to the program.

Sec. 13. There is hereby established in the state treasury a special fund to be known as the Diagnostic Resource Center Cash Fund which, when appropriated by the Legislature, shall be expended solely to an in defraying the expenses of the center. All funds received by the center shall be deposited in such fund. All money in the Diagnostic Resource Center Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska State Funds Investment Act.

Sec. 14. The board may adopt reasonable rules and regulations for the administration of sections 5 to 13 of this act.

Sec. 15. The State Board of Education shall have the power and it shall be its duty to accept, on behalf of the Diagnostic Resource Center at Cozad, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of such school, its students, or both; and upon acceptance of any devise, donation, or bequest as provided in this section, to administer and carry out any devise or

bequest in accordance with its terms and conditions. If not prohibited by the terms and conditions of any devise, donation, or bequest, it may sell, convey, exchange, or lease such property as it deems best and deposit all money derived from any such sale or lease in the State Department of Education Trust Fund. However, lease agreements should give priority first to state agencies and second to regional or local agencies. In the case of lease agreements with regional or local agencies, such lease agreements shall not exceed a period of one year.

Sec. 16. The State Department of Education and the Department of Public Welfare shall enter into a written agreement under which the State Department of Education shall furnish to the Department of Public Welfare evaluations, diagnoses and treatment for children who are otherwise served by the Department of Public Welfare. The Department of Public Welfare shall, under the agreement, reimburse the State Department of Edcuation for the costs of such services to children.

Sec. 17. That section 43-617, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-617. The State Department of Education is hereby authorized to set up one or more approved ~~residential~~ schools for ~~trainable mentally retarded~~ handicapped children. These schools shall offer residential facilities for ~~trainable mentally retarded~~ handicapped children which facilities shall be under the control and supervision of the State Department of Education.

Sec. 18. That section 43-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-619. All money derived from any source other than state General Fund appropriations by any school as provided by the provisions of sections 43-617 and 43-618, shall be remitted to the state treasury and by the State Treasurer credited to the ~~Nebraska School for the Mentally Retarded~~ State Department of Education Cash Fund~~, which fund is hereby created,~~ and such money shall be made available to any such school for purposes of education, training, or maintenance of students.

Sec. 19. That section 43-620, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-620. ~~In addition to the school for mentally retarded children maintained at Cozad under the~~

~~provisions of sections 43-617 to 43-619, a~~ A public school district, combination of public school districts, educational service unit, or combination of educational service units may set up one or more approved schools for mentally retarded children. The control and supervision of such schools shall be under the governing body or bodies by which they were set up; Provided, that every school shall comply with the rules and regulations as adopted by the State Department of Education.

Sec. 20. This act shall become operative on July 1, 1978.

Sec. 21. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the committee amendment 5, on page 1021 of the Journal, in line 1 after "sections" insert "43-617, 43-619, 43-620," and after "79-1903" insert a comma.

3. In the title, strike lines 2 through 5 and all amendments thereto and insert the following:

"FOR AN ACT relating to education; to amend sections 43-617, 43-619, 43-620, 79-1903, and 79-2003, Reissue Revised Statutes of Nebraska, 1943, and section 43-647, Revised Statutes Supplement, 1977, to provide for payment of certain costs as prescribed; to authorize the establishment and operation of a Diagnostic Resource Center at Cozad as prescribed; to provide for schools for handicapped children; to provide duties; to create a fund; to provide an operative date; to repeal the original sections; and to declare an emergency.".

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 871A. Mr. Kahle offered the following amendment:

1. On page 2, strike line 2 and insert "two hundred five thousand six hundred forty dollars from".

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.

LEGISLATIVE BILL 658. E & R amendments found in the Journal on page 1834 for the Fifty-Fourth Day were adopted.

Mrs. Marsh withdrew the pending amendments found in the Journal on page 1898.

Mrs. Marsh offered the following amendment:

1. Strike section 3 of the R. Lewis amendments and insert:

"Sec. 3. (1) In order to insure that all nurses who are currently licensed have sufficient scientific and practical knowledge to remain competent to practice nursing, no license to practice nursing shall be renewed unless the nurse has within the preceding five years engaged in the practice of nursing for a minimum of two hundred hours in addition to twenty hours of either:

(a) Inservice education provided by the employer which the employer provides as a condition of participation in the Medicare program; or

(b) Continuing education courses approved by the Board of Nursing.

(2) If an individual license to practice nursing has not been renewed pursuant to the provision of subsection (1) of this section, completion of seventy-five hours of continuing education courses approved by the Board of Nursing shall be required before such license shall be renewed.".

The amendment was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 783. E & R amendments found in the Journal on page 1835 for the Fifty-Fourth Day were adopted.

Mr. Kremer renewed his pending amendment found in the Journal on page 2008.

The amendment was adopted with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 170. E & R amendments found in the Journal on page 1871 for the Fifty-Fourth Day were adopted.

Mr. Carsten offered the following amendment:

AMENDMENTS TO LB 170
WHITE COPE REQ. 2931

1. On page 6, line 7 after "77-1342" insert ", and the uniform accounting system established pursuant to section 84-304.01".

2. On page 13, line 4 strike the new matter and reinstate the stricken matter.

Mr. Savage 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 Carsten amendment was adopted with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Lamb requested a record vote to advance LB 170.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nays, and 22 not voting.

Voting in the affirmative, 26:

Barnett	D. Dworak	Marsh	Nichol	Stoney
Bereuter	Fitzgerald	Maxey	Reutzel	Warner
Brennan	Fowler	Merz	Rumery	
Carsten	Koch	Mills	Savage	
Cullan	F. Lewis	Murphy	Schmit	
DeCamp	R. Lewis	Newell	Simon	

Voting in the negative, 15:

Burrows	Goodrich	Kahle	Kremer	Maresh
Duis	Hasebroock	Kelly	Labedz	Moylan
E. Dvorak	Hefner	Keyes	Lamb	Rasmussen

Present and not voting, 6:

Chambers	George	Luedtke
Cope	Kennedy	Marvel

Excused and not voting, 2:

Clark	Venditte

Advanced to E & R for Engrossment with 26 ayes, 15 nays, 6 present and not voting, and 2 excused and not voting.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 170A. E & R amendments found in the Journal on page 1930 for the Fifty-Fifth Day were adopted.

Mr. Lamb requested a machine vote to advance LB 170A.

Advanced to E & R for Engrossment with 26 ayes, 17 nays, 5 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 691. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 691A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 564. E & R amendments found in the Journal on page 1930 for the Fifty-Fifth Day were adopted.

Mr. Simon offered the following amendment:
To strike the provisions dealing with the $100 bonus.

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 Simon amendment lost with 9 ayes, 20 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 564A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 861. E & R amendments found in the Journal on page 1949 for the Fifty-Fifth Day were adopted.

Mr. DeCamp withdrew his pending amendments found in the Journal on page 1775.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 917. E & R amendments found in the Journal on page 1958 for the Fifty-Fifth Day were adopted.

Mr. Rumery withdrew his pending amendment found in the Journal on page 1893.

Mr. Merz moved to adjourn. The motion lost with 8 ayes, 22 nays, and 19 not voting.

Mr. Bereuter asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb offered the following amendment:
Page 1 - Reinstate stricken language on lines 20, 21 and 22.

The amendment lost with 8 ayes, 20 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Duis offered the following amendment:

SELECT FILE AMENDMENT LB 917

Amend Subsection (C), Section 81-8,278.
81-8,278. State Real Estate Commission; powers and duties. (1) The Commission shall have the following powers and duties:
(a) To receive applications for and issue licenses to real estate appraisers pursuant to the provisions of sections 81-8,276 to 81-8,287;
(b) To keep a record of its proceedings and a complete roster of all persons licensed by it and entitled to practice such occupation in this state;
(c) to make all necessary regulations pursuant to the provisions of sections 81-8,276 to 81-8,287 for the pursuit of the occupation within its jurisdiction for the preservation of the welfare of the public including the establishing of minimum standards for appraisals;
(d) to investigate any violations of the provisions of sections 81-8,276 to 81-8,287 or of regulations issued pursuant thereto, hold hearings thereon, and take testimony relating thereto;
(e) To make certified copies of any documents or records of the commission which, when attested as a true copy by the commission, shall be competent evidence in any court in the state of the facts contained therein; and
(f) To Do all things necessary to carry out the provisions of sections 81-8,276 to 81-8,287. The commission shall employ such clerical and

technical assistance as may be necessary to properly administer sections 81-8,276 to 81-8,287.

(2) The commission shall have prepared annually a roster showing the names, places of business, residences, and classifications of all licensed real estate appraisers, a copy to be furnished to each appraiser licensed under the provisions of sections 81-8,276 to 81-8,287. Copies of such roster shall be available to the public upon application to the commission, at such price per copy as may be fixed by the commission.

(3) The commission shall issue to each licensee a license certificate and pocket card in such size and form as it may approve. The license and card shall remain the property of the state and, upon suspension or revocation pursuant to sections 81-8,276 to 81-8,287, shall be returned immediately to the commission.

(4) The commission shall maintain and keep open to public inspection during office hours a complete indexed report of all applications, licenses issued, licenses renewed, and all revocations, cancellations, and suspensions of licenses.

The amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Kremer offered the following amendment:

AMENDMENTS TO LB 917

1. On page 3 strike the new language in lines 22 and 23.
2. On page 4, line 24 strike "nine" and insert "seven".

Mr. Kremer moved for a Call of the House. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Mr. Kremer requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Barnett	Fitzgerald	Lamb	Mills	Simon
Cope	Fowler	F. Lewis	Murphy	Stoney
Cullan	Hasebroock	Luedtke	Newell	
DeCamp	Hefner	Maresh	Nichol	
E. Dvorak	Kremer	Merz	Reutzel	

Voting in the negative, 19:

Burrows	Duis	Kahle	Keyes	Marsh
Carsten	D. Dworak	Kelly	Labedz	Marvel
Clark	George	Kennedy	R. Lewis	Moylan

Rasmussen	Rumery	Schmit	Warner

Present and not voting, 6:

Brennan	Goodrich	Maxey
Chambers	Koch	Savage

Excused and not voting, 2:

Bereuter	Venditte

The Kremer amendment lost with 22 ayes, 19 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp offered the following amendment:
1. On page 2, line 13, strike "water" and reinstate the previously stricken matter.

Mr. Simon 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 DeCamp amendment lost with 16 ayes, 20 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at 8:00 a.m., Tuesday, April 18, 1978 in room 2102.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following statement of intent on his amendment to LB 760. No objections. So ordered.

Provided that the provisions of this act with respect to any nontransferable interest in a bona fide general partnership or joint venture, or any nontransferable partnership interest in a bona fide limited partnership where a certificate is executed, filed and recorded as provided by Section 67-202 shall not become operative until July 1, 1979.

VISITORS

The President introduced 15 4th grade students and teachers from Highland Park Elementary School, Columbus, Nebraska.

ADJOURNMENT

At 6:08 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, April 18, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 18, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 18, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

Father in Heaven, we pray this day for the gift of hearing.

It may be strange to pray for that when we are surrounded by sound. We are being continually spoken to by the media. Lobbyists and other representatives of specific segments of our society send their messengers regularly. Our constitutents are in contact on weekends and quite often in between.

But do we hear the voice of the poor, the lame, the halt, the down trodden, the prisoner, the institutionalized.

Father, we beg you for the power to hear them; to hear the counsel of one another; to hear your voice. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh; Messrs. Newell and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 861. Replaced on Select File as amended. E & R amendments to LB 861:

1. In E & R 1, line 4, amendment 2, line 5, and amendment

3, line 4, strike "Second Session, 1978" and insert "First Session, 1977".

2. In the title, line 6, strike "and"; and in line 7, after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 566. Replaced on Select File as amended.
E & R amendments to LB 566:

1. In the Bereuter amendment, line 5, strike the underscored period.

2. In the title, line 5, after the semicolon insert "to provide an exception;".

LEGISLATIVE BILL 742. Replaced on Select File as amended.
E & R amendments to LB 742:

1. Because of the Fowler amendment adding a new section 6, in the Mills amendment, line 18, strike "this act" and insert "Sections 7 and 10 of this act" and insert a new section as follows:

"Sec. 10. That original section 37-1105, Revised Statutes Supplement, 1977, is repealed.".

2. In the Fowler amendment adding a new section 6 only, line 6 strike "2" and insert "3".

3. Renumber original section 2 as section 3, new sections 2 and 3 added by the Mills amendment as sections 7 and 8, original section 3 as section 9, and the emergency clause as section 11.

4. Strike the Mills amendments 2 and 4.

5. In the title, strike line 2 and insert "FOR AN ACT to amend sections 37-1103, 37-1105, 37-1106, and 37-1107, Revised Statutes"; in line 5, strike "and" and insert "to change fees; to provide duties; to provide an exception to permits being permanently affixed; to provide operative dates;" and in line 6 strike "section" and insert "sections; and to declare an emergency".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 861. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 566. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 742. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 128 to Select File

MR. Mills moved to return LB 128 to Select File for the following specific amendment:

AMENDMENTS TO LB 128
FINAL READING COPY

1. On page 5, line 23 strike "or" and show as stricken; and in line 25 after "compensation," insert "or (iii) for retirement or retainer benefits,".

The motion prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 128. The Mills specific amendment found in this day's Journal was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. R. Lewis asked unanimous consent to be excused from 9:30 a.m. until 10:30 a.m. No objections. So ordered.

UNANIMOUS CONSENT - Unbracket LB 965

Mr. Warner asked unanimous consent to unbracket LB 965 on E & R Final. No objections. So ordered.

MOTION - Return LB 965 to Select File

Mr. Warner moved to return LB 965 to Select File for the specific amendments (1), (2), (3), and (4) found in the Journal on pages 2004 through 2006.

The motion prevailed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 965. The Warner specific amendments referred to in this day's Journal was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 965 to Select File

Mr. F. Lewis moved to return LB 965 to Select File for the following specific amendment:

Insert a new section two:

"Of the $1,000,000 appropriation $100,000 is to be used for the repair of the dike in the Hansen Lake area."

Renumber sections.

The motion prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 965. The F. Lewis 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 965 to Select File

Mr. Carsten moved to return LB 965 to Select File for the following specific amendments:

AMENDMENTS TO LB 965

1. Insert three new sections as follows:

"Sec. 3. The Legislature finds that much research on biomass, particularly in the development of economically feasible uses for agricultural by-products, is essential in order to meet the energy needs of this nation and to aid in the world struggle against hunger.

Sec. 4. The Legislature shall appropriate fifty thousand dollars a year for four years to the University of Nebraska at Lincoln for expenditure by the University of Nebraska Energy Research and Development Center of the College

of Engineering and Technology for concentrated research on biomass, particularly the development of economically feasible uses for agricultural by-products. The center may supplement such appropriations by accepting grants, gifts, or donations from any source, public or private.

Sec. 5. There is hereby appropriated fifty thousand dollars for the period of July 1, 1978 to June 30, 1979, to the University of Nebraska at Lincoln, Agency No. 51-1, for the purposes of section 4 of this act.".

2. Renumber remaining sections accordingly.

3. In the title line 2 strike "appropriation" and insert "appropriations".

The motion prevailed with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 965. The Carsten specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 828 to Select File

Mr. Burrows moved to return LB 828 to Select File for the following specific amendment:

To amend LB 828 on page 2 strike Lines 24 thru 27 and on page 3 strike Lines 1 and 2. Then renumber accordingly.

The motion prevailed with 26 ayes, 4 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 828. The Burrows specific amendment found in this day's Journal was renewed.

Mr. Burrows moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. Bereuter requested a roll call vote on the Burrows specific amendment.

Voting in the affirmative, 27:

Brennan	Cullan	Kennedy	Maresh	Rumery
Burrows	DeCamp	Keyes	Maxey	Schmit
Carsten	Duis	Kremer	Merz	Simon
Chambers	Hasebroock	Lamb	Moylan	
Clark	Hefner	F. Lewis	Nichol	
Cope	Kahle	Luedtke	Rasmussen	

Voting in the negative, 12:

Bereuter	Koch	Mills	Reutzel
E. Dvorak	Labedz	Murphy	Stoney
Goodrich	Marvel	Newell	Warner

Present and not voting, 8:

Barnett	Fitzgerald	George	Savage
D. Dworak	Fowler	Kelly	Venditte

Excused and not voting, 2:

R. Lewis Marsh

The amendment was adopted with 27 ayes, 12 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 932 to Select File

Mr. Chambers moved to return LB 932 to Select File for the following specific amendment:
Page 4, Line 3,
Strike "Five Dollars" and show as stricken;
insert "Two Dollars and Fifty Cents"

The motion prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 932. The Chambers specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

The Chair declared the Call raised.

MOTION - Return LB 632 to Select File

Mr. D. Dworak moved to return LB 632 to Select File for the specific amendment found in the Journal on page 1892.

Mr. D. Dworak moved for a Call of the House. The motion prevailed with 16 ayes, 7 nays, and 26 not voting.

Mr. D. Dworak requested a roll call vote on his motion.

Voting in the affirmative, 20:

Barnett	Cope	Fowler	Labedz	Moylan
Burrows	E. Dvorak	Kennedy	Lamb	Newell
Carsten	D. Dworak	Keyes	Luedtke	Rumery
Clark	Fitzgerald	Koch	Mills	Venditte

Voting in the negative, 14:

Brennan	Hefner	Maresh	Nichol	Stoney
Chambers	Kahle	Merz	Ramussen	Warner
Hasebroock	F. Lewis	Murphy	Schmit	

Present and not voting, 13:

Bereuter	Duis	Kelly	Maxey	Simon
Cullan	George	Kremer	Reutzel	
DeCamp	Goodrich	Marvel	Savage	

Excused and not voting, 2:

R. Lewis Marsh

The motion lost with 20 ayes, 14 nays, 13 present and not voting, and 2 excused and not voting.

MOTION - Return LB 910A to Select File

Mr. Schmit moved to return LB 910A to Select File for the following specific amendment:

AMENDMENT TO LB 910A

Purpose: To provide $25,000 to the Department of Correctional Services to begin planning for and establishing farm operations as required by LB 910.

Amendment:

On page 2, after line 7, insert Section 2.

"Sec. 2. There is hereby appropriated twenty-five thousand dollars from the General Fund for the period July 1, 1978, to June 30, 1979, to the Department of Correctional Services, Agency No. 46 for Program 391, to aid in carrying out the provisions of Legislative Bill 910, Eighty-Fifth Legislature, Second Session, 1978."

The motion prevailed with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 910A. The Schmit specific amendment found in this day's Journal was renewed.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Barnett	George	Lamb	Nichol	Simon
Carsten	Hasebroock	F. Lewis	Rasmussen	Stoney
Cope	Hefner	Maresh	Reutzel	Venditte
DeCamp	Keyes	Merz	Rumery	
Duis	Kremer	Moylan	Savage	
Fowler	Labedz	Newell	Schmit	

Voting in the negative, 17:

Brennan	Cullan	Goodrich	Marvel	Warner
Burrows	E. Dvorak	Kahle	Maxey	
Chambers	D. Dworak	Kennedy	Mills	
Clark	Fitzgerald	Luedtke	Murphy	

Present and not voting, 3:

Bereuter	Kelly	Koch

Excused and not voting, 2:

R. Lewis Marsh

The amendment was adopted with 27 ayes, 17 nays, 3 present and not voting, and 2 excused and not voting.

Mr. Schmit requested a record vote on the motion to advance to E & R for Engrossment.

Voting in the affirmative, 27:

Barnett	Goodrich	Labedz	Moylan	Schmit
Carsten	Hasebroock	Lamb	Newell	Simon
Cope	Hefner	F. Lewis	Nichol	Venditte
DeCamp	Keyes	Maresh	Reutzel	
Fowler	Koch	Merz	Rumery	
George	Kremer	Mills	Savage	

Voting in the negative, 13:

Bereuter	Cullan	Fitzgerald	Luedtke	Warner
Chambers	E. Dvorak	Kahle	Marvel	
Clark	D. Dworak	Kennedy	Stoney	

Present and not voting, 7:

Brennan	Duis	Maxey	Rasmussen
Burrows	Kelly	Murphy	

Excused and not voting, 2:

R. Lewis Marsh

Advanced to E & R for Re-Engrossment with 27 ayes, 13 nays, 7 present and not voting and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 783. Replaced on Select File as amended.
E & R amendment to LB 783:

1. In E & R 2, line 3, after "comma" insert a period and strike the rest of the line and also line 4.

LEGISLATIVE BILL 760. Replaced on Select File as amended.
E & R amendments to LB 760:

1. In lieu of the DeCamp amendment insert the

following new section:

"Sec. 3. Sections 1 and 5 of this act shall become operative on July 1, 1979.

Sec. 5. That original section 8-1101, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Strike E & R amendment 2 and 3.

3. Renumber original sections 1 and 2 as sections 2 and 4 respectively.

4. In the title, line 6 after the semicolon insert "to provide an operative date;".

(Signed) Samuel K. Cullan, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 304.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Lamb, 43rd District; F. Lewis, 45th District; Murphy, 17th District; Rasmussen, 41st District.

WHEREAS, agreement has been reached on a contract between the Nebraska Department of Correctional Services and Nebraska Correctional Officers Union concerning many aspects of employment with the 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, SECOND SESSION:

That the Legislature approves such contract.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 248, 351, 386, 639, 639A, 750, and 877.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 783. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 760. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LR 152 to E & R

Mrs. Labedz moved to return LR 152 to E & R for an Engrossing error.

The motion prevailed with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Reutzel asked unanimous consent to be excused until he returns. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

April 18, 1978

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

Dear Mr. President and Senators:

I hereby return LB 44 without my signature and with my objections.

LB 44 attempts to give to a committee of the Legislature the power to suspend rules and regulations adopted by an administrative agency of the executive branch of government.

As outlined in the Attorney General's opinion of February 22, 1977, requested by Senator Duis of your body, and as affirmed in a recent opinion to me, LB 44 is a brazen attempt to violate the separation of powers clause of the Constitution of the State of Nebraska. It is blatantly unconstitutional.

I urge you to accept the fact that under our Constitution there are three branches of government, and that the Legislature cannot and should not attempt to exercise the authority granted by our Constitution to the judicial and executive branches.

I am asking that you abide by your oath to support the Constitution of the State of Nebraska and sustain my veto.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah2
Enclosure

April 18, 1978

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

Dear Mr. President and Senators:

I hereby return LB 87 without my signature and with my objections.

LB 87 would prevent a second offense drunken driving conviction if that second offense was more than five years from the coviction for first offense drunken driving, and it would expunge a drunken driving conviction from the public court record five years after the conviction.

With regard to the latter provision, the bill talks only in terms of the public court record and does not address the driver records held by the Department of Motor Vehicles. It would appear that although the bill would expunge the public court records, it would not affect the records kept by the Department of Motor Vehicles, and they would remain public information as they are now.

Most importantly, I feel that the Legislature is wrongly embarking on a course of action that has the direct effect of softening penalties and individual responsibilities for drunk driving. It makes no sense to me to say that if a second drunken driving offense occurred four years and eleven months after the first conviction, the individual convicted should receive an enhanced penalty; but if the second offense occurred five years from the first conviction then an enhanced penalty should not be applied.

Our drunk driving laws should remain tough and firm with a second offense conviction resulting in a second offense penalty without any arbitrary time limits.

In my opinion, the Legislature would be setting a bad precedent if LB 87 was allowed to become law.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:ah2
Enclosure

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following in the Journal. No objections. So ordered.

It was not my intent to strike the Murphy amendment to LB 760, but to change the operative date of such section. (Section 8-1101)

MOTION - Return LB 875 to Select File

Mr. Warner moved to return LB 875 to Select File for the following specific amendment:

Amendments to Final Reading Copy

1. Insert a new section as follows:

"Sec. 2. That section 81-1117.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1117.02. Neither the data processing administrator, the Director of Administrative Services, nor any employee of such administrator or director shall release or permit the release of any data maintained in computer files to any person or persons without the express written approval of both the agency primarily responsible for collection and maintenance of such data and the employee to whom such data pertains, except as required in section 50-420. Any data which is a public record in its original form shall remain a public record when maintained in computer files.".

2. On page 3, line 5 strike "section" and insert "sections" and after "79-4,157" insert "and 81-1117.02"; and in line 6 strike "is" and insert "are".

3. Renumber original sections 2 and 3 as sections 3 and 4.

4. In the title, line 2 strike "section 79-4,157" and insert "sections 79-4,157 and 81-1117.02"; in line 4 strike "schools" and insert "records"; and in line 6 strike "section" and insert "sections".

The motion prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 875. The Warner specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 800A to Select File

Mr. Merz moved to return LB 800A to Select File for the following specific amendment:

Purpose: To reflect the current fiscal impact due to the Standing Committee amendment adopted 3/17/78.

Amendment:

On page 2, line 1 and 2, strike "thirteen thousand seven hundred"

and insert "two thousand seven hundred forty".

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 800A. The Merz 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.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 872 to Select FIle

Mr. Lamb moved to return LB 872 to Select File for the following specific amendment:

Amendment on page 1748 of the Journal.

The motion prevailed with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 872. The Lamb specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 708 to Select File

Mr. Keyes moved to return LB 708 to Select File for the specific amendment found in the Journal on page 1872.

Speaker Luedtke ruled the motion out of order, not germane.

Mr. Keyes challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Keyes requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 17:

Cullan	Kennedy	F. Lewis	Moylan	Venditte
DeCamp	Keyes	Maresh	Newell	
Fowler	Kremer	Merz	Schmit	
Kahle	Labedz	Mills	Simon	

Voting in the negative, 18:

Bereuter	Duis	Hasebroock	R. Lewis	Stoney
Carsten	D. Dworak	Hefner	Murphy	Warner
Clark	George	Kelly	Rasmussen	
Cope	Goodrich	Lamb	Rumery	

Present and not voting, 11:

Barnett	Chambers	Koch	Maxey
Brennan	E. Dvorak	Luedtke	Savage
Burrows	Fitzgerald	Marvel	

Excused and not voting, 3:

Marsh	Nichol	Reutzel

The motion to overrule the Chair lost with 17 ayes, 18 nays, 11 present and not voting, and 3 excused and not voting.

MOTION - Return LB 910 to Select File

Mr. Schmit moved to return LB 910 to Select File for the following specific amendment:

1. Insert five new sections as follows:

"Sec. 32. Every person, firm, corporation, partnership, association, or other legal entity contracting with any person or the representative or assignee of any person, accused of a crime in this state, with respect to the reenactment of such crime, by way of a movie, book, magazine article, radio, or television presentation, live entertainment of any kind, or from the expression of such person's thoughts, feelings, opinions, or emotions, or emotions regarding such crime, shall pay over to the board any money which would otherwise, by terms of such contract, be owing to the person so convicted or his representatives. The board shall deposit such money in the Victim's Compensation Fund.

Sec. 33. Upon disposition of charges favorable to any person accused of committing a crime, or upon a showing by such person that five years have elapsed from the deposit of money into the Victim's Compensation Fund by the accused and further that no actions are pending against such person pursuant to this section, the board shall immediately pay the money deposited the accused to such person.

Sec. 34. Notwithstanding any other provision of law with respect to the timely bringing of an action, the five-year period provided for in subdivision (1) of this section shall not begin to run until the accused has deposited money into the Victim's Compensation Fund.

Sec. 35. Notwithstanding the foregoing provisions of sections 32 to 34 of this act, the board shall make payments from the fund to any person accused of crime upon the order of a court of competent jurisdiction after a showing by such person that such money shall be used for the exclusive purpose of retaining legal representation at any state of the proceedings against such person, including the appeals process.

Sec. 36. Any action taken by any person convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of this section shall be null and void as against the public policy of this state.''.

2. Renumber the original sections 32 and 33 as sections 37 and 38.

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 910. The Schmit 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.

Mr. Cullan requested a machine vote to advance to E & R for Engrossment.

Advanced to E & R for Engrossment with 25 ayes, 5 nays, 16 present and not voting, and 3 excused and not voting.

MOTION - Return LB 713 to Select File

Mr. Simon moved to return LB 713 to Select File for the specific amendment found in the Journal on page 1748.

Mr. Murphy raised a point of order on this being a reconsideration.

The Chair ruled the Simon motion out of order.

The Chair declared the Call raised.

MOTION - Return LB 386 to Select File

Mr. DeCamp moved to return LB 386 to Select File for the following specific amendment:

Add a new section as follows:

1. Not withstanding any other provisions of this act, the holder of a license issued under subsection 5, c and d of Section 53-124 may deliver, sell or dispense alcoholic liquors including beer for consumption off the licensed premises under conditions specified herein;

2. Provided that any licensee may only provide such services to municipal corporations, non-profit groups, organizations or politicalorganizations which have been exempted from the payment of federal income taxes;

3. The organizations enumerated herein may share with the licensee in part or all of the proceeds from the sale of any alcoholic liquor sold and dispensed hereunder;

4. No organization enumerated herein may be provided the services permitted hereunder more than six (6) times per calendar year.

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

SELECT FILE

LEGISLATIVE BILL 386. The DeCamp 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.

Mr. Chambers requested a machine vote to advance to E & R for Engrossment.

Advanced to E & R for Engrossment with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 932. Replaced on Select File as amended.
E & R amendment to LB 932:

1. In the Chambers amendment, strike "and show as stricken;".

LEGISLATIVE BILL 871. Replaced on Select File as amended.
E & R amendments to LB 871:

E & R amendments 1 to 4 are to Req. 2891

1. On page 1, line 20 after "the" insert "State".

2. On page 2, line 19, strike "rule" and insert "rules".

3. On page 5, lines 12 and 20 before "Department" insert "State"; in line 16 strike the underscored comma; and in line 25 strike "agengy" and insert "agency".

4. On page 7, line 2 strike "as"; in line 12 strike "legislation" and insert "act"; and in lines 12 and 14 before "Department" insert "State".

E & R amendments 5 to 11 are to Req. 2944

5. On page 1, line 7 after "Center" insert "or program"; and in line 12 strike "strenghts" and insert "strengths".

6. On page 3, line 25 strike "an" and insert "aid".

7. On page 5, line 3 after "diagnoses" insert an underscored comma.

8. On page 1, line 3 strike "5 to 14" and insert "16 to 30"; and in line 8, strike "6" and insert "17".

9. On page 4, lines 5 and 6, strike "5 to 13" and insert "16 to 24".

10. On page 6, line 18 strike "This" and insert "Sections 16 to 31 and 33 of this" and in line 19 after "1978" insert "and the other sections of this act shall become operative on their effective date".

11. Insert a new section as follows:

"Sec. 33. That original sections 43-617, 43-619, and 43-620, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

12. Renumber sections 5 to 20 and 21 of the Kahle amendments as sections 16 to 31 and 34 respectively. Renumber section 16 of the Koch amendment as section 32.

13. Strike the Kahle amendment 2.

14. In the Kahle amendment 3, line 2 after "43-620," insert "43-626, 43-627.01,"; in line 4 strike "section" and insert "sections 43-645 and"; in line 5 strike the second comma and insert "; to define terms; to provide for hearings and procedures; to provide for appeals;"; and in line 12 after "sections" insert ", and also section 43-627, Reissue Revised Statutes of Nebraska, 1943, and sections 43-651.01 to 43-652.03, Revised Statutes Supplement, 1976".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 932. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 871. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 404 to Select File

Mr. Kremer moved to return LB 404 to Select File for the following specific amendment:

Amend the amended copy of LB 404 by striking Section 12 on pages 31 and 32, and renumber following sections accordingly.

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 404. The Kremer specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 42 to Select File

Mr. Newell moved to return LB 42 to Select File for the following specific amendment:

To amend the Koch amendment to the Newell amendment. To add language following the words "fixed costs" "in excess of 7%" increase.

The motion prevailed with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 42. The Newell specific amendment found in this day's Journal was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 867 to Select File

Mrs. Maxey moved to return LB 867 to Select File for the following specific amendment:

AMENDMENTS TO LB 867

1. On page 2, line 7 after the underscored period insert "If the State Racing Commission permits racing on Sunday the voters may prohibit such racing in the manner

prescribed in section 2 of this act.".

2. Insert a new section as follows:

"Sec. 2. The voters of any city or incorporated village shall have the right to vote on the question of prohibiting the conducting of racing on Sunday within such city or village. The question may be sumitted at any general state, city, or village election whenever petitions calling for its submission, signed by at least ten per cent of the number of persons voting in the last preceding general state, city, or village election, are presented to the city or village clerk or election commissioner not less than thirty days prior to the date of such election, except that such question may not be submitted more often than once in four years. The question shall be placed on the ballot in substantially the following form:

SHALL THE CONDUCTING OF RACING ON SUNDAY BE PROHIBITED IN THE CITY (VILLAGE) OF

___ FOR RACING ON SUNDAY

___ AGAINST RACING ON SUNDAY

A majority of the voters voting on the issue shall determine such issue. Where racing is conducted outside the limits of any city or incorporated village, the voters of a county shall have the right to vote on the question of prohibiting the conducting of racing on Sunday outside the limits of any incorporated city or village within such county in the same fashion as that hereinbefore provided for voting upon such question by voters within such city or village.".

3. Renumber original section 2 as section 3.

Mrs. Maxey moved for a Call of the House. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

The Maxey motion prevailed with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

Messrs. DeCamp and F. Lewis asked unanimous consent to be exucsed. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 867. The Maxey specific amendment found in this day's Journal was adopted with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 814 to Select File

Mr. R. Lewis moved to return LB 814 to Select File for the specific amendment referred to in the Journal on page 1956. (Req. #2943)

The motion prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 814. The R. Lewis specific amendment (Req. #2943) 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.

MR. MARVEL PRESIDING

MOTION - Return LB 814 to Select File

Mr. Warner moved to return LB 814 to Select File for the following specific amendment:

AMENDMENT TO LB 814

1. In the R. Lewis amendment adopted 4/18/78, page 13 line 22 after the period insert "Nothing in such regulations shall invalidate or conflict with any agreements, federal laws, federal contracts, or federal rules and regulations which are in effect as of the effective date of this act.".

The motion prevailed with 27 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 814. The Warner specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

Messrs. Kremer and Rasmussen asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 713 to Select File

Mr. Barnett moved to return LB 713 to Select File for the following specific amendment:
Strike Sec. 21.

Mr. Murphy raised a point of order if this is a reconsideration.

Mr. Marvel ruled the motion in order.

The Barnett motion to return LB 713 lost with 5 ayes, 19 nays, 19 present and not voting, and 6 excused and not voting.

MOTION - Reconsider Action on LB 828

Mr. Barnett moved to reconsider action on the Burrows amendment to LB 828.

Mr. Nichol 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. Barnett moved for a Call of the House. The motion lost with 8 ayes, 18 nays, and 23 not voting.

The Barnett motion to reconsider lost with 12 ayes, 15 nays, 18 present and not voting, and 4 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 235
April 17, 1978

Re: Proposed amendments to Article I, Section 9, of the Nebraska Constitution

Dear Senator Duis:

You have asked whether a person charged with a sexual offense could be admitted to bail if Article I, Section 9, of the Nebraska Constitution were amended to provide:

> "All persons shall be bailable by sufficient sureties, except for treason, sexual offenses, and murder, where the proof is evident or the presumption great. . . ."

We have concluded that after such an amendment a person charged with a sexual offense could still be admitted to bail unless the court found that the proof was evident or that the presumption was great.

You have also asked whether a person charged with a sexual offense could be admitted to bail if Article I, Section 9, of the Nebraska Constitution were amended to provide:

> "All persons shall be bailable by sufficient sureties, except for treason, sexual offenses involving penetration by force or against the will of the victim, and murder, where the proof is evident or the presumption great. . . ."

We have concluded that a person charged with a sexual offense after such an amendment could still be admitted to bail unless the court found that proof was evident or the presumption was great that there had been penetration by force or against the will of the victim.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 192, 192A, 691, 691A, 713, 713A, 884, and 884A.

(Signed) Samuel K. Cullan, Chairman

VISITORS

The President introduced 30 Seniors and teacher from Raymond Central High School, Raymond, Nebraska; Rep. Phyllis Kahn, Minnesota Fiscal Staff; Dona McCord, New Mexico Fiscal Staff; Ken Kirkland, Colorado NCSL Staff; Jim Wegryn, Michigan Fiscal Staff; 28 8th grade students and sponsors from St. Columbia School, Papillion, Nebraska; Janet Phelan and Mark Goldstrom from Omaha, Nebraska; 38 4th grade students and teachers from Claire

McPhee Elementary School, Lincoln, Nebraska; 18 6th through 9th grade students and sponsors from Loneman Elementary School, Ogalala, South Dakota; Dr. and Mrs. Mills, parents of Senator Jack Mills from Kearney, Nebraska; 60 seniors and teachers from York High School, York, Nebraska; 23 4th and 5th grade students, teacher, and sponsors from Immanuel Lutheran Elementary School, Columbus, Nebraska; 27 7th and 8th grade students and teachers from all rural schools of Boone County; 23 6th grade students, teacher, and sponsors from Beattie Elementary School, Lincoln, Nebraska; Dr. Ben Meckel, chairman of Nebraska Rural Health Manpower Commission from Burwell, Nebraska; and 8 10th through 12th grade students and teacher from Northeast, Southeast, Lincoln, and East High Schools, Lincoln, Nebraska.

RECESS

At 12:00 noon, on a motion by Mr. Barnett, 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 Mrs. Marsh, Messrs. Chambers, D. Dworak, Kremer, F. Lewis, R. Lewis, Marvel and Reutzel who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 917. Replaced on Select File as amended. E & R amendments to LB 917:

1. Number the section added by the Duis amendment as section 8 and renumber original section 8 as section 9.

2. In lieu of the Duis amendment insert the following:

"Sec. 8. That section 81-8,278, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,278. (1) The commission shall have the following powers and duties:

(a) To receive applications for and issue licenses to real estate appraisers pursuant to the

provisions of sections 81-8,276 to 81-8,287;

(b) To keep a record of its proceedings and a complete roster of all persons licensed by it and entitled to practice such occupation in this state;

(c) To make all necessary regulations pursuant to the provisions of sections 81-8,276 to 81-8,287 for the pursuit of the occupation within its jurisdiction for the preservation of the welfare of the public including the establishing of minimum standards for appraisals;

(d) To investigate any violations of the provisions of sections 81-8,276 to 81-8,287 or of regulations issued pursuant thereto, hold hearings thereon, and take testimony relating thereto;

(e) To make certified copies of any documents or records of the commission which, when attested as a true copy by the commission, shall be competent evidence in any court in the state of the facts contained therein; and

(f) To do all things necessary to carry out the provisions of sections 81-8,276 to 81-8,287. The commission shall employ such clerical and technical assistance as may be necessary to properly administer sections 81-8,276 to 81-8,287.

(2) The commission shall have prepared annually a roster showing the names, places of business, residences, and classifications of all licensed real estate appraisers, a copy to be furnished to each appraiser licensed under the provisions of sections 81-8,276 to 81-8,287. Copies of such roster shall be available to the public upon application to the commission, at such price per copy as may be fixed by the commission.

(3) The commission shall issue to each licensee a license certificate and pocket card in such size and form as it may approve. The license and card shall remain the property of the state and, upon suspension or revocation pursuant to sections 81-8,276 to 81-8,287, shall be returned immediately to the commission.

(4) The commission shall maintain and keep open to public inspection during office hours a complete indexed report of all applications, licenses issued, licenses renewed, and all revocations, cancellations, and suspensions of licenses.".

3. In lieu of all amendments to page 8, line 4, strike "and 81-8,276" and insert "81-8,277, and 81-8,278".

4. In lieu of all amendments to the title, line 3, strike "and 81-8,276" and insert "81-8,277, and

9 81-8,278"; and in line 9, after "term;" insert "to
10 provide duties;".

LEGISLATIVE BILL 965. Replaced on Select File as amended.
E & R amendments to LB 965:

1. In lieu of the F. Lewis amendment, insert a new section to read:

"Sec. 3. Of the one million dollar appropriation made in section 1 of this act, one hundred thousand dollars shall be used for repair of the dike in the Hansen Lake Area.".

2. Insert the new section added by the first set of Warner amendments as section 4.

3. Insert the new section added by the second set of Warner amendments as section 5; in lines 10 and 11 thereof strike "Sections" and insert "sections"; and in lines 11 and 12 strike "Revised Statutes Supplement, 1976," and insert "Reissue Revised Statutes of Nebraska, 1943".

4. Insert the two new sections added to the third set of the Warner amendments as sections 6 and 7.

5. Renumber new section 5 added by the fourth set of Warner amendments as section 8.

6. Renumber new sections 3 to 5 added by the Carsten amendments as sections 9 to 11.

7. Renumber original section 2 as section 12.

8. Strike all amendments to the title and those renumbering sections except E & R amendments.

9. In the title, line 2, strike "an appropriation;" and insert "appropriation and reappropriations; to provide for objects of expenditure; to state intent; to provide for biomass research;".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 917. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 965. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Final Reading

Mr. Warner asked unanimous consent to pass over 624, 624A, 946, 946A, 700, and 700A on Final Reading. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 715.

A BILL FOR AN ACT to adopt the Nebraska Consultants' Competitive Negotiation Act; to define terms; to provide duties; and to provide severability.

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

Voting in the affirmative, 37:

Barnett	Duis	Kahle	Maxey	Savage
Bereuter	D. Dworak	Kelly	Merz	Schmit
Brennan	Fitzgerald	Kennedy	Mills	Simon
Burrows	Fowler	Keyes	Moylan	Stoney
Carsten	George	Koch	Newell	Warner
Clark	Goodrich	Labedz	Nichol	
Cope	Hasebroock	Lamb	Rasmussen	
Cullan	Hefner	Maresh	Rumery	

Voting in the negative, 0.

Present and not voting, 5:

DeCamp	E. Dvorak	Luedtke	Murphy	Venditte

Excused and not voting, 7:

Chambers	F. Lewis	Marsh	Reutzel
Kremer	R. Lewis	Marvel	

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

LEGISLATIVE BILL 830.

A BILL FOR AN ACT to amend section 18-1724, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to change provisions relating to discrimination ordinances as prescribed; and to repeal the original section.

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

Voting in the affirmative, 42:

Barnett	Duis	Kahle	Maresh	Rumery
Bereuter	E. Dvorak	Kelly	Maxey	Savage
Brennan	D. Dworak	Kennedy	Merz	Simon
Burrows	Fitzgerald	Keyes	Mills	Stoney
Carsten	Fowler	Koch	Moylan	Venditte
Clark	George	Labedz	Murphy	Warner
Cope	Goodrich	Lamb	Newell	
Cullan	Hasebroock	R. Lewis	Nichol	
DeCamp	Hefner	Luedtke	Rasmussen	

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 6:

Chambers	F. Lewis	Marvel
Kremer	Marsh	Reutzel

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

LEGISLATIVE BILL 837.

A BILL FOR AN ACT to amend section 70-624.02, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to increase compensation limits; and to repeal the original section.

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

Voting in the affirmative, 34:

Bereuter	DeCamp	Kahle	Luedtke	Rasmussen
Brennan	Duis	Kelly	Maresh	Rumery
Burrows	E. Dvorak	Kennedy	Maxey	Savage
Carsten	Fitzgerald	Keyes	Merz	Stoney
Chambers	Fowler	Labedz	Mills	Venditte
Clark	Hasebroock	Lamb	Moylan	Warner
Cullan	Hefner	R. Lewis	Nichol	

Voting in the negative, 5:

Barnett	D. Dworak	Goodrich	Newell	Simon

Present and not voting, 5:

Cope	George	Koch	Murphy	Schmit

Excused and not voting, 5:

Kremer	F. Lewis	Marsh	Marvel	Reutzel

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

LEGISLATIVE BILL 937. With Emergency.

A BILL FOR AN ACT relating to appropriations; to reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1976, LB 984, sections 26 and 27, as amended by Laws 1977, LB 546, sections 5 and 6, respectively, Laws 1976, LB 984, section 28, as amended by Laws 1977, LB 522, section 16, Laws 1976, LB 984, section 39, as amended by Laws 1978, LB 924, section 54, and Laws 1977, LB 549, sections 38, 42, 43, 44, and 47; to provide severability; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 43:

Bereuter	Duis	Kelly	Maresh	Rumery
Brennan	E. Dvorak	Kennedy	Maxey	Savage
Burrows	D. Dworak	Keyes	Merz	Schmit
Carsten	Fitzgerald	Koch	Mills	Simon
Chambers	Fowler	Kremer	Moylan	Stoney
Clark	George	Labedz	Murphy	Venditte
Cope	Goodrich	F. Lewis	Newell	Warner
Cullan	Hasebroock	R. Lewis	Nichol	
DeCamp	Hefner	Luedtke	Rasmussen	

Voting in the negative, 2:

Kahle Lamb

Present and not voting, 1:

Barnett

Excused and not voting, 3:

Marsh Marvel Reutzel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 210. Mr. Koch moved to return LB 210 to Select File for the following specific amendment:
Strike the enacting clause.

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 Koch motion lost with 15 ayes, 24 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Merz asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 210. With Emergency.

A BILL FOR AN ACT relating to political accountability and disclosure; to exempt certain candidates and political committees from filing financial statements as prescribed; to create the State Campaign Finance Commission; to provide for membership; to provide duties and responsibilities; to provide campaign accounts and for expenditures of funds; to revive certain campaign practices and conflict of interest provisions; to provide for penalties; to amend sections 49-1403, 49-1404, 49-1414, 49-1425, 49-1429, 49-1431 to 49-1434, 49-1436, 49-1437, 49-1438, and 49-1484, Revised Statutes Supplement, 1976, section 49-1489, Revised Statutes Supplement, 1977, and Laws 1976, LB 987, section 141; to provide an operative date; to repeal the original sections, and also sections 49-1401, 49-1402, 49-1405 to 49-1413, 49-1415 to 49-1424, 49-1426 to 49-1428, 49-1430, 49-1435, 49-1439 to 49-1445, 49-1448 to 49-1466, 49-1468, 49-1470, 49-1493 to 49-14,100, 49-14,102, 49-14,103, 49-14,105 to 49-14,114, 49-14,116 to 49-14,133, and 49-14,136 to 49-14,138, Revised Statutes Supplement, 1976, and sections 49-1446, 49-1447, 49-1467, 49-1469, 49-1471 to 49-1479, 49-14,101, 49-14,104, 49-14,115, 49-14,134, and 49-14,135, Revised Statutes Supplement, 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, 24:

Brennan	Cullan	Hasebroock	Lamb	Murphy
Burrows	DeCamp	Hefner	F. Lewis	Nichol
Carsten	Duis	Kahle	R. Lewis	Rasmussen
Clark	D. Dworak	Kelly	Marvel	Venditte
Cope	George	Kremer	Moylan	

Voting in the negative, 19:

Barnett	Fowler	Luedtke	Newell	Simon
Bereuter	Kennedy	Maresh	Rumery	Stoney
Chambers	Keyes	Maxey	Savage	Warner
E. Dvorak	Koch	Mills	Schmit	

Present and not voting, 3:

Fitzgerald	Goodrich	Labedz

Excused and not voting, 3:

Marsh	Merz	Reutzel

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, 25:

Brennan	DeCamp	Hasebroock	Labedz	Moylan
Burrows	Duis	Hefner	Lamb	Murphy
Carsten	D. Dworak	Kahle	F. Lewis	Nichol
Clark	George	Kelly	R. Lewis	Rasmussen
Cullan	Goodrich	Kremer	Marvel	Venditte

Voting in the negative, 20:

Barnett	Fitzgerald	Koch	Mills	Schmit
Bereuter	Fowler	Luedtke	Newell	Simon
Chambers	Kennedy	Maresh	Rumery	Stoney
E. Dvorak	Keyes	Maxey	Savage	Warner

Present and not voting, 1:

Cope

Excused and not voting, 3:

Marsh	Merz	Reutzel

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

VISITORS

Speaker Luedtke introduced Michael Collins, The Lord Mayor of Dublin, Ireland, his wife Alice and Chris and Josie Byrne.

The Lord Mayor Collins addressed the members briefly.

BILL ON FINAL READING

The following bill was read and put uponfinal passage:

LEGISLATIVE BILL 446. With Emergency.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1977, relating to workmen's compensation; to increase weekly benefits; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 38:

Barnett	E. Dvorak	Kelly	Maresh	Reutzel
Bereuter	D. Dworak	Keyes	Marvel	Rumery
Brennan	Fitzgerald	Koch	Maxey	Savage
Burrows	Fowler	Kremer	Mills	Simon
Chambers	George	Labedz	Moylan	Stoney
Cullan	Goodrich	Lamb	Newell	Venditte
DeCamp	Hasebroock	F. Lewis	Nichol	
Duis	Kahle	R. Lewis	Rasmussen	

Voting in the negative, 6:

Carsten	Cope	Schmit
Clark	Hefner	Warner

Present and not voting, 3:

Kennedy	Luedtke	Murphy

Excused and not voting, 2:

Marsh	Merz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency caluse and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 564, 566, 658, 783, and 861.

Correctly Enrolled

The following bills were correctly enrolled: 715, 830, 837, and 937.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 715, 830, 837, and 937.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 6, Sec. 6b to read the Final Reading bills set for tomorrow.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

MR. SAVAGE PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 286.

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.

Whereupon the 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	E. Dvorak	Kahle	R. Lewis	Newell
Bereuter	D. Dworak	Kelly	Luedtke	Nichol
Brennan	Fitzgerald	Kennedy	Maresh	Reutzel
Burrows	Fowler	Keyes	Marvel	Savage
Chambers	George	Koch	Maxey	Simon
Cope	Goodrich	Kremer	Merz	Stoney
DeCamp	Hasebroock	Labedz	Mills	Venditte
Duis	Hefner	F. Lewis	Moylan	Warner

Voting in the negative, 7:

Clark	Lamb	Rasmussen	Schmit
Cullan	Murphy	Rumery	

Present and not voting, 1:

Carsten

Excused and not voting, 1:

Marsh

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

LEGISLATIVE BILL 560. With Emergency.

A BILL FOR AN ACT to amend sections 23-343.07, 23-378, and 35-514.02, Reissue Revised Statutes of Nebraska, 1943, relating to political subdivisions; to provide for certain expenditures; to permit contracting for ambulance service; to provide procedures for merger of hospital districts as prescribed; to provide for an election; to provide provisions relating to assets and liabilities; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Bereuter	Chambers	Duis	Fowler	Hefner
Brennan	Clark	E. Dvorak	George	Kahle
Burrows	Cope	D. Dworak	Goodrich	Kelly
Carsten	Cullan	Fitzgerald	Hasebroock	Kennedy

Keyes	R. Lewis	Mills	Reutzel	Venditte
Koch	Luedtke	Moylan	Rumery	Warner
Kremer	Maresh	Murphy	Savage	
Labedz	Marvel	Newell	Schmit	
Lamb	Maxey	Nichol	Simon	
F. Lewis	Merz	Rasmussen	Stoney	

Voting in the negative, 0.

Present and not voting, 2:

Barnett DeCamp

Excused and not voting, 1:

Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 569. With Emergency.

A BILL FOR AN ACT to provide for the continued existence of the Board of Cosmetologist Examiners; to amend sections 71-313 to 71-316, 71-318 to 71-320, 71-322, 71-322.05, and 71-327, Reissue Revised Statutes of Nebraska, 1943; to change and provide for the regulation of cosmetology; to repeal the original sections, and also section 71-322.01, Reissue Revised Statutes of Nebraska, 1943, and also section 81-193, Revised Statutes Supplement, 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	Cullan	Goodrich	Labedz	Mills
Bereuter	DeCamp	Hasebroock	F. Lewis	Moylan
Brennan	Duis	Hefner	R. Lewis	Murphy
Burrows	E. Dvorak	Kahle	Luedtke	Newell
Carsten	D. Dworak	Kelly	Marvel	Nichol
Chambers	Fowler	Koch	Maxey	Rasmussen
Cope	George	Kremer	Merz	Reutzel

Rumery Schmit Stoney
Savage Simon Warner

Voting in the negative, 3:

Clark Lamb Maresh

Present and not voting, 4:

Fitzgerald Kennedy Keyes Venditte

Excused and not voting, 1:

Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 910. Replaced on Select File as amended.
E & R amendments to LB 910:

1. Renumber new sections 32 to 36, added by the Schmit Select File amendments as sections 36 to 40 and original sections 32 and 33 as sections 41 and 42.

2. In the Schmit Select File amendments, page 1, line 21, strike "section" and insert "act"; and in lines 26 and 27, strike "subdivision (1) of this section" and insert "section 37 of this act".

3. In the Schmit Select File amendments, page 2, line 2, strike "foregoing"; in line 3, strike "32 to 34" and insert "36 to 38"; and in line 8, strike "state" and insert "stage".

4. In the Schmit Select File amendments, page 1, line 10, strike "or emotions,".

LEGISLATIVE BILL 386. Replaced on Select File as amended.
E & R amendments to LB 386:

1. Insert the new section added by the DeCamp amendment as section 13.

2. In line 2 of the DeCamp amendment strike "1. Not withstanding" and insert "(1) Notwithstanding"; in line 4, strike beginning with "subsection" through "Section" and insert "subdivisions (5) (C) and (5) (D) of section"; in line 5, after "sell" insert an underscored comma;

in line 8, strike "herein;" and insert "in this section."; in line 9, strike "2. Provide that any" and insert "(2) Any"; in line 11, after "organizations" insert an underscored comma; in line 13, strike the semicolon and insert an underscored period; in line 14, strike "3." and insert "(3)"; in lines 14 and 18, strike "herein" and insert "in this section"; in line 17, strike the semicolon and insert an underscored period; in lines 17 and 19, strike "hereunder" and insert "under this section"; and in line 18, strike "4." and insert "(4)"; and in line 20, strike "(6)".

3. Renumber section 13 as section 14.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 910. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 386. E & R amendments found in this day's Journal were adopted.

Mr. Cullan requested a machine vote to advance LB 386.

Advanced to E & R for Engrossment with 33 ayes, 7 nays, 8 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 593.

A BILL FOR AN ACT relating to alcoholism; to decriminalize certain offenses; to amend section 39-684, Reissue Revised Statutes of Nebraska, 1943; to provide provisions relating to law enforcement officers; to provide an operative date; and to repeal the original section, and also section 53-196, Revised Statutes Supplement, 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, 27:

Barnett	D. Dworak	Labedz	Murphy	Schmit
Bereuter	Fowler	F. Lewis	Newell	Simon
Brennan	Goodrich	Luedtke	Nichol	Stoney
Burrows	Kelly	Maxey	Reutzel	
DeCamp	Kennedy	Merz	Rumery	
Duis	Koch	Moylan	Savage	

Voting in the negative, 20:

Carsten	E. Dvorak	Hefner	Lamb	Mills
Clark	Fitzgerald	Kahle	R. Lewis	Rasmussen
Cope	George	Keyes	Maresh	Venditte
Cullan	Hasebroock	Kremer	Marvel	Warner

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Marsh

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

LEGISLATIVE BILL 634.

A BILL FOR AN ACT to amend sections 31-710 and 31-741, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary and improvement districts; to increase the minimum contract amount subject to bidding procedures; 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	Chambers	E. Dvorak	Hasebroock	Koch
Bereuter	Clark	D. Dworak	Hefner	Kremer
Brennan	Cope	Fitzgerald	Kahle	Labedz
Burrows	Cullan	George	Kennedy	Lamb
Carsten	Duis	Goodrich	Keyes	F. Lewis

R. Lewis	Maxey	Newell	Rumery	Stoney
Luedtke	Mills	Nichol	Savage	Warner
Maresh	Moylan	Rasmussen	Schmit	
Marvel	Murphy	Reutzel	Simon	

Voting in the negative, 0.

Present and not voting, 5:

DeCamp	Fowler	Kelly	Merz	Venditte

Excused and not voting, 1:

Marsh

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

LEGISLATIVE BILL 650.

A BILL FOR AN ACT to amend sections 24-541, 30-2209, 30-2220, 30-2221, 30-2307, 30-2322, 30-2323, 30-2324, 30-2329, 30-2352, 30-2412, 30-2414, 30-2416, 30-2433, 30-2436, 30-2453, 30-2458, 30-2459, 30-2460, 30-2461, 30-2476, 30-2483, 30-2489, 30-24,119, 30-2611, 30-2619, 30-2625, 30-2626, 30-2634, 30-2636, 77-2003, 77-2010, 77-2101.01, and 77-2102, Reissue Revised Statutes of Nebraska, 1943, and section 77-2037, Revised Statutes Supplement, 1977, relating to the administration and taxation of estates; to clarify priority of administration expenses; to provide a discovery procedure for property of decedent; to change provisions relating to probate and appointment proceedings as prescribed; to change provisions with respect to the self-proved will; to change provisions relating to notice; to change when inheritance and estate taxes are due; to change inheritance and estate tax provisions as prescribed; and to repeal the original sections, and also section 23-1604, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 37:

Barnett	D. Dworak	Kelly	Marsh	Rumery
Bereuter	Fitzgerald	Keyes	Marvel	Savage
Burrows	Fowler	Kremer	Maxey	Simon
Carsten	George	Labedz	Mills	Stoney
Clark	Goodrich	Lamb	Moylan	Warner
Cope	Hasebroock	R. Lewis	Newell	
Cullan	Hefner	Luedtke	Nichol	
DeCamp	Kahle	Maresh	Reutzel	

Voting in the negative, 2:

Koch	Murphy

Present and not voting, 10:

Brennan	Duis	Kennedy	Merz	Schmit
Chambers	E. Dvorak	F. Lewis	Rasmussen	Venditte

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

LEGISLATIVE BILL 708.

A BILL FOR AN ACT to amend section 31-736, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary improvement districts; to place certain requirements on such districts prior to the acquisition of an interest in property; and to repeal the original section.

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

Voting in the affirmative, 43:

Bereuter	E. Dvorak	Kelly	Maresh	Reutzel
Brennan	D. Dworak	Kennedy	Marsh	Rumery
Burrows	Fitzgerald	Keyes	Marvel	Savage
Carsten	Fowler	Koch	Maxey	Simon
Chambers	George	Kremer	Mills	Stoney
Clark	Goodrich	Labedz	Moylan	Venditte
Cope	Hasebroock	Lamb	Murphy	Warner
Cullan	Hefner	R. Lewis	Newell	
DeCamp	Kahle	Luedtke	Nichol	

Voting in the negative, 0.

Present and not voting, 6:

Barnett	F. Lewis	Rasmussen
Duis	Merz	Schmit

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

LEGISLATIVE BILL 754.

A BILL FOR AN ACT to amend section 69-1317, Revised Statutes Supplement, 1977, relating to the Uniform Disposition of Unclaimed Property Act; to change the limitation on a fund; 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	E. Dvorak	Kennedy	Marsh	Rumery
Bereuter	D. Dworak	Keyes	Marvel	Savage
Brennan	Fitzgerald	Koch	Maxey	Simon
Burrows	Fowler	Kremer	Mills	Stoney
Carsten	George	Labedz	Moylan	Venditte
Chambers	Hasebroock	Lamb	Murphy	Warner
Clark	Hefner	R. Lewis	Newell	
Cope	Kahle	Luedtke	Nichol	
Cullan	Kelly	Maresh	Reutzel	

Voting in the negative, 0.

Present and not voting, 7:

DeCamp	Goodrich	Merz	Schmit
Duis	F. Lewis	Rasmussen	

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

LEGISLATIVE BILL 756. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to provide legislative intent; to define terms; to provide role and mission assignments for the University of Nebraska, state colleges, and technical community colleges as prescribed; to provide duties of the Legislature; to amend sections 79-1422, 79-1429, 85-194, 85-195, and 85-308, Reissue Revised Statutes of Nebraska, 1943, and section 79-2644, Revised Statutes Supplement, 1977; to provide for severability; to repeal the original sections, and also Chapter 14, article 13, and section 71-1,132.43, 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, 40:

Barnett	D. Dworak	Kelly	Luedtke	Nichol
Bereuter	Fitzgerald	Kennedy	Maresh	Rasmussen
Burrows	Fowler	Keyes	Marsh	Reutzel
Chambers	George	Koch	Marvel	Savage
Cullan	Goodrich	Kremer	Maxey	Simon
DeCamp	Hasebroock	Labedz	Moylan	Stoney
Duis	Hefner	Lamb	Murphy	Venditte
E. Dvorak	Kahle	R. Lewis	Newell	Warner

Voting in the negative, 4:

Carsten	Clark	Cope	Mills

Present and not voting, 5:

Brennan	F. Lewis	Merz	Rumery	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 763.

A BILL FOR AN ACT to amend sections 8-1302 and 24-604, Reissue Revised Statutes of Nebraska, 1943, relating to securities; to provide

for transfer of securities as prescribed; to provide that securities may be evidenced by book entry; 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	Duis	Kennedy	Marsh	Reutzel
Bereuter	E. Dvorak	Keyes	Marvel	Rumery
Burrows	Fitzgerald	Koch	Maxey	Savage
Carsten	Fowler	Kremer	Mills	Simon
Chambers	George	Labedz	Moylan	Stoney
Clark	Hasebroock	Lamb	Murphy	Venditte
Cope	Hefner	R. Lewis	Newell	Warner
Cullan	Kahle	Luedtke	Nichol	
DeCamp	Kelly	Maresh	Rasmussen	

Voting in the negative, 0.

Present and not voting, 6:

Brennan	Goodrich	Merz
D. Dworak	F. Lewis	Schmit

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

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 766.

A BILL FOR AN ACT to amend section 44-1525, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide additional unfair acts; 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	E. Dvorak	Keyes	Maxey	Rumery
Bereuter	D. Dworak	Koch	Merz	Savage
Brennan	Fitzgerald	Kremer	Mills	Schmit
Burrows	Fowler	Labedz	Moylan	Simon
Carsten	George	Lamb	Murphy	Stoney
Clark	Hefner	R. Lewis	Newell	Venditte
Cope	Kahle	Luedtke	Nichol	Warner
Cullan	Kelly	Marsh	Rasmussen	
DeCamp	Kennedy	Marvel	Reutzel	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Duis	Goodrich	Hasebroock	F. Lewis

Excused and not voting, 1:

Maresh

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

MRS. MARSH PRESIDING

LEGISLATIVE BILL 815.

A BILL FOR AN ACT to amend section 76-902, Reissue Revised Statutes of Nebraska, 1943, relating to the Documentary Stamp Act; to change an exemption from the tax imposed; 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	Cullan	Hefner	Labedz	Merz
Bereuter	DeCamp	Kahle	Lamb	Mills
Brennan	E. Dvorak	Kelly	R. Lewis	Moylan
Burrows	D. Dworak	Kennedy	Luedtke	Murphy
Carsten	Fitzgerald	Keyes	Marsh	Newell
Clark	George	Koch	Marvel	Nichol
Cope	Hasebroock	Kremer	Maxey	Rasmussen

Reutzel	Schmit	Stoney	Warner
Rumery	Simon	Venditte	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Fowler	F. Lewis
Duis	Goodrich	Savage

Excused and not voting, 1:

Maresh

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

LEGISLATIVE BILL 819.

A BILL FOR AN ACT to amend section 23-2417, Reissue Revised Statutes of Nebraska, 1943, relating to the Political Subdivisions Tort Claims Act; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 39:

Barnett	E. Dvorak	Keyes	Marvel	Reutzel
Bereuter	D. Dworak	Koch	Maxey	Rumery
Burrows	Fitzgerald	Kremer	Mills	Schmit
Carsten	George	Labedz	Moylan	Simon
Clark	Hasebroock	Lamb	Murphy	Stoney
Cope	Hefner	R. Lewis	Newell	Venditte
Cullan	Kahle	Luedtke	Nichol	Warner
Duis	Kennedy	Marsh	Rasmussen	

Voting in the negative, 0.

Present and not voting, 9:

Brennan	DeCamp	Goodrich	F. Lewis	Savage
Chambers	Fowler	Kelly	Merz	

Excused and not voting, 1:

Maresh

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

LEGISLATIVE BILL 868. With Emergency.

A BILL FOR AN ACT to amend section 3-506, Reissue Revised Statutes of Nebraska, 1943, relating to city airport authorities; to provide that an authority may appoint a treasurer; to provide for bond; 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	E. Dvorak	Kennedy	Marvel	Reutzel
Bereuter	D. Dworak	Koch	Maxey	Rumery
Brennan	Fitzgerald	Kremer	Mills	Savage
Burrows	George	Labedz	Moylan	Schmit
Clark	Hasebroock	Lamb	Murphy	Simon
Cope	Hefner	R. Lewis	Newell	Stoney
Cullan	Kahle	Luedtke	Nichol	Venditte
Duis	Kelly	Marsh	Rasmussen	Warner

Voting in the negative, 0.

Present and not voting, 8:

Carsten	DeCamp	Goodrich	F. Lewis
Chambers	Fowler	Keyes	Merz

Excused and not voting, 1:

Maresh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. DeCamp withdrew his pending amendments to LB 900 referred to in the Journal on page 1893 (Req. #2932).

LEGISLATIVE BILL 900. With Emergency.

A BILL FOR AN ACT to amend sections 28-1101 and 28-1107, Revised Statutes Supplement, 1977, relating to crimes and punishments; to redefine a term; to provide an exclusion for possession of a device; to repeal the original sections; to provide an operative date; and to declare an emergency.

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

Voting in the affirmative, 38:

Barnett	E. Dvorak	Keyes	Mills	Savage
Bereuter	D. Dworak	Koch	Moylan	Schmit
Burrows	Fitzgerald	Labedz	Murphy	Simon
Clark	Hasebroock	Lamb	Newell	Stoney
Cope	Hefner	R. Lewis	Nichol	Venditte
Cullan	Kahle	Luedtke	Rasmussen	Warner
DeCamp	Kelly	Marsh	Reutzel	
Duis	Kennedy	Merz	Rumery	

Voting in the negative, 2:

Kremer	Marvel

Present and not voting, 8:

Brennan	Chambers	George	F. Lewis
Carsten	Fowler	Goodrich	Maxey

Excused and not voting, 1:

Maresh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 908.

A BILL FOR AN ACT to amend section 79-1254.02, Revised Statutes Supplement, 1977, relating to schools; to provide for school nurse's contracts 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	D. Dworak	Kremer	Merz	Savage
Bereuter	Fitzgerald	Labedz	Mills	Schmit
Brennan	George	Lamb	Moylan	Simon
Burrows	Hefner	R. Lewis	Newell	Stoney
Clark	Kahle	Luedtke	Nichol	Venditte
Cope	Kelly	Marsh	Rasmussen	Warner
Cullan	Kennedy	Marvel	Reutzel	
E. Dvorak	Keyes	Maxey	Rumery	

Voting in the negative, 0.

Present and not voting, 10:

Carsten	DeCamp	Fowler	Hasebroock	F. Lewis
Chambers	Duis	Goodrich	Koch	Murphy

Excused and not voting, 1:

Maresh

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

LEGISLATIVE BILL 943. With Emergency.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; and to declare an emergency.

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

Voting in the affirmative, 39:

Bereuter	D. Dworak	Keyes	Maxey	Rumery
Brennan	Fitzgerald	Koch	Merz	Savage
Burrows	Fowler	Kremer	Mills	Schmit
Clark	George	Labedz	Moylan	Simon
Cope	Hefner	Lamb	Newell	Stoney
Cullan	Kahle	R. Lewis	Nichol	Venditte
DeCamp	Kelly	Luedtke	Rasmussen	Warner
E. Dvorak	Kennedy	Marvel	Reutzel	

Voting in the negative, 0.

Present and not voting, 9:

Barnett	Chambers	Goodrich	F. Lewis	Murphy
Carsten	Duis	Hasebroock	Marsh	

Excused and not voting, 1:

Maresh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MESSAGE FROM THE GOVERNOR

April 18, 1978

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

Dear Mr. President and Senators:

Since, I cannot in good conscience agree with your enactment of LB 711, the measure is returned herewith with my objections and without my signature.

LB 711 is obviously the initial step designed to repeal or at a minimum render ineffective the death penalty in Nebraska. Should the measure become law, it would create a legal monstrosity. As enacted, the bill would be a sure-fire instrument of unreasonable delay in the

hands of any attorney which would clog the deliberations of the Supreme Court with unworkable shackles and protraction of the issue in carrying out any death sentence.

The easy way out for me would be to quietly sign this bill into law since it deals with the sensitive, emotional and soul-searching issue of capital punishment. It could be argued that who could disagree with court reviews on such a subject.

The present Nebraska statute calls for the death penalty only upon conviction of the most cold-blooded types of murders and already provides for more than adequate reviews, appeals, and protections through the courts and ultimate appeals to the Board of Pardons as the instrument of last resort.

Your actions in passage of LB 711 are an exercise in duplicity. Realistically one must be called upon to stand up and be counted, for or against, without ducking, on whether or not one supports Nebraska's capital punishment statutes.

While I have no particular quarrel with the many who oppose capital punshment per se and their legitimate arguments accordingly, I do not agree. I am convinced that vicious, senseless crimes of murder of an atrocious nature are on a dramtic increase. If properly enforced, our law, in my opinion, could help.

I have publicly stated that I have some real concerns about the equal enforcement of the death penalty within Nebraska. With 93 counties, the potential exists for plea bargaining that could result in different sentences for near identical crimes of murder in different counties.

I have discussed this problem with the Attorney General and others. Possibly a legislative study committee should review this situation and consider legislation in effect in at least the state of New Hampshire where the State Attorney General is charged with the responsibility of handling all homicide cases so as to best assure state uniformity.

Possible changes in the future, however, do not justify retreating to the past for unnecessary reviews only for the sake of delays, and I ask you to sustain this veto.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

COMMUNICATION ON LB 924

April 18, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 924 with a Certificate attached thereto signed by the Presiding Officer of the Legislature, certifying the passage of certain line item vetoes as set forth on the attached Certificate, notwithstanding the objections of the Governor.

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

PJO:br
enclosure
cc: Governor Exon

CERTIFICATE

Legislative Bill 924 having been returned by the Governor with his signature, but with certain items therein having been line item vetoed, and after further consideration, the Legislature by the constitutional majority, has overridden said line item vetoes as follows:

1.) Program 292 - Department of Education - Special Education - Page 73, Section 41 (5)

2.) Program 143 - Department of Education - State Aid and School Food Service and Reserve Teacher Act - Page 72, Section 41 (3)

3.) Program 913 - University of Nebraska - Utility Improvements Program, Page 101, Section 53

4.) Program 336 - Games and Parks Commission, Wildlife Conservation Program, Page 39, Section 25 (3)

Those provisions have become law this 17th day of April, 1978.

(Signed) Richard Marvel
Presiding Officer of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following were correctly engrossed: LR 152 and LB 564A.

(Signed) Samuel K. Cullan, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 1978, at 3:35 p.m., were the following bills: 937, 837, 830, and 715.

(Signed) Hazel Kaltenberger, Enrolling Clerk

EXPLANATION OF VOTE

If I had been present I would have voted aye on LB 715, 830, 837, 937, 937A, 446, 286, 560, 569, 593, and 634. I would have voted no on LB 210.

(Signed) Shirley Marsh

ANNOUNCEMENT

Mr. Carsten announced that the committee on Committee Structure will meet for 10 minutes after adjournment.

UNANIMOUS CONSENT - Member Excused

Mr. George asked unanimous consent to be excused Wednesday, April 19, 1978 at 3:30 p.m. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

MOTION - Approve Report

Mr. Savage moved the adoption of the Committee on Committees report found in the Journal on page 1670 on the rejection of the appointment of Mimi Waldbaum to the Political Accountability and Disclosure Commission.

Voting in the affirmative, 35:

Bereuter	D. Dworak	Keyes	Maxey	Rumery
Brennan	Fitzgerald	Koch	Mills	Savage
Burrows	George	Kremer	Moylan	Schmit
Carsten	Hasebroock	Lamb	Murphy	Simon
Cullan	Kahle	R. Lewis	Newell	Stoney
Duis	Kelly	Luedtke	Rasmussen	Venditte
E. Dvorak	Kennedy	Marsh	Reutzel	Warner

Voting in the negative, 0.

Present and not voting, 12:

Barnett	Cope	Goodrich	Marvel
Chambers	DeCamp	Hefner	Merz
Clark	Fowler	F. Lewis	Nichol

Excused and not voting, 2:

Labedz	Maresh

The Chair declared the report approved.

MOTION - Approve Appointments

Mr. Savage moved the adoption of the appointments of the flood committee found in the Journal on page 1584 and 1585.

Voting in the affirmative, 27:

Brennan	Goodrich	Lamb	Newell	Simon
Burrows	Hasebroock	Luedtke	Rasmussen	Stoney
Carsten	Kelly	Marsh	Reutzel	Venditte
E. Dvorak	Kennedy	Maxey	Rumery	
Fitzgerald	Koch	Mills	Savage	
George	Kremer	Moylan	Schmit	

Voting in the negative, 0.

Present and not voting, 20:

Barnett	Cope	D. Dworak	Keyes	Merz
Bereuter	Cullan	Fowler	F. Lewis	Murphy
Chambers	DeCamp	Hefner	R. Lewis	Nichol
Clark	Duis	Kahle	Marvel	Warner

Excused and not voting, 2:

Labedz Maresh

The Chair declared the appointments confirmed.

Mr. Savage moved the adoption of the following appointments of Bernard Gyger, Leonard Schaeffer, Ralph O'Conner, Mrs. Robert Bridge, Richard S. Westin, Ramona Freeman, Margaret Sullivan and Dorothy Ley, found in the Journal on page 1598.

Voting in the affirmative, 32:

Brennan	Hasebroock	Luedtke	Murphy	Simon
Burrows	Kelly	Marsh	Newell	Stoney
Carsten	Kennedy	Marvel	Rasmussen	Venditte
DeCamp	Koch	Maxey	Reutzel	Warner
D. Dworak	Kremer	Merz	Rumery	
Fitzgerald	Labedz	Mills	Savage	
George	Lamb	Moylan	Schmit	

Voting in the negative, 0.

Present and not voting, 16:

Barnett	Cope	Fowler	Keyes
Bereuter	Cullan	Goodrich	F. Lewis
Chambers	Duis	Hefner	R. Lewis
Clark	E. Dvorak	Kahle	Nichol

Excused and not voting, 1:

Maresh

The Chair declared the appointments confirmed.

Mr. Savage moved the adoption of the following appointments of Patricia R. Hoffman, Russell D. Salak, Dr. Gary Ensz, Marjorie Hartnett, Joe Patrick, Burnham Yates, Neil Colerick and John C. Mitchell, found in the Journal on page 1599.

Voting in the affirmative, 31:

Bereuter	Carsten	D. Dworak	Goodrich	Koch
Brennan	Cope	Fitzgerald	Hefner	Kremer
Burrows	DeCamp	George	Kennedy	Luedtke

Marsh	Moylan	Rasmussen	Simon
Marvel	Murphy	Rumery	Stoney
Merz	Newell	Savage	Venditte
Mills	Nichol	Schmit	Warner

Voting in the negative, 0.

Present and not voting, 16:

Barnett	Duis	Kahle	F. Lewis
Chambers	E. Dvorak	Kelly	R. Lewis
Clark	Fowler	Keyes	Maxey
Cullan	Hasebroock	Lamb	Reutzel

Excused and not voting, 2:

Labedz Maresh

The Chair declared the appointments confirmed.

Mr. Savage moved the adoption of the appointment of Louis Knoflicek, found in the Journal on page 1599.

Voting in the affirmative, 30:

Brennan	Fitzgerald	Koch	Mills	Reutzel
Burrows	George	Kremer	Moylan	Rumery
Carsten	Hefner	Luedtke	Murphy	Savage
Cope	Kelly	Marsh	Newell	Schmit
Cullan	Kennedy	Marvel	Nichol	Stoney
DeCamp	Keyes	Maxey	Rasmussen	Venditte

Voting in the negative, 1:

Merz

Present and not voting, 16:

Barnett	Duis	Goodrich	F. Lewis
Bereuter	E. Dvorak	Hasebroock	R. Lewis
Chambers	D. Dworak	Kahle	Simon
Clark	Fowler	Lamb	Warner

Excused and not voting, 2:

Labedz Maresh

The Chair declared the appointment confirmed.

MOTION - Override Veto on LB 184 and LB 184A

Mr. DeCamp moved that LB 184 and LB 184A become law notwithstanding the objections of the Governor.

Motion pending.

VISITORS

The President introduced 25 members of the American Agriculture and National Farmers Organization from Southeast Nebraska.

RECESS

At 5:08 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 9:30 p.m.

AFTER RECESS

The Legislature reconvened at 9:35 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mesdames Labedz, Marsh, Maxey; Messrs. Bereuter, Burrows, Carsten, E. Dvorak, George, Keyes, Maresh, Marvel, Moylan, Newell, Savage, Schmit and Venditte who were excused.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 42. Replaced on Select File as amended. E & R amendments to LB 42:

1. On page 7, line 5, insert "Provided, that in counties having a population of more than sixty thousand inhabitants but not more than three hundred thousand inhabitants, and also containing a city of the primary class, such additional ~~one-mill~~ levy or any part thereof may be levied for the purpose of capital construction on the county fairgrounds or the Nebraska State Fairgrounds, as contemplated by the provisions of section 2-202, over and above the ~~mill~~ levy and dollar limitations set forth in section 2-203.01" after "2-203.05".

2. On page 20, line 5, insert "Class III" after "a" and a semicolon after "misdemeanor" and strike through line 8.

3. On page 27, line 12 insert "Class III" after "a" and a semicolon after "misdemeanor" and strike through line 15.

4. On page 148, in line 1, strike "Not" and insert "Except in any county having a population of more than three hundred thousand inhabitants, not"; and after the period in line 3 insert "In any county having a population of more than three hundred thousand inhabitants, a minimum of one member of the 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. 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.".

5. On page 189, line 2, strike "1976" and insert "1977"; and on page 190, insert "Within thirty days after the effective date of this act as to existing districts, and within thirty days after the creation of districts thereafter created, and on or before September 1 of each year thereafter, the clerk of each district shall record with the register of deeds of each county in which the district is located a statement containing the following information: (1) The names of the current board of trustees of the district, (2) the warrant and bond principal indebtedness of the district as of the preceding June 30, and (3) the current mill levy of the district." at the end of line 2.

6. On page 256, lines 22 and 23, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1977"; and on page 257 insert "be guilty of a Class I misdemeanor." after "shall" in line 1 and strike the remainder of the sentence.

7. On page 276, lines 26 and 27, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1977"; and on page 278, line 1, insert "Class V" after "a" and strike beginning with "and" in line 1 through the comma in line 3.

8. On page 287, lines 2 and 3, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1977"; and after the period in line 12 insert "Each Class I district which is part of a Class VI district offering instruction (a) in grades kindergarten through six shall report those children who are five through eleven

years old, and (b) in grades kindergarten through eight shall report those children who are five through thirteen years old. Each Class VI district offering instruction (c) in grades seven through twelve shall report those children who are twelve through eighteen years old, and (d) in grades nine through twelve those children who are fourteen through eighteen years old. Each Class I district which is not a part of a Class VI district shall report those children who are five through twenty-one years old.".

9. On page 304, lines 10 and 11, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1977"; strike beginning with "The" on page 304, line 20, through "budget" on page 305, line 3, and insert "The amount of such levy"; on page 305, line 7, strike "July" and insert "September"; and strike the sentence beginning on page 305, line 8, and insert "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.".

10. On page 4, lines 1 and 2, page 15, lines 6 and 7, page 19, lines 1 and 2, page 122, lines 6 and 7, page 127, lines 18 and 19, page 134, lines 11 and 12, page 135, lines 18 and 19, page 162, lines 12 and 13, and page 163, lines 16 and 17, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

11. In committee amendments, page 4, line 5, strike "page 275" and insert "page 279".

12. On page 247, lines 25 and 26, page 254, lines 22 and 23, page 262, lines 4 and 5, page 263, lines 20 and 21, page 279, lines 9 and 10, page 285, lines 2 and 3, page 294, lines 23 and 24, page 296, lines 21 and 22, page 307, lines 12 and 13, and page 310, lines 23 and 24, strike "Revised Statutes Supplement, 1976" and insert "Reissue Revised Statutes of Nebraska, 1943".

13. Renumber the section added by committee amendment 3 as section 205 and original section 209 as section 206.

14. Strike original section 265.

15. Renumber sections 265 to 270 added by the Warner amendments as sections 259 to 264 respectively.

16. In the Warner amendments, page 3, line 23, strike "267" and insert "261".

17. In the Warner amendments, page 4, line 4, strike "267 to 269" and insert "261 to 263"; in line 7, strike "267 and 268" and insert "261 and 262"; and in line 10 strike "266" and insert "260".

18. In lieu of the first part of the Maresh amendment, on page 13, line 8, strike "fifteen" and insert "~~fifteen~~ thirty"; and in lieu of the second part thereof, in renumbered section 264, line 2, insert ", except that the increase in the agricultural extension budget authorized by section 2-1604 shall become operative ninety days after adjournment of the 1978 session of the Legislature" after "1984".

19. In the Newell amendments, page 3, line 7, insert "sections 265 to 272 of" after "by".

20. In the Newell longhand amendment 1, line 5, strike ". Until" and insert "through".

21. Insert the Koch amendment after "for" in the first line 12 of the Newell amendments found on page 1755 of the Journal.

22. In the Newell amendments, page 4, line 5, insert "of this act" after "272".

23. Renumber new section 271 added by the Warner amendments as section 274.

24. Strike original section 266 and all amendments thereto and insert

"Sec. 275. That original sections 2-201, 2-203, 2-203.01, 2-203.02, 2-203.03, 2-203.05, 2-203.06, 2-1604, 2-2444, 2-3225, 3-155, 3-504, 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, 19-3315, 19-3318, 19-3321, 19-3327, 21-17,126, 22-215, 22-407, 23-104, 23-107.01, 23-120, 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, 23-362, 23-362.03, 23-501, 23-801, 23-802, 23-804, 23-918, 23-927.01, 23-930, 23-2604, 23-2611, 23-2909, 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, 31-905, 32-4,114, 35-502, 35-513.01, 35-513.02, 35-519, 39-801, 39-836, 39-1002, 39-1008, 39-1619, 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, 71-1701, 71-2910,

71-2913, 71-2914, 74-1306, 77-201, 77-202.32, 77-506, 77-507, 77-660, 77-662, 77-664, 77-1209.02, 77-1241.04, 77-1241.06, 77-1242.02, 77-1250, 77-1252, 77-1303, 77-1311, 77-1315, 77-1327, 77-1338, 77-1406, 77-1504, 77-1506.01, 77-1510, 77-1603, 77-1604, 77-1605, 77-1605.01, 77-1615, 77-1627, 79-320.01, 79-408.02, 79-408.03, 79-415, 79-417, 79-420, 79-422, 79-432, 79-433, 79-436, 79-471, 79-480, 79-481, 79-506.03, 79-533, 79-536, 79-548.01, 79-903, 79-904, 79-1007, 79-1007.02, 79-1036, 79-1052, 79-1103.02, 79-1103.03, 79-1303, 79-1335, 79-2302, 79-2313, 79-2650, 80-102, 81-815.34, 83-1,142, 86-402, and 86-405, Reissue Revised Statutes of Nebraska, 1943, sections 31-727.01, 31-739, 31-740, 31-755, 35-508, 35-509, and 46-673, Revised Statutes Supplement, 1976, and sections 31-727.03, 77-605, 77-1725, 79-451, and 79-2210, Revised Statutes Supplement, 1977, and also sections 77-1355 and 77-1356, Revised Statutes Supplement, 1977, are repealed.".

25. Insert a new section to read:

"Sec. 276. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

26. In the title, strike all beginning with line 2, and all amendments thereto and insert:

"FOR AN ACT relating to property taxation; to restate the method of levying taxes; to provide for reductions in tax levy authorizations as prescribed; to limit budget increases as prescribed; to provide for termination; to amend sections 2-201, 2-203, 2-203.01, 2-203.02, 2-203.03, 2-203.05, 2-203.06, 2-1604, 2-2444, 2-3225, 3-155, 3-504, 3-504.02, 3-603, 3-605, 3-613, 3-707, 10-401, 10-406, 10-407, 10-409, 10-510, 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, 19-3315, 19-3318, 19-3321, 19-3327, 21-17,126, 22-215, 22-407, 23-104, 23-107.01, 23-120, 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, 23-362, 23-362.03, 23-501, 23-801, 23-802, 23-804, 23-918, 23-927.01, 23-930, 23-2604, 23-2611, 23-2909, 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, 31-905, 32-4,114, 35-502, 35-513.01, 35-513.02, 35-519, 39-801, 39-836, 39-1002, 39-1008, 39-1619, 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, 71-1701, 71-2910, 71-2913, 71-2914, 74-1306, 77-201, 77-202.32 77-506, 77-507, 77-660, 77-662, 77-664, 77-1209.02, 77-1241.04 77-1241.06, 77-1242.02, 77-1250, 77-1252, 77-1303, 77-1311, 77-1315, 77-1327, 77-1338, 77-1406, 77-1504, 77-1506.01, 77-1510, 77-1603, 77-1604, 77-1605, 77-1605.01, 77-1615, 77-1627, 79-320.01, 79-408.02, 79-408.03, 79-415, 79-417, 79-420, 79-422, 79-432, 79-433, 79-436, 79-471, 79-480, 79-481, 79-506.03, 79-533, 79-536, 79-548.01, 79-903, 79-904, 79-1007, 79-1007.02, 79-1036, 79-1052, 79-1103.02, 79-1103.03, 79-1303, 79-1335, 79-2302, 79-2313, 79-2650, 80-102, 81-815.34, 83-1,142, 86-402, and 86-405, Reissue Revised Statutes of Nebraska, 1943, sections 31-727.01, 31-739, 31-740, 31-755, 35-508, 35-509, and 46-673, Revised Statutes Supplement, 1976, and sections 31-727.03, 77-605, 77-1725, 79-451, and 79-2210, Revised Statutes Supplement, 1977; to provide an operative date; to repeal the original sections, and also sections 77-1355 and 77-1356, Revised Statutes Supplement, 1977; and to declare an emergency.".

LEGISLATIVE BILL 965. Replaced on Select File as amended.
E & R amendment to LB 965:

1. In the Carsten amendment, line 19, strike "section 4" and insert "section 10".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 42. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 965. 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: 128, 386, 404, 800A, 814, 828, 867, 872, 910, 910A, and 932.

Correctly Engrossed

The following bills were correctly Engrossed: 170, 170A, 637, 643, 742, 742A, 760, 870, 871, 871A, 874, 917, and 965.

Correctly Enrolled

The following bills were correctly enrolled: 210, 286, 446, 560, 569, 593, 634, 650, 708, 754, 756, 763, 766, 815, 819, 868, 900, 908, and 943.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 210, 286, 446, 560, 569, 593, 634, 650, 708, 754, 756, 763, 766, 815, 819, 868, 900, 908, and 943.

EASE

The Legislature was at ease from 9:42 p.m. until 9:55 p.m.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 42 and 875.

(Signed) Samuel K. Cullan, Chairman

ADJOURNMENT

At 9:56 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Wednesday, April 19, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 19, 1978

LEGISLATIVE JOURNAL

FIFTY-NINTH DAY - APRIL 19, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 19, 1978

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

As we end this legislative session, we thank You, God, that there were among us those who grappled with issues of major import to the people of our state and did so with success.

We thank You for those who tried but failed, and who are ready to try again in a new day.

Help us to heal any wounds we have opened or remove any barriers we have erected between us.

Help us to go forth from here as people of peace and honor to leave rancor and discord to the scattering winds of spring. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett, Brennan, Koch, Rumery and Simon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Eighth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 1978, at 8:35 a.m., were the following bills: 650, 593, 634, 908, 900, 708, 754, 756, 210, 560, 569, 286, 446, 943, 819, 815, 868, 766, and 763.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MESSAGE FROM THE SECRETARY OF STATE

April 18, 1978

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

RE: LB 924, Eighty-fifth Legislature,
Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 18, 1978 at 4:55 p.m. LB 924. Along with LB 924, I hereby acknowledge receipt of your cover letter, signed certificate by Richard Marvel, Presiding Officer of the Legislature the contents of which are as follows: "Legislative Bill 924 having been returned by the Governor with his signature, but with certain items therein having been line item vetoed, and after further consideration, the Legislature by the constitutional majority, has overridden said line item vetoes as follows:

(1) Program 292 - Department of Education - Special Education - Page 73, Section 41 (5)

(2) Program 143 - Department of Education - State Aid and School Food Service and Reserve Teacher Act - Page 72, Section 41 (3)

(3) Program 913 - University of Nebraska - Utility Improvements Program, Page 101, Section 53

(4) Program 336 - Games and Parks Commission, Wildlife Conservation Program, Page 39, Section 25 (3)

Those provisions have become law this 17th day of April, 1978.

Further, I hereby acknowledge that LB 924, 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

COMMUNICATION

Acknowledged receipt of Senate Joint Memorial No. 1 from the State of Colorado regarding deficit spending forwarded to the Legislature by Secretary of State Allen J. Beermann. (Filed in the Clerk's office)

MOTION - Suspend Rules

Speaker Luedtke moved to suspend the rules, Rule 6, Sec. 6b, to take up the Final Reading bills as set out in the agenda.

The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 153.

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 a per diem and expenses of members of the Legislature to be limited by law; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7 of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the General Election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall

receive a salary of not to exceed four hundred dollars per month during the term of office. In addition to such salary, each member may receive a per diem, as shall be limited by law, and an amount equal to actual and necessary expenses incurred while engaged in the performance of such individual's duties as a member of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary, per diem, and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide a per diem and expenses of members of the Legislature to be limited by law.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the 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	Duis	Kelly	Marvel	Rasmussen
Bereuter	D. Dworak	Kennedy	Maxey	Reutzel
Burrows	Fitzgerald	Labedz	Mills	Savage
Carsten	Fowler	F. Lewis	Moylan	Schmit
Chambers	George	R. Lewis	Murphy	Simon
Cullan	Hasebroock	Luedtke	Newell	Stoney
DeCamp	Kahle	Marsh	Nichol	Venditte

Voting in the negative, 10:

Clark	E. Dvorak	Hefner	Lamb	Merz
Cope	Goodrich	Kremer	Maresh	Warner

Present and not voting, 1:

Keyes

Excused and not voting, 3:

Brennan Koch Rumery

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

LEGISLATIVE BILL 375. With Emergency.

A BILL FOR AN ACT relating to schools; to require certain boards to adopt a reduction of force policy; to provide procedures for reduction and reappointment; to provide an operative date; and to declare an emergency.

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

Voting in the affirmative, 43:

Barnett	Duis	Kelly	Marvel	Reutzel
Bereuter	E. Dvorak	Keyes	Maxey	Savage
Burrows	Fitzgerald	Kremer	Merz	Schmit
Carsten	Fowler	Lamb	Mills	Simon
Chambers	George	F. Lewis	Moylan	Stoney
Clark	Goodrich	R. Lewis	Murphy	Venditte
Cope	Hasebroock	Luedtke	Newell	Warner
Cullan	Hefner	Maresh	Nichol	
DeCamp	Kahle	Marsh	Rasmussen	

Voting in the negative, 1:

D. Dworak

Present and not voting, 2:

Kennedy Labedz

Excused and not voting, 3:

Brennan Koch Rumery

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 424. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Gasohol and Energy Development Act; to declare intent; to define terms; to provide grants for the construction of plants or facilities related to the production or storage of grain alcohol; to create funds; to provide duties; to provide conditions for receiving a grant; to provide for hearings; to provide an appropriation; and to declare an emergency.

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

Voting in the affirmative, 41:

Barnett	D. Dworak	Kennedy	Maresh	Savage
Bereuter	Fitzgerald	Keyes	Marsh	Schmit
Brennan	Fowler	Koch	Marvel	Simon
Burrows	George	Kremer	Merz	Venditte
Carsten	Goodrich	Labedz	Mills	Warner
Clark	Hasebroock	Lamb	Moylan	
DeCamp	Hefner	F. Lewis	Nichol	
Duis	Kahle	R. Lewis	Rasmussen	
E. Dvorak	Kelly	Luedtke	Reutzel	

Voting in the negative, 3:

Cullan	Newell	Stoney

Present and not voting, 4:

Chambers	Cope	Maxey	Murphy

Excused and not voting, 1:

Rumery

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 448.

A BILL FOR AN ACT to amend sections 1-107 and 81-1117.02, Reissue Revised Statutes of Nebraska, 1943, relating to the Auditor of Public Accounts; to remove the Auditor of Public Accounts from a board; to provide access to certain data in computer files as prescribed; to require that the Auditor of Public Accounts be a certified public accountant; and to repeal the original sections.

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

Voting in the affirmative, 26:

Barnett	E. Dvorak	Koch	Marvel	Schmit
Carsten	Fitzgerald	Lamb	Merz	Warner
Clark	George	F. Lewis	Moylan	
Cope	Goodrich	R. Lewis	Nichol	
DeCamp	Hefner	Luedtke	Reutzel	
Duis	Kelly	Maresh	Savage	

Voting in the negative, 20:

Bereuter	D. Dworak	Kennedy	Marsh	Rasmussen
Brennan	Fowler	Keyes	Mills	Simon
Chambers	Hasebroock	Kremer	Murphy	Stoney
Cullan	Kahle	Labedz	Newell	Venditte

Present and not voting, 2:

Burrows Maxey

Excused and not voting, 1:

Rumery

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

LEGISLATIVE BILL 448A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 448, 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, 20:

Bereuter	DeCamp	Hefner	Luedtke	Reutzel
Burrows	Duis	Koch	Merz	Savage
Carsten	E. Dvorak	Lamb	Moylan	Schmit
Cope	George	F. Lewis	Nichol	Warner

Voting in the negative, 24:

Barnett	Fitzgerald	Kelly	Marsh	Rasmussen
Brennan	Fowler	Kennedy	Marvel	Simon
Chambers	Goodrich	Keyes	Mills	Stoney
Cullan	Hasebroock	R. Lewis	Murphy	Venditte
D. Dworak	Kahle	Maresh	Newell	

Present and not voting, 4:

Clark	Kremer	Labedz	Maxey

Excused and not voting, 1:

Rumery

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 464.

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 provide duties.

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

Voting in the affirmative, 47:

Barnett	Burrows	Clark	DeCamp	D. Dworak
Bereuter	Carsten	Cope	Duis	Fitzgerald
Brennan	Chambers	Cullan	E. Dvorak	Fowler

George	Koch	Maresh	Murphy	Simon
Goodrich	Kremer	Marsh	Newell	Stoney
Hasebroock	Labedz	Marvel	Nichol	Venditte
Hefner	Lamb	Maxey	Rasmussen	Warner
Kelly	F. Lewis	Merz	Reutzel	
Kennedy	R. Lewis	Mills	Savage	
Keyes	Luedtke	Moylan	Schmit	

Voting in the negative, 0.

Present and not voting, 1:

Kahle

Excused and not voting, 1:

Rumery

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

Mr. F. Lewis asked unanimous consent to be excused for 30 minutes. No objections. So ordered.

LEGISLATIVE BILL 553.

A BILL FOR AN ACT for submission to the electors of an amendment to Article I, section 9, of the Constitution of Nebraska, relating to the Bill of Rights; to provide that sexual offenses shall be nonbailable; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article I, section 9, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 9. All persons shall be bailable by sufficient sureties, except for treason, sexual offenses involving penetration by force or against the will of the victim, and murder, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution

of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that certain sexual offenses shall be nonbailable.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 27:

Bereuter	Hasebroock	Labedz	Moylan	Stoney
Carsten	Hefner	Lamb	Murphy	Venditte
Cope	Kelly	R. Lewis	Nichol	Warner
DeCamp	Kennedy	Maresh	Rasmussen	
E. Dvorak	Keyes	Marvel	Savage	
Goodrich	Kremer	Mills	Schmit	

Voting in the negative, 18:

Barnett	Clark	Fowler	Marsh	Reutzel
Brennan	Cullan	George	Maxey	Simon
Burrows	Duis	Koch	Merz	
Chambers	D. Dworak	Luedtke	Newell	

Present and not voting, 2:

Fitzgerald Kahle

Excused and not voting, 2:

F. Lewis Rumery

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass for the general election.

LEGISLATIVE BILL 554.

A BILL FOR AN ACT to amend sections 29-2902, 29-2903, and 29-2906, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide for a sexual sociopath hearing whenever a person is convicted of a sexual offense; to provide for annual review; and to repeal the original sections.

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

Voting in the affirmative, 48:

Barnett	Duis	Kelly	Marsh	Reutzel
Bereuter	E. Dvorak	Kennedy	Marvel	Rumery
Brennan	D. Dworak	Keyes	Maxey	Savage
Burrows	Fitzgerald	Koch	Merz	Schmit
Carsten	Fowler	Kremer	Mills	Simon
Chambers	George	Labedz	Moylan	Stoney
Clark	Goodrich	Lamb	Murphy	Venditte
Cope	Hasebroock	R. Lewis	Newell	Warner
Cullan	Hefner	Luedtke	Nichol	
DeCamp	Kahle	Maresh	Rasmussen	

Voting in the negative, 0.

Excused and not voting, 1:

F. Lewis

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

LEGISLATIVE BILL 562.

A BILL FOR AN ACT to amend sections 29-1301 and 29-1302, Reissue Revised Statutes of Nebraska, 1943, relating to change of venue in criminal proceedings; to authorize the transfer of such proceedings to another district or county; and to repeal the original sections.

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

Voting in the affirmative, 42:

Barnett	Duis	Keyes	Marvel	Savage
Bereuter	D. Dworak	Koch	Maxey	Schmit
Brennan	Fitzgerald	Kremer	Merz	Simon
Burrows	Fowler	Labedz	Moylan	Stoney
Chambers	George	Lamb	Murphy	Venditte
Clark	Goodrich	R. Lewis	Newell	Warner
Cope	Hasebroock	Luedtke	Nichol	
Cullan	Hefner	Maresh	Reutzel	
DeCamp	Kelly	Marsh	Rumery	

Voting in the negative, 5:

Carsten	E. Dvorak	Kennedy	Mills	Rasmussen

Present and not voting, 1:

Kahle

Excused and not voting, 1:

F. Lewis

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

Mr. Reutzel asked unanimous consent to be excused for 10 minutes. No objections. So ordered.

LEGISLATIVE BILL 576. With Emergency.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1977, relating to rules of the road; to provide for an additional width exception 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:

Bereuter	Clark	E. Dvorak	Hefner	Kennedy
Burrows	Cope	Fitzgerald	Kahle	Keyes
Carsten	DeCamp	Hasebroock	Kelly	Koch

Kremer	Marsh	Mills	Nichol	Schmit
Labedz	Marvel	Moylan	Rasmussen	Simon
Luedtke	Maxey	Murphy	Rumery	Stoney
Maresh	Merz	Newell	Savage	Warner

Voting in the negative, 9:

Barnett	Chambers	D. Dworak	George	Lamb
Brennan	Cullan	Fowler	Goodrich	

Present and not voting, 3:

Duis	R. Lewis	Venditte

Excused and not voting, 2:

F. Lewis	Reutzel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 578.

A BILL FOR AN ACT to amend section 54-821, Revised Statutes Supplement, 1976, relating to commercial feeding stuffs; to provide for additional exemptions; 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	Duis	Kahle	Marsh	Nichol
Bereuter	E. Dvorak	Kennedy	Marvel	Reutzel
Carsten	D. Dworak	Keyes	Maxey	Rumery
Chambers	Fitzgerald	Labedz	Merz	Savage
Clark	George	Lamb	Mills	Schmit
Cope	Goodrich	R. Lewis	Moylan	Simon
Cullan	Hasebroock	Luedtke	Murphy	Stoney
DeCamp	Hefner	Maresh	Newell	Venditte

Voting in the negative, 3:

Koch	Kremer	Rasmussen

Present and not voting, 5:

Brennan	Burrows	Fowler	Kelly	Warner

Excused and not voting, 1:

F. Lewis

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

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 632. With Emergency.

A BILL FOR AN ACT to amend sections 18-102, 19-639, 23-151, 32-526, 32-1040, and 79-803.03, Reissue Revised Statutes of Nebraska, 1943, sections 32-428, 32-503.01, and 32-1044, Revised Statutes Supplement, 1976, and sections 32-504 and 79-2203, Revised Statutes Supplement, 1977, relating to elections; to change provisions for signing initiative and referendum petitions; to provide for appointment and election of county commissioners; to change filing provisions for incumbents; to provide for presidential and vice presidential candidates; to provide when vacancies shall be filled; to provide provisions relating to referendum or intiative petitions as prescribed; to provide procedures for new political candidates; to change a penalty; to provide for succession to certain offices; to change provisions for certain school districts; to change filing dates; to change provisions relating to write-in space on ballots; 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	Burrows	Cope	Duis	Fitzgerald
Bereuter	Carsten	Cullan	E. Dvorak	Fowler
Brennan	Clark	DeCamp	D. Dworak	George

Goodrich	Keyes	Maresh	Murphy	Schmit
Hasebroock	Koch	Marsh	Newell	Simon
Hefner	Kremer	Marvel	Rasmussen	Stoney
Kahle	Lamb	Maxey	Reutzel	Warner
Kelly	R. Lewis	Merz	Rumery	
Kennedy	Luedtke	Mills	Savage	

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Labedz Moylan Venditte

Excused and not voting, 2:

F. Lewis Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Maxey asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 649.

A BILL FOR AN ACT to amend sections 48-136, 48-173, 48-174, and 48-176, Reissue Revised Statutes of Nebraska, 1943, sections 48-108, 48-153, and 48-177, Revised Statutes Supplement, 1976, and section 48-139, Revised Statutes Supplement, 1977, relating to the Nebraska Workmen's Compensation Court; to delete provisions for a lump sum attorney's fee; to change verification requirements; to require duplicate originals of applications for lump sum settlement; to delete obsolete matter; to provide for the residence of judges; to change an acknowledgement provision; to provide a time for certain filings; to clarify a provision; and to repeal the original sections.

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

Voting in the affirmative, 45:

Barnett	DeCamp	Hefner	Luedtke	Rasmussen
Bereuter	Duis	Kahle	Maresh	Reutzel
Brennan	E. Dvorak	Kelly	Marsh	Rumery
Burrows	D. Dworak	Kennedy	Marvel	Savage
Carsten	Fitzgerald	Keyes	Merz	Schmit
Chambers	Fowler	Koch	Mills	Simon
Clark	George	Kremer	Moylan	Stoney
Cope	Goodrich	Labedz	Murphy	Venditte
Cullan	Hasebroock	Lamb	Newell	Warner

Voting in the negative, 0.

Present and not voting, 1:

R. Lewis

Excused and not voting, 3:

F. Lewis Maxey Nichol

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

LEGISLATIVE BILL 692. With Emergency.

A BILL FOR AN ACT to amend section 81-2,162.05, Reissue Revised Statutes of Nebraska, 1943, and section 81-2,162.02, Revised Statutes Supplement, 1977, relating to agriculture; to change a definition; to provide labeling requirements on soil conditioners; to restrict the use of certain pesticides; to provide penalties; to repeal the original sections, and also section 2-2615, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Voting in the affirmative, 41:

Barnett	Chambers	DeCamp	Fitzgerald	Hasebroock
Bereuter	Clark	Duis	Fowler	Kahle
Burrows	Cope	E. Dvorak	George	Kennedy
Carsten	Cullan	D. Dworak	Goodrich	Keyes

Koch	Maresh	Moylan	Savage	Warner
Labedz	Marsh	Newell	Schmit	
Lamb	Marvel	Nichol	Simon	
R. Lewis	Merz	Reutzel	Stoney	
Luedtke	Mills	Rumery	Venditte	

Voting in the negative, 3:

Kelly	Kremer	Rasmussen

Present and not voting, 3:

Brennan	Hefner	Murphy

Excused and not voting, 2:

F. Lewis	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 695.

A BILL FOR AN ACT relating to persons on probation or parole; and to restrict employment by law enforcement agencies.

Whereupon the 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	DeCamp	Kahle	Marsh	Savage
Bereuter	Duis	Keyes	Marvel	Schmit
Brennan	E. Dvorak	Koch	Merz	Simon
Burrows	D. Dworak	Kremer	Mills	Stoney
Carsten	Fitzgerald	Labedz	Moylan	Warner
Chambers	Fowler	Lamb	Newell	
Cope	Hasebroock	R. Lewis	Reutzel	
Cullan	Hefner	Maresh	Rumery	

Voting in the negative, 2:

Goodrich Rasmussen

Present and not voting, 7:

Clark	Kelly	Luedtke	Venditte
George	Kennedy	Murphy	

Excused and not voting, 3:

F. Lewis Maxey Nichol

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

LEGISLATIVE BILL 739.

A BILL FOR AN ACT to the electors of an amendment to Article III, section 19, of the Constitution of Nebraska, relating to the Legislature; to authorize retroactive application of retirement benefits to spouses of public employees; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 19, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 19. The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement, nor shall the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, be increased or diminished during his term of office except that, when there are members elected or appointed to the Legislature or officers elected or appointed to a court, board, or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members of the Legislature or of such court, board, or commission may be increased or diminished at the beginning of the full term of any member thereof.

Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3 of the Constitution of Nebraska."

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 remove constitutional restrictions on the retroactive application of retirement benefits to spouses of public employees.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska..

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

Voting in the affirmative, 44:

Barnett	E. Dvorak	Kennedy	Marsh	Reutzel
Bereuter	D. Dworak	Keyes	Marvel	Rumery
Brennan	Fitzgerald	Koch	Maxey	Savage
Burrows	George	Kremer	Merz	Schmit
Carsten	Goodrich	Labedz	Mills	Simon
Chambers	Hasebroock	Lamb	Moylan	Stoney
Cope	Hefner	R. Lewis	Newell	Venditte
Cullan	Kahle	Luedtke	Nichol	Warner
DeCamp	Kelly	Maresh	Rasmussen	

Voting in the negative, 0.

Present and not voting, 4:

Clark Duis Fowler Murphy

Excused and not voting, 1:

F. Lewis

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

LEGISLATIVE BILL 793. Laid over at the request of Mr. Nichol.

LEGISLATIVE BILL 859.

A BILL FOR AN ACT to amend section 69-1326, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Disposition of Unclaimed Property Act; to change that property exempt from this act 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, 47:

Barnett	Duis	Kelly	Marvel	Rumery
Bereuter	E. Dvorak	Kennedy	Maxey	Savage
Brennan	D. Dworak	Keyes	Merz	Schmit
Burrows	Fitzgerald	Koch	Mills	Simon
Carsten	Fowler	Kremer	Moylan	Stoney
Chambers	George	Labedz	Murphy	Venditte
Clark	Goodrich	Lamb	Newell	Warner
Cope	Hasebroock	Luedtke	Nichol	
Cullan	Hefner	Maresh	Rasmussen	
DeCamp	Kahle	Marsh	Reutzel	

Voting in the negative, 0.

Present and not voting, 1:

R. Lewis

Excused and not voting, 1:

F. Lewis

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

LEGISLATIVE BILL 860.

A BILL FOR AN ACT to amend section 24-563, Reissue Revised Statutes of Nebraska, 1943, relating to unclaimed fees, legacies, devises, and distributive shares; to change the fund, time, and manner in which certain deposits are placed; 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	Fitzgerald	Keyes	Maxey	Rumery
Brennan	Fowler	Koch	Merz	Savage
Burrows	George	Kremer	Mills	Schmit
Chambers	Goodrich	Labedz	Moylan	Simon
Cullan	Hasebroock	Lamb	Murphy	Stoney
DeCamp	Hefner	Luedtke	Newell	Venditte
Duis	Kahle	Maresh	Nichol	Warner
E. Dvorak	Kelly	Marsh	Rasmussen	
D. Dworak	Kennedy	Marvel	Reutzel	

Voting in the negative, 2:

Bereuter Clark

Present and not voting, 3:

Carsten Cope R. Lewis

Excused and not voting, 1:

F. Lewis

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

LEGISLATIVE BILL 892.

A BILL FOR AN ACT relating to insurance; to provide for certain insurance coverage after involuntary termination of employment as prescribed.

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

Voting in the affirmative, 42:

Barnett	Duis	Kahle	Maxey	Savage
Bereuter	E. Dvorak	Kelly	Merz	Schmit
Brennan	D. Dworak	Kennedy	Mills	Simon
Burrows	Fitzgerald	Labedz	Moylan	Stoney
Carsten	Fowler	Lamb	Murphy	Venditte
Clark	George	Luedtke	Newell	Warner
Cope	Goodrich	Maresh	Rasmussen	
Cullan	Hasebroock	Marsh	Reutzel	
DeCamp	Hefner	Marvel	Rumery	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Koch	R. Lewis
Keyes	Kremer	Nichol

Excused and not voting, 1:

F. Lewis

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

LEGISLATIVE BILL 907.

A BILL FOR AN ACT relating to fire companies and firemen; to provide for the merger of a fire department and a rural fire protection district 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, 43:

Bereuter	Duis	Kelly	Marsh	Reutzel
Brennan	E. Dvorak	Kennedy	Marvel	Rumery
Burrows	D. Dworak	Keyes	Maxey	Savage
Carsten	Fitzgerald	Kremer	Merz	Schmit
Chambers	George	Labedz	Mills	Simon
Clark	Goodrich	Lamb	Moylan	Stoney
Cope	Hasebroock	R. Lewis	Newell	Warner
Cullan	Hefner	Luedtke	Nichol	
DeCamp	Kahle	Maresh	Rasmussen	

Voting in the negative, 0.

Present and not voting, 5:

Barnett	Fowler	Koch	Murphy	Venditte

Excused and not voting, 1:

F. Lewis

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

LEGISLATIVE BILL 966. With Emergency.

A BILL FOR AN ACT to amend section 8-133, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to allow payment of interest on United States government accounts; 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	Cope	Fowler	Kennedy	Maresh
Bereuter	Cullan	George	Keyes	Marsh
Brennan	DeCamp	Goodrich	Kremer	Marvel
Burrows	Duis	Hasebroock	Labedz	Maxey
Carsten	E. Dvorak	Hefner	Lamb	Merz
Chambers	D. Dworak	Kahle	R. Lewis	Mills
Clark	Fitzgerald	Kelly	Luedtke	Moylan

Murphy	Rasmussen	Savage	Stoney
Newell	Reutzel	Schmit	Venditte
Nichol	Rumery	Simon	Warner

Voting in the negative, 0.

Present and not voting, 1:

Koch

Excused and not voting, 1:

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 19, 1978

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

Dear Mr. President and Senators:

I return LB 210 without my signature and with my objections herewith.
No!

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

RESOLUTIONS

LEGISLATIVE RESOLUTION 305.

Introduced by Burrows, 30th District.

WHEREAS, section 77-27,119, Reissue Revised Statutes of Nebraska, 1943, requires that the state income tax return form contain a place for the taxpayer to designate the school district in which he lives and the county in which the district is located; and

WHEREAS, such information could prove most beneficial to future studies of methods to finance education in the state.

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

1. That the Tax Commissioner be directed to take all steps necessary to insure that school district identification information be completed and available.

Laid over.

LEGISLATIVE RESOLUTION 306.

Introduced by Maxey, 46th District; Chambers, 11th District.

WHEREAS, Lucy Nevels was selected by the Nebraska Mothers Association as 1978 Nebraska Mother Of The Year; and

WHEREAS, Mrs. Nevels is the mother of five children ages 20 through 26 and the director of Women in Community Service, Inc.; and

WHEREAS, Mrs. Nevels has been an active participant in many community and religious groups including the Brownies, Intermediate and Cadet Girl Scout Troops, the President's Commission on Women in Community Services, the Governor's Commission on the Status of Women and the YWCA board of directors; and

WHEREAS, Mrs. Nevels is the 43rd Nebraskan and the first black woman selected for this honor.

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

1. That the members of the Legislature extend congratulations to Mrs. Lucy Nevels upon being selected as 1978 Nebraska Mother Of The Year.

2. That a copy of this resolution be presented to Mrs. Nevels as a token of thanks for her many years of devoted community service.

Laid over.

LEGISLATIVE RESOLUTION 307.

Introduced by D. Dworak, 22nd District.

WHEREAS, the Unicameral Legislature of the State of Nebraska wishes to recognize the dedication and service of one of its retiring senators; and

WHEREAS, State Senator Jack Mills of Big Springs, has represented the 44th Legislative District since 1975; and

WHEREAS, Senator Mills has always been a man of tireless energy, enthusiasm and dedication for any project he has undertaken; and

WHEREAS, the Legislature would like to recognize Senator Mills for the statesmanship qualities that he exhibits.

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

1. That the Legislature acknowledge the dedicated efforts and achievement of Senator Jack Mills; and

2. That the Legislature wishes health and happiness to Senator Jack Mills and his wife, Norma; and

3. That the Legislature present to Senator Mills a copy of this resolution.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 153, 375, 424, 448, 464, 554, 562, 576, 578, 632, 649, 692, and 695.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 153, 375, 424, 448, 464, 554, 562, 576, 578, 632, 649, 692, and 695.

EXPLANATION OF VOTE

It was my intent to vote "no" on LB 153CA.

(Signed) Frank Lewis

MOTION - Override Veto on LB 711

Mr. Chambers moved that LB 711 become law, notwithstanding the objections of the Governor.

Motion pending.

MOTION - Reconsider Action on LB 553

Mr. Duis moved to reconsider our action on Final Passage of LB 553.

Motion pending.

MOTION - Override Veto on LB 44

Mr. Koch moved to override the Governor's veto of LB 44.

Motion pending.

MOTHER OF THE YEAR PROGRAM

President Whelan introduced Mrs. Larry Enersen, who presented State Mother of the Year Mrs. Fred Nevels, Jr. and Young Mother of the Year, Mrs. Ivan Rush. They were escorted by Mrs. Maxey and Messrs. Nichol, Cullan and Luedtke.

Mrs. Rush and Mrs. Nevels spoke to the members briefly.

Mrs. Maxey presented a gift to the Mother of the Year from the 3 mothers in the Legislature.

COMMITTEE STRUCTURE REPORT

Mr. Carsten moved the adoption of the Committee report found in the Journal on page 1191.

Mr. Carsten offered the following amendments to the report:

Amendments to LR87 Committee's Final Report

1. The Speaker shall assume the responsibilities of the Intergovernmental Cooperation Committee, with the right of appeal to the Executive Board.

2. The confirmation hearings for the Governor's appointees shall be assumed by the standing committee of appropriate subject matter.

3. Duties of the Committee on Committees and the Rules Committee shall be assumed by the Executive Board. Board membership shall be equally selected from the three Congressional Districts. The Chairman and the Vice Chairman shall not be from the same Congressional District and are to be elected by the entire legislature. For purposes of election to the Executive Board, the following shall constitute the definition of Congressional Districts. District One consists of Legislative Districts 1 through 3, 25 through 30, 32, 45, and 46. District Two consists of Legislative Districts 4 through 14, 20, and 31. District Three consists of Legislative Districts 15 through 19, 21 through 24, 33 through 44, and 47 through 49.

4. The Committee on Reference shall be made up of the Speaker, the Director of Research and the Chairman of the Executive Board.

5. All other special and select committees shall be approved for specific duties and duration as defined in the Legislative Rules.

6. All necessary legislation to correct the statutory provisions shall be introduced on the first day of the Eighty-Sixth Legislative Session, and that this bill be expedited.

(Signed) Calvin F. Carsten, Chairman
Committee on LR 87

April 19, 1978

Mr. Carsten moved the approval of recommendation #1.

Mr. Simon 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. Simon 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. Carsten moved for a Call of the House. The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. DeCamp raised a point of order.

The Chair ruled this couldn't be considered a rule change since it hasn't been referred to the Rules Committee.

Recommendation #1 was approved with 27 ayes, 15 nays, and 7 not voting.

Mr. Carsten moved to suspend the rules, Rule 2, Section 2, and take up LR 87 Committee recommendations today.

Mr. Carsten requested a roll call vote.

Voting in the affirmative, 27:

Barnett	Fitzgerald	Kahle	Maxey	Savage
Bereuter	Fowler	Keyes	Merz	Schmit
Brennan	George	Koch	Newell	Simon
Carsten	Goodrich	Labedz	Nichol	
Cope	Hasebroock	Luedtke	Reutzel	
D. Dworak	Hefner	Marsh	Rumery	

Voting in the negative, 17:

Burrows	E. Dvorak	Lamb	Mills	Venditte
Chambers	Kelly	R. Lewis	Murphy	
Clark	Kennedy	Maresh	Rasmussen	
Cullan	Kremer	Marvel	Stoney	

Present and not voting, 4:

DeCamp	Duis	Moylan	Warner

Excused and not voting, 1:

F. Lewis

The motion to suspend the rules lost with 27 ayes, 17 nays, 4 present and not voting, and 1 excused and not voting.

VISITORS

The President introduced 53 seniors and teacher from York High School, York, Nebraska; 8 postsecondary education students, teacher and sponsors from the University of Nebraska School of Technical Agriculture, Curtis, Nebraska; 9 7th and 8th grade students, teachers and sponsor from Boone County rural schools; 5 8th grade students and teachers from District 45, Raeville, Nebraska; 70 11th and 12th grade students and teacher from Tri-County School, DeWitt,

Nebraska; 65 4th grade students, teachers and sponsors from Paddock Elementary School, Omaha, Nebraska; 125 4th grade students, teachers and parents from Aurora Elementary School, Aurora, Nebraska.

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 1:36 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kennedy, R. Lewis, Marvel, and Mrs. Marsh who were excused until they arrive.

COMMITTEE STRUCTURE REPORT

Mr. Carsten renewed his remaining amendments 2-6 to the Committee Structure Report found in the Journal to the report on page 1191.

Mr. Carsten moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, 29 not voting.

Mr. Carsten requested a roll call vote on the motion.

Voting in the affirmative, 30:

Barnett	DeCamp	Goodrich	F. Lewis	Newell
Bereuter	Duis	Hasebroock	Luedtke	Nichol
Brennan	D. Dworak	Hefner	Maxey	Reutzel
Burrows	Fitzgerald	Kahle	Merz	Savage
Carsten	Fowler	Keyes	Mills	Simon
Cope	George	Koch	Moylan	Warner

Voting in the negative, 16:

Chambers	Kelly	Lamb	Rumery
Clark	Kennedy	Maresh	Schmit
Cullan	Kremer	Murphy	Stoney
E. Dvorak	Labedz	Rasmussen	Venditte

Excused and not voting, 3:

R. Lewis Marsh Marvel

The report was approved with 30 ayes, 16 nays, and 3 excused and not voting.

Mr. Bereuter moved the approval of the following report:

Amended No. 3
Duties of the Committee on Committees and the Rules Committee shall be assumed by the Executive Board. Board membership shall be equally selected from the three Congressional Districts. The Chairman and the Vice Chairman shall not be from the same Congressional District and are to be elected by the entire legislature. For purposes of election to the Executive Board, the following shall constitute the definition of Congressional Districts District One consists of Legislative Districts 1, 2, 15, 16, 23 through 30, 32 through 35 and 46. District Two consists of Legislative Districts 3 through 14, 20, 31, and 45. District Three consists of Legislative Districts 17 through 19, 21, 22, 36 through 44 and 47 through 49.

The Bereuter report was approved with 27 ayes, 7 nays, 11 present and not voting, and 3 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 19, 1978

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

Dear Mr. President and Senators:

I am returning herewith LB 952 with my line-item reductions and with my signature.

Here is still another veto of what I consider unnecessary and non-priority spending that further threatens increases in state tax rates.

Again, I make the clear point that because of legislative authorized spending and by legislative authorized spending only, is there cause for concern on the part of Nebraska taxpayers for increased taxes.

If you would follow my detailed guidelines on spending restraint as outlined in my detailed budget address of February 10, and balanced against long-known and monthly revenue receipts reported to you, there would be no cause for alarm.

I am reducing the appropriation to the Legislative Council by $318,037 to my original recommendation of $3,763,565.

The continual overappropriation that you make to yourselves has even caused the State Auditor to bring it to your attention.

The State Auditor's report, which I have attached, shows that over the past four years the appropriations to yourselves have been unnecessarily excessive by an average of 26.9%. You are carrying an overage of 19% currently in this fiscal year.

Your proposed appropriation for operations for next fiscal year of $4,081,602 exceeds the current fiscal year appropriation of $3,515,474 by $566,128 or 16%.

While I feel that you should have sufficient funds to carry out your responsibilities, what you have done is not businesslike.

Again, I call upon you to sustain this veto and the other multi-millions in vetoes I have placed before you to protect the tax rates.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

LEGISLATIVE COUNCIL COMMENTS AND RECOMMENDATIONS

Appropriations exceeded actual expenditures by an average of 26.9%.

The four year average percentage that the total appropriations exceeded actual expenditures was 26.9%, compared to 5.3% for the state as a whole.

The following chart shows the variance for each fiscal year by dollar amount and percent for the Council and by percent for the State:

Fiscal Year	Excess Appro. over actual Expenditure	Percent by Legis. Council	Percent by State W/O Legis. Council
1974	$899,746	33.3%	6.9%
1975	695,999	20.5%	7.4%
1976	594,505	18.3%	3.7%
1977	$1,513,647	35.3%	3.2%
Average		26.9%	5.3%

Note: The above chart does not include encumbrances.

We recommend that budgetary procedures be reviewed.

THE LEGISLATIVE COUNCIL INDICATED THEY HAVE TIGHTENED UP THE FISCAL YEAR 1978 BUDGET AND THE FISCAL YEAR 1979 REQUEST.

Inadequate support for employment procedures.

The Legislative Council did not have formalized employment procedures. Namely, no minimum job qualifications were required for each position, nor were job application forms required to be filled out when an employee was interviewed or hired.

The Legislative Council allowed each Senator and Department Head to interview and select his own personnel. As a result written support for the qualifications and requirements for positions were not kept. When a position became available the Senator or Department Head used his valuable time to screen and interview prospective employees. Without job descriptions prospective employees may not become aware of all duties required and the employer may overlook a duty which would disqualify the applicant if it was discussed at the time of the interview. Screening and interviewing prospective employees is a valuable management tool which can effectively match applicants to available positions. This method can reduce turnover, improve efficiency, and save time and money.

We recommend that; job qualifications be formally documented for the various types of positions, procedures be established to uniformly process all job applicants, and all job application forms be kept.

THE LEGISLATIVE COUNCIL AGREES AND HAS BEGUN CORRECTIVE ACTION IN THIS AREA.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 1978, at 11:20 a.m., were the following bills: 153, 375, 424, 448, 464, 554, 562, and 576.

Presented to the Governor on April 19, 1978, at 11:32 a.m., were the following bills: 578, 632, 649, 692, and 695.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 739, 859, 860, 892, 907, and 966.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 739, 859, 860, 892, 907, and 966.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 236
April 14, 1978

Dear Senator F. Lewis:

You have asked if LB 884 of the Eighty-Fifth Legislature, Second Session (1978), "may be invalidated on constitutional grounds should loans, as provided by the act, go to students who are enrolled at institutions which are not owned and controlled by the state or its political subdivisions." The same is hereinafter discussed.

The initial section of LB 884 states that the Legislature recognizes that postsecondary education of medical professionals is important to the welfare of the State of Nebraska. It also states that the Legislature recognizes that the State of Nebraska can help alleviate the problems of maldistribution and shortages of medical manpower through a student loan forgiveness and repayment program. Other sections of this legislative bill establish a student loan program for medical students while other sections provide financial incentive through loan forgiveness and repayment to medical students to practice their profession in a medical profession shortage area of the State of Nebraska which has been determined to be in need of such professionals.

There is, of course, a very minimum amount of time available for legal research due to the fact that this legislative session may soon adjourn. In the time available to us we have discovered very little legal precedent that can be used for guidance in answering your question.

The same becomes crucial when one attempts to analyze this legislative bill on its face and on its possible application.

For example, section 15 of LB 884 states, in part, as follows:

> "The financial assistance provided by the provisions of this act shall consist of student loans to eligible students for attendance at an accredited school, . . ."

The term "accredited school" is not defined in LB 884. On the other hand, section 16 of LB 884 states as follows:

> "Loan applicants and recipients must be enrolled or accepted for enrollment in an accredited medical education program in the United States."

Thus it appears to us that section 15 of LB 884 can and must be read to say that the financial assistance provided by the provisions of this act consists of student loans to eligible students for attendance at an accredited medical education program in the United States. So construed, LB 884, in our opinion, is unconstitutional. We call you attention to section 3 of Article XIII of the Constitution of Nebraska which provides as follows:

> "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature." (Emphasis added.)

There are undoubtedly other issues, such as whether or not LB 884 is special legislation and whether or not a loan can be forgiven if the borrower upon obtaining a degree of Doctor of Medicine practices in a designated medical profession shortage area and whether or not the debt can be cancelled without repayment by other circumstances. Those issues, however, are moot at this time because the loans authorized by LB 884 are not limited to eligible students (Nebraska residents) to attend an accredited public or private medical school in the State of Nebraska.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:sjr
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

Opinion No. 237
April 17, 1978

Dear Senator DeCamp:

You have asked whether the following amendment to LR 152 would constitute a legal ratification. This amendment provides as follows:

> "3. An application for a convention made under this resolution shall be conditioned on (1) Congress establishing clear procedures for such convention including a limitation of the convention to the subject matter contained within this resolution and (2) provision that if such convention departs from the subject matter of this resolution that the convention be immediately dissolved."

It is not completely clear what you mean by the phrase "constitute a legal ratification." In responding to your question, we are therfore assuming that you are inquiring about the legal effect of the language in the aforementioned amendment which purports to restrict the subject matter to be considered by a constitutional convention.

Under Article V of the United States Constitution, on the application of two-thirds of the Legislatures of the several states, Congress must call a convention for the purpose of proposing amendments. Article V also requires Congress to submit proposed amendments to the states and to determine the mode of ratification. Beyond this expressed grant of authority, the Constitution is, as some scholars have put it, tantilizingly vague. The exact extent of congressional authority in this amendment process has never been determined. Constitutional scholars have long debated this subject but many questions still remain unanswered.

What is clear, however, is that the role of the state Legislature, while certainly important, is subject to the intervening and paramount authority of Congress. Congress must determine the validity of petitions from the states, in deciding whether or not sufficient applications exist to call a constitutional convention; and then must perform the affirmative act of actually calling the convention.

The United States Supreme Court in Dillon v. Gloss, 256 U.S. 368 (1921), discussed the powers of Congress in the amendment process, in holding that Congress was authorized to impose time limits upon the ratification process. The court there recognized the close relationship between the principal congressional power conferred under Article V and the supporting or ancillary powers, conferred under the necessary and proper clause, to execute the principal power.

These ancillary powers, many constitutional scholars contend, apply not only to the procedural functions such as calling the convention, but also extend to the vital function of determining the ultimate scope of the convention.

In answer to your question of what legal effect the language in the aforementioned amendment to LR 152 will have, it simply is not clear. Congress may within its discretion choose to ignore the limitations imposed by LR 152 or they may choose to try to restrict the subject matter that the convention may consider once called. If that method of restriction fails, Congress might also refuse to submit for ratification, any proposed amendments that deal with any other issues.

Since there has never been a constitutional convention under Article V, there exists no precedence to suggest solutions to the many problems. Likewise, there are no Supreme Court cases directly on point, and very few on the amendment process generally.

In conclusion, the only answer we can give you is that the effect of the language in LR 152 will be determined by Congress and possibly the federal courts as the occasion presents itself. The Legislatures of the several states petitioning Congress for a constitutional convention may not therefore dictate the terms of the convention subsequently called and expect these restrictions to be enforced with any certainty.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Linda A. Akers
Assistant Attorney General

LAA:smb
cc: Mr. Patrick O'Donnell
Acting Clerk of the Legislature

Opinion No. 238
April 18, 1978

Dear Senator Kahle:

In your letter of April 14, you asked our opinion as to the validity of LB 170, as amended. Due to the extremely short time remaining before the end of the session, we have had no time at all to research the questions we may have, and can give you only general impressions we gather from reading the bill.

We find several areas of vagueness in the bill, the first of which is in the definition of "revaluation" in section 2. It defines revaluation as the process of determining actual values by any established method. We point out that sections 77-1501 to 77-1515 require the county board of equalization to meet each year, commencing on April 1 and ending on May 30. At that time the county board of equalization hears protests concerning valuations and may also equalize assessment of omitted or undervalued property. We believe that such a process qualifies as "revaluation" under the bill's definiton(sic), but we are not confident that that is the Legislature's intention.

This vagueness carries over into section 3, which requires all counties to "implement a revaluation" of all lands and improvements effective for the 1979 assessments, and each year thereafter until such time as the values are determined by the Tax Commissioner. The counties will, no doubt, argue that they do so each year, pursuant to existing statutes.

Section 3 also provides that if a county fails to complete a revaluation to the satisfaction of the Tax Commissioner, he shall notify such county and the State Board of Equalization and Assessment, and the county assessor of such county shall appear before the state board at the annual hearing of certification of the board.

The statute does not specify what factors will or will not satisfy the Tax Commissioner, nor provides for any hearing at which the county can attempt to satisfy him. It would appear to permit the Tax Commissioner to exercise arbitrary power, and to be "satisfied" with one county's revaluation, and dissatisfied with that of another, upon any basis he sees fit, or upon no basis at all. There should be standards for his determination.

Section 3(2) provides that a county may contract for the revaluation of the county. Because of the vagueness of the definition of "revaluation," it is impossible to tell what such a contract would involve. We cannot tell whether it means to determine some percentage increase of all of the real estate in the county, or of selected classes of such real estate, or to determine actual value of individual pieces of property by some method different from a reappraisal, or something else entirely. The bill does not express the Legislature's intention in this respect, and leaves the decision in this respect in the hands of the counties, or the Tax Commissioner. The section does provide that such a contract, when entered into with the Tax Commissioner, shall be subject to the same conditions imposed under sections 77-1301.13 to 77-1301.16. This, however, gives no

satisfactory answers to our questions, since these sections deal with reappraisal contracts, and a revaluation contract is obviously supposed to be something different.

Section 8 provides that the Tax Commissioner shall cause a reappraisal to be conducted in any county "whose level of values used for assessment purposes for all or any class of real property, as determined under section 77-1327, varies by more than five percentage points from the assessed value as required under section 77-201." This seems to assume that some level of values determined under section 77-1327 is used for assessment purposes. This is not true. Section 77-1327 simply requires the Tax Commissioner to make "assessment ratio studies." We assume this means sales assessment ratio studies. In an event, such studies are not "used for assessment purposes." The level of values used for assessment purposes are those fixed pursuant to section 77-201. Section 8 is therefore very confusing.

Sections 9 and 11 are also confusing. Section 9 says that after a county has been appraised by the state, if its level of values for all or any class of real property varies by more than five percent as determined under section 11, the Tax Commissioner shall cause a reappraisal to be conducted the next year. Section 9 does not specify what the values of that county must vary from, but section 11 seems to indicate that it is from (1) the level of values used for assessment purposes for any adjoining county, or (2) the level of values used for assessment purposes for any class of real property for any adjoining county.

We can make some sense out of the second category. We suppose it refers to a variation between the same class of irrigated land in adjoining counties, for example. But what does "the level of values used for assessment purposes for real property" mean? Does it mean the total value of all real estate in the respective counties? If so, we suspect that Washington County will resent being reappraised because its total value of real estate is more than five percent below that of Douglas County.

Furthermore, section 9 would require a reappraisal of both counties involved. In other words, if county A's values are more than five percent below county B's, by the same token county B's are more than five percent above county A's. Section 9 requires a reappraisal if they vary. Therefore, both of them vary, and both must be reappraised. This is after a reappraisal by the state. We do not understand exactly what is intended.

Section 13 amends section 77-509, R.R.S. 1943, and provides that the State Board of Equalization and Assessment, in reviewing valuations of the various counties, "may certify valuations so that the values for all or any class of property for adjoining counties vary five or fewer percentage points." This seems to contain the same constitutional problem we discussed in our Opinion No. 62, dated April 6, 1977, in appearing to give legislative sanction to variations from uniformity of taxation. Article VIII, Section 1, of the Constitution requires uniformity of taxation. A five percent variation is not uniformity. We would all be happy if the board could come that close, but, theoretically, no variation is permissible. We believe there is serious doubt as to the validity of statutory sanction of lack of uniformity.

Furthermore, the goal is state-wide uniformity. Section 13 permits a five percent variation in adjoining counties, which could result in much greater variations among the counties, as that five percent was carried across the state.

In short, there is much in the bill which we find difficult or impossible to understand, and one provision which seems to violate Article VIII, Section 1, of the Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

The Chair declared the Chair raised.

MOTION - Override Veto on LB 953

Mr. Warner moved to override the Governor's line-item veto.

Mr. Warner moved pursuant to Rule 6, Section 13, that the Legislature override the Governor's line-item vetoes of (1) the State Department of Education, Program 292 - Special Education in Section 3 on page 5; (2) The Department of Health, Program 621 - Health and Medical Care Administration in Section 7 on page 16; (3) the Department of Public Institutions, Program 424 - State Aid-Community Mental Retardation in Section 11 on pages 23 and 24; (4) the Department of Correctional Services, Program 377 - Nebraska

Penal and Correctional Complex-Institutional Treatment Services in Section 23 on page 41; and (5) the State Claims Board, Program 538 - State Claims Board in Section 46 on page 65 of L.B. 953.

Mr. Mills requested a division of the question on the 5 items on the Warner motion.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Vote on item (1) - Department of Education

Whereupon the President stated: "The question shall be, 'Shall the line-item veto pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Bereuter	Duis	Kremer	Maxey	Savage
Brennan	Fitzgerald	Lamb	Mills	Schmit
Carsten	Fowler	F. Lewis	Moylan	Simon
Chambers	Goodrich	R. Lewis	Newell	Stoney
Cope	Hasebroock	Luedtke	Nichol	Warner
Cullan	Hefner	Maresh	Reutzel	
DeCamp	Keyes	Marsh	Rumery	

Voting in the negative, 10:

Burrows	D. Dworak	Kelly	Labedz	Murphy
E. Dvorak	Goerge	Kennedy	Marvel	Rasmussen

Present and not voting, 6:

Barnett	Kahle	Merz
Clark	Koch	Venditte

Having received a constitutional three-fifths majority voting in the affirmative, the line-item veto passed notwithstanding the objections of the Governor.

Vote on item (2) - Department of Health

Whereupon the President stated: "The question shall be, 'Shall the line-item veto pass notwithstanding the objections of the Governor.

Voting in the affirmative, 35:

Bereuter	Fowler	F. Lewis	Mills	Rumery
Chambers	George	R. Lewis	Moylan	Savage
Cope	Goodrich	Luedtke	Murphy	Schmit
Cullan	Hasebroock	Maresh	Newell	Simon
Duis	Hefner	Marsh	Nichol	Stoney
E. Dvorak	Koch	Maxey	Rasmussen	Venditte
Fitzgerald	Kremer	Merz	Reutzel	Warner

Voting in the negative, 3:

Burrows	D. Dworak	Keyes

Present and not voting, 11:

Barnett	Clark	Kelly	Lamb
Brennan	DeCamp	Kennedy	Marvel
Carsten	Kahle	Labedz	

Having received a constitutional three-fifths majority voting in the affirmative, the line-item veto passed notwithstanding the objections of the Governor.

Vote on item (3) - Public Institutions

Whereupon the President stated: "The question shall be, 'Shall the line-item veto pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 34:

Bereuter	Duis	Kahle	Luedtke	Rumery
Brennan	E. Dvorak	Kelly	Marsh	Savage
Carsten	Fitzgerald	Keyes	Maxey	Schmit
Chambers	Fowler	Koch	Merz	Simon
Cope	Goodrich	Lamb	Moylan	Stoney
Cullan	Hasebroock	F. Lewis	Newell	Warner
DeCamp	Hefner	R. Lewis	Reutzel	

Voting in the negative, 12:

Clark	Kennedy	Maresh	Murphy
D. Dworak	Kremer	Marvel	Nichol
George	Labedz	Mills	Rasmussen

Present and not voting, 3:

Barnett	Burrows	Venditte

Having received a constitutional three-fifths majority voting in the affirmative, the line-item veto passed notwithstanding the objections of the Governor.

Vote on item (4) - Correctional Services

Whereupon the President stated: "The question shall be, 'Shall the line-item veto pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 20:

Bereuter	Cullan	Koch	Maxey	Schmit
Burrows	DeCamp	F. Lewis	Nichol	Simon
Chambers	Fowler	Luedtke	Rumery	Stoney
Cope	Hasebroock	Marsh	Savage	Warner

Voting in the negative, 23:

Brennan	D. Dworak	Kennedy	Maresh	Newell
Carsten	Fitzgerald	Keyes	Marvel	Rasmussen
Clark	George	Kremer	Mills	Reutzel
Duis	Goodrich	Labedz	Moylan	
E. Dvorak	Kelly	Lamb	Murphy	

Present and not voting, 6:

Barnett	Kahle	Merz
Hefner	R. Lewis	Venditte

Having failed to receive a constitutional three-fifths majority voting in the affirmative, item (4) failed to pass notwithstanding the objections of the Governor.

Vote on item (5) - State Claims Board

Whereupon the President stated: "The question shall be, 'Shall the line-item veto pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Bereuter	Cullan	Keyes	Merz	Rumery
Brennan	Duis	Koch	Moylan	Savage
Burrows	Fowler	Kremer	Murphy	Schmit
Carsten	Hasebroock	F. Lewis	Nichol	Simon
Chambers	Hefner	Luedtke	Rasmussen	Stoney
Cope	Kahle	Marsh	Reutzel	Warner

Voting in the negative, 14:

Clark	Fitzgerald	Kelly	Lamb	Newell
E. Dvorak	George	Kennedy	Maresh	Venditte
D. Dworak	Goodrich	Labedz	Mills	

Present and not voting, 5:

Barnett	DeCamp	R. Lewis	Marvel	Maxey

Having received a constitutional three-fifths majority voting in the affirmative, the line-item veto passed notwithstanding the objections of the Governor.

Mr. Warner moved pursuant to Rule 6, Section 13, that the Legislature override the Governor's line-item vetoes of (1) the Natural Resources Commission, Program 304 - Nebraska Water Conservation Fund in Section 28 on page 49 and (2) the Natural Resources Commission, Program 307 - Resources Development Fund in Section 28 on page 49 of L.B. 953.

Mr. Mills requested a division of the question on the 2 items in the Warner motion.

Vote on item (1) - Natural Resources Commission - Water Conservation Fund

Whereupon the President stated: "The question shall be, 'Shall the line-item veto pass notwithstanding the objections of the Governor?' "

Mr. Bereuter moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Bereuter requested a roll call vote on item (1).

Voting in the affirmative, 31:

Bereuter	Duis	Koch	Maxey	Schmit
Burrows	D. Dworak	Kremer	Mills	Simon
Carsten	Fowler	F. Lewis	Murphy	Warner
Chambers	Hasebroock	R. Lewis	Nichol	
Cope	Hefner	Luedtke	Rasmussen	
Cullan	Kahle	Maresh	Reutzel	
DeCamp	Kelly	Marsh	Savage	

Voting in the negative, 15:

Brennan	Fitzgerald	Labedz	Merz	Rumery
Clark	Kennedy	Lamb	Moylan	Stoney
E. Dvorak	Keyes	Marvel	Newell	Venditte

Present and not voting, 2:

Barnett Goodrich

Excused and not voting, 1:

George

Having received a constitutional three-fifths majority voting in the affirmative, the line-item veto passed notwithstanding the objections of the Governor.

Vote on item (2) - Natural Resources Commission - Resources Development Fund

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill line-item veto notwithstanding the objections of the Governor?' "

Voting in the affirmative, 29:

Bereuter	E. Dvorak	Koch	Marsh	Rumery
Carsten	Fowler	Kremer	Merz	Savage
Chambers	Hasebroock	F. Lewis	Mills	Schmit
Cope	Hefner	R. Lewis	Nichol	Simon
Cullan	Kahle	Luedtke	Rasmussen	Warner
DeCamp	Kelly	Maresh	Reutzel	

Voting in the negative, 16:

Brennan	D. Dworak	Labedz	Murphy
Burrows	Fitzgerald	Lamb	Newell
Clark	Goodrich	Marvel	Stoney
Duis	Kennedy	Moylan	Venditte

Present and not voting, 3:

Barnett	Keyes	Maxey

Excused and not voting, 1:

George

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the line-item veto failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 956

Mr. Warner moved pursuant to Rule 6, Section 13, that the Legislature override the Governor's line-item veto of the Board of Trustees of the Nebraska State Colleges miscellaneous renovations appropriation in Program 901, Section 38 on page 17 of L.B. 956.

Whereupon the President stated: "The question is, 'Shall the line-item veto pass notwithstanding the objections of the Governor?' "

Mr. Cope moved for a Call of the House. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Cope requested a roll call vote.

Voting in the affirmative, 26:

Bereuter	Duis	Kremer	Murphy	Schmit
Carsten	Fowler	F. Lewis	Nichol	Warner
Chambers	Hasebroock	Luedtke	Rasmussen	
Cope	Hefner	Marsh	Reutzel	
Cullan	Kahle	Merz	Rumery	
DeCamp	Kelly	Mills	Savage	

Voting in the negative, 18:

Brennan	D. Dwroak	Labedz	Marvel	Stoney
Burrows	Fitzgerald	Lamb	Moylan	Venditte
Clark	Kennedy	R. Lewis	Newell	
E. Dvorak	Keyes	Maresh	Simon	

Present and not voting, 4:

Barnett	Goodrich	Koch	Maxey

Excused and not voting, 1:

George

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the line-item veto failed to pass notwithstanding the objections of the Governor.

The Chair declared the Call raised.

Mr. Warner moved pursuant to Rule 6, Section 13, that the Legislature override the Governor's line-item veto of the Board of Regents of the University of Nebraska planning funds in Program 916, Section 48 on pages 19 and 20 of L.B. 956.

Whereupon the President stated: "The question shall be, 'Shall the line-item veto pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Barnett	Carsten	Duis	Hasebroock	Koch
Bereuter	Cope	E. Dvorak	Hefner	Kremer
Brennan	Cullan	Fitzgerald	Kahle	F. Lewis
Burrows	DeCamp	Fowler	Kelly	Luedtke

Marsh	Maxey	Nichol	Rumery	Schmit
Marvel	Mills	Reutzel	Savage	Warner

Voting in the negative, 9:

Clark	Kennedy	Maresh	Rasmussen	Stoney
D. Dworak	R. Lewis	Newell	Simon	

Present and not voting, 9:

Chambers	Keyes	Lamb	Moylan	Venditte
Goodrich	Labedz	Merz	Murphy	

Excused and not voting, 1:

George

Having received a constitutional three-fifths majority voting in the affirmative, the line-item veto passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 956

Mrs. Marsh moved, pursuant to Rule 6, Section 13, that the Legislature override the Governor's line-item veto of the Executive Board of the Legislative Council appropriation for renovation and restoration of Legislative space in Program 901, Section 58 on page 23 of LB 956.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 21:

Barnett	DeCamp	F. Lewis	Mills	Stoney
Bereuter	D. Dworak	R. Lewis	Nichol	
Brennan	Fowler	Luedtke	Reutzel	
Chambers	Kelly	marsh	Savage	
Cullan	Kremer	Maxey	Schmit	

Voting in the negative, 18:

Carsten	E. Dvorak	Maresh	Newell	Venditte
Clark	Goodrich	Marvel	Rasmussen	Warner
Cope	Hasebroock	Merz	Rumery	
Duis	Kennedy	Moylan	Simon	

Present and not voting, 9:

Burrows	Hefner	Keyes	Labedz	Murphy
Fitzgerald	Kahle	Koch	Lamb	

Excused and not voting, 1:

George

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 44

Mr. Koch renewed his pending motion found in this day's Journal to override the Governor's veto on LB 44.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Koch 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, 29:

Bereuter	Duis	Kahle	Luedtke	Reutzel
Brennan	Fitzgerald	Kelly	Maxey	Savage
Burrows	Fowler	Koch	Merz	Schmit
Carsten	Goodrich	Lamb	Murphy	Simon
Cope	Hasebroock	F. Lewis	Newell	Warner
DeCamp	Hefner	R. Lewis	Rasmussen	

Voting in the negative, 15:

Chambers	E. Dvorak	Kremer	Marvel	Rumery
Clark	D. Dworak	Labedz	Mills	Stoney
Cullan	Kennedy	Maresh	Nichol	Venditte

Present and not voting, 4:

Barnett	Keyes	Marsh	Moylan

Excused and not voting, 1:

George

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 711

Mr. Chambers renewed his pending motion found in this day's Journal to override the Governor's veto on LB 711.

Mr. Hefner 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. Chambers moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 30:

Barnett	Cope	Kelly	Luedtke	Nichol
Bereuter	Cullan	Keyes	Marsh	Reutzel
Brennan	Duis	Koch	Marvel	Rumery
Burrows	D. Dworak	Kremer	Maxey	Savage
Carsten	Fitzgerald	F. Lewis	Merz	Simon
Chambers	Fowler	R. Lewis	Newell	Warner

Voting in the negative, 14:

Clark	Hefner	Labedz	Murphy	Stoney
E. Dvorak	Kahle	Lamb	Rasmussen	Venditte
Hasebroock	Kennedy	Maresh	Schmit	

Present and not voting, 4:

DeCamp	Goodrich	Mills	Moylan

Excused and not voting, 1:

George

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Reconsider Action on LB 953

Mr. Lamb moved to reconsider action on the line-item veto on LB 953, item (2) - Resources Development Fund.

Mr. Lamb moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb requested a roll call vote.

Voting in the affirmative, 27:

Bereuter	Hefner	F. Lewis	Merz	Schmit
Cope	Kahle	R. Lewis	Mills	Simon
Cullan	Kelly	Luedtke	Nichol	Warner
DeCamp	Koch	Maresh	Rasmussen	
Duis	Kremer	Marsh	Reutzel	
Fowler	Lamb	Maxey	Rumery	

Voting in the negative, 20:

Barnett	Chambers	Fitzgerald	Keyes	Murphy
Brennan	Clark	Goodrich	Labedz	Newell
Burrows	E. Dvorak	Hasebroock	Marvel	Stoney
Carsten	D. Dworak	Kennedy	Moylan	Venditte

Present and not voting, 1:

Savage

Excused and not voting, 1:

George

The motion to reconsider action lost with 27 ayes, 20 nays, 1 present and not voting, and 1 excused and not voting.

MOTION - Reconsider Action on LB 44

Mrs. Marsh moved to reconsider action on the override of LB 44.

Mr. Bereuter requested a roll call vote.

Voting in the affirmative, 34:

Bereuter	D. Dworak	Kelly	Marsh	Reutzel
Brennan	Fitzgerald	Koch	Maxey	Rumery
Burrows	Fowler	Lamb	Merz	Savage
Cope	Goodrich	F. Lewis	Murphy	Schmit
Cullan	Hasebroock	R. Lewis	Newell	Simon
DeCamp	Hefner	Luedtke	Nichol	Warner
Duis	Kahle	Maresh	Rasmussen	

Voting in the negative, 12:

Carsten	E. Dvorak	Kremer	Moylan
Chambers	Kennedy	Marvel	Stoney
Clark	Keyes	Mills	Venditte

Present and not voting, 2:

Barnett Labedz

Excused and not voting, 1:

George

The motion to reconsider action on LB 44 prevailed with 34 ayes, 12 nays, 2 present and not voting, and 1 excused and not voting.

Mrs. Marsh moved to override the Governor's veto of LB 44.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Bereuter	Fowler	Lamb	Merz	Savage
Brennan	Goodrich	F. Lewis	Murphy	Schmit
Burrows	Hasebroock	R. Lewis	Newell	Simon
Cope	Hefner	Luedtke	Nichol	Warner
DeCamp	Kahle	Maresh	Rasmussen	
Duis	Kelly	Marsh	Reutzel	
Fitzgerald	Koch	Maxey	Rumery	

Voting in the negative, 8:

Chambers	Cullan	Kennedy	Mills
Clark	E. Dvorak	Marvel	Stoney

Present and not voting, 8:

Barnett	D. Dworak	Kremer	Moylan
Carsten	Keyes	Labedz	Venditte

Excused and not voting, 1:

George

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

RESOLUTION

LEGISLATIVE RESOLUTION 308.

Introduced by Koch, 12th District.

WHEREAS, the Legislature of the State of Nebraska wishes to recognize the dedicated service of three of its retiring Senators; and

WHEREAS, Senator Douglas Bereuter has represented the 24th Legislative District since 1974; and

WHEREAS, Senator Wally Barnett Jr. has represented the 26th Legislative District since 1970; and

WHEREAS, Senator Roland Luedtke has represented the 28th Legislative District since 1966; and

WHEREAS, the Legislature would like to avow the many meritorious efforts by these Senators on behalf of the State of Nebraska and its citizens; and

WHEREAS, the Legislature acknowledges and commends the desire of each of them to continue to serve the people of this state; and

WHEREAS, the Legislature wishes to thank these three devoted men for their leadership and participation in the Unicameral.

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

1. That the Legislature acknowledges the dedicated service and achievements of Senators Douglas Bereuter, Wally Barnett Jr., and Roland Luedtke.

2. That the Legislature wishes for Senator Bereuter and his wife Louise, Senator Barnett and his wife Beverly, and Senator Roland Luedtke and his wife Helen and their families good health and much joy in the coming years.

3. That the Legislature present a copy of this resolution to Senator Douglas Bereuter, Senator Wally Barnett Jr., and Senator Roland Luedtke.

Laid over.

NOTICE OF COMMITTEE HEARING

Rules

Thursday, April 20, 1978 Room 1019 9:00 a.m.

(Signed) John W. DeCamp, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 1978, at 2:23 p.m., were the following bills: 739, 859, 860, 892, 966, and 907.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mrs. Maxey asked unanimous consent to print the following in the Journal. No objections. So ordered.

The intent of the amendments to LB 375 which Senator Jerry Koch offered on General File should not be construed to prevent a Board of Education from negotiating reduction in force policies with an employee organization.

UNANIMOUS CONSENT - LR 87 Committee Report

Newell asked unanimous consent to have the LR 87 committee report referred to the Rules Committee. No objections. So ordered.

Mr. Bereuter asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

BILLS ON FINAL READING

The folllowing bills were read and put upon final passage:

LEGISLATIVE BILL 624.

A BILL FOR AN ACT to amend section 29-2255, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide that certain probation positions become part of the Field Probation Service; to provide provisions relating to salary; and to repeal the original section, and also section 43-207, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 33:

Barnett	Fowler	Kremer	Maxey	Rumery
Brennan	Goodrich	Labedz	Merz	Savage
Burrows	Hasebroock	F. Lewis	Mills	Schmit
Chambers	Hefner	R. Lewis	Moylan	Simon
Cope	Kahle	Luedtke	Newell	Venditte
DeCamp	Kelly	Maresh	Nichol	
E. Dvorak	Koch	Marsh	Reutzel	

Voting in the negative, 13:

Carsten	Duis	Kennedy	Marvel	Warner
Clark	D. Dworak	Keyes	Rasmussen	
Cullan	Fitzgerald	Lamb	Stoney	

Present and not voting, 1:

Murphy

Excused and not voting, 2:

Bereuter George

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

LEGISLATIVE BILL 624A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 624, Eighty-fifth Legislature, Second Session, 1978.

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

Mr. Reutzel requested a roll call vote.

Voting in the affirmative, 32:

Barnett	Fitzgerald	Kremer	Maxey	Savage
Brennan	Fowler	Labedz	Merz	Schmit
Burrows	Goodrich	F. Lewis	Mills	Simon
Chambers	Hefner	R. Lewis	Moylan	Venditte
Cope	Kahle	Luedtke	Newell	
DeCamp	Kelly	Maresh	Nichol	
E. Dvorak	Koch	Marsh	Reutzel	

Voting in the negative, 15:

Carsten	Duis	Kennedy	Marvel	Rumery
Clark	D. Dworak	Keyes	Murphy	Stoney
Cullan	Hasebroock	Lamb	Rasmussen	Warner

Excused and not voting, 2:

Bereuter George

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

LEGISLATIVE BILL 946. With Emergency.

A BILL FOR AN ACT to amend sections 81-1330 and 81-1332 to 81-1335, Reissue Revised Statutes of Nebraska, 1943, relating to the personnel system; to provide duties; to establish procedures for review, distribution, and adjustment of salaries to state employees as prescribed; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 43:

Brennan	E. Dvorak	Kennedy	Marsh	Reutzel
Burrows	D. Dworak	Keyes	Marvel	Rumery
Carsten	Fitzgerald	Koch	Maxey	Schmit
Chambers	Fowler	Labedz	Merz	Simon
Clark	Goodrich	Lamb	Mills	Stoney
Cope	Hasebroock	F. Lewis	Moylan	Venditte
Cullan	Hefner	R. Lewis	Newell	Warner
DeCamp	Kahle	Luedtke	Nichol	
Duis	Kelly	Maresh	Rasmussen	

Voting in the negative, 0.

Present and not voting, 4:

Barnett	Kremer	Murphy	Savage

Excused and not voting, 2:

Bereuter	George

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Marsh asked unanimous consent to be excused at 5:00 p.m. No objections. So ordered.

LEGISLATIVE BILL 946A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 946, Eighty-fifth Legislature, Second Session, 1978; to provide severability; and to declare an emergency.

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

Voting in the affirmative, 42:

Brennan	D. Dworak	Keyes	Marsh	Savage
Burrows	Fitzgerald	Koch	Maxey	Schmit
Carsten	Fowler	Kremer	Merz	Simon
Chambers	Goodrich	Labedz	Mills	Stoney
Cope	Hasebroock	Lamb	Moylan	Venditte
Cullan	Hefner	F. Lewis	Nichol	Warner
DeCamp	Kahle	R. Lewis	Rasmussen	
Duis	Kelly	Luedtke	Reutzel	
E. Dvorak	Kennedy	Maresh	Rumery	

Voting in the negative, 3:

Clark	Marvel	Newell

Present and not voting, 2:

Barnett	Murphy

Excused and not voting, 2:

Bereuter	George

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 700. With Emergency.

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 provide an operative date; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 40:

Barnett	Duis	Kelly	Maresh	Reutzel
Brennan	E. Dvorak	Kennedy	Maxey	Rumery
Burrows	Fitzgerald	Koch	Merz	Savage
Carsten	Fowler	Kremer	Mills	Schmit
Chambers	Goodrich	Labedz	Moylan	Simon
Cope	Hasebroock	Lamb	Murphy	Stoney
Cullan	Hefner	F. Lewis	Nichol	Venditte
DeCamp	Kahle	Luedtke	Rasmussen	Warner

Voting in the negative, 5:

Clark	D.Dworak	Keyes	Marvel	Newell

Present and not voting, 1:

R. Lewis

Excused and not voting, 3:

Bereuter	George	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 700A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 700, Eighty-fifth Legislature, Second Session, 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	Carsten	Cope	Duis	Fowler
Brennan	Chambers	Cullan	E. Dvorak	Goodrich
Burrows	Clark	DeCamp	Fitzgerald	Hasebroock

Hefner	Kremer	Maresh	Reutzel	Stoney
Kahle	Labedz	Merz	Rumery	Venditte
Kelly	Lamb	Mills	Savage	Warner
Kennedy	F. Lewis	Murphy	Schmit	
Koch	Luedtke	Nichol	Simon	

Voting in the negative, 4:

D. Dworak	Keyes	Marvel	Newell

Present and not voting, 4:

R. Lewis	Maxey	Moylan	Rasmussen

Excused and not voting, 3:

Bereuter	George	Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Speaker Luedtke moved to suspend the rules, Rule 6, Sec. 6(b) to take up the following bills on Final Reading: 693, 693A, 737, 737A, 743, 743A, 786, 786A, 803, 803A, 808, and 808A.

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

LEGISLATIVE BILL 693.

A BILL FOR AN ACT to establish the Nebraska Safety Center; to declare intent; to provide for administation 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	Clark	Duis	Goodrich	Kahle
Carsten	Cope	Fitzgerald	Hasebroock	Kelly
Chambers	DeCamp	Fowler	Hefner	Kennedy

Koch	Luedtke	Mills	Rasmussen	Simon
Kremer	Maresh	Moylan	Reutzel	Venditte
Labedz	Marvel	Murphy	Rumery	Warner
F. Lewis	Maxey	Nichol	Savage	

Voting in the negative, 10:

Brennan	Cullan	D. Dworak	Lamb	Newell
Burrows	E. Dvorak	Keyes	R. Lewis	Stoney

Present and not voting, 2:

Merz Schmit

Excused and not voting, 3:

Bereuter George Marsh

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

LEGISLATIVE BILL 693A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 693, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 33:

Barnett	Fowler	Koch	Mills	Savage
Carsten	Goodrich	Kremer	Moylan	Schmit
Chambers	Hasebroock	F. Lewis	Murphy	Simon
Cope	Hefner	Luedtke	Nichol	Venditte
DeCamp	Kahle	Maresh	Rasmussen	Warner
Duis	Kelly	Maxey	Reutzel	
Fitzgerald	Kennedy	Merz	Rumery	

Voting in the negative, 12:

Brennan	Cullan	Keyes	Marvel
Burrows	E. Dvorak	Lamb	Newell
Clark	D. Dworak	R. Lewis	Stoney

Present and not voting, 1:

Labedz

Excused and not voting, 3:

Bereuter George Marsh

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

LEGISLATIVE BILL 737.

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.

Whereupon the 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:

Brennan	Fowler	Kremer	Merz	Schmit
Burrows	Goodrich	Labedz	Mills	Simon
Carsten	Hasebroock	Lamb	Moylan	Stoney
Chambers	Hefner	F. Lewis	Murphy	Venditte
Clark	Kahle	R. Lewis	Newell	Warner
Cope	Kelly	Luedtke	Nichol	
Cullan	Kennedy	Maresh	Reutzel	
Duis	Keyes	Marvel	Rumery	
D. Dworak	Koch	Maxey	Savage	

Voting in the affirmative, 0.

Present and not voting, 5:

Barnett	DeCamp	E. Dvorak	Fitzgerald	Rasmussen

Excused and not voting, 3:

Bereuter George Marsh

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

LEGISLATIVE BILL 737A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 737, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 42:

Brennan	Fitzgerald	Koch	Maxey	Savage
Burrows	Fowler	Kremer	Merz	Schmit
Carsten	Goodrich	Labedz	Mills	Simon
Chambers	Hasebroock	Lamb	Moylan	Stoney
Cope	Hefner	F. Lewis	Murphy	Venditte
Cullan	Kahle	R. Lewis	Newell	Warner
DeCamp	Kelly	Luedtke	Nichol	
Duis	Kennedy	Maresh	Reutzel	
D. Dworak	Keyes	Marvel	Rumery	

Voting in the negative, 0.

Present and not voting, 4:

Barnett	Clark	E. Dvorak	Rasmussen

Excused and not voting, 3:

Bereuter	George	Marsh

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

LEGISLATIVE BILL 743. Mr. Mills moved to return LB 743 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 5 ayes, 26 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 743. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to establish a scholarship award program; to provide for the administration of the award program; to define terms; to provide qualifications for awards; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Fitzgerald	Keyes	Marvel	Reutzel
Brennan	Fowler	Koch	Maxey	Rumery
Burrows	Goodrich	Kremer	Merz	Schmit
Carsten	Hasebroock	Labedz	Moylan	Stoney
Chambers	Hefner	F. Lewis	Murphy	Venditte
DeCamp	Kahle	R. Lewis	Newell	Warner
Duis	Kelly	Luedtke	Nichol	
E. Dvorak	Kennedy	Maresh	Rasmussen	

Voting in the negative, 7:

Clark	D. Dworak	Mills	Simon
Cullan	Lamb	Savage	

Present and not voting, 1:

Cope

Excused and not voting, 3:

Bereuter	George	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 743A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 743, Eighty-fifth Legislature, Second Session, 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, 36:

Barnett	Fowler	Kremer	Merz	Schmit
Brennan	Goodrich	Labedz	Moylan	Stoney
Burrows	Hasebroock	F. Lewis	Murphy	Venditte
Chambers	Hefner	R. Lewis	Newell	Warner
DeCamp	Kahle	Luedtke	Nichol	
Duis	Kelly	Maresh	Rasmussen	
E. Dvorak	Kennedy	Marvel	Reutzel	
Fitzgerald	Keyes	Maxey	Rumery	

Voting in the negative, 7:

Clark	D. Dworak	Mills	Simon
Cullan	Lamb	Savage	

Present and not voting, 3:

Carsten	Cope	Koch

Excused and not voting, 3:

Bereuter	George	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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 624, 624A, 946, 946A, 700, 700A, 693, 693A, 737, and 737A.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 624, 624A, 946, 946A, 700, 700A, 693, 693A, 737, and 737A.

LEGISLATIVE BILL 786.

A BILL FOR AN ACT relating to insurance; to adopt the Model Health Maintenance Organization Act; and to provide severability.

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

Voting in the affirmative, 39:

Barnett	E. Dvorak	Keyes	Merz	Rumery
Brennan	D. Dworak	Koch	Mills	Savage
Burrows	Fitzgerald	F. Lewis	Moylan	Schmit
Carsten	Fowler	R. Lewis	Murphy	Simon
Cope	Goodrich	Luedtke	Newell	Stoney
Cullan	Hasebroock	Maresh	Nichol	Venditte
DeCamp	Kahle	Marvel	Rasmussen	Warner
Duis	Kelly	Maxey	Reutzel	

Voting in the negative, 5:

Clark	Hefner	Kennedy	Kremer	Lamb

Present and not voting, 2:

Chambers Labedz

Excused and not voting, 3:

Bereuter George Marsh

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

LEGISLATIVE BILL 786A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 786, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 33:

Barnett	E. Dvorak	Koch	Mills	Schmit
Brennan	D. Dworak	Labedz	Murphy	Simon
Burrows	Fitzgerald	F. Lewis	Newell	Stoney
Cope	Fowler	Luedtke	Nichol	Venditte
Cullan	Hasebroock	Maresh	Rasmussen	Warner
DeCamp	Kelly	Maxey	Reutzel	
Duis	Keyes	Merz	Rumery	

Voting in the negative, 5:

Hefner	Kennedy	Kremer	Lamb	Marvel

Present and not voting, 8:

Carsten	Clark	Kahle	Moylan
Chambers	Goodrich	R. Lewis	Savage

Excused and not voting, 3:

Bereuter	George	Marsh

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

LEGISLATIVE BILL 803. With Emergency.

A BILL FOR AN ACT relating to the technical community colleges; to change the manner certain funds are distributed; to provide operative and termination dates; and to declare an emergency.

Whereupon the President 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. Cullan requested a roll call vote.

Voting in the affirmative, 35:

Brennan	Duis	Kennedy	Marvel	Reutzel
Carsten	Fitzgerald	Keyes	Merz	Savage
Chambers	Fowler	Koch	Mills	Schmit
Clark	Hasebroock	Labedz	Moylan	Simon
Cope	Hefner	Lamb	Newell	Stoney
Cullan	Kahle	F. Lewis	Nichol	Venditte
DeCamp	Kelly	R. Lewis	Rasmussen	Warner

Voting in the negative, 9:

Barnett	E. Dvorak	Kremer	Maresh	Rumery
Burrows	D. Dworak	Luedtke	Maxey	

Present and not voting, 2:

Goodrich Murphy

Excused and not voting, 3:

Bereuter George 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 803A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 803, Eighty-fifth Legislature, Second Session, 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, 36:

Barnett	Duis	Koch	Mills	Simon
Brennan	Fitzgerald	Labedz	Moylan	Stoney
Burrows	Fowler	Lamb	Newell	Venditte
Carsten	Hasebroock	F. Lewis	Nichol	Warner
Chambers	Hefner	R. Lewis	Rasmussen	
Clark	Kelly	Luedtke	Reutzel	
Cullan	Kennedy	Marvel	Savage	
DeCamp	Keyes	Merz	Schmit	

Voting in the negative, 6:

E. Dvorak	Kahle	Maxey
D. Dworak	Maresh	Rumery

Present and not voting, 4:

Cope	Goodrich	Kremer	Murphy

Excused and not voting, 3:

Bereuter	George	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 808. With Emergency.

A BILL FOR AN ACT to amend sections 29-422, 29-424, and 29-425, Reissue Revised Statutes of Nebraska, 1943, and section 28-416, Revised Statutes Supplement, 1977, relating to drugs and narcotics; to provide penalties for possession of marijuana as prescribed; to provide for citations; to define a term; to provide for a course of instruction; to provide duties; to repeal the original sections; to provide an operative date; and to declare an emergency.

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

Voting in the affirmative, 36:

Barnett	D. Dworak	Koch	Moylan	Simon
Brennan	Fitzgerald	Kremer	Murphy	Stoney
Burrows	Fowler	Lamb	Newell	Venditte
Carsten	Goodrich	F. Lewis	Nichol	Warner
Clark	Hasebroock	Luedtke	Reutzel	
Cope	Hefner	Maresh	Rumery	
DeCamp	Kahle	Merz	Savage	
E. Dvorak	Keyes	Mills	Schmit	

Voting in the negative, 9:

Chambers	Duis	Kennedy	R. Lewis	Rasmussen
Cullan	Kelly	Labedz	Marvel	

Present and not voting, 1:

Maxey

Excused and not voting, 3:

Bereuter George 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 808A. Mr. DeCamp moved to return LB 808A to Select File for the following specific amendment:
Strike the enacting clause.

The motion prevailed with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 808A. The DeCamp specific amendment found in this day's Journal was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LB 808A stands indefinitely postponed.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 743 and 743A.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 743 and 743A.

MESSAGES FROM THE GOVERNOR

April 19, 1978

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

Dear Mr. President and Senators:

I hereby return LB 897 and LB 897A without my signature and with my objections.

The reasons for my veto of LB 897 are many and varied, and I will list the most important.

The Legislature through the passage of LB 897 and LB 756 intends to attempt to coordinate postsecondary education in Nebraska. The Legislature establishes general responsibilities for the various segments of postsecondary education in LB 756 and then establishes a Performance Review and Audit Committee (a Legislative Body) in LB 897. The Committee is to interpret the bill, implement an information system and administer it in order to insure that the responsibilities detailed in LB 756 are met and adhered to. Despite the recent Nebraska Supreme Court ruling which identified Constitutional prerogative of the Board of Regents, the Legislature is still seemingly bent on interfering with the Regents' prerogatives to administer the University. LB 897 in conjunction with LB 756 represents a continuing attempt at overregulation of the Board of Regents, the Board of Trustees and the Technical Community College Area Governing Boards by the Legislature.

As I stated in the Foreward to my Executive Budget, the Postsecondary Education Coordinating Commission, in cooperation with existing Executive Departments and utilizing existing State information reporting systems, is the proper vehicle for coordinating postsecondary education and maintaining the information based on postsecondary education in Nebraska.

It is impossible for me to comprehend how the Legislature intends to objectively review and evaluate its own handiwork. After interpreting, implementing, and administering its own legislation, an objective review and evaluation seems remote.

As I have stated before, the implementation of an information system which in large part duplicates existing systems is a gross inefficiency and another example of the Legislature's disregard for the taxpayer's dollar.

Not only are additional funds required and additional State employees but more time of existing State employees must be devoted to supplying the same information to two different systems instead of performing daily management tasks.

You have implicitly recognized the costs of this duplicate system by providing for front end deficit funding under the guise of reimbursements in Sections 10 and 11 of LB 897. At the same time you have provided only $35,000 of funding in LB 897A, even though agency estimates of the cost of implementing the bill exceeded $145,000. Again, you engage in slight of hand by understating the costs of a bill in order to gain passage and then allowing open-ending funding in the guise of reimbursements — a practice I have criticized time and time again.

In addition, the bill has several serious constitutional defects as outlined in the enclosed letter of the Attorney General.

Finally, the bill does not fulfill one of its goals of providing timely information. Annual reports are not due until July 1. Therefore, the information will not be current (probably at least one and one half years old) and will be of little use to the Governor who must present a budget message by January 15 or the Legislature in its annual deliberations. The information for the most recent completed fiscal year should be available no later than October 15 to be of use. Under current procedures budget, enrollment, financial aid, and student fee data is available by October 15.

The concept of uniform information for post-secondary education which is the basis for LB 897 is laudable and is a concept I have long espoused. Unfortunately, LB 897 is not an appropriate method to implement that concept.

Yours truly,
(Signed) J. James Exon
Governor

attachment

April 19, 1978

Mr. Stan Matzke, Director
Department of Administrative Services
State Capitol Building
Lincoln, NE 68509

Dear Mr. Matzke:

You have asked if LB 897 of the Eighty-fifth Legislature, Second Session, is constitutional. At this late date in the session the time available to us will only permit a cursory review.

LB 897 is an act relating to information systems for postsecondary education. In particular, the Performance Review and Audit Committee of the Legislature would be charged with the duty to prepare a comprehensive plan for a state-level public postsecondary education information system. Several sections of this legislative bill are hereinafter discussed.

We note that section 6 of LB 897 authorizes the Performance Review and Audit Committee, with the approval of the Executive Board of the Legislative Council, to "contract with any state or private agency for assistance in carrying out this act." That section, in our opinion, is unconstitutional. "The legislature may not delegate to private individuals either legislative or judicial functions." Elliott v. Wille, 112 Neb. 86, 89, 200 N.W. 347 (1924).

We also note that section 11 of LB 897 provides that the "Legislative Performance Review and Audit Committee shall review all system and institutional information system expenditure reports and may recommend to the Executive Board of the Legislative Council that reimbursements for costs directly associated with the implementation of the committee's information system requirements be provided." That too, in our opinion, is unconstitutional. That section would permit the Legislative Performance Review and Audit Committee to create a debt in implementing this legislative bill. That it cannot do. Section 22 of Article III of the Constitution of Nebraska provides that "e]ach Legislature shall make appropriations for the expenses of the Government."

Time simply will not permit further review. We are of the opinion, however, that the sections reviewed are sufficient to warrant a finding that LB 897 is unconstitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:smb

April 19, 1978

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

Lincoln, Nebraska

Dear Mr. President and Senators:

After long deliberation I have decided that LB 756 is not in the best interest of postsecondary education in Nebraska. It is returned to you vetoed.

I agree in part with the intent of this bill. We do need better coordination and long-range planning of postsecondary education in Nebraska. However, control of specific educational programs by legislation is not a feasible means to achieve the goal of coordination. It is appropriate for the Unicameral to exercise the power of the purse, but to try to use this power to shape all the programs of the various institutions is unworkable and unenforceable. Writing roles and missions into law does not allow the institutions enough flexibility to respond to changing demands such as changes in state manpower needs.

As the enclosed Attorney General's opinion outlines, the legislative attempt to control and dictate higher education programs is a violation of the state constitution.

Additionally, the roles assigned to the various sectors by this bill appear to move us ten years or more back into the past. For example, the state colleges will again become teachers colleges and some of the community colleges will again be recognized as junior colleges.

There are a number of specific provisions that are particularly troublesome. The bill provides that "all direct costs of nondegree recreational and avocational courses shall, on the average, be self-supporting." I believe that not only direct costs, but also such indirect costs as administration and overhead should be supported by tuition and fees from students in avocational and recreational programs.

The bill gives the University broad responsibilities across all fields with only a restriction on new associate degree programs. Two broad growth areas - agriculture and natural resources, nursing and allied health professions - are reserved for University control. By contrast, the role of the state colleges is narrowly confined in spite of the fact that three of them have excess capacity which should be utilized in various growth areas where the state has manpower needs.

The bill, while it does attempt to limit unnecessary duplication, also tends to preclude necessary duplication of programs where it would lead to a more efficient utilization of the taxpayer's resources, particularly at the state colleges.

Finally, the bill confers on the University the power to control the future of the state and community colleges. In many cases, the bill allows the state and community colleges to offer programs only with the cooperation of the University. If that cooperation is not forthcoming, the other sectors have to work within the narrow rolles assigned them or seek a change in the law. Control and coordination are not equivalent. In essence, the Regents become a statewide coordinating board in many instances and impose their restrictions on the other governing boards.

The postsecondary Education Coordinating Commission is a more feasible avenue for Nebraska to use in working toward coordination than is the legislative alternative contained in this bill. As an administrative agency it can be more flexible in fostering coordination and long-range planning to meet changing needs. Increased cooperation between the Unicameral and the Coordinating Commission will meet the goals of postsecondary education coordination and much more effectively than LB 756.

I urge you to sustain my veto.

Yours truly,
(Signed) J. James Exon
Governor

attachment

April 19, 1978

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

Dear Governor Exon:

You have asked if LB 756 of the Eighty-fifth Legislature, Second Session, violates any provision of the Constitution of the State of Nebraska.

LB 756 relates to postsecondary education. It provides role and mission assignments for the University of Nebraska, state colleges, and technical community colleges. It also provides certain duties of the Legislative Performance and Audit Review Committee. You have asked a number of questions but because of time limitations each cannot be answered in detail.

I.

Can the Legislature make one of the governing boards in postsecondary education subservient to another governing board?

You note that section 20 of LB 756 gives the Board of Regents statewide responsibility for public service activities while sections 34 and 44 of that legislative bill give regional responsibility to the Board of Trustees and Technical Community College Area Boards. LB 756 does divide the responsibility of public service activities as you have indicated. However, the same does not, in our opinion, violate the Constitution of Nebraska.

You note that section 23 of LB 756 gives the Board of Regents statewide responsibilities for continuing education services while section 34 gives the Board of Trustees regional responsibility. Again, LB 756 does divide the responsibility of continuing education services as you have indicated. However, the same does not, in our opinion, violate the Constitution of Nebraska.

You note that section 38 of LB 756 permits the state colleges to deliver, in cooperation with the University of Nebraska, graduate courses in business to met regional needs. The same does not, in our opinion, constitute a delegation of power. It is to be noted that section 38 of LB 756 does not require the state colleges to deliver graduate courses in business. The only requirement is if the state colleges elect to deliver graduate courses in business they must do so in cooperation with the University of Nebraska. Section 38 is somewhat vague when consideration is given to the fact that other sections refer to the power or authority of the governing board of an institution whereas section 38 refers to the colleges and the University of Nebraska.

You note that section 36 of LB 756 allows the Board of Trustees to award the associate degree, diploma, or certificate for technical vocational programs, but not independently. Section 36 of LB 756 states, in part, as follows: "The Board of Trustees shall submit for review and approval by the Legislature, all associate degree programs to be offered pursuant to this section on or before November 15, 1978." This section, in our opinion, is unconstitutional. First, there is no certainty that the Legislature will be in session on or before November 15, 1978, and therefore the section is vague inasmuch as there is no one to whom the associate degree programs can be submitted to. There is a further problem. Any attempt by the Legislature to review and approve or disapprove such programs is probably a violation of the doctrine of separation of powers.

You note that section 32 allows the Board of Trustees to establish new baccalaureate programs in the allied health professions in cooperation with the University of Nebraska. The same does not, in our opinion, constitute a delegation of power. Section 32 does not require the state colleges to develop new baccalaureate programs in the allied health professions. The only requirement is if they elect to do so they must do so in cooperation with the University of Nebraska.

II.

Can the Legislature use and mix vague terms in assigning responsibility such as statewide responsibility, primary responsibility, and regional responsibility, and then require that no State General Fund appropriations or local property tax revenue be used in conflict with the responsibilities established by the bill?

In the limited time available to us to research this legislative bill we cannot agree that the terms used are necessarily vague. To the extent that the several terms used in LB 756 correctly reflect a state purpose or a local purpose then it is entirely competent for the Legislature to require that no State General Fund appropriations or local property tax revenue be used in conflict with the responsibilities established by LB 756.

III.

Can the Legislature use Key terms which are undefined in the bill in establishing role and mission assignments such as direct costs (section 18) and avocational and recreational course (sections 18 and 46), and then require that no State General Fund appropriations or local property tax revenue be used in conflict with the act?

Yes—provided that a court of competent jurisdiction can determine from the language of LB 756 and its legislative history the meaning of key terms which are undefined in this legislative bill and provided further that the meaning so ascertained is not in conflict with Section 1A of Article VIII of the Constitution of Nebraska. See, State ex rel. Western Nebraska Technical Com. Col. Area v. Tallon, 192 Neb. 201, 219 N.W.2d 454 (1974).

IV.

Can the Legislature direct the State Board of Vocational Education to interfere with the respective governing boards' establishment of vocational education programs (section 51)?

Section 51(2) of LB 756 provides as follows: "The State Board of Vocational Education shall not allow vocational education programs to be established under section 79-1419 to 79-1423, 79-1428, 79-1429,

and 79-1435, if such programs are inconsistent with this act." The obvious problem here is whether or not the primary burden of financial support of a particular program can be traced to a local property tax. If the financial support can be so traced, the same could raise a constitutional issue as to whether or not section 51(2) of LB 756 constitutes a state purpose. Stated somewhat differently, a court of competent jurisdiction, in a proper case, could find section 51(2) of LB 756 unconstitutional.

V.

Can the Legislature, presumably in connection with the procedure set up in LB 897 set up a self-administered information system to monitor the "role and mission" statement detailed in this act (section 57)?

We have this day expressed our opinion that LB 897 is unconstitutional. Thus this question is moot.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:smb

MOTION - Override Veto on LB 897

Mr. Warner moved to pass LB 897 notwithstanding the objections of the Governor.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

Barnett	DeCamp	Koch	Marvel	Reutzel
Brennan	Fitzgerald	Kremer	Maxey	Rumery
Burrows	Fowler	Lamb	Merz	Savage
Carsten	Hasebroock	F. Lewis	Murphy	Schmit
Clark	Hefner	R. Lewis	Newell	Simon
Cope	Kahle	Luedtke	Nichol	Stoney
Cullan	Keyes	Maresh	Rasmussen	Warner

Voting in the negative, 3:

E. Dvorak D. Dworak Mills

Present and not voting, 8:

Chambers	Goodrich	Kennedy	Moylan
Duis	Kelly	Labedz	Venditte

Excused and not voting, 3:

Bereuter	George	Marsh

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 756

Mr. Warner moved to pass LB 756 notwithstanding the objections of the Governor.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Barnett	Fowler	Lamb	Murphy	Simon
Brennan	Hasebroock	F. Lewis	Nichol	Stoney
Burrows	Hefner	R. Lewis	Rasmussen	Warner
Clark	Kahle	Luedtke	Reutzel	
Cullan	Keyes	Marvel	Rumery	
DeCamp	Koch	Maxey	Savage	
Fitzgerald	Kremer	Merz	Schmit	

Voting in the negative, 8:

Carsten	E. Dvorak	Labedz	Mills
Cope	D. Dworak	Maresh	Newell

Present and not voting, 7:

Chambers	Goodrich	Kennedy	Venditte
Duis	Kelly	Moylan	

Excused and not voting, 3

Bereuter George Marsh

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: 786, 786A, 803, 803A, and 808.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 786, 786A, 803, 803A, and 808.

APPRECIATION

The Clerk read LR 303 in appreciation to Lt. Governor Gerald T. Whelan for presiding over the Legislature.

President Whelan thanked the members.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 4, Sec. 5, and adopt the following Resolutions in one vote: 203, 210, 211, 215, 216, 219, 223, 229, 231, 237, 297, 301, 302, 303, and 307.

The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

The above Resolutions were adopted with 41 ayes, 0 nays, and 8 not voting.

MOTION - Approve Labor Contracts

Mr. Maresh moved the adoption of the Labor Contracts as set out in LR258, LR259, LR260, and LR304.

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

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 1978 at 6:42 p.m., were the following bills: 624, 624A, 946, 946A, 700, 700A, 693, 693A, 737, 737A, 743, 743A, 786, 786A, 803, 803A, and 808.

(Signed) Jan Loder, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 309.

Introduced by Maxey, 46th District; Fowler, 27th District.

WHEREAS, youth athletic programs are revered as a means of instilling values essential for a productive and fulfilled adult life; and

WHEREAS, community endorsed basketball teams provide one such athletic program for youth; and

WHEREAS, the Salvation Army Community Small Fry basketball team of Lincoln will be one of sixteen teams entered in the international Small Fry basketball tournament held in Chicago Heights, Illinois on March 23-28, 1978; and

WHEREAS, the Lincoln team placed third in last year's international competition.

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

1. That the members of the Legislature wish the best of good fortune to the Lincoln Salvation Army Community Small Fry basketball team in their international tournament competition.

Laid over.

VISITORS

The President introduced 25 7th and 8th grade students and sponsors from Diller, Nebraska Community School; 14 11th and 12th grade students and teacher from Norris High School, Nebraska; Former Senator and Mrs. Fred Waggoner, Lincoln, Nebraska; Mr. and Mrs. Howard Carter, Fortescue, Missouri; 25 10th through 12th grade students and sponsors from Papillion High School, Papillion, Nebraska; 41 6th grade students and sponsors from Falls City South

Elementary School, Falls City, Nebraska; 26 9th through 12th grade students and teachers from Blair Community High School, Blair, Nebraska.

ADJOURNMENT

At 6:57 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 8:00 a.m., Friday, April 21, 1978.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 21, 1978

LEGISLATIVE JOURNAL

SIXTIETH DAY - APRIL 21, 1978

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 21, 1978

Pursuant to adjournment, the Legislature met at 8:00 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 Messrs. Chambers, George, Koch, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Ninth Day was approved.

MESSAGE FROM THE GOVERNOR

April 18, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 135, 135A, 169, 198, 271, 373, 407, 541, 541A, 596, 609, 636, 672, 672A, 722, 733, 733A, 748, 757, 773, 845, 847, 851, 855, 885, 903, 922, and Reengrossed Legislative Bills No. 198A, 323, 833, 889, 889A, and 964. These bills were signed by me on April 17, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:gw

April 19, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 407A.

This bill was signed by me on April 19, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

COMMUNICATION ON LB 44

April 19, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 44 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 44 notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon
enclosure

CERTIFICATE

Legislative Bill 44 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, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 711

April 19, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 711 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 711 notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon
enclosure

CERTIFICATE

Legislative Bill 711 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, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 756

April 19, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 756 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 756 notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon
enclosure

CERTIFICATE

Legislative Bill 756 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, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 897

April 19, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 897 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 897 notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon
enclosure

CERTIFICATE

Legislative Bill 897 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, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

BILLS ON FINAL READING

The following bills were read and upon final passage:

LEGISLATIVE BILL 777. Laid over at the request of Mr. Bereuter.

LEGISLATIVE BILL 793. Laid over at the request of Mr. Nichol.

MOTION - Suspend Rules

Speaker Luedtke moved to suspend the rules, Rule 6, Sec. 6 and take up all bills on Final Reading today.

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

LEGISLATIVE BILL 42. Laid over temporarily.

LEGISLATIVE BILL 128.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1977, relating to labor; to provide additional provisions relating to disqualification of benefits; to provide severability; and to repeal the original section.

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

Voting in the affirmative, 43:

Barnett	Cullan	Fowler	Kennedy	Luedtke
Bereuter	DeCamp	Goodrich	Keyes	Maresh
Burrows	Duis	Hasebroock	Kremer	Marsh
Carsten	E. Dvorak	Hefner	Lamb	Marvel
Clark	D. Dworak	Kahle	F. Lewis	Maxey
Cope	Fitzgerald	Kelly	R. Lewis	Merz

Mills	Newell	Reutzel	Schmit	Venditte
Moylan	Nichol	Rumery	Simon	
Murphy	Rasmussen	Savage	Stoney	

Voting in the negative, 0.

Present and not voting, 2:

Brennan Labedz

Excused and not voting, 4:

Chambers George Koch Warner

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

LEGISLATIVE BILL 170. Laid over temporarily.

LEGISLATIVE BILL 192.

A BILL FOR AN ACT relating to taxation; to declare intent; to define terms; to impose a tax for support of schools on adjusted gross income of individuals, corporations, trusts, and estates; to provide for determination of the tax rate; to prescribe tax rate formulae; to provide for administration; to provide penalties; to provide severability; 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, 14:

Brennan	DeCamp	F. Lewis	Merz	Simon
Burrows	D. Dworak	R. Lewis	Murphy	Venditte
Cullan	Kahle	Maresh	Newell	

Voting in the negative, 28:

Barnett	E. Dvorak	Kelly	Marsh	Reutzel
Bereuter	Fitzgerald	Kennedy	Marvel	Rumery
Carsten	Fowler	Kremer	Mills	Schmit
Clark	Goodrich	Labedz	Moylan	Stoney
Cope	Hasebroock	Lamb	Nichol	
Duis	Hefner	Luedtke	Rasmussen	

Present and not voting, 3:

Keyes Maxey Savage

Excused and not voting, 4:

Chambers George Koch Warner

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 192A. Laid over at the request of Mr. Burrows.

MOTION - Overrule Speaker's Order

Mrs. Labedz moved to overrule the Speaker's orders and take up LR 152 next.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz requested a roll call vote.

Voting in the affirmative, 30:

Brennan	E. Dvorak	Keyes	Maresh	Rasmussen
Burrows	D. Dworak	Kremer	Merz	Rumery
Carsten	Fitzgerald	Labedz	Moylan	Savage
Cope	Goodrich	Lamb	Murphy	Schmit
Cullan	Hasebroock	F. Lewis	Newell	Simon
DeCamp	Kelly	R. Lewis	Nichol	Venditte

Voting in the negative, 15:

Barnett	Duis	Kahle	Marvel	Reutzel
Bereuter	Fowler	Kennedy	Maxey	Stoney
Clark	Hefner	Marsh	Mills	Warner

Present and not voting, 1:

Luedtke

Excused and not voting, 3:

Chambers George Koch

The motion to close debate prevailed with 30 ayes, 15 nays, 1 present and not voting, and 3 excused and not voting.

The Speaker raised a point of order on the Speaker being allowed to speak.

The Chair overruled the point of order.

Mrs. Marsh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Reutzel requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Hefner	F. Lewis	Maxey	Reutzel
Bereuter	Kahle	Luedtke	Merz	Simon
Clark	Kelly	Maresh	Mills	Stoney
DeCamp	Kremer	Marsh	Newell	Warner
Fowler	Lamb	Marvel	Nichol	

Voting in the negative, 20:

Brennan	Cullan	Fitzgerald	Keyes	Rasmussen
Burrows	Duis	Goodrich	Labedz	Rumery
Carsten	E. Dvorak	Hasebroock	R. Lewis	Schmit
Cope	D. Dworak	Kennedy	Moylan	Venditte

Present and and not voting, 2:

Murphy Savage

Excused and not voting, 3:

Chambers George Koch

The motion prevailed.

The Chair was overruled with 24 ayes, 20 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Venditte requested a record vote on the Labedz motion.

Voting in the affirmative, 25:

Brennan	Duis	Hasebroock	Lamb	Murphy
Burrows	E. Dvorak	Hefner	F. Lewis	Newell
Cope	D. Dworak	Kennedy	R. Lewis	Rasmussen
Cullan	Fitzgerald	Keyes	Maresh	Schmit
DeCamp	Goodrich	Labedz	Moylan	Venditte

Voting in the negative, 15:

Barnett	Fowler	Kremer	Maxey	Reutzel
Carsten	Kahle	Marsh	Mills	Rumery
Clark	Kelly	Marvel	Nichol	Warner

Present and not voting, 6:

Bereuter	Merz	Simon
Luedtke	Savage	Stoney

Excused and not voting, 3:

Chambers	George	Koch

The motion prevailed with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

MOTION - Return LR 152 to Select File

Mr. Barnett moved to return LR 152 to Select File for the following specific amendment:

AMENDMENT TO LR 152

1. In resolution 1, line 1 after "That" insert "this issue be put to a vote of the people at the general election on November 7, 1978, and if approved by the voters that".

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 6 nays, and 15 not voting.

Mr. Barnett requested a roll call vote.

Voting in the affirmative, 8:

Barnett	Marsh	Mills	Reutzel
Fowler	Maxey	Nichol	Warner

Voting in the negative, 36:

Bereuter	E. Dvorak	Kelly	Luedtke	Schmit
Brennan	D. Dworak	Kennedy	Maresh	Simon
Burrows	Fitzgerald	Keyes	Marvel	Stoney
Carsten	George	Kremer	Moylan	Venditte
Clark	Goodrich	Labedz	Murphy	
Cope	Hasebroock	Lamb	Newell	
Cullan	Hefner	F. Lewis	Rasmussen	
Duis	Kahle	R. Lewis	Rumery	

Present and not voting, 3:

DeCamp	Merz	Savage

Excused and not voting, 2:

Chambers	Koch

The Barnett motion lost with 8 ayes, 36 nays, 3 present and not voting, and 2 excused and not voting.

MOTION - Return LR 152 to Select File

Mrs. Marsh moved to return LR 152 to Select File for the following specific amendment:
That only women be permitted to serve as delegates to a Constitutional Convention dealing with the issue of abortion because they are the only ones morally qualified to make the decision.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

The Marsh motion lost with 6 ayes, 30 nays, 12 present and not voting, and 1 excused and not voting.

MOTION - Return LR 152 to Select File

Mr. Fowler moved to return LR 152 to Select File for the following specific amendment:

AMENDMENTS TO LR 152

1. Insert a new resolution 3. as follows:
"3. An application for a convention made under this resolution shall be conditioned on the convention providing for apportionment on a one-state one-vote basis.".
2. Renumber original resolution 3. as resolution 4.

Mrs. Marsh 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 Fowler motion lost with 7 ayes, 26 nays, 15 present and not voting, and 1 excused and not voting.

RESOLUTION ON FINAL READING

The following Resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 152.

WHEREAS, millions of abortions have been performed in the United States since the abortion decision of the Supreme Court on January 22, 1973; and

WHEREAS, the Congress of the United States has not to date proposed, subject to ratification, a Human Life amendment to the Constitution of the United States.

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

1. That the Legislature respectfully petition the Congress of the United States pursuant to Article V of the United States Constitution to call a convention for the sole purpose of proposing the following article as an amendment to the Constitution of the United States. The proposed article to read as follows:

ARTICLE _____

Section 1. With respect to the right to life, the word person as used in this article and in the Fifth and Fourteenth Articles of Amendment to this Constitution applies to all human beings irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development.

Section 2. No unborn person shall be deprived of life by any person, provided, however, that nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

Section 3. The Congress and the several states shall have the power to enforce this article by appropriate legislation.

2. That this application shall constitute a continuing application for such convention pursuant to Article V of the Constitution of the United States until the Legislatures of two-thirds of the several states shall have made like applications and such convention shall have been called by the Congress of the United States.

3. That this resolution shall be submitted to the Governor for signature in the same manner as a legislative bill.

3. An application for a convention made under this resolution shall be conditioned on (1) Congress establishing clear procedures for such convention including a limitation of the convention to the subject matter contained within this resolution and (2) provision that if such convention departs from the subject matter of this resolution that the convention be immediately dissolved.

3. An application for a convention made under this resolution shall be conditioned on the convention delegates being selected in a manner determined by the state legislatures.

4. That copies of this resolution, suitably engrossed, certified, and exemplified in the manner provided by law, be presented to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress from the State of Nebraska attesting the adoption of this resolution by the Legislature of the State of Nebraska.

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

Voting in the affirmative, 36:

Bereuter	D. Dworak	Kennedy	Maresh	Simon
Brennan	Fitzgerald	Keyes	Marvel	Stoney
Burrows	George	Koch	Moylan	Venditte
Carsten	Goodrich	Labedz	Murphy	Warner
Cope	Hasebroock	Lamb	Newell	
Cullan	Hefner	F. Lewis	Rasmussen	
Duis	Kahle	R. Lewis	Rumery	
E. Dvorak	Kelly	Luedtke	Schmit	

Voting in the negative, 6:

Barnett	Fowler	Nichol
Clark	Marsh	Reutzel

Present and not voting, 6:

DeCamp	Maxey	Mills
Kremer	Merz	Savage

Excused and not voting, 1:

Chambers

Having received a constitutional majority voting in the affirmative, the resolution was declared passed.

MOTION - Return LB 170 to Select File

LEGISLATIVE BILL 170. Mr. Kahle moved to return LB 170 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 28 ayes, 8 nays, and 13 not voting.

The Kahle motion lost with 17 ayes, 23 nays, 8 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 170. With Emergency.

A BILL FOR AN ACT relating to taxation; to provide for centralized valuation and assessment of real property as prescribed; to provide duties and penalties; to amend sections 77-705, 77-509, 77-629, 77-1241.09, 77-1301.06, 77-1331, and 77-1342, Reissue Revised Statutes of Nebraska, 1943, and section 77-1250, Reissue Revised Statutes of Nebraska, 1943, as amended by section 204, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977; 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, 23:

Barnett	DeCamp	Koch	Mills	Schmit
Bereuter	D. Dworak	F. Lewis	Murphy	Simon
Brennan	Fitzgerald	R. Lewis	Newell	Warner
Carsten	Fowler	Marsh	Nichol	
Cullan	Goodrich	Maxey	Reutzel	

Voting in the negative, 22:

Burrows	Hasebroock	Keyes	Marvel	Stoney
Clark	Hefner	Kremer	Merz	Venditte
Cope	Kahle	Lamb	Moylan	
Duis	Kelly	Luedtke	Rasmussen	
E. Dvorak	Kennedy	Maresh	Rumery	

Present and not voting, 3:

George	Labedz	Savage

Excused and not voting, 1:

Chambers

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. Koch requested a roll call vote.

Voting in the affirmative, 23:

Barnett	DeCamp	Koch	Mills	Savage
Bereuter	D. Dworak	F. Lewis	Murphy	Schmit
Brennan	Fitzgerald	R. Lewis	Newell	Simon
Carsten	Fowler	Marsh	Nichol	
Cullan	Goodrich	Maxey	Reutzel	

Voting in the negative, 24:

Burrows	George	Kennedy	Maresh	Rumery
Clark	Hasebroock	Keyes	Marvel	Stoney
Cope	Hefner	Kremer	Merz	Venditte
Duis	Kahle	Lamb	Moylan	Warner
E. Dvorak	Kelly	Luedtke	Rasmussen	

Present and not voting, 1:

Labedz

Excused and not voting, 1:

Chambers

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass with the emergency clause stricken.

LEGISLATIVE BILL 170A. Laid over.

MOTION - Suspend Rules

Mr. Simon moved that Rule 6 Section 5 be suspended so that no motions to return for specific amendments will be allowed.

Mr. Bereuter requested a record vote on the Simon motion.

Voting in the affirmative, 15:

Carsten	Kennedy	F. Lewis	Marvel	Rasmussen
Cope	Keyes	R. Lewis	Murphy	Simon
Hasebroock	Koch	Luedtke	Newell	Warner

Voting in the negative, 18:

Barnett	D. Dworak	Hefner	Labedz	Rumery
Bereuter	Fowler	Kahle	Lamb	Stoney
Clark	George	Kelly	Maresh	
Cullan	Goodrich	Kremer	Marsh	

Present and not voting, 15:

Brennan	Duis	Maxey	Moylan	Savage
Burrows	E. Dvorak	Merz	Nichol	Schmit
DeCamp	Fitzgerald	Mills	Reutzel	Venditte

Excused and not voting, 1:

Chambers

The Simon motion lost with 15 ayes, 18 nays, 15 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following were correctly enrolled: LB 128 and LR 152.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB 128 and LR 152.

MESSAGES FROM THE SECRETARY OF STATE

April 21, 1978

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

RE: LB 44, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 8:18 a.m., LB 44. Along with LB 44, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 44 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, 1978."

Further, I hereby acknowledge that LB 44, 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

April 21, 1978

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

RE: LB 711, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 8:19 a.m., LB 711. Along with LB 711, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 711 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, 1978."

Further, I hereby acknowledge that LB 711, 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

April 21, 1978

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

RE: LB 756, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 8:20 a.m., LB 756. Along with LB 756, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 756 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, 1978."

Further, I hereby acknowledge that LB 756, 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

April 21, 1978

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

RE: LB 897, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 8:17 a.m., LB 897. Along with LB 897, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 897 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, 1978."

Further, I hereby acknowledge that LB 897, cover letter, certificate, copy of the Governor's message and Attorney General's opinion 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

RESOLUTION

LEGISLATIVE RESOLUTION 310.

Introduced by Nichol, 48th District.

WHEREAS, Doris Rush has been honored as Young Mother of the Year for 1978 by the Nebraska Mothers Association; and

WHEREAS, Mrs. Rush is the mother of two girls ages 11 and 5; and

WHEREAS, Mrs. Rush has served in United Methodist Women, 4-H, delivers Meals on Wheels, and is president of the Scottsbluff Home Economics Club.

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

1. That the Legislature extends congratulations to Doris Rush on her selection as Young Mother of the Year, and further recognizes her devoted efforts on behalf of her family and her community.

Laid over.

EXPLANATION OF VOTE

Had I not been excused on a portion of the Fifty-Ninth Legislative Day (April 19, 1978), I would have voted "aye" on the following bills: 624, 624A, 946, 946A, 700, 700A, 693, 693A, 737, 737A, 743, 743A, 786, 786A, 803A, 808, the veto override of 897 and the veto override of 756. I would have voted "nay" on LB 803.

(Signed) Douglas Bereuter

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 248.

A BILL FOR AN ACT to amend sections 60-107, 60-1413, 60-2303, and 60-2305, Reissue Revised Statutes of Nebraska, 1943, and sections 60-1401.02, 60-1402, 60-1406, 60-1409, 60-1411.01, 60-1411.02, 60-1415, and 60-1417, Revised Statutes Supplement, 1976, and section 60-320, Revised Statutes Supplement, 1977, 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 limit the number of consecutive terms served by board members; to change provisions relating to devise, revocation, or suspension of licenses; to change certain provisions relating to motor vehicle sales; to require an odometer reading statement on certain motor vehicles; to change a prohibition; 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	E. Dvorak	Kennedy	Marsh	Reutzel
Bereuter	D. Dworak	Keyes	Marvel	Rumery
Brennan	Fitzgerald	Koch	Maxey	Savage
Burrows	Fowler	Kremer	Merz	Schmit
Carsten	George	Labedz	Mills	Simon
Clark	Goodrich	Lamb	Moylan	Stoney
Cope	Hasebroock	F. Lewis	Murphy	Venditte
Cullan	Hefner	R. Lewis	Newell	Warner
DeCamp	Kahle	Luedtke	Nichol	
Duis	Kelly	Maresh	Rasmussen	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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

LEGISLATIVE BILL 351.

A BILL FOR AN ACT to adopt the Nebraska Bingo Act; to amend section 28-1115, Revised Statutes Supplement, 1977; to limit expenses; to provide penalties; and to repeal the original section, and also sections 9-101 to 9-123, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 44:

Barnett	E. Dvorak	Kelly	Maresh	Reutzel
Bereuter	D. Dworak	Kennedy	Marsh	Rumery
Burrows	Fitzgerald	Keyes	Marvel	Savage
Carsten	Fowler	Koch	Maxey	Schmit
Clark	George	Labedz	Merz	Simon
Cope	Goodrich	Lamb	Mills	Stoney
Cullan	Hasebroock	F. Lewis	Moylan	Venditte
DeCamp	Hefner	R. Lewis	Murphy	Warner
Duis	Kahle	Luedtke	Nichol	

Voting in the negative, 0.

Present and not voting, 4:

Brennan	Kremer	Newell	Rasmussen

Excused and not voting, 1:

Chambers

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

LEGISLATIVE BILL 386.

A BILL FOR AN ACT to amend sections 2-219, 53-102, 53-123.04, 53-129, 53-145, 53-160.08, 53-180.07, 53-183, 53-186.01, and 53-1,106, Reissue Revised Statutes of Nebraska, 1943, section 53-179, Revised Statutes Supplement, 1976, and section 53-124, Revised Statutes Supplement, 1977, relating to liquor; to change certain prohibitions; to change certain licensing provisions; to provide an absolute defense; to change procedures for prosecution 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, 32:

Barnett	E. Dvorak	Kahle	Mills	Schmit
Brennan	D. Dworak	Koch	Moylan	Simon
Burrows	Fitzgerald	Labedz	Murphy	Venditte
Carsten	Fowler	F. Lewis	Newell	Warner
Clark	George	R. Lewis	Rasmussen	
DeCamp	Hasebroock	Luedtke	Reutzel	
Duis	Hefner	Marsh	Savage	

Voting in the negative, 12:

Bereuter	Kelly	Maresh	Nichol
Cope	Kremer	Marvel	Rumery
Cullan	Lamb	Maxey	Stoney

Present and not voting, 4:

Goodrich	Kennedy	Keyes	Merz

Excused and not voting, 1

Chambers

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

LEGISLATIVE BILL 404. With Emergency.

A BILL FOR AN ACT to amend sections 60-401 and 60-501, Reissue Revised Statutes of Nebraska, 1943, section 39-602, Revised Statutes Supplement, 1976, and sections 39-666 and 60-301, Revised Statutes Supplement, 1977, relating to mopeds; to define a term; to provide for the regulation and operation of mopeds as prescribed; to require certain equipment; to provide penalties; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 39:

Barnett	Duis	Kelly	Luedtke	Reutzel
Bereuter	E. Dvorak	Kennedy	Marvel	Rumery
Brennan	D. Dworak	Koch	Merz	Savage
Burrows	Fowler	Kremer	Mills	Schmit
Carsten	George	Labedz	Moylan	Simon
Cope	Hasebroock	Lamb	Murphy	Stoney
Cullan	Hefner	F. Lewis	Newell	Venditte
DeCamp	Kahle	R. Lewis	Nichol	

Voting in the negative, 7:

Clark	Maresh	Maxey	Warner
Keyes	Marsh	Rasmussen	

Present and not voting, 2:

Fitzgerald Goodrich

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Speaker Luedtke changed the agenda order to take up override motions and a motion to reconsider at this time and then return to Final Reading.

Mr. D. Dworak moved to return to original agenda order.

Mr. D. Dworak withdrew his motion.

MOTION - Override Veto on LB 210

Mr. DeCamp moved to pass LB 210 notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 23:

Brennan	Cullan	Kahle	F. Lewis	Nichol
Burrows	DeCamp	Kelly	R. Lewis	Rasmussen
Carsten	Duis	Kremer	Merz	Rumery
Clark	Hasebroock	Labedz	Moylan	
Cope	Hefner	Lamb	Murphy	

Voting in the negative, 24:

Barnett	Fowler	Luedtke	Mills	Simon
Bereuter	George	Maresh	Newell	Stoney
E. Dvorak	Kennedy	Marsh	Reutzel	Venditte
D. Dworak	Keyes	Marvel	Savage	Warner
Fitzgerald	Koch	Maxey	Schmit	

Absent and not voting, 1:

Goodrich

Excused and not voting, 1:

Chambers

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 184

Mr. DeCamp moved to pass LB 184 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, 21:

Brennan	Hasebroock	Labedz	Moylan	Simon
DeCamp	Hefner	F. Lewis	Nichol	
Duis	Kennedy	Luedtke	Rasmussen	
E. Dvorak	Keyes	Marsh	Savage	
Fitzgerald	Koch	Marvel	Schmit	

Voting in the negative, 25:

Barnett	Cope	Kahle	Maresh	Reutzel
Bereuter	Cullan	Kelly	Maxey	Rumery
Burrows	D. Dworak	Kremer	Mills	Stoney
Carsten	Fowler	Lamb	Murphy	Venditte
Clark	George	R. Lewis	Newell	Warner

Present and not voting, 1:

Merz

Absent and not voting, 1:

Goodrich

Excused and not voting, 1

Chambers

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Reconsider Action on LB 553

Mr. Duis moved to reconsider action on final passage of LB 553.

The motion prevailed with 34 ayes, 12 nays, 1 present and not voting, 1 absent 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?' "

Voting in the affirmative, 32:

Bereuter	George	Kremer	Mills	Schmit
Carsten	Hasebroock	Labedz	Moylan	Stoney
Clark	Hefner	Lamb	Murphy	Venditte
Cope	Kahle	F. Lewis	Nichol	Warner
Duis	Kelly	R. Lewis	Rasmussen	
E. Dvorak	Kennedy	Maresh	Rumery	
Fitzgerald	Keyes	Marvel	Savage	

Voting in the negative, 13:

Barnett	Cullan	Luedtke	Merz	Simon
Brennan	D. Dworak	Marsh	Newell	
Burrows	Fowler	Maxey	Reutzel	

Present and not voting, 2:

DeCamp Koch

Absent and not voting, 1:

Goodrich

Excused and not voting, 1:

Chambers

Having received a constitutional three-fifths majority voting in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Reconsider Action on LB 170

Mr. Warner moved to reconsider action on LB 170 on final passage.

Mr. Warner requested a roll call vote.

Voting in the affirmative, 30:

Barnett	DeCamp	F. Lewis	Merz	Rumery
Bereuter	D. Dworak	R. Lewis	Mills	Savage
Brennan	Fitzgerald	Luedtke	Murphy	Schmit
Carsten	Fowler	Marsh	Newell	Simon
Cope	George	Marvel	Nichol	Stoney
Cullan	Koch	Maxey	Reutzel	Warner

Voting in the negative, 17:

Burrows	Hasebroock	Kennedy	Lamb	Venditte
Clark	Hefner	Keyes	Maresh	
Duis	Kahle	Kremer	Moylan	
E. Dvorak	Kelly	Labedz	Rasmussen	

Absent and not voting, 1:

Goodrich

Excused and not voting, 1:

Chambers

The motion prevailed with 30 ayes, 17 nays, 1 absent 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?' "

Mr. Warner requested a roll call vote.

Voting in the affirmative, 22:

Barnett	DeCamp	F. Lewis	Murphy	Simon
Bereuter	D. Dworak	R. Lewis	Newell	Warner
Brennan	Fitzgerald	Marsh	Nichol	
Carsten	Fowler	Maxey	Reutzel	
Cullan	Koch	Mills	Schmit	

Voting in the negative, 24:

Burrows	George	Kennedy	Luedtke	Rasmussen
Clark	Hasebroock	Keyes	Maresh	Rumery
Cope	Hefner	Kremer	Marvel	Stoney
Duis	Kahle	Labedz	Merz	Venditte
E. Dvorak	Kelly	Lamb	Moylan	

Present and not voting, 1:

Savage

Absent and not voting, 1:

Goodrich

Excused and not voting, 1:

Chambers

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1978, at 11:35 a.m., were the following: LB128 and LR152.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 248, 351, 386, and 404.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB 248, LB 351, LB 386, LB 404, LR 203, LR 210, LR 211, LR 215, LR 216, LR 219, LR 223, LR 229, LR 231, LR 237, LR 258, LR 259, LR 260, LR 297, LR 301, LR 302, LR 304, and LR 307.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 564.

A BILL FOR AN ACT to amend sections 85-505 and 85-506, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska National Guard; to change certain educational benefits; to provide additional benefits as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 34:

Barnett	Duis	Hefner	Kremer	Maresh
Bereuter	E. Dvorak	Kahle	Labedz	Marsh
Burrows	Fitzgerald	Kelly	F. Lewis	Marvel
Carsten	George	Kennedy	R. Lewis	Maxey
Cope	Hasebroock	Keyes	Luedtke	Merz

Mills	Murphy	Rasmussen	Rumery	Schmit
Moylan	Nichol	Reutzel	Savage	

Voting in the negative, 10:

Clark	D. Dworak	Koch	Newell	Stoney
Cullan	Fowler	Lamb	Simon	Warner

Present and not voting, 3:

Brennan	DeCamp	Newell

Absent and not voting, 1:

Goodrich

Excused and not voting, 1:

Chambers

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

LEGISLATIVE BILL 564A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 564, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 29:

Barnett	E. Dvorak	Kahle	Marsh	Nichol
Burrows	Fitzgerald	Kennedy	Marvel	Rasmussen
Carsten	Fowler	Kremer	Maxey	Reutzel
Cope	George	F. Lewis	Merz	Savage
DeCamp	Hasebroock	R. Lewis	Mills	Schmit
Duis	Hefner	Luedtke	Murphy	

Voting in the negative, 12:

Bereuter	D. Dworak	Koch	Simon
Clark	Kelly	Lamb	Stoney
Cullan	Keyes	Rumery	Warner

Present and not voting, 6:

Brennan	Maresh	Newell
Labedz	Moylan	Venditte

Absent and not voting, 1:

Goodrich

Excused and not voting, 1:

Chambers

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

LEGISLATIVE BILL 566.

A BILL FOR AN ACT to amend section 43-107, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to provide for an investigation upon the filing of a petition for adoption; to provide an exception; to change who may investigate; 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	E. Dvorak	Kennedy	Marsh	Nichol
Bereuter	D. Dworak	Keyes	Marvel	Rasmussen
Brennan	Fitzgerald	Koch	Maxey	Reutzel
Burrows	Fowler	Kremer	Merz	Rumery
Carsten	George	Lamb	Mills	Savage
Clark	Hasebroock	F. Lewis	Moylan	Simon
Cope	Hefner	Luedtke	Murphy	Stoney
Cullan	Kelly	Maresh	Newell	

Voting in the negative, 3:

R. Lewis Schmit Warner

Present and not voting, 5:

DeCamp Duis Kahle Labedz Venditte

Absent and not voting, 1:

Goodrich

Excused and not voting, 1:

Chambers

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

Mr. F. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 637.

A BILL FOR AN ACT to amend section 3-126, Reissue Revised Statutes of Nebraska, 1943, and section 3-155, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977, relating to the Department of Aeronautics; to allow leases of real property held by the department; to provide for rental payments; 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	Clark	Fitzgerald	Kelly	Lamb
Bereuter	Cope	Fowler	Kennedy	R. Lewis
Brennan	Cullan	George	Keyes	Luedtke
Burrows	Duis	Hefner	Koch	Maresh
Carsten	D. Dworak	Kahle	Kremer	Marsh

Marvel	Murphy	Rasmussen	Schmit	Warner
Maxey	Newell	Reutzel	Simon	
Mills	Nichol	Rumery	Stoney	

Voting in the negative, 0.

Present and not voting, 7:

E. Dvorak	Labedz	Moylan	Venditte
Hasebroock	Merz	Savage	

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chambers	DeCamp	F. Lewis

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

LEGISLATIVE BILL 639. Mr. Burrows moved to return LB 639 to Select File for the following specific amendment:

Strike the enacting clause.

MR. MARVEL PRESIDING

Mr. Burrows requested a record vote.

Voting in the affirmative, 8:

Barnett	Burrows	Cullan	Fowler
Brennan	Clark	Fitzgerald	Merz

Voting in the negative, 28:

Bereuter	Hasebroock	Kremer	Mills	Schmit
Carsten	Hefner	R. Lewis	Moylan	Simon
Cope	Kahle	Luedtke	Newell	Stoney
Duis	Kelly	Maresh	Rasmussen	Warner
D. Dworak	Keyes	Marsh	Reutzel	
George	Koch	Marvel	Rumery	

Present and not voting, 9:

E. Dvorak	Labedz	Maxey	Nichol	Venditte
Kennedy	Lamb	Murphy	Savage	

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chambers
DeCamp
F. Lewis

The motion lost with 8 ayes, 28 nays, 9 present and not voting, 1 absent and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 639. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Corn Resources Act; to define terms; to create a board; to provide duties; to create a fund; to provide for a referendum as prescribed; to provide a penalty; to provide for termination; and to declare an emergency.

PRESIDENT WHELAN PRESIDING

Whereupon the President stated: "All provisions of 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	Hasebroock	Lamb	Moylan	Schmit
Bereuter	Hefner	R. Lewis	Murphy	Stoney
Carsten	Kahle	Luedtke	Newell	Venditte
Cope	Kelly	Maresh	Nichol	Warner
Duis	Keyes	Marsh	Rasmussen	
E. Dvorak	Koch	Marvel	Reutzel	
D. Dworak	Kremer	Maxey	Rumery	
George	Labedz	Mills	Savage	

Voting in the negative, 7:

Brennan	Clark	Fitzgerald	Merz
Burrows	Cullan	Fowler	

Present and not voting, 2:

Kennedy Simon

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chambers DeCamp 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 639A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 639, Eighty-fifth Legislature, Second Session, 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, 36:

Barnett	Hasebroock	R. Lewis	Moylan	Simon
Bereuter	Hefner	Luedtke	Murphy	Stoney
Carsten	Kahle	Maresh	Newell	Venditte
Cope	Kelly	Marsh	Nichol	Warner
Duis	Koch	Marvel	Rasmussen	
E. Dvorak	Kremer	Maxey	Reutzel	
D. Dworak	Labedz	Merz	Rumery	
George	Lamb	Mills	Savage	

Voting in the negative, 6:

Burrows	Cullan	Fowler
Clark	Fitzgerald	Keyes

Present and not voting, 3:

Brennan Kennedy Schmit

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chambers DeCamp 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 643. With Emergency.

A BILL FOR AN ACT relating to county government; to remove a limitation on a fund; to add an additional purpose for a tax levy; to amend section 23-106, Reissue Revised Statutes of Nebraska, 1943, and section 77-1605.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 218, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977; 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?' "

Voted in the affirmative, 31:

Bereuter	George	Labedz	Mills	Savage
Carsten	Hasebroock	Lamb	Moylan	Stoney
Clark	Hefner	R. Lewis	Murphy	Venditte
Cope	Kahle	Luedtke	Nichol	
Cullan	Kelly	Marvel	Rasmussen	
Duis	Kennedy	Maxey	Reutzel	
E. Dvorak	Keyes	Merz	Rumery	

Voting in the negative, 10:

Barnett	Burrows	Fowler	Maresh	Simon
Brennan	Fitzgerald	Koch	Newell	Warner

Present and not voting, 4:

D. Dworak Kremer Marsh Schmit

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chambers DeCamp F. Lewis

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Bereuter	Hasebroock	Lamb	Moylan	Stoney
Clark	Hefner	Luedtke	Murphy	Venditte
Cope	Kahle	Maresh	Nichol	Warner
Cullan	Kelly	Marsh	Rasmussen	
Duis	Kennedy	Marvel	Reutzel	
E. Dvorak	Kremer	Maxey	Rumery	
George	Labedz	Merz	Savage	

Voting in the negative, 6:

D. Dworak	Keyes	Newell
Fowler	R. Lewis	Simon

Present and not voting, 8:

Barnett	Burrows	Fitzgerald	Mills
Brennan	Carsten	Koch	Schmit

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chambers DeCamp F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 658.

A BILL FOR AN ACT to amend section 71-1,132.20, Reissue Revised Statutes of Nebraska, 1943, and section 71-1,132.11, Reissue Revised Statutes of Nebraska, 1943, as amended by section 24, Legislative Bill 653, Eighty-fifth Legislature, Second Session, 1978, relating to nursing; to provide for continuing education; to define terms; 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, 40:

Barnett	D. Dworak	Keyes	Marvel	Rasmussen
Bereuter	Fitzgerald	Koch	Maxey	Reutzel
Burrows	Fowler	Kremer	Merz	Rumery
Carsten	George	Lamb	Mills	Savage
Clark	Hasebroock	R. Lewis	Moylan	Simon
Cope	Hefner	Luedtke	Murphy	Stoney
Cullan	Kelly	Maresh	Newell	Venditte
Duis	Kennedy	Marsh	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 5:

Brennan	E. Dvorak	Kahle	Labedz	Schmit

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chambers	DeCamp	F. Lewis

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

LEGISLATIVE BILL 691.

A BILL FOR AN ACT to amend sections 23-1112, 23-1112.01, 83-337, and 83-424, Reissue Revised Statutes of Nebraska, 1943, and section 33-117, Revised Statutes Supplement, 1976, relating to county government and officers; to change the rate of mileage allowance; and to repeal the original sections.

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

Voting in the affirmative, 28:

Bereuter	Hasebroock	Lamb	Moylan	Rumery
Cope	Hefner	R. Lewis	Murphy	Savage
Cullan	Kahle	Luedtke	Newell	Stoney
Duis	Kelly	Marsh	Nichol	Venditte
E. Dvorak	Keyes	Maxey	Rasmussen	
George	Labedz	Merz	Reutzel	

Voting in the negative, 12:

Brennan	Fitzgerald	Koch	Mills
Carsten	Fowler	Maresh	Simon
Clark	Kennedy	Marvel	Warner

Present and not voting, 5:

Barnett	Burrows	D. Dworak	Kremer	Schmit

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chambers	DeCamp	F. Lewis

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

LEGISLATIVE BILL 691A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 691, Eighty-fifth Legislature, Second Session, 1978.

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

Mr. George requested a roll call vote.

Voting in the affirmative, 27:

Bereuter	Hasebroock	Lamb	Moylan	Stoney
Cope	Hefner	Luedtke	Murphy	Venditte
Cullan	Kahle	Maresh	Nichol	Warner
Duis	Kelly	Marsh	Rasmussen	
E. Dvorak	Koch	Maxey	Reutzel	
George	Labedz	Merz	Savage	

Voting in the negative, 13:

Brennan	D. Dworak	Keyes	Mills	Simon
Carsten	Fowler	R. Lewis	Newell	
Clark	Kennedy	Marvel	Rumery	

Present and not voting, 5:

Barnett	Burrows	Fitzgerald	Kremer	Schmit

Absent and not voting, 1:

Goodrich

Excused and not voting, 3

Chambers	DeCamp	F. Lewis

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

MESSAGES FROM THE GOVERNOR

April 21, 1978

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

Dear Mr. President and Senators:

With my signature of LB 937 I am taking this opportunity to outline to you the accurate situation involving correctional construction.

On January 16, 1978, I informed Senator Warner and the members of the Appropriations Committee that, due to unforeseen problems in acquiring a site for the Douglas County Medium-Minimum Correctional Facility, there was a likely possibility of a two or three year delay in initiating construction of the project. I also stated that the information I was receiving from the State's legal counsel indicated that potential legal and settlement costs would be so excessive that the project could not be let for bid without some guarantee of additional funds being made available by the Legislature.

Even though I requested some legislative guidance from the Appropriations Committee on this matter, by February 10, 1978, when I delivered the State of the State Address, I had not by that date received any indication from the Committee as to what course of action they thought the State should pursue. Since the primary problem with the Douglas County Medium-Minimum Facility dealt with the total project cost, I recommended in my budget book that $2.5 million be allocated in new expenditure authority for fiscal year 1978-79 and stated that I would address the total project cost of the facility at a later date.

Since February 10, eminent domain proceedings have been initiated and the project has been thrown into the courts with no indication being given as to when the State may proceed with the project. Due to the short session of the Legislature this year, and the need for additional correctional beds, I tried to convey the gravity of the current situation to the Appropriations Committee, but, to no avail. The problem is that should the courts enjoin the State from proceeding any further with the acquisition of the East Omaha site, the project will be delayed until either the Legislature convenes in 1979 and removes the location restriction of the project in LB 417, or, the State wins in court action. In other words, there is still no

certainty that the beds needed to alleviate our current overcrowding problem will be available in the near future.

Given some of the misrepresentations and halftruths which have been stated lately regarding the role of the Douglas County Medium-Minimum project in causing the Appropriations Committee to exceed revenue estimates, I believe it is necessary to state that my budget recommendation for total General Funds for fiscal year 1978-79 has always included $2.5 million for the Douglas County project. This has been brought to the attention of the Appropriations Committee several times; in the late night hearing on my budget bills, in staff briefings and meetings, and during the negotiation to add more funds to the total project cost for the Douglas County project. The fact that the Appropriations Committee has not been able to hold down their own spending cannot be blamed on the Douglas County project. As LB 937 shows, the Committee has recommended $2,682,000 for FY 78-79, and only $182,000 more than I have recommended. In other words, their spending problems stem from their lack of a firm commitment to hold tax rates at their current levels.

I had hoped to address the Legislature on the progress that has been made on all the capital construction projects of the Department of Corrections. But, unfortunately, the uncertainty of the Douglas County project does not allow me to state that we are totally committed on all the projects and are proceeding "full steam ahead." Until the question of the East Omaha site is resolved, there is no way anyone can guarantee that all the beds needed will be built in the shortest possible time nor that the $10.2 million for the Douglas County project will be sufficient to complete construction.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah2

April 20, 1978

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

Dear Mr. President and Senators:

I return herewith LB 693 and LB 693A without my signature and with my objections.

These bills are very similar to LB 79 and LB 79A which I returned to you last session.

LB 693 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, public 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 deemed a priortiy item by them.

These bills contain a State General Fund impact of $54,000 for the 78/79 fiscal year for operations expenditures and a $10,000 State Building Fund expenditure for planning and design work. However, the bills also create a liability against the State Building of $340,000 for fiscal year 79/80. The total fiscal liability against the State for fiscal year 79/80 would be $402,500.

The appropriation for 78/79 includes the addition of two employees; the projected budget for 79/80 includes another additional employee.

With the millions of dollars of future liabilities which your body has chosen to place on the taxpayers of the State by overriding my vetos in the closing days of the session, I cannot approve the addition of even more liabilities to that total.

Yours truly,
(Signed) J. James Exon
Governor

April 21, 1978

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

Dear Mr. President and Senators:

I hereby return LB 624 and LB 624A without my signature and with my objections.

LB 624 would require the State to assume the costs for the 16 county probation officers that now exist throughout the state. These are probation officers which were hired by individual counties on their own, on the advice of the local county judge to solve a local problem. No one at the State level required any county to hire any of these probation officers. This local discretion and control should remain.

LB 624 has been promoted as a bill which will be a "cost savings" to the taxpayers of Nebraska. The only real cost savings to the taxpayers of this state will come when you sustain my veto of this bill and its companion appropriations measure.

If my veto is overridden, the 1979 Legislature will be faced with a need for a deficit since the fiscal impact in LB 624A is calculated incorrectly, understating the costs for FY 78-79 by $3420.00.

The major problem with LB 624 is the obvious lack of need for this legislation. There will be no service improvement if LB 624 is passed, only more expense, and there will be no loss of service if you sustain my veto.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:ah2

April 21, 1978

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

Dear Mr. President and Senators:

I hereby return LB 943 with my signature but with one line item reduction veto.

LB 943 contains one unnumbered claim to be paid to the Platte Valley Drainage District in the amount of $21,497.49 State General Fund.

Communication with the State Claims Board Office indicates that this claim has never been submitted to the Board, and, therefore, has not been considered nor approved. No information is on file in the State Claims Board Office detailing the nature of this claim. Whether it is a valid claim against the State General Fund cannot be ascertained.

Since this claim has not followed the statutory procedures outlined by your body in sections 81-8,209 through 81-8,239 of the Revised Statutes of Nebraska for the submission, review, and final disposition of claims, I have exercised my line item veto authority.

I urge you to sustain my veto, thereby maintaining the integrity of the State Claims procedure.

Yours truly,
(Signed) J. James Exon
Governor

dp2

April 21, 1978

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

Dear Mr. President and Senators:

I hereby return LB 576 without my signature and with my objections.

LB 576 would establish 16-foot wide mobile homes as legal load limits on all highways in the State of Nebraska. The effect of this, as outlined in the enclosed letter from the Attorney General, would allow 16-foot wide mobile homes to travel on any highway in the State of Nebraska without any restrictions and without the need for obtaining a special permit. Presently, the movement of mobile homes on state highways requires a special permit issued by the Department of Roads. This permit specifies the route to be traveled, the time when travel can be undertaken, and requires certain safety precautions such as lead cars, warning signs, etc.

LB 576 would eliminate all of these safety measures, thereby creating a substantial highway safety risk to the motoring public in this state. For this reason, it must be vetoed.

Those surrounding states which allow the movement of 16-foot wide mobile homes all require permits which specify the limited conditions and necessary safety precuations(sic) under which the movement of these mobile homes can be undertaken. We should not eliminate this permit requirement and the accompnaying safety restrictions in Nebraska.

This does not mean that 16-foot wide mobile homes will never be allowed to move on the highways of this state. It simply means that

the issue of whether or not they are allowed should be resolved through the existing Department of Roads permitting procedures. Included in this procedure would be the requirement to obtain approval from the Federal Highway Administration for their movement.

I urge you to sustain my veto in the interest of the safety of Nebraska's roadways.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah2
Enclosures

April 20, 1978

Mr. David O. Coolidge
Director-State Engineer
Department of Roads
Lincoln, Nebraska

Re: LB576

Dear Mr. Coolidge:

This is in response to your inquiry of April 19, 1978, whether LB576, just passed in the 1978 Legislative Session will allow mobile homes up to 16 feet in width to move on Nebraska highways without obtaining a permit from the Department of Roads. LB576 amends Section 39-6177, R.S. Supp. 1977, to read, in part, as follows:

> "No vehicle shall exceed a total outside width, including any load thereon, of 8 feet except that such prohibition shall not apply to...(9) mobile homes not exceeding 16 feet in width moving during daylight hours."

Section 39-6177, R.S. Supp. 1977, is the basic restriction and limitation on the width of vehicles allowed to be moved upon the highways of the state. Thus, this amendment, as contained in LB576, would permit mobile homes up to 16 feet wide to move on the highways under the statutory provision.

Section 39-6181, R.S. Supp. 1976, is the basic section authorizing the issuing of permits for oversized or overweight vehicles. That section provides, in part:

"The Department of Roads or the Nebraska State Patrol...and county authorities...may in their discretion upon application and good cause being shown therefore, issue a special permit in writing authorizing the applicant (a) to operate or move a vehicle...of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary to further the national defense or the general welfare...."

Thus, permits under Section 39-6181 need only be issued for vehicles of a size or weight exceeding the maximum specified by law, which, under the amendment, is a 16 foot width for mobile homes. A properly licensed and registered vehicle which complies with all legal requirements, does not need any other permission to move on the public highways. Therefore, since LB576 makes mobile homes up to 16 feet wide legal to operate on highways, it naturally follows that such mobile homes no longer would need permits from the Department of Roads or other agencies to so move.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/ksf

April 21, 1978

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

Dear Mr. President and Senators:

I hereby return LB 448 without my signature and with my objections.

Section 2 of LB 448 amends the existing computer file privacy statute to allow the Auditor of Public Accounts access to all information in the computer files. This amendment appears to apply to those records which by other specific statutes are designated as confidential. Examples of these records are all income and sales tax returns and all individual welfare records.

The degree of confidentiality for these personal records kept on individuals is and should be a legislative determination. However, any change in our existing specific confidentiality statutes should be made by amendment to those specific statutes after a full public hearing.

Changes in an area so important as the privacy of personal and individual records should not be done indirectly.

Sincerely,
(Signed) J. James Exon
Governor

JJE:ah2

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 713. With Emergency.

A BILL FOR AN ACT to adopt the Security, Privacy, and Dissemination of Criminal History Information Act; to define terms; to amend sections 29-209 and 29-210, Reissue Revised Statutes of Nebraska, 1943, and section 81-1423, Reissue Revised Statutes of Nebraska, 1943; to provide penalties; to repeal the original sections; and to declare an emergency.

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

Mr. Murphy requested a roll call vote.

Voting in the affirmative, 34:

Bereuter	George	Koch	Marvel	Reutzel
Carsten	Hasebroock	Kremer	Merz	Rumery
Clark	Hefner	Labedz	Mills	Savage
Cope	Kahle	Lamb	Moylan	Stoney
Duis	Kelly	R. Lewis	Murphy	Venditte
E. Dvorak	Kennedy	Luedtke	Nichol	Warner
D. Dworak	Keyes	Maresh	Rasmussen	

Voting in the negative, 8:

Barnett	Cullan	Marsh	Newell
Burrows	Fowler	Maxey	Simon

Present and not voting, 2:

Brennan Fitzgerald

Absent and not voting, 2:

Goodrich Schmit

Excused and not voting, 3:

Chambers DeCamp 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 713A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 713, Eighty-fifth Legislature, Second Session, 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, 33:

Bereuter	George	Koch	Merz	Rumery
Carsten	Hasebroock	Kremer	Mills	Savage
Clark	Hefner	Labedz	Moylan	Stoney
Cope	Kahle	Lamb	Murphy	Venditte
Duis	Kelly	R. Lewis	Nichol	Warner
E. Dvorak	Kennedy	Luedtke	Rasmussen	
D. Dworak	Keyes	Maresh	Reutzel	

Voting in the negative, 10:

Barnett	Cullan	Fowler	Marvel	Newell
Burrows	Fitzgerald	Marsh	Maxey	Simon

Present and not voting, 2:

Brennan Schmit

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chambers DeCamp 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 742. With Emergency.

A BILL FOR AN ACT to amend sections 37-1103, 37-1105, 37-1106, and 37-1107, Revised Statutes Supplement, 1977, relating to park entry permits; to authorize the issuance of duplicate permits as prescribed; to charge fees; to provide duties; to provide an exception to permits being permanently affixed; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 39:

Barnett	E. Dvorak	Kennedy	Maresh	Nichol
Bereuter	D. Dworak	Keyes	Marsh	Rasmussen
Burrows	Fitzgerald	Koch	Marvel	Reutzel
Carsten	Fowler	Kremer	Merz	Rumery
Clark	George	Labedz	Mills	Simon
Cope	Hasebroock	Lamb	Moylan	Stoney
Cullan	Hefner	R. Lewis	Murphy	Warner
Duis	Kahle	Luedtke	Newell	

Voting in the negative, 0:

Present and not voting, 6:

Brennan	Maxey	Schmit
Kelly	Savage	Venditte

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Chambers DeCamp 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.

Mr. R. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 742A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 742, Eighty-fifth Legislature, Second Session, 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, 39:

Barnett	E. Dvorak	Kelly	Marsh	Reutzel
Bereuter	D. Dworak	Kennedy	Merz	Rumery
Burrows	Fitzgerald	Koch	Mills	Savage
Carsten	Fowler	Kremer	Moylan	Simon
Clark	George	Labedz	Murphy	Stoney
Cope	Hasebroock	Lamb	Newell	Venditte
Cullan	Hefner	Luedtke	Nichol	Warner
Duis	Kahle	Maresh	Rasmussen	

Voting in the negative, 3:

Goodrich Keyes Marvel

Present and not voting, 3:

Brennan Maxey Schmit

Excused and not voting, 4:

Chambers DeCamp F. Lewis 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 750.

A BILL FOR AN ACT to amend section 39-6,100, Reissue Revised Statutes of Nebraska, 1943, section 39-6,178, Revised Statutes Supplement, 1977, and section 39-6,177, Revised Statutes Supplement, 1977, as amended by section 1, Legislative Bill 576, Eighty-fifth Legislature, Second Session, 1978, relating to the Nebraska rules of the road; to change certain width and length limitations 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:

Bereuter	Hasebroock	Labedz	Moylan	Simon
Carsten	Hefner	Lamb	Murphy	Stoney
Clark	Kahle	Luedtke	Newell	Venditte
Cope	Kelly	Maresh	Nichol	Warner
Cullan	Kennedy	Marsh	Rasmussen	
DeCamp	Keyes	Marvel	Reutzel	
Duis	Koch	Merz	Rumery	
D. Dworak	Kremer	Mills	Savage	

Voting in the negative, 6:

Barnett	E. Dvorak	Fowler
Brennan	Fitzgerald	Goodrich

Present and not voting, 4:

Burrows	George	Maxey	Schmit

Excused and not voting, 3:

Chambers F. Lewis R. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed.

LEGISLATIVE BILL 760.

A BILL FOR AN ACT to amend sections 8-1101 and 8-1111, Reissue Revised Statutes of Nebraska, 1943, relating to the Securities Act of Nebraska; to redefine a term; to provide an additional exemption from registration under the act; 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, 44:

Barnett	E. Dvorak	Kelly	Marsh	Rasmussen
Bereuter	D. Dworak	Kennedy	Marvel	Reutzel
Brennan	Fitzgerald	Keyes	Maxey	Rumery
Burrows	Fowler	Koch	Merz	Savage
Carsten	George	Kremer	Mills	Simon
Clark	Goodrich	Labedz	Moylan	Stoney
Cope	Hasebroock	Lamb	Murphy	Venditte
Cullan	Hefner	Luedtke	Newell	Warner
Duis	Kahle	Maresh	Nichol	

Voting in the negative, 0.

Present and not voting, 2:

Decamp Schmit

Excused and not voting, 3:

Chambers F. Lewis R. Lewis

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

LEGISLATIVE BILL 783.

A BILL FOR AN ACT to amend section 2-3229, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources; to require plans be prepared and adopted by the natural resource districts as prescribed; to provide duties; to place restrictions on disbursement of state funds; and to repeal the original section, and also section 2-3252.01, 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, 44:

Barnett	Duis	Kelly	Marsh	Rasmussen
Bereuter	E. Dvorak	Kennedy	Marvel	Reutzel
Brennan	D. Dworak	Keyes	Maxey	Rumery
Burrows	Fowler	Koch	Merz	Savage
Carsten	George	Kremer	Mills	Simon
Clark	Goodrich	Labedz	Moylan	Stoney
Cope	Hasebroock	Lamb	Murphy	Venditte
Cullan	Hefner	Luedtke	Newell	Warner
DeCamp	Kahle	Maresh	Nichol	

Voting in the negative, 0.

Present and not voting, 2:

Fitzgerald Schmit

Excused and not voting, 3:

Chambers F. Lewis R. Lewis

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

LEGISLATIVE BILL 800. With Emergency.

A BILL FOR AN ACT to amend section 70-1003, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Power Review Board; to provide for compensation; to require authorization to construct microwave communication facilities; to provide exceptions; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 42:

Bereuter	Fitzgerald	Keyes	Maxey	Savage
Brennan	Fowler	Koch	Merz	Schmit
Burrows	George	Kremer	Mills	Simon
Carsten	Goodrich	Labedz	Moylan	Stoney
Clark	Hasebroock	Lamb	Murphy	Venditte
Cope	Hefner	Luedtke	Newell	Warner
Cullan	Kahle	Maresh	Nichol	
DeCamp	Kelly	Marsh	Rasmussen	
Duis	Kennedy	Marvel	Reutzel	

Voting in the negative, 3:

Barnett D. Dworak Rumery

Present and not voting, 1:

E. Dvorak

Excused and not voting, 3:

Chambers F. Lewis 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 800A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 800, Eighty-Fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 38:

Bereuter	E. Dvorak	Kennedy	Maxey	Reutzel
Brennan	Fitzgerald	Koch	Merz	Savage
Burrows	George	Kremer	Mills	Schmit
Carsten	Goodrich	Labedz	Moylan	Simon
Clark	Hasebroock	Lamb	Murphy	Stoney
Cope	Hefner	Luedtke	Newell	Warner
Cullan	Kahle	Maresh	Nichol	
DeCamp	Kelly	Marsh	Rasmussen	

Voting in the negative, 4:

Barnett	D. Dworak	Marvel	Rumery

Present and not voting, 4:

Duis	Fowler	Keyes	Venditte

Excused and not voting, 3:

Chambers	F. Lewis	R. Lewis

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

LEGISLATIVE BILL 814.

A BILL FOR AN ACT to amend sections 71-2622, 71-3503, 71-3505, 71-3507, 71-3508, and 71-3515, Reissue Revised Statutes of Nebraska, 1943, and section 71-2618, Revised Statutes Supplement, 1977, as amended by section 1, Legislative Bill 813, Eighty-fifth Legislature, Second Session, 1978, relating to public health and welfare; to increase the fee for certain inspections; to provide for additional types of inspections; to change the use of a fund; to provide duties; to define and redefine terms; to provide for licensing of persons involved with radiation as prescribed; to provide for the registration of persons installing or servicing sources of radiation; to provide for regulations pertaining to the qualifications of a user of radioactive material; to provide penalties; and to repeal the original sections.

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

Voting in the affirmative, 39:

Bereuter	E. Dvorak	Kahle	Maresh	Reutzel
Brennan	D. Dworak	Kelly	Marsh	Savage
Burrows	Fitzgerald	Kennedy	Marvel	Schmit
Carsten	Fowler	Koch	Mills	Simon
Clark	George	Labedz	Moylan	Stoney
Cope	Goodrich	Lamb	Newell	Venditte
Cullan	Hasebroock	F. Lewis	Nichol	Warner
DeCamp	Hefner	Luedtke	Rasmussen	

Voting in the negative, 0.

Present and not voting, 8:

Barnett	Keyes	Maxey	Murphy
Duis	Kremer	Merz	Rumery

Excused and not voting, 2:

Chambers R. Lewis

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

LEGISLATIVE BILL 828.

A BILL FOR AN ACT relating to game animals; to prohibit certain acts; and to provide penalties and liability.

Whereupon the 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	Goodrich	Lamb	Murphy	Stoney
Burrows	Hasebroock	Luedtke	Newell	Venditte
Carsten	Hefner	Maresh	Rasmussen	Warner
Cope	Kelly	Marsh	Reutzel	
Cullan	Kennedy	Marvel	Rumery	
D. Dworak	Koch	Maxey	Savage	
Fitzgerald	Labedz	Mills	Simon	

Voting in the negative, 5:

Barnett	Brennan	Clark	E. Dvorak	Schmit

Present and not voting, 11:

DeCamp	George	Kremer	Moylan
Duis	Kahle	F. Lewis	Nichol
Fowler	Keyes	Merz	

Excused and not voting, 2:

Chambers R. Lewis

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

LEGISLATIVE BILL 861. With Emergency.

A BILL FOR AN ACT to amend section 15-901, Reissue Revised Statutes of Nebraska, 1943, and section 23-174.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 12, Legislative Bill 186, Eighty-fifth Legislature, First Session, 1977, relating to real estate; to provide for an exception from subdivision regulations as prescribed; to redefine terms; to repeal the original sections; and to declare an emergency.

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

Mr. Barnett requested a roll call vote.

Voing in the affirmative, 20:

Barnett	D. Dworak	Koch	Maxey	Reutzel
Bereuter	Fitzgerald	R. Lewis	Mills	Rumery
Cope	Fowler	Marsh	Murphy	Simon
Cullan	George	Marvel	Newell	Warner

Voting in the negative, 23:

Brennan	DeCamp	Hasebroock	Kremer	Luedtke
Burrows	Duis	Hefner	Labedz	Maresh
Carsten	E. Dvorak	Kelly	Lamb	Moylan
Clark	Goodrich	Kennedy	F. Lewis	Rasmussen

Schmit	Stoney	Venditte		

Present and not voting, 5:

Kahle	Keyes	Merz	Nichol	Savage

Excused and not voting, 1:

Chambers

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, 22:

Barnett	D. Dworak	Koch	Merz	Rumery
Bereuter	Fowler	R. Lewis	Mills	Warner
Brennan	George	Marsh	Murphy	
Cope	Kahle	Marvel	Newell	
Cullan	Keyes	Maxey	Reutzel	

Voting in the negative, 19:

Carsten	Goodrich	Kennedy	F. Lewis	Simon
Clark	Hasebroock	Kremer	Luedtke	Stoney
DeCamp	Hefner	Labedz	Maresh	Venditte
E. Dvorak	Kelly	Lamb	Rasmussen	

Present and not voting, 7:

Burrows	Fitzgerald	Nichol	Schmit
Duis	Moylan	Savage	

Excused and not voting, 1:

Chambers

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass with the emergency clause stricken.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1978, at 1:45 p.m., were the following bills: 248, 404, 386, and 351.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 553, 564, 564A, 566, 637, 639, 639A, 643, 658, 691, 713, 713A, 742, 742A, 750, 760, 783, 800, and 800A.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 553, 564, 564A, 566, 637, 639, 639A, 643, 658, 691, 713, 713A, 742, 742A, 750, 760, 783, 800, and 800A.

MOTION - Override Veto on LB 576

Mr. Nichol moved to pass LB 576 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:

Bereuter	Hasebroock	Lamb	Merz	Rumery
Burrows	Hefner	F. Lewis	Mills	Savage
Carsten	Kahle	R. Lewis	Moylan	Schmit
Clark	Kelly	Luedtke	Murphy	Stoney
Cope	Kennedy	Maresh	Newell	
Duis	Koch	Marsh	Nichol	
Fitzgerald	Kremer	Marvel	Rasmussen	
Goodrich	Labedz	Maxey	Reutzel	

Voting in the negative, 7:

Barnett	E. Dvorak	Fowler	Simon
Cullan	D. Dworak	George	

Present and not voting, 5:

Brennan	DeCamp	Keyes	Venditte	Warner

Excused and not voting, 1:

Chambers

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 624

Mr. Reutzel moved to pass LB 624 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, 33:

Barnett	Fitzgerald	Koch	Marsh	Nichol
Bereuter	Fowler	Kremer	Marvel	Reutzel
Brennan	Goodrich	Lamb	Maxey	Savage
Burrows	Hasebroock	F. Lewis	Merz	Schmit
Clark	Hefner	R. Lewis	Mills	Simon
Cope	Kahle	Luedtke	Moylan	
DeCamp	Kelly	Maresh	Newell	

Voting in the negative, 11:

Carsten	D. Dworak	Rasmussen	Venditte
Cullan	Kennedy	Rumery	Warner
Duis	Keyes	Stoney	

Present and not voting, 4:

E. Dvorak	George	Labedz	Murphy

Excused and not voting, 1:

Chambers

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 624A

Mr. Reutzel moved to pass LB 624A 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 negative, 32:

Barnett	Fowler	Kremer	Maxey	Reutzel
Bereuter	Goodrich	Lamb	Merz	Savage
Brennan	Hasebroock	F. Lewis	Mills	Schmit
Burrows	Hefner	R. Lewis	Moylan	Simon
Cope	Kahle	Luedtke	Murphy	
DeCamp	Kelly	Maresh	Newell	
Fitzgerald	Koch	Marsh	Nichol	

Voting in the negative, 14:

Carsten	Duis	Kennedy	Rasmussen	Venditte
Clark	D. Dworak	Keyes	Rumery	Warner
Cullan	George	Marvel	Stoney	

Present and not voting, 2:

E. Dvorak Labedz

Excused and not voting, 1:

Chambers

Having received a constitutional three-fifth majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. Kremer asked unanimous consent to be excused. No objections. So ordered.

MOTION - Override Veto on LB 693

Mr. Cope moved to pass LB 693 notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Cope requested a roll call vote.

Voting in the affirmative, 30:

Bereuter	Goodrich	Labedz	Marvel	Rasmussen
Carsten	Hasebroock	F. Lewis	Maxey	Reutzel
Cope	Hefner	R. Lewis	Mills	Rumery
DeCamp	Kahle	Luedtke	Moylan	Savage
Duis	Kelly	Maresh	Murphy	Schmit
Fowler	Koch	Marsh	Nichol	Warner

Voting in the negative, 15:

Barnett	Clark	D. Dworak	Keyes	Simon
Brennan	Cullan	George	Lamb	Stoney
Burrows	E. Dvorak	Kennedy	Newell	Venditte

Present and not voting, 2:

Fitzgerald Merz

Excused and not voting, 2:

Chambers Kremer

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 693A

Mr. Cope moved to pass LB 693A notwithstanding the objections of the Governor.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Bereuter	Fowler	Koch	Maxey	Rasmussen
Carsten	Goodrich	Labedz	Merz	Reutzel
Cope	Hasebroock	F. Lewis	Mills	Rumery
DeCamp	Hefner	Luedtke	Moylan	Savage
Duis	Kahle	Maresh	Murphy	Schmit
Fitzgerald	Kelly	Marsh	Nichol	Warner

Voting in the negative, 15:

Barnett	Clark	D. Dworak	Lamb	Simon
Brennan	Cullan	George	Marvel	Stoney
Burrows	E. Dvorak	Kennedy	Newell	Venditte

Present and not voting, 2:

Keyes R. Lewis

Excused and not voting, 2:

Chambers Kremer

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 943

Mr. Schmit moved to pass LB 943 notwithstanding the line-item veto.

Whereupon the President stated: "The question shall be, 'Shall be bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Bereuter	Fitzgerald	Koch	Maxey	Rumery
Brennan	Goodrich	Labedz	Mills	Schmit
Carsten	Hasebroock	F. Lewis	Moylan	Simon
Cope	Hefner	R. Lewis	Nichol	Stoney
DeCamp	Kahle	Luedtke	Rasmussen	Venditte
Duis	Keyes	Maresh	Reutzel	Warner

Voting in the negative, 8:

Clark	E. Dvorak	Fowler	Kennedy
Cullan	D. Dworak	George	Marvel

Present and not voting, 9:

Barnett	Kelly	Marsh	Murphy	Savage
Burrows	Lamb	Merz	Newell	

Excused and not voting, 2:

Chambers Kremer

Having received a constitutional three-fifths majority voting in the affirmative, the line-item veto passed notwithstanding the objections of the Governor.

LEGISLATIVE BILL 867.

A BILL FOR AN ACT to amend section 2-1213, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to allow racing on Sunday as prescribed; and to repeal the original section.

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

Voting in the affirmative, 31:

Barnett	E. Dvorak	Koch	Maxey	Schmit
Brennan	D. Dworak	Lamb	Mills	Simon
Burrows	Fitzgerald	F. Lewis	Moylan	Venditte
Clark	Fowler	R. Lewis	Murphy	
Cullan	George	Luedtke	Newell	
DeCamp	Hefner	Maresh	Reutzel	
Duis	Kahle	Marsh	Savage	

Voting in the negative, 12:

Bereuter	Kelly	Marvel	Rumery
Carsten	Kennedy	Merz	Stoney
Goodrich	Labedz	Rasmussen	Warner

Present and not voting, 4:

Cope	Hasebroock	Keyes	Nichol

Excused and not voting, 2:

Chambers	Kremer

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

LEGISLATIVE BILL 870.

A BILL FOR AN ACT to amend section 31-755, Revised Statutes Supplement, 1976, as amended by section 146, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977, relating to sanitary and improvement districts; to provide provisions relating to interest on certain warrants 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:

Barnett	Duis	Keyes	Marvel	Reutzel
Bereuter	D. Dworak	Koch	Maxey	Rumery
Brennan	Fitzgerald	Labedz	Merz	Savage
Burrows	Fowler	Lamb	Mills	Schmit
Carsten	George	F. Lewis	Moylan	Simon
Clark	Goodrich	R. Lewis	Murphy	Stoney
Cope	Hefner	Luedtke	Newell	Warner
Cullan	Kelly	Maresh	Nichol	
DeCamp	Kennedy	Marsh	Rasmussen	

Voting in the negative, 0.

Present and not voting, 4:

E. Dvorak	Hasebroock	Kahle	Venditte

Excused and not voting, 2:

Chambers	Kremer

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

LEGISLATIVE BILL 871. With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 43-617, 43-619, 43-620, 43-626, 43-627.01, 79-1903, and 79-2003, Reissue Revised Statutes of Nebraska, 1943, and sections 43-645 and 43-647, Revised Statutes Supplement, 1977; to define terms; to provide for hearings and procedures; to provide for appeals; to provide for payment of certain costs as prescribed; to authorize the establishment and operation of a Diagnostic Resource Center at Cozad as prescribed; to provide for schools for handicapped children; to provide duties; to create a fund; to provide an operative date; to repeal the original sections, and also section 43-627, Reissue Revised Statutes of Nebraska, 1943, and sections 43-651.01 to 43-652.03, 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, 38:

Barnett	Fitzgerald	Keyes	Marsh	Savage
Bereuter	Fowler	Koch	Marvel	Schmit
Carsten	George	Labedz	Mills	Simon
Cope	Goodrich	Lamb	Newell	Stoney
Cullan	Hasebroock	F. Lewis	Nichol	Venditte
DeCamp	Hefner	R. Lewis	Rasmussen	Warner
E. Dvorak	Kahle	Luedtke	Reutzel	
D. Dworak	Kelly	Maresh	Rumery	

Voting in the negagive, 0.

Present and not voting, 9:

Brennan	Clark	Kennedy	Merz	Murphy
Burrows	Duis	Maxey	Moylan	

Excused and not voting, 2:

Chambers Kremer

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 871A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 871, Eighty-fifth Legislature, Second Session, 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, 37:

Bereuter	Fowler	Koch	Merz	Schmit
Brennan	George	Labedz	Mills	Simon
Cope	Goodrich	Lamb	Murphy	Stoney
Cullan	Hasebroock	R. Lewis	Newell	Venditte
DeCamp	Hefner	Luedtke	Nichol	Warner
Duis	Kahle	Maresh	Rasmussen	
E. Dvorak	Kelly	Marsh	Reutzel	
Fitzgerald	Keyes	Maxey	Rumery	

Voting in the negative, 0.

Present and not voting, 10:

Barnett	Carsten	D. Dworak	F. Lewis	Moylan
Burrows	Clark	Kennedy	Marvel	Savage

Excused and not voting, 2:

Chambers Kremer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 872.

A BILL FOR AN ACT to amend section 79-701, Revised Statutes Supplement, 1977, relating to schools; to provide when a Class II school district shall become a Class I district; and to repeal the original section.

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

Voting in the affirmative, 40:

Barnett	Duis	Kelly	Marsh	Rasmussen
Bereuter	D. Dworak	Kennedy	Marvel	Reutzel
Burrows	Fitzgerald	Keyes	Maxey	Rumery
Carsten	Fowler	Koch	Merz	Schmit
Clark	George	Labedz	Mills	Simon
Cope	Hasebroock	Lamb	Moylan	Stoney
Cullan	Hefner	Luedtke	Newell	Venditte
DeCamp	Kahle	Maresh	Nichol	Warner

Voting in the negative, 0.

Present and not voting, 7:

Brennan	Goodrich	R. Lewis	Savage
E. Dvorak	F. Lewis	Murphy	

Excused and not voting, 2:

Chambers Kremer

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

LEGISLATIVE BILL 874.

A BILL FOR AN ACT to amend sections 79-458, 79-501, and 79-1333, Reissue Revised Statutes of Nebraska, 1943, and section 79-451, Revised Statutes Supplement, 1977, as amended by section 232, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977, relating to education; to change the time and contents of certain reports; to change the time for annual school meetings; 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	Duis	Kahle	Maresh	Reutzel
Bereuter	E. Dvorak	Kelly	Marsh	Rumery
Brennan	D. Dworak	Kennedy	Marvel	Schmit
Burrows	Fitzgerald	Koch	Merz	Simon
Carsten	Fowler	Labedz	Mills	Stoney
Clark	George	Lamb	Moylan	Venditte
Cope	Goodrich	F. Lewis	Murphy	Warner
Cullan	Hasebroock	R. Lewis	Newell	
DeCamp	Hefner	Luedtke	Rasmussen	

Voting in the negative, 0.

Present and not voting, 4:

Keyes	Maxey	Nichol	Savage

Excused and not voting, 2:

Chambers Kremer

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

LEGISLATIVE BILL 875. With Emergency.

A BILL FOR AN ACT to amend sections 79-4,157 and 81-1117.02, Reissue Revised Statutes of Nebraska, 1943, relating to records; to provide for official access to confidential files or records; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Barnett	Carsten	Cullan	E. Dvorak	Fowler
Bereuter	Clark	DeCamp	D. Dworak	George
Brennan	Cope	Duis	Fitzgerald	Goodrich

Hasebroock	Koch	Maresh	Murphy	Schmit
Hefner	Labedz	Marsh	Newell	Simon
Kahle	Lamb	Marvel	Rasmussen	Stoney
Kelly	F. Lewis	Maxey	Reutzel	Venditte
Kennedy	R. Lewis	Merz	Rumery	Warner
Keyes	Luedtke	Moylan	Savage	

Voting in the negative, 0.

Present and not voting, 3:

Burrows	Mills	Nichol

Excused and not voting, 2:

Chambers	Kremer

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 877. With Emergency.

A BILL FOR AN ACT to provide for the construction and equipping of the Nebraska Law Enforcement Training Center; to provide duties; to create a fund; to provide for funding; to appropriate funds; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Fowler	Keyes	Marvel	Savage
Bereuter	George	Koch	Maxey	Schmit
Brennan	Goodrich	Labedz	Mills	Simon
Carsten	Hasebroock	F. Lewis	Moylan	Venditte
Cope	Hefner	Luedtke	Murphy	Warner
DeCamp	Kahle	Maresh	Nichol	
E. Dvorak	Kelly	Marsh	Rumery	

Voting in the negative, 11:

Burrows	D. Dworak	R. Lewis	Reutzel
Clark	Kennedy	Merz	Stoney
Cullan	Lamb	Newell	

Present and not voting, 3:

Duis	Fitzgerald	Rasmussen

Excused and not voting, 2:

Chambers	Kremer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ANNOUNCEMENT

Speaker Luedtke announced that any Senator who has a bill that failed to get through this year and wishes to introduce it next year to contact Mr. Burnett so they can be saved on the computer.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 884.

A BILL FOR AN ACT to adopt the Nebraska Medical Student Assistance Act; to provide duties; to amend sections 71-5609 and 71-5612, Revised Statutes Supplement, 1977; 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	E. Dvorak	Kahle	F. Lewis	Merz
Bereuter	Fitzgerald	Kelly	R. Lewis	Moylan
Burrows	Fowler	Kennedy	Luedtke	Murphy
Cope	George	Keyes	Maresh	Nichol
Cullan	Goodrich	Koch	Marsh	Rasmussen
DeCamp	Hasebroock	Labedz	Marvel	Reutzel
Duis	Hefner	Lamb	Maxey	Rumery

Savage	Schmit	Simon	Stoney	Venditte

Voting in the negative, 7:

Brennan	Clark	Mills	Warner
Carsten	D. Dworak	Newell	

Excused and not voting, 2:

Chambers Kremer

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

LEGISLATIVE BILL 884A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 884, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 36:

Barnett	Fowler	Keyes	Maxey	Schmit
Bereuter	George	Labedz	Merz	Simon
Burrows	Goodrich	Lamb	Murphy	Stoney
Cope	Hasebroock	F. Lewis	Nichol	Venditte
Cullan	Hefner	Luedtke	Rasmussen	
DeCamp	Kahle	Maresh	Reutzel	
Duis	Kelly	Marsh	Rumery	
E. Dvorak	Kennedy	Marvel	Savage	

Voting in the negative, 8:

Carsten	D. Dworak	Koch	Newell
Clark	Fitzgerald	Mills	Warner

Present and not voting, 3:

Brennan	R. Lewis	Moylan

Excused and not voting, 2:

Chambers Kremer

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

LEGISLATIVE BILL 910.

A BILL FOR AN ACT to adopt the Nebraska Crime Victim's Reparations Act; 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:

Barnett	Hasebroock	Maresh	Newell	Schmit
Bereuter	Hefner	Marvel	Nichol	Simon
Cope	Kelly	Maxey	Rasmussen	
DeCamp	Koch	Mills	Reutzel	
Duis	Labedz	Moylan	Rumery	
George	Luedtke	Murphy	Savage	

Voting in the negative, 15:

Brennan	Cullan	Fowler	Lamb	Stoney
Carsten	D. Dworak	Goodrich	R. Lewis	Venditte
Clark	Fitzgerald	Kennedy	Marsh	Warner

Present and not voting, 6:

Burrows	Kahle	F. Lewis
E. Dvorak	Keyes	Merz

Excused and not voting, 2:

Chambers Kremer

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

LEGISLATIVE BILL 910A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, Eighty-fifth Legislature, Second Session, 1978.

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

Voting in the affirmative, 30:

Barnett	George	Koch	Mills	Reutzel
Bereuter	Hasebroock	Labedz	Moylan	Rumery
Cope	Hefner	Luedtke	Murphy	Savage
DeCamp	Kahle	Maresh	Newell	Schmit
Duis	Kelly	Maxey	Nichol	Simon
Fowler	Keyes	Merz	Rasmussen	Venditte

Voting in the negative, 13:

Brennan	Cullan	Goodrich	Marsh	Warner
Carsten	D. Dworak	Kennedy	Marvel	
Clark	Fitzgerald	Lamb	Stoney	

Present and not voting, 4:

Burrows	E. Dvorak	F. Lewis	R. Lewis

Excused and not voting, 2:

Chambers	Kremer

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

LEGISLATIVE BILL 917.

A BILL FOR AN ACT to amend sections 25-2501, 25-2503, 76-711, 76-719.01, 81-8,277, and 81-8,278, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain; to provide for notice as prescribed; to increase interest payments on awards; to provide for routes as prescribed; to provide for additional information in the petition; to provide an exception; 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, 32:

Barnett	E. Dvorak	Keyes	Merz	Schmit
Bereuter	D. Dworak	Koch	Mills	Simon
Brennan	Fowler	Labedz	Newell	Venditte
Burrows	George	F. Lewis	Rasmussen	Warner
Cope	Goodrich	R. Lewis	Reutzel	
Cullan	Kelly	Luedtke	Rumery	
DeCamp	Kennedy	Maresh	Savage	

Voting in the negative, 8:

Clark	Kahle	Marsh	Nichol
Hefner	Lamb	Marvel	Stoney

Present and not voting, 7:

Carsten	Fitzgerald	Maxey	Murphy
Duis	Hasebroock	Moylan	

Excused and not voting, 2:

Chambers Kremer

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 21, 1978, at 3:05 p.m., were the following bills: 553, 564, 564A, 566, 637, 639, 639A, 643, 658, 691, 713, 713A, 742, 742A, 750, 760, 783, 800, and 800A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 814, 828, 867, 870, 871, 871A, and 872.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 814, 828, 867, 870, 871, 871A, and 872.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 639e.

(Signed) Neil Simon

Had I been present, I would have voted "aye" on LB 351.

(Signed) David Newell

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 932.

A BILL FOR AN ACT to amend section 60-324, Reissue Revised Statutes of Nebraska, 1943, and section 60-311, Revised Statutes Supplement, 1976, relating to motor vehicles; to change the frequency of issuing new license plates; to change the fee for a duplicate or replacement license plate; 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	E. Dvorak	Kelly	Merz	Savage
Bereuter	D. Dworak	Kennedy	Mills	Schmit
Brennan	Fitzgerald	Labedz	Moylan	Simon
Burrows	George	Lamb	Newell	Stoney
Clark	Goodrich	Luedtke	Nichol	Venditte
Cope	Hasebroock	Maresh	Rasmussen	Warner
DeCamp	Hefner	Marsh	Reutzel	
Duis	Kahle	Marvel	Rumery	

Voting in the negative, 4:

Carsten	Cullan	Keyes	F. Lewis

Present and not voting, 5:

Fowler	Koch	R. Lewis	Maxey	Murphy

Excused and not voting, 2:

Chambers	Kremer

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

LEGISLATIVE BILL 965. With Emergency.

A BILL FOR AN ACT to make appropriations and reappropriations; to provide for objects of expenditure; to state intent; to provide for biomass research; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Bereuter	Duis	Keyes	Marvel	Rumery
Brennan	D. Dworak	Labedz	Mills	Savage
Burrows	Fitzgerald	Lamb	Moylan	Schmit
Carsten	Goodrich	F. Lewis	Murphy	Simon
Clark	Hasebroock	R. Lewis	Newell	Stoney
Cope	Hefner	Luedtke	Nichol	Venditte
Cullan	Kahle	Maresh	Rasmussen	Warner
DeCamp	Kennedy	Marsh	Reutzel	

Voting in the negative, 0.

Present and not voting, 8:

Barnett	Fowler	Kelly	Maxey
E. Dvorak	George	Koch	Merz

Excused and not voting, 2:

Chambers Kremer

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. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted for LB 965.

(Signed) Walter George

MOTION - Reconsider Action on LB 861

Mr. Savage moved to reconsider action on the final passage of LB 861.

PRESIDENT WHELAN PRESIDING

Mr. Warner moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Warner requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Duis	Keyes	Maxey	Reutzel
Bereuter	D. Dworak	Koch	Mills	Rumery
Burrows	Fowler	R. Lewis	Murphy	Savage
Cope	George	Marsh	Newell	Warner
Cullan	Kahle	Marvel	Rasmussen	

Voting in the negative, 19:

Carsten	Goodrich	Kennedy	Luedtke	Simon
Clark	Hasebroock	Labedz	Maresh	Stoney
DeCamp	Hefner	Lamb	Merz	Venditte
E. Dvorak	Kelly	F. Lewis	Moylan	

Present and not voting, 3:

Brennan Fitzgerald Nichol

Excused and not voting, 3:

Chambers Kremer Schmit

The motion to reconsider action lost with 24 ayes, 19 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call be raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 874, 875, 877, 884, 884A, 910, and 910A.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 874, 875, 877, 884, 884A, 910, and 910A.

COMMUNICATIONS

April 21, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 576 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 576 notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon
enclosure

CERTIFICATE

Legislative Bill 576 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 21st day of April, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

April 21, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 624 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 624 notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon
enclosure

CERTIFICATE

Legislative Bill 624 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 21st day of April, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

April 21, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 624A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 624A notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon
enclosure

CERTIFICATE

Legislative Bill 624A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 21st day of April, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

April 21, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 693 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 693 notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon
enclosure

CERTIFICATE

Legislative Bill 693 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 21st day of April, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

April 21, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 693A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 693A notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon
enclosure

CERTIFICATE

Legislative Bill 693A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 21st day of April, 1978.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

MOTION - Suspend Rules

Mr. Goodrich moved to suspend the rules, Rule 7, Sec. 7, to allow reconsideration of action on LB 170.

Mr. Koch moved for a Call of the House. The motion prevailed with 19 ayes, 6 nays, and 24 not voting.

Mr. Koch requested a roll call vote on the Goodrich motion.

Voting in the affirmative, 26:

Barnett	D. Dworak	F. Lewis	Newell	Simon
Bereuter	Fitzgerald	R. Lewis	Nichol	Warner
Brennan	Fowler	Marsh	Reutzel	
Carsten	George	Maxey	Rumery	
Cullan	Goodrich	Mills	Savage	
DeCamp	Koch	Murphy	Schmit	

Voting in the negative, 18:

Burrows	Hasebroock	Kennedy	Luedtke	Rasmussen
Clark	Hefner	Keyes	Maresh	Venditte
Duis	Kahle	Labedz	Marvel	
E. Dvorak	Kelly	Lamb	Moylan	

Present and not voting, 3:

Cope Merz Stoney

Excused and not voting, 2:

Chambers Kremer

The Goodrich motion lost with 26 ayes, 18 ayes, 3 present and not voting, and 2 excused and not voting.

APPRECIATION

Mr. President, Mr. Speaker, and Members of the Legislature

It is with sincere appreciation that we wish to thank the members of the 85th Session of the Nebraska Unicameral for their timely and thoughtful expression of best wishes on our retirement.

(Signed) Margaret and Harold Moylan
(Signed) Marie and John Savage

REPORT OF APPROPRIATIONS COMMITTEE ON LB 952

Pursuant to Rule 6, Section 13, the Appropriations Committee recommends no action on LB 952 relative to line-item vetoes by the Governor. The motion adopted by the committee was "No vetoes of 952 be over-ridden subject to review by the Executive Board of the Legislative Council." A majority of the Executive Board concurs in the recommendation of the Committee.

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

April 21, 1978

The Honorable Paul Douglas
Attorney General
Room 2115, State Capitol
Lincoln, NE 68509

Dear Mr. Douglas:

The Legislative Ad Hoc Committee created under the authority of Legislative Resolution 156 has requested that I contact your office and convey the committee's concerns regarding the implementation of sections 77-1349 to 77-1354, Revised Statutes Supplement, 1977. As you are aware, these sections require an annual revaluation of all lands and improvements on or before January 1, 1978 and each year thereafter. Section 77-1354 specifically requires that monies available under the Personal Property Tax Relief Fund be withheld from any county which fails to revalue its lands and improvements prior to January 2, 1978.

Under the process established by this section, the Tax commissioner is required to notify the State Treasurer of each county which fails to revalue on or before January 1, 1978. Failure to revalue results in the forfeiture of 10% of that county's Personal Property Tax Relief Fund entitlement.

The committee is cognizant of the questions raised in the Department of Justice Opinion Number 198, dated February 23, 1978, regarding the constitutional validity of sections 77-1349 to 77-1354, 1977 Supplement. The committee is equally aware of the duties imposed under sections 84-215 to 84-217, Revised Statutes Supplement, 1977, and Legislative Bill 98, enacted during the 1978 legislative session.

It is in light of these requirements that the committee has requested that I contact your office. It is the expressed desire of the committee that the duties imposed under sections 77-1349 to 77-1354, sections 84-215 to 84-217, and the provisions of LB 98 of the 1978 Legislature be implemented to their fullest extent. This letter is intended to relay that concern to your office and to request that the appropriate action be undertaken.

Sincerely yours,
(Signed) Cal Carsten
Legislative District Number 2
Chairman, LR 156 Ad Hoc Committee

CC:RB:dg
cc: The Honorable J. James Exon, Governor
cc: Mr. Bill Peters, State Tax Commissioner
cc: All Committee Chairmen

REPORT OF EXECUTIVE BOARD

TO: Eighty-fifth Legislature, Second Session
FROM: Executive Board of the Legislative Council
RE: Report on Legislative Resolutions Proposing Interim Studies
DATE: April 18, 1978

The Rules of the Nebraska Unicameral (Rule 4, Sec. 3) provides that Resolutions proposing interim studies be referred to the Executive Board of the Legislative Council for review. The Board is then to submit a report on these Resolutions with recommendations that the proposed studies be made or rejected. Attached is the report of the Board on those Resolutions proposing interim studies introduced during the current session.

The Executive Board recommends the approval of all of the study Resolutions introduced, and that they be referred for study to the committees indicated. The Rules also provide that 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 during the conduct of the study.

Finally, as in past session, the Executive Board recommends that these committees determine their interim priorities and make the final determination of the actual study projects they will undertake pursuant to said Resolutions.

ss

Reference of Study Resolutions

LR 159 - Status and needs of Nebraska's state, county, municipal roads and streets. (Trans. Advisory) Trans. Advisory

LR 160 - Financing Municipal Government. (Simon) Revenue

*LR 161 - Electric rates and rate-setting procedures. (Simon) Executive Board

LR 162 - Salary administration program for Nebr. Judges. (Barnett) Executive Board

*LR 167 - Railroad Taxation in Nebraska. (Cullan) Revenue

LR 177 - Election laws. (George) Government

LR 178 - Lincensure of Insurance Agents and Brokers. (Banking) Banking

LR 182 - Statutes no longer needed. (Goodrich) Executive Board

*LR 185 - Effects of land; use planning on urban and rural dwellers. (Agriculture) Government

LR 187 - Day Care regulatory statutes and systems. (Marsh) Judiciary

LR 188 - Statutes pertaining to foster care. (Marsh) Judiciary

LR 196 - Emergency medical services. (R. Lewis) Public Health

LR 200 - Policy, procedures in use of paid benefits, time, sick leave by personnel at UNL. (F. Lewis) Education

LR 204 - Political Accountability and Disclosure. (Reutzel) Misc. Subjects

LR 206 - Penalty Provisions of Criminal Code. (Barnett) Judiciary

LR 207 - Extent of research being conducted in US on deviant sexual behavior. (Duis) Judiciary

LR 212 - Policies, procedures relating to functions of Public Service Commisison. (Savage) Telecommunications

LR 213 - Retirement and Pension plans for policemen and firemen. (Goodrich) Retirement Systems

LR 214 - Uniform Child Custody Jurisdiction Act. (Cope) Judiciary

LR 217 - Develop caucus or organization system thru Rules of the Legislature. (Rules) Const. Revision

LR 218 - Law Enforcement in areas with large native American populations. (Cullan) Government

*LR 220 - Small loan industry in Nebraska. (Banking) Banking

LR 221 - Court-related alcohol problem; funding & administration of programs on alcohol abuse. (Merz) Public Health

LR 222 - Implementing a partisan Legislature for Nebraska. (Goodrich) Const. Revision

LR 225 - Review programs of the Public Service Commission and the telephone industry. (Telecommunications) Telecommunications

LR 227 - Laws, rules and practices in jury selection. (Reutzel) Judiciary

LR 228 - All aspects of liquor industry. (Misc. Subjects) Misc. Subjects

LR 230 - Discipline, regulation and qualifications of all judges in the state. (Chambers) Judiciary

LR 232 - Inmate Employment Program. (Nichol) Judiciary

LR 233 - Statewide pretrial diversion program. (Nichol) Judiciary

LR 234 - Uniform Code of Procedure. (Nichol) Judiciary

LR 235 - Obstacles in the labor force experienced by working women. (Marsh) Business & Labor)

LR 236 - Mandatory retirement laws. (Retirement) Retirement

LR 238 - Infraction section to regulate certain acts. (DeCamp) Judiciary

LR 239 - Law dealing with gambling. (DeCamp) Misc. Subjects

LR 240 - Needs of handicapped children. (Warner) Appropriations

LR 241 - State laboratory facilities. (Appropriations) Appropriations

LR 242 - Salary increases - LB 654. (Banking) Appropriations

LR 243 - Standards for lighting and thermal design. (Fowler) Public Health

LR 246 - Sanitary Improvement Districts. (F. Lewis) Urban Affairs

LR 247 - Support services for disabled persons. (Appropriations) Appropriations

LR 248 - Recodification of 77-202.08 thru 77-202.24. (Newell) Revenue

LR 249 - Passive tax expenditures. (Newell) Revenue

LR 250 - Core subject teaching. (Koch) Education

LR 251 - Nebr. state colleges, community colleges and state university system. (Koch) Education

LR 252 - Nebr. Political Accountability & Disclosure Act. (Koch) Misc. Subjects

LR 253 - Non-medical human service professions. (Koch) Public Health

LR 254 - Solar industry development. (Brennan) Banking

LR 255 - Financing local education. (Burrows) Education

LR 256 - Court of Industrial Relations. (Newell) Business & Labor

LR 257 - Joint financing by public power districts and private utility companies. (Kelly) Executive Board

*LR 261 - Services, administrative structure, funding and planning for services of Dept. of Public Welfare. (Warner) Appropriations

LR 262 - Rules and regs of all state law enforcement agencies. (Kelly) Judiciary

LR 263 - Disparities in salary levels. (Marsh) Business & Labor

LR 264 - Implementation of LB 738. (Maresh) Trans. Advisory

LR 265 - Recall of school board members in Class IV and V school districts (Stoney) Education

LR 266 - Court of Industrial Relations. (Business & Labor) Business & Labor

LR 267 - No-fault divorce. (Barnett) Judiciary

LR 268 - Bingo laws. (Keyes) Revenue

LR 269 - Exemptions to property, certain sales transactions & certain income. (Keyes) Revenue

*LR 270 - "In lieu of tax" payments. (Keyes) Public Works

LR 271 - Collection fee schedules. (Keyes) Revenue

LR 272- Transportation of radioactive material and storage of radioactive waste. (Fowler) Public Health

LR 273 - Constitutional convention. (Koch) Const. Revision

LR 274 - Formation of Interstate Compact re international grain marketing system. (DeCamp) Agriculture

LR 275 - Shortages of transportation equipment. (Maresh) Agriculture

LR 276 - Canadian requirements for licensure of medical doctors. (Maresh) Public Health

LR 277 - Classification system in Nebr. Corectional facilities. (Fowler) Judiciary

*LR 278 - Financing technical community colleges. (F. Lewis) Education

LR 279 - Vocational-technical community college system. (Marvel) Education

LR 280 - Valuation & taxation of mobile homes. (Kahle) Revenue

LR 281 - Nebr. law relating to water resources. (Public Works) Public Works

LR 282 - Trading of security and related financial transactions. (DeCamp) Banking

LR 283 - State Board of Equalization. (Keyes) Revenue

LR 284 - Shipment of fertilizer by railroads. (Maresh) Agriculture

LR 285 - Nonresident aliens purchasing and holding ag lands in Nebr. (Maresh) Agriculture

LR 286 - State salary administration plan. (Stoney) Appropriations

LR 287 - Development of emergency medical services. (Bereuter) Public Health

LR 288 - Legislation mandating inspection activities. (Bereuter) Appropriations

LR 289 - Coordination of federal CETA funds in state government & private industry. (Bereuter) Appropriations

LR 290 - Evaluation of state's energy needs. (Bereuter) Executive Board

LR 291 - Nebraska's compliance with federally mandated education programs for handicapped. (Bereuter) Appropriations

LR 292 - Federal fund expenditures. (Bereuter) Appropriations

LR 293 - Environmental protection mandated by federal law. (Bereuter) Appropriations

LR 294 - Smoking in public places and public vehicles. (Newell) Public Health

*LR 295 - Reduction in government and subsequent reduction in taxes. (Keyes) Revenue

LR 296 - Use of existing building facilities for siting of Nebr. Public Safety Academy. (Cullan) Public Works

*LR 161 - Approved with the understanding that the members of the committee will be selected by the Executive Board and that it will function under the direction and jurisdiction of the Executive Board.

*LR 167 - Paragraph 3 inoperative. Appropriation for the 1978-79 fiscal year does not contain funds for such proposed additional expenditures.

*LR 185 - Assigned to the Government, Military & Veterans Affairs Committee with the understanding that Senator Loran Schmit, Chairman of the Agriculture & Environment Committee, and Senator Walter George, Chairman of the Urban Affairs Committee, may appoint one or two members of their respective committees to serve on this committee throughout the conduct of the study.

*LR 220 - Approved with the understanding that the study will not be confined to the need for higher interest rates.

*LR 261 - Approved with the understanding that any additional expenditures as referred to in paragraph 2 will be from the appropriation to the Legislative Fiscal Analyst's program.

*LR 278 - With the understanding that the Chairmen of the Executive Board and the Appropriations Committee will work with the Chairman of the Education Committee in the selection of the members of the study committee proposed.

*LR 295 - Approved with the understanding there is no funding available for the conduct of public opinion surveys as referred to in paragraph 2.

*LR 270 - Approved with the understanding that Senator Orval Keyes will serve as an ex officio member of this committe during the study.

(Signed) Richard D. Marvel, Chairman
Executive Board

Mr. Marvel moved the adoption of the report as presented.

Mr. Kelly moved to amend the report as follows:
LR 187 and LR 188 be referred to Public Health and Welfare Committee instead of Judiciary Committee.

The Kelly amendment prevailed with 25 ayes, 6 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Schmit moved to amend the report as follows:
To refer LR 185 from the Government Committee to the Agriculture Committee.

Mr. Bereuter requested a record vote on the Schmit amendment.

Voting in the affirmative, 26:

Barnett	Hasebroock	Labedz	Mills	Simon
Burrows	Hefner	Lamb	Moylan	Venditte
Carsten	Kahle	F. Lewis	Rasmussen	
E. Dvorak	Kelly	Luedtke	Rumery	
Fitzgerald	Kennedy	Maresh	Savage	
Goodrich	Keyes	Marvel	Schmit	

Voting in the negative, 10:

Bereuter	Fowler	Koch	Maxey	Stoney
Cullan	George	Marsh	Newell	Warner

Present and not voting, 11:

Brennan	DeCamp	R. Lewis	Nichol
Clark	Duis	Merz	Reutzel
Cope	D. Dworak	Murphy	

Excused and not voting, 2:

Chambers Kremer

The amendment prevailed with 26 ayes, 10 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Marvel asked unanimous consent to add the following amendment to his report. No objections. So ordered.

To refer LR 217 to the Executive Board, rather than Constitutional Revision.

The Executive Board Report, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1978, at 4:00 p.m., were the following bills: 814, 828, 867, 870, 871, 871A, and 872.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The folllowing bills were correctly enrolled: 917, 932, and 965.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 917, 932, and 965.

COMMUNICATION ON LB 943

April 21, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 943 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.

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

PJO:br
enclosure
cc: Governor Exon

CERTIFICATE

Legislative Bill 943 having been returned by the Governor with his signature, but with certain items therein having been line item vetoed, and after further consideration, the Legislature by the constitutional majority, has overridden said line item vetoes as follows:
1.) Section 1, Pg. 9, Claim No. 091
Those provisions have become law this 21st day of April, 1978.

(Signed) Gerald Whelan, President
Presiding Officer of the Legislature

COMMUNICATIONS ON LB 953

April 19, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 953 with a Certificate attached thereto signed by the Presiding Officer of the Legislature, certifying the passage of certain line item vetoes as set forth on the attached Certificate, notwithstanding the objections of the Governor.

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

PJO:br
enclosure
cc: Governor Exon

CERTIFICATE

Legislative Bill 953 having been returned by the Governor with his signature, but with certain items therein having been line item vetoed, and after further consideration, the Legislature by the constitutional majority, has overridden said line item vetoes as follows:

1.) Section 3, Pg. 4, State Department of Education, Program 292 - Special Education
2.) Section 7, Pg. 16, Department of Health, Program 621 - Health and Medical Care Administration
3.) Section 11, Pages 23, 24, Department of Public Institutions, Program 424 - State Aid Community Mental Retardation
4.) Section 46, Pages 64, 65, State Claims Board, Program 538 - State Claims Board
5.) Section 28, Pg. 48, Natural Resources Commission, Program 304 - Nebraska Water Conservation Fund
Those provisions have become law this 19th day of April, 1978.

(Signed) Gerald Whelan, President
Presiding Officer of the Legislature

COMMUNICATION ON LB 956

April 19, 1978

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 956 with a Certificate attached thereto signed by the Pesiding Officer of the Legislature, certifying the passage of certain line item vetoes as set forth on the attached Certificate, notwithstanding the objections of the Governor.

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

PJO:br
cc: Governor Exon
enclosure

CERTIFICATE

Legislative Bill 956 having been returned by the Governor with his signature, but with certain items therein having been line item vetoed, and after further consideration, the Legislature by the constitutional majority, has overridden said line item vetoes as follows:

1.) Section 48, Pages 19, 20 - Board of Regents of the University of Nebraska, planning funds - Program 916
Those provisions have become law this 19th day of April, 1978.

(Signed) Gerald Whelan, President
Presiding Officer of the Legislature

UNANIMOUS CONSENT - Add Co-introducer

Mrs. Marsh asked unanimous consent to add her name to LR306, LR308, and LR309. No objections. So ordered.

MOTION - Suspend Rules

Speaker Luedtke moved to suspend the rules, Rule 4, Section 5, and 6, to consider LR310 today, and adopt in one vote LR299, 306, 308, 309, and 310.

The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The above Resolutions were adopted with 33 ayes, 0 nays, and 16 not voting.

Speaker Luedtke moved to suspend the rules, Rule 4, Section 1, to vote on the remaining Resolutions without debate.

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 170. Considered.

LR 170 was adopted with 37 ayes, 0 nays, and 12 not voting.

LEGISLATIVE RESOLUTION 224. Considered.

LR 224 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 244. Considered.

LR 244 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 245. Considered.

LR 245 was adopted with 25 ayes, 1 nay, and 23 not voting.

LEGISLATIVE RESOLUTION 298. Considered.

LR 298 was adopted with 27 ayes, 1 nay, and 21 not voting.

LEGISLATIVE RESOLUTION 300. Considered.

LR 300 was adopted with 37 ayes, 0 nays, and 12 not voting.

LEGISLATIVE RESOLUTION 305. Considered.

LR 305 was adopted with 30 ayes, 0 nays, and 19 not voting.

UNANIMOUS CONSENT - Add Co-introducer

Mr. Maresh asked unanimous consent to add his name to LR 299. No objections. So ordered.

PRESENTED TO GOVERNOR

Presented to the Governor on April 21, 1978, at 4:25 p.m., were the following bills: 874, 875, 877, 884, 884A, 910, and 910A.

(Signed) Jan Loder, Enrolling Clerk

EXPLANATIONS OF VOTE

I would have voted nay on LR 224 which refers LB 359 to Green Belt law. Had it been debated or explained.

(Signed) Dave Newell

Had I been in the Chamber, I would have voted aye on LB 877.

(Signed) Dennis Rasmussen

MOTION - Adopt Rules and Report

Mr. Kelly moved the adoption of the following Rules Committee report:

Proposed Amendments to the LR 87 Committee's Final Report

1) The Speaker shall assume the responsibilities of the Intergovernmental Cooperation Committee, with the right of appeal to the Executive Board.

2) The confirmation hearings for the Governor's appointees shall be assumed by the standing committee of appropriate subject matter.

3) Duties of the Committee on Committees and the Rules Committee shall be assumed by the Executive Board. Board membership shall be equally selected from the three Congressional Districts. The Chairman and the Vice Chairman shall not be from the same Congressional District and are to be elected by the entire Legislature. For purposes of election to the Executive Board, the following shall constitute the definition of Congressional Districts. District One consists of Legislative Districts 1, 2, 15, 16, 23 through 30, 32 through 35 and 46. District Two consists of Legislative Districts 3 through 14, 20, 31, and 45. District Three consists of Legislative Districts 17 through 19, 21, 22, 36 through 44 and 47 through 49.

4) The Committee on Reference shall be made up of the Executive Board or Sub-Committee thereof.

5) All other special and select committees shall be approved for specific duties and duration as defined in the Legislative Rules.

6) All necessary legislation to correct the statutory provisions shall be introduced on the first day of the Eighty-Sixth Legislative Session, and that this bill be expedited.

7) These rule changes shall be integrated and become effective January 1, 1979.

The above proposed amendments were adopted by the Rules Committee April 20, 1978.

(Signed) John DeCamp, Chairman

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 16 nays, and 12 not voting.

The report lost with 14 ayes, 22 nays, and 13 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1978, at 4:41 p.m., were the following bills: 917, 932, and 965.

(Signed) Hazel Kaltenberger, Enrolling Clerk

APPRECIATION

Mr. Marvel as Chairman of the Executive Board presented Senator Cullan with a briefcase from the members of the Legislature for appreciation of his serving as Chairman of Enrollment and Review.

Senator Cullan thanked the members.

MOTION - Disposition of Bills

Mr. Bereuter moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line item vetoed bills on this date, be indefinitely postponed. Further, that the Chairmen of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed with 44 ayes, 1 nay, and 4 not voting.

MOTION - Session Laws and Permanent Journal

Mr. R. Lewis moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Index by Patrick O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws; and further that each member of the press assigned to the Legislature be given the same.

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

Appreciation to News Media

Mr. Savage moved that this body express its thanks and appreciation to the newspapers and the press association, radio and television stations for reporting the events and activities of the Eighty-Fifth Legislature, Second Session, and to the Nebraska Television Network for their coverage and programming to the people of the State of Nebraska.

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

Appreciation to Presiding Officer

Mr. Moylan moved that as evidence of our sincere appreciation for our presiding officer, Lieutenant Governor Gerald T. Whelan, for the fair and impartial performance of his duties that we present a Nebraska Flag, together with a gavel as emblems of his having served as presiding officer.

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

Appreciation to Speaker

Mr. Barnett moved that as evidence of our sincere appreciation for our presiding officer, the Speaker Roland A. Luedtke, for the fair and impartial performance of his duties that we present a Nebraska Flag together with a gavel as emblems of his having served as presiding officer.

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

MOTION - Advise Governor

Mr. Mills moved that a committee of two be appointed to advise the Governor's Office that the Eighty-Fifth Legislature, Second Session of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The Chair appointed Messrs. Moylan and Savage to serve on said committee.

EASE

The Legislature was at ease from 5:07 p.m. until 5:10 p.m.

The committee returned and escorted Governor Exon to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, Guests:

Thank you for inviting me to participate in your final day of activity. This is also my eighth and final opportunity to bid the Nebraska Legislature farewell in adjournment.

This has been a long and difficult session for all, and I will not detain you with a long message as we say goodbye and good luck.

I have signed into law or returned all bills presented me through your actions of last Wednesday as had been agreed to.

The good news, for you, is that you never again will have to listen to a veto message from this Governor. The good news, for me, is that never again will you have the opportunity to override a veto. I have some more trimming to do on appropriations passed today that are safe from your opportunity to review. I will continue to reduce spending in an effort to live within existing state tax rates.

On February 10, I presented a budget that met the needs of this progressive state as I saw them. I emphasized then, and I quote, "My suggestions allow you minimal additional expenditure without state tax increases which I shall do all within my authority to prevent."

I have remained firm and unwavering in that commitment of February 10. Since then I have sent you several messages cautioning you against excessive spending. The record is clear in that regard, despite attempts to distort it. Neither my approval of any spending bills, subsequent necessary appropriations, or lack of vetoes will lead to an increase in state tax rates. Only your override of my vetoes can lead to an increase in the state tax rates of 3 percent and 16 percent, which we pledged last winter to preserve.

The Legislature has overridden nearly $4.7 million in vetoes, while fortunately sustaining $3.8 million. In actuality you appropriated a total of $9.5 million over my ultimate recommendations; considering the $4.7 overrides, $3.8 sustained to date, and another approximate $1 million I intend to reduce from your actions today.

You have been kept strictly up to date on all revenue matters and have had exactly all the information that has been available to me. Despite allegations by some, our revenue projections have not changed since my message to you on February 10th. There is absolutely no possible chance of cash flow problems the balance of this fiscal year as we correctly forecasted and promised when reducing both the state sales and income tax rates last November, effective January 1, 1978.

The General Fund balance at the end of March was $31.6 million compared with only $1.8 million on the same date a year ago. Yesterday morning the General Fund balance was $29.8 million. The Department of Revenue has consistently maintained that we will meet our revenue projections for this fiscal year and we are well protected cash flow-wise, by the healthy over-levy of this year.

When I complete my veto reductions in the next few days, I am still going to try to maintain the currently reduced state tax rates in spite of what has been the pressure through increased appropriations and legislative pronouncements that taxes must go up. If that becomes necessary, but don't count on it, the record will show that the tax rates would have been held had the Governor's recommendation prevailed.

As I look back on eight years of working with you on law making, our accomplishments and our mistakes, I feel the system has worked as it was intended. The Executive has not ducked its responsibility and certainly it has been proven that the Legislature will not buckle to the gubernatorial direction.

I have respected the Legislature as an important member of the three branches of government. Even when I felt very strongly about any issue, even including what I considered improper and unwise invasions of the responsibilities of the Executive, I have never bargained, threatened or made any deals and my objections have been openly and publicly stated. If I have been blunt at times I felt it was necessary in taking a position I believed to be fundamental.

But eight years of law making are about over. I hold no grudges and out of differing opinions hopefully comes what is best for the people of the great state that we are proud and privileged to serve.

With over twenty of you I have served for eight sessions. It has been interesting and challenging. A special thanks is in order to retiring Senators Wally Barnett, Doug Bereuter, Jack Mills, Richard Lewis, Roland Luedtke, Harold Moylan and John Savage for their dedication and contribution. Good luck and God speed, Gentlemen.

To all of you, I seek your advice and counsel for the next eight months of my term. With the close of the session we proceed to the task of making the new and old laws workable in the best interests of our citizens.

Thank you for your considerations. Good luck in your endeavors.

The committee escorted the Governor from the Chamber.

VISITORS

The President introduced 44 seventh grade students, teachers, and sponsors from Sandy Creek School, Fairfield, Nebraska; 73 eighth grade students, teachers, and sponsors from St. Roberts Grade School, Omaha, Nebraska; Mrs. Lois Collins, mother of page Dave Collins from Overton, Nebraska; 60 fourth grade students, teachers, and sponsors from Norris Elementary, Millard, Nebraska; 75 fourth grade students, teachers, and sponsors from Golden Hills Elementary School, Omaha, Nebraska; 33 third through eighth grade students, teachers, and sponsors from Zion St John and Immanuel Schools, Beemer and Wisner, Nebraska; 69 seniors and teacher from Our Lady of Lourdes, Omaha, Nebraska; and former Senator Albert Kjar from Lexington, Nebraska.

MOTION - Adjournment

Speaker Luedtke moved that the Journal for the Sixtieth Day, as prepared by the Clerk, be approved and that the Eighty-Fifth Legislature, Second Session of the Legislature having finished all business before it, now at 5:21 p.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

MESSAGES FROM THE GOVERNOR

April 21, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 375, 446, 464, 554, 560, 562, 569, 578, 593, 632, 634, 649, 650, 695, 708, 737, 737A, 739, 754, 763, 766, 786, 786A, 808, 815, 819, 830, 837, 859, 860, 868, 892, 900, 907, 908, and 966, and Reengrossed Legislative Bills Nos. 153, 692, 715, and 937.

These bills were signed by me on April 20, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

April 21, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Bulding
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 286, 424, 946, 946A, 700, 700A, 743, 743A, 803, 803A, and Legislative Resolution No. 152.

These bills and resolution were signed by me on April 21, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed)J. James Exon
Governor

JJE:f

April 25, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 248, 351, 553, 564, 564A, 566, 637, 639, 639A, 643, 658, 691, 713, 713A, 742, 742A, 760, 783, 800, 800A, 870, 874, 877, 884, 884A, and 917, and Reengrossed Legislative Bills Nos. 128, 814, 828, 872, and 932.

These bills were signed by me on April 24, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

April 25, 1978

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

Dear Mr. President and Senators:

I return herewith LB 404 without my signature and with my objections. The measure is dead for now rather than its eventual victims.

This is still another piece of thoughtless legislation, ill-conceived and lobbied through the lobby-prone 85th session of the Nebraska Legislature. Special interest groups seemingly need only ask, and they shall receive.

I veto the measure with gusto and in disgust that it ever passed on a vote of 39 for and only 7 opposed.

Like LB 576, passed over my veto, unbelievably allowing up to 16' wide trailer homes to proceed on Nebraska roads without permits, permission or accompanying warning vehicles as has always been the case in Nebraska and elsewhere, LB 404 is a measure that further ignores fundamental highway safety.

While I generally have no quarrel with the fundamental concept of the low-cost transportation mopeds, this measure as passed is unacceptable because of its effect on youth.

LB 404 would reduce the age limit to 14 years for a person to obtain a driver's permit to operate a motor-driven bicylce,(sic) night or day, up to speeds of 30 mph on Nebraska streets and roads.

It does not consider the limbs or lives of young people or the additional grey hairs of their parents. I predict it will return again next year for approval. It is my hope that the next Legislature, or if necessary, the next Governor will concur with me and most thinking Nebraskans that this is bad legislation as passed when aimed directly at our youth between the ages of 14 to 16 years of age.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

April 26, 1978

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills Nos. 750, 871, and 871A, and Reengrossed Legislative Bills Nos. 867, 910, 910A, and 386.

These bills were signed by me on April 26, 1978 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

April 26, 1978

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

Dear Mr. President and Senators:

I hereby return LB 875 without my signature and with my objections.

LB 875, Section 2, would amend the existing state computer file privacy law to give the Legislative Fiscal Analyst complete access to all records within the state computer system. As with LB 448, this amendment would appear to give the Fiscal Analyst access to personal, individual records, such as income and sales tax returns and individual welfare records, which are designated by other specific statutes as confidential.

As with my veto of LB 448, I am vetoing LB 875 because I feel any change in our existing specific confidentiality statutes should not be done indirectly and by implication, but should be done only by specific amendments to those specific statutes after full public hearings and discussion.

The need for a full public discussion of this issue is high-lighted by the fact that Section 2 of LB 875 was not added to the bill until the 58th day of our Legislature, which was the last day to return bills from Final Reading for a specific amendment. Actions affecting individuals' rights to privacy with regard to records held by state government should not be so haphazardly and secretly changed in the last minute rush of legislative business, without prior public discussion.

Sincerely,
Signed) J. James Exon
Governor

JJE:ah2
Enclosure

April 26, 1978

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

Dear Mr. President and Senators:

I hereby return LB 965 with my signature and with my line-item veto reductions.

On April 3, 1978, I outlined to you estimated cash needs as of that date for the previously unanticipated flood emergency.

In that message, I requested the following:

A. That you act forthwith on the $200,000 then pending in LB 924 to make up the $200,000 you failed to reappropriate from the previous year.

B. That you provide $1,000,000 additional to meet the estimated State obligation due to the flood emergency.

C. That you provide an additional $200,000 to return the FY 78/79 appropriation to the Governor's Emergency Fund to the reasonable level of $500,000.

In LB 924 and LB 956 you concurred with these recommendations which were accurate estimates to the best of my knowledge at that time. Since that date, the Office of the Adjutant General has further revised downward this estimate of State obligations due to the flood emergency. (Adjutant General's letter attached.) In line with these most recent estimates, I am reducing the Governor's Emergency Fund as appropriated in LB 965 by $700,000.

Further, the Legislature saw fit to expand on the current estimates of the Adjutant General by providing an additional $1,000,000 to be used through the NRD's for dike maintenance, improvements, repairs, and renovations.

The majority of dikes damaged in the spring flood will be repaired directly by the Corps of Engineers or with Federal disaster funds. In addition, the Governor's Emergency Fund is flexible enough in usage to provide for dikes so damaged without specially earmarked appropriations. If the Legislature is interested in maintenance, improvements, and renovations, as I am, then the proper approach is through established State and local programs such as the Department of Natural Resources rather than the Governor's Emergency Fund. Therefor, in order that this program will not suffer until the Legislature acts in a more appropriate manner, I am reducing the $1,000,000 to $200,000.

With these veto actions, we will still have more than $500,000 in unencumbered balances in the Governor's emergency fund for next year which has always been adequate.

This veto action herewith reduces legislative appropriations by a total of $1.5 million which are not needed and allows assistance in my effort to keep from violating the reduction in the state tax rates effective January 1, 1978.

Very truly yours,

(Signed) J. James Exon

Governor

JJE:fw

Attachment

26 April 1978

SUBJECT: Status - Flood Emergency & Emergency Funds

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

1. The Federal Disaster Program is progressing.

a. The disaster assistance centers registered 1,003 people. They were open for a reasonable period of time. Although they have closed--we retain a toll-free number--and will do so for another month--so individuals with continuing problems can call and have their needs resolved expeditiously.

b. Most of the public property damage sites have been inspected—and project applications are being prepared. This task should be virtually complete by the end of next week.

c. Dikes. We have had 29 facilities reported to the Corps of Engineers.

(1) Six of the major damaged sites will be repaired by the Corps.

(2) In a number of other instances, the dikes will be repaired by the owner with Federal disaster fund reimbursement.

(3) In some instances the Corps could not repair the dikes, because they were not viable structures. In some instances Federal disaster funds will not be available because the dikes are privately owned.

2. Public property damage. Our damage estimate was high. We estimated $10,000,000 in damage to Douglas County roads and bridges—but detailed inspections reveal all of the Douglas County damage will be less than $1,400,000. Most damage inspections are complete--and it now appears eligible damage repair funded by FDAA will be less than $5,000,000.

3. Unresolved issues. A number of items have not yet been resolved.

a. City of Valley. Inspections have been accomplished. All of the public property damage that is eligible for Federal reimbursement totals less than $100,000. The city claims much of the road system has been undermined--which will eventually cause the paved streets to settle. The Dept of Roads surveyed the streets with their DYNAFLECT (a sonar like device)--but it did not confirm the

position of the city. FDAA has agreed to keep the issue open for another month and a reinspection. The streets are not in a good condition--but this was a pre-flood condition.

b. Hanson Lake. The Corps of Engineers evaluated the river bank in question. What we term a "dike"--the spot you are familiar with--the Corps finds is not a viable dike. It is merely a pile of spoil cast aside years ago by the sand pit operator. The Corps noted that the problem was merely bank erosion. Therefore, the Corps cannot repair this site under their authority. Since the river bank site in question is privately owned--its repair is not reimbursable from Federal disaster funds.

We have discussed this with the Natural Resource District. They considered this structure a few years ago--and turned it down. Indications are that will still be the position of the NRD.

c. Game & Parks. Damage inspections have been completed and it appears they will be eligible for about $185,000 of Federal disaster reimbursement. Although there apparently was some damage to buildings at Niobrara State Park--this may not be reimbursed due to the flood insurance requirement of FDAA. This issue is still under debate.

d. The length of time required to close out a Federal disaster causes a problem. We are still involved in obtaining the reimbursements for the SE Nebraska Sleet Storm-Power Failure (March 1976) and the Omaha Tornado (May 1975). Omaha may yet claim reimbursement from the Emergency Fund due to a difference in their disaster expense and the Federal reimbursement.

4. Current appropriations to the Governor's Emergency Fund.

a. Flood control projects.

(1) Sections 1, 2 and 3 of LB 965 allocates $1,000,000 for this general purpose.

(2) Section 2 limits this million dollars to grants to NRD's for flood control projects. It speaks of dike maintenance, improvements, repair, and renovations.

(3) With the exception of Hanson Lake, it now appears that all of the major damages this flood caused to dikes will be either repaired by the Corps of Engineers or by the public owners with reimbursement from FDAA.

(4) No other program that we know of will fund improvements in maintenance of dikes (which clearly is needed--and lack of maintenance is a cause of failure of a dike).

(5) Improvements could be Federally funded--but such projects have a long lead time, a 2 or 3 year period from a plan to funding.

(6) We would propose to use the Water Resources Department and the Natural Resources Planning Commission to help adjudicate grants to the NRD's from this fund.

(7) Section 3 of LB 965 allocates $100,000 of the million to the "dike" at Hanson Lake. Probably the "grant concept" of Section 2 applies--

(8) In any event, the million dollars in Sections 1, 2 and 3 is clearly restricted to flood control projects.

b. Section 4 of LB 965 provides for $1,200,000 to the Governor's Emergency Fund--NOW--and the balance carries over to next FY.

LB 924 (deficit) added $200,000 to the Governor's Emergency Fund.

LB 953 (regular appropriations) provided $300,000 to the Governor's Emergency Fund--and reappropriates for next FY any unexpended balance as of June 30, 1978.

The total of these three bills gives us $1,400,000 of "new" money--which will carry over to next FY--and 1 July we will have another $300,000. Plus the $1,000,000 "dike" money.

5. Where do we stand--$ wise?

a. Costs and funds available:

Current fund balance	$ 135,000
Plus (Sect 4, LB 965)	1,200,000
Plus (LB 924)	200,000
Plus (LB 953)	300,000
Funds available	$ 1,835,000

b. Expected expense:

Additional operations costs	$ 100,000
Sep 77 Flood (Nuckolls & Otoe)	260,000
April Rain (Butler & Saunders)	140,000
Individual & Family grants (state share)	76,000
Mosquito operation if needed	30,000
	$ 606,000
Plus unencumbered fund for FY 79	500,000
TOTAL	$ 1,106,000

c. The million dollar "dike" fund is restrictive and I question the need for the total appropriated amount. I feel this appropriation can be significantly reduced due to the flexibility within the Governor's Emergency Fund.

d. From the above it is clear that the Emergency Fund could be reduced by $700,000 (Sec 4, LB 965).

Sincerely,
(Signed) Edward C. Binder
Major General
The Adjutant General

MESSAGES FROM SECRETARY OF STATE

April 21, 1978

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

RE: LB 693, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 4:20 p.m., LB 693. Along with LB 693, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 693 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 21st day of April, 1978."

Further, I hereby acknowledge that LB 693, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) Ralph Englert
Deputy Secretary of State

April 21, 1978

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

RE: LB 693A, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 4:20 p.m., LB 693A. Along with LB 693A, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 693A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 21st day of April, 1978."

Further, I hereby acknowledge that LB 693A, cover letter, certificate and copy of the Governor's message have all been filed in this office as a a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) Ralph Englert
Deputy Secretary of State

April 21, 1978

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

RE: LB 624, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 4:22 p.m., LB 624. Along with LB 624, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 624 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 21st day of April, 1978."

Further, I hereby acknowledge that LB 624, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) Ralph Englert
Deputy Secretary of State

April 21, 1978

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

RE: LB 624A, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 4:22 p.m., LB 624A. Along with LB 624A, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

> "Legislative Bill 624A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 21st day of April, 1978."

Further, I hereby acknowledge that LB 624A, cover letter, certificate and copy of the Governor's message have all been filed in this office as a a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) Ralph Englert
Deputy Secretary of State

April 21, 1978

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

RE: LB 576, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 4:22 p.m., LB 576. Along with LB 576, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 576 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 21st day of April, 1978."

Further, I hereby acknowledge that LB 576, cover letter, certificate and copy of the Governor's message and Attorney General's opinion have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) Ralph Englert
Deputy Secretary of State

April 21, 1978

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

RE: LB 943, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 4:24 p.m., LB 943. Along with LB 943, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 943 having been returned by the Governor with his signature, but with certain items therein having been line item vetoed, and after further consideration, the Legislature by the constitutional majority, has overridden said line item vetoes as follows:

1.) Section 1, Pg. 9, Claim No 091

Those provisions have become law this 21st day of April, 1978."

Further, I hereby acknowledge that LB 943, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) Ralph Englert
Deputy Secretary of State

April 21, 1978

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

RE: LB 953, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 4:25 p.m., LB 953. Along with LB 953, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 953 having been returned by the Governor with his signature, but with certain items therein having been line item vetoed, and after further consideration, the Legislature by the constitutional majority, has overridden said line item vetoes as follows:

1.) Section 3, Pg. 4, State Department of Education, Program 292 - Special Education

2.) Section 7, Pg. 16, Department of Health, Program 621 - Health and Medical Care Administration

3.) Section 11, Pages 23,24, Department of Public Institutions, Program 424 - State Aid Community Mental Retardation

4.) Section 46, Pages 64,65, State Claims Board, Program 538 - State Claims Board

5.) Section 28, Pg. 48, Natural Resources Commission, Program 304 - Nebraska Water Conservation Fund

Those provisions have become law this 19th day of April, 1978."

Further, I hereby acknowledge that LB 953, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) Ralph Englert
Deputy Secretary of State

April 21, 1978

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

RE: LB 956, Eighty-fifth Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 21, 1978 at 4:25 p.m., LB 956. Along with LB 956, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 956 having been returned by the Governor with his signature, but with certain items therein having been line item vetoed, and after further consideration, the Legislature by the constitutional majority, has overridden said line item vetoes as follows:

1.) Section 48, Pages 19,20 - Board of Regents of the University of Nebraska, planning funds - Program 916

Those provisions have become law this 19th day of April, 1978."

Further, I hereby acknowledge that LB 956, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) Ralph Englert
Deputy Secretary of State

April 25, 1978

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

Dear Mr. President and Senators:

I have received in my office LB 404. This bill has been delivered from the Governor without his signature and with his objections. This bill has been delivered after adjournment sine die on April 25, 1978 at 11:50 a.m.

I hereby acknowledge that LB 404 and the Governor's cover letter 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

April 27, 1978

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

Dear Mr. President and Senators:

This letter is to acknowledge receipt of LB 875 without the Governor's signature and with his objections. Along with LB 875, I have received a copy of the Governor's letter outlining his objections.

Inasmuch as the Legislature had adjourned, the bill was filed in my office by the Governor on April 26, 1978 at 5:25 p.m. and is a matter of public record.

Respectfully submitted,
(Signed) Allen J. Beermann
Secretary of State

April 27, 1978

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

Dear Mr. President and Senators:

This letter is to acknowledge receipt of LB 965 with the Governor's signature but with line item veto reductions. Along with LB 965, I have received a copy of the Governor's letter which outlined his recommendations and a copy of the Adjutant General's letter with regard to emergency funds for flood disaster assistance.

Inasmuch as the Legislature had adjourned, the bill was filed in my office by the Governor on April 26, 1978 at 5:25 p.m. and is a matter of public record.

Respectfully,
(Signed) Allen J. Beermann
Secretary of State

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Eighty-fifth Legislature, Second Session and other correspondence.

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

May 2, 1978
Lincoln, Nebraska

INDEXES FOR LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE SECOND SESSION 1978

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-78

CHRONOLOGY OF BILLS

EIGHTY-FIFTH LEGISLATURE
SECOND SESSION
1978

LEGISLATIVE BILL 15 By Nichol

Jan.	4	Title	4
Feb.	2	Indefinitely postponed	463

LEGISLATIVE BILL 18 By Nichol

Jan.	4	Title	4
Jan.	4	Bracketed	4
Feb.	2	Burrows amendment lost. Burrows amendments withdrawn. Burrows motion to indefinitely postpone lost	487
Feb.	2	Nichol amendments printed	490
Feb.	7	Nichol amendments withdrawn. Burrows amendment adopted. Advanced for Review	549
Feb.	9	Placed on Select File	579
Feb.	14	Advanced for Engrossment	681
Feb.	15	Correctly engrossed	726
Feb.	16	Withdrawn	743

LEGISLATIVE BILL 21 By Savage

Jan.	4	Title	4
Jan.	6	Savage, Barnett and Maresh amendments adopted. Lamb and Burrows amendments lost. Advanced for Review	196
Jan.	9	Stoney amendment printed	234
Jan.	12	Placed on Select File	312
Jan.	17	Stoney amendment printed	405
Jan.	17	Murphy, Stoney and Savage amendments adopted. Murphy amendment lost. Stoney amendment withdrawn. Advanced for engrossment	414
Feb.	2	Replaced on Select File	449
Feb.	3	Advanced for engrossment	505
Feb.	8	Returned to Select File for Murphy amendment	561
Feb.	8	Murphy amendment adopted. Advanced for engrossment	563
Feb.	10	Replaced on Select File	610
Feb.	13	Advanced for engrossment	645

Feb. 14	Correctly engrossed	689
Feb. 17	Laid over	760
Feb. 17	Returned to Select File for Stoney amendment. Stoney amendment adopted. Advanced for re-engrossment	785
Feb. 17	Returned to Select File for Stoney amendment. Stoney amendment adopted. Advanced for re-engrossment	793
Feb. 20	Re-advanced to Final Reading	809
Feb. 23	Final Reading	869
Feb. 24	Correctly enrolled. President signed	906
Feb. 27	Presented to Governor	936
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 21A By Savage

Jan. 4	Title	5
Jan. 6	Savage amendment adopted. Advanced for Review	198
Jan. 12	Placed on Select File	313
Jan. 17	Advanced for engrossment	415
Feb. 14	Correctly engrossed	689
Feb. 17	Laid over	760
Feb. 23	Final Reading	870
Feb. 24	Correctly enrolled. President signed	906
Feb. 27	Presented to Governor	936
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 28 By Keyes

Jan. 4	Title	5
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 33A By Koch

Jan. 4	Title	5
Jan. 13	Koch motion to withdraw pending	363
Jan. 17	Withdrawn	398

LEGISLATIVE BILL 42 By Warner

Jan. 4	Title	5
Feb. 3	Newell name added	521
Mar. 28	Newell amendments printed	1537
Apr. 4	Advanced for review. Newell amendments withdrawn	1636

Apr. 6	Placed on Select File	1682
Apr. 10	Newell amendments printed	1754
Apr. 17	Newell, Koch, Warner, and Maresh amendments adopted. Advanced for engrossment	2028
Apr. 18	Returned to Select File for Newell amendment. Newell amendment adopted. Advanced for engrossment	2074
Apr. 18	Replaced on Select File	2112
Apr. 18	Advanced for engrossment	2117
Apr. 18	Correctly engrossed	2119
Apr. 21	Laid over	2207
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 44 By Koch

Jan. 4	Title	6
Mar. 14	Koch amendment adopted. Advanced for review	1260
Mar. 17	Placed on Select File	1345
Apr. 3	Advanced for engrossment	1589
Apr. 6	Correctly engrossed	1676
Apr. 13	Final Reading	1939
Apr. 13	Correctly enrolled. Speaker signed	1960
Apr. 13	Presented to Governor	1964
Apr. 18	Returned by Governor without approval	2065
Apr. 19	Koch motion to override pending	2146
Apr. 19	Koch pending motion lost	2168
Apr. 19	Marsh motion to reconsider prevailed. Marsh motion to override prevailed	2171
Apr. 21	Delivered to Secretary of State	2204
Apr. 21	Message from Secretary of State	2218

LEGISLATIVE BILL 48 By Murphy

Jan. 4	Title	6
Jan. 16	Indefinitely postponed	381

LEGISLATIVE BILL 51 By Rumery

Jan. 4	Title	6
Feb. 2	Indefinitely postponed	466

LEGISLATIVE BILL 62 By Chambers

Jan. 4	Title	7
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 63 By Chambers

Jan.	4	Title	7
Feb.	7	Laid over	545
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 64 By Chambers

Jan.	4	Title	7
Jan.	4	Chambers amendments printed	148
Jan.	6	Chambers amendments printed	193
Jan.	10	Bracketed	275
Jan.	16	Chambers amendments withdrawn. Bracketed	369
Jan.	16	Attorney General's Opinion	386
Jan.	16	Attorney General's Opinion	387
Feb.	6	Chambers pending amendment adopted. Stoney amendment lost. Indefinitely postponed	529
Feb.	7	Merz motion to reconsider pending	555
Feb.	10	Chambers amendment printed	632
Feb.	14	Merz pending motion lost	682

LEGISLATIVE BILL 65 By Chambers

Jan.	4	Title	7
Jan.	11	Motion to advance pending	295
Jan.	11	Advanced for review	297
Feb.	2	Placed on Select File	450
Feb.	3	Advanced for engrossment	506
Feb.	7	Replaced on Select File	537
Feb.	8	Failed to advance for engrossment	564
Feb.	10	Bracketed	616
Apr.	5	Unbracketed	1663
Apr.	10	Chambers amendment lost. Failed to advance for engrossment. Indefinitely postponed	1737
Apr.	10	Chambers motion to reconsider pending	1746

LEGISLATIVE BILL 75 By Marsh

Jan.	4	Title	7
Jan.	5	Chambers amendment adopted. Reutzel amendment lost. Advanced for review	158
Jan.	10	Placed on Select File	249
Jan.	12	Marsh amendment adopted. Advanced for engrossment	337
Feb.	2	Correctly engrossed	452

Feb. 7	Final Reading	537
Feb. 7	Reutzel explanation of vote	542
Feb. 8	Correctly enrolled. Speaker signed	572
Feb. 9	Presented to Governor	579
Feb. 15	Approved by Governor	718

LEGISLATIVE BILL 76 By Simon

Jan. 4	Title	7
Feb. 23	Indefinitely postponed	900

LEGISLATIVE BILL 87 By Clark

Jan. 4	Title	8
Mar. 1	Barnett amendments printed	996
Apr. 4	Barnett pending amendment adopted. Murphy and Barnett amendments adopted. Advanced for review	1637
Apr. 6	Placed on Select File	1692
Apr. 7	Advanced for engrossment	1730
Apr. 11	Correctly engrossed	1800
Apr. 14	Final Reading	1977
Apr. 14	Correctly enrolled. Speaker signed	2001
Apr. 14	Presented to Governor	2004
Apr. 18	Returned by Governor without approval	2066

LEGISLATIVE BILL 89 By Goodrich

Jan. 4	Title	8
Jan. 12	Indefinitely postponed	306

LEGISLATIVE BILL 92 By Goodrich

Jan. 4	Title	8
Jan. 10	Goodrich amendment printed	273
Jan. 11	Laid over	288
Jan. 13	Goodrich amendment withdrawn. Bracketed	357
Feb. 3	Bracketed	509
Feb. 22	Goodrich and Koch amendments adopted. Warner amendment pending	863
Feb. 23	Warner pending amendment withdrawn. F. Lewis amendment lost. Failed to advance for review	894
Feb. 24	Bracketed	920
Feb. 28	Advanced for review	985

Mar. 2	Placed on Select File	1016
Mar. 7	Advanced for engrossment	1089
Mar. 9	Correctly engrossed	1154
Mar. 15	Final Reading	1276
Mar. 15	Cullan explanation of vote	1295
Mar. 15	Laid over	1302
Mar. 20	Correctly enrolled	1375
Mar. 20	President signed	1376
Mar. 21	Presented to Governor	1391
Mar. 23	Returned by Governor without approval	1478
Apr. 5	Goodrich motion to override pending	1663
Apr. 6	Goodrich pending motion lost	1691

LEGISLATIVE BILL 92A By Goodrich

Jan. 4	Title	8
Jan. 10	Goodrich amendment printed	274
Jan. 11	Laid over	288
Feb. 3	Bracketed	509
Feb. 24	Bracketed	920
Feb. 28	Goodrich pending amendment withdrawn. Laid over	986
Mar. 1	Goodrich amendment printed	1010
Mar. 2	Goodrich pending amendment adopted. Failed to advance for review	1023
Mar. 6	Chambers motion to indefinitely postpone lost. Advanced for review	1069
Mar. 7	Placed on Select File	1104
Mar. 8	Advanced for engrossment	1130
Mar. 10	Correctly engrossed	1205
Mar. 15	Laid over	1277
Mar. 15	Final Reading	1293
Mar. 15	Dvorak motion to reconsider pending	1297
Mar. 16	Dvorak pending motion prevailed	1332
Mar. 17	Final Reading	1347
Mar. 20	Correctly enrolled	1375
Mar. 20	President signed	1376
Mar. 21	Presented to Governor	1391
Mar. 23	Returned by Governor without approval	1478
Apr. 5	Goodrich motion to override pending	1663
Apr. 6	Goodrich pending motion withdrawn	1691

LEGISLATIVE BILL 98 By Murphy

Jan. 4	Title	8
Feb. 28	Unbracketed	975

Mar. 1	Advanced for review	1009
Mar. 6	Placed on Select File	1047
Mar. 7	Advanced for engrossment	1090
Mar. 9	Correctly engrossed	1154
Mar. 14	Final Reading	1247
Mar. 14	Kelly and Maresh explanations of vote	1256
Mar. 15	Correctly enrolled. President signed	1276
Mar. 15	Marsh explanation of vote	1311
Mar. 16	Presented to Governor	1315
Mar. 22	Returned by Governor without approval	1448
Apr. 3	Murphy motion to override prevailed	1593
Apr. 4	Communication. Certificate	1610
Apr. 4	Letter	1621

LEGISLATIVE BILL 99 By F. Lewis

Jan. 4	Title	8
Jan. 11	Laid over	288
Jan. 12	Bracketed	337
Feb. 8	George amendments printed	569
Feb. 14	Bracketed	695
Feb. 24	Laid over	920
Feb. 27	George amendment renewed	952
Feb. 28	Bracketed	974
Mar. 7	Bracketed	1094
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 102 By Moylan

Jan. 4	Title	8
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 105 By Newell

Jan. 4	Title	9
Feb. 2	Indefinitely postponed	463

LEGISLATIVE BILL 107 By Newell

Jan. 4	Title	9
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 108 By R. Lewis

Jan. 4	Title	9
Jan. 11	Bracketed	302

Feb.	3	R. Lewis amendment adopted. Advanced for review	508
Feb.	7	Placed on Select File	536
Feb.	9	R. Lewis amendment adopted. Mills amendment lost. Advanced for engrossment	593
Feb.	10	Correctly engrossed	617
Mar.	10	Final Reading	1179
Mar.	13	Correctly enrolled	1221
Mar.	13	President signed	1222
Mar.	14	Presented to Governor	1242
Mar.	20	Returned by Governor without approval	1379
Mar.	21	R. Lewis motion to override pending	1417
Apr.	3	R. Lewis pending motion lost	1590
Apr.	3	Fitzgerald motion to reconsider prevailed. Motion to override prevailed	1594
Apr.	4	Communication	1610
Apr.	4	Certificate	1611
Apr.	4	Letter	1622

LEGISLATIVE BILL 109 By Constitutional Revision and Recreation Committee

Jan.	4	Title	9
Jan.	4	Unbracketed. Bracketed	155
Jan.	9	Mills amendment printed	218
Jan.	12	Mills amendment renewed. Barnett amendment pending	319
Jan.	12	Barnett pending amendment withdrawn. Mills amendments adopted. Bracketed	322
Jan.	13	Maresh amendment printed	353
Jan.	17	Laid over	401
Jan.	17	Maresh pending amendment lost. Barnett amendment adopted. Advanced for engrossment	409
Feb.	2	Replaced on Select File	448
Feb.	3	Advanced for engrossment	505
Feb.	7	Replaced on Select File	537
Feb.	7	Attorney General's Opinion	543
Feb.	8	Advanced for engrossment. Returned to Select File for Barnett amendment	562
Feb.	8	Barnett amendment adopted. Advanced for engrossment	563
Feb.	10	Replaced on Select File	611
Feb.	10	Advanced for engrossment. Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Advanced for engrossment	615

Feb. 13	Replaced on Select File	653
Feb. 14	Advanced for engrossment	681
Feb. 15	Correctly engrossed	726
Mar. 10	Final Reading	1180
Mar. 13	Correctly enrolled	1221
Mar. 13	President signed	1222
Mar. 14	Presented to Governor	1242
Mar. 17	Approved by Governor	1362

LEGISLATIVE BILL 109A By Constitutional Revision and Recreation Committee

Jan. 4	Title	9
Jan. 4	Unbracketed. Bracketed	155
Jan. 17	Bracketed	412
Feb. 8	Barnett amendment printed	571
Feb. 27	Unbracketed	942
Mar. 2	Mills motion to indefinitely postpone pending	1029
Mar. 6	Mills pending motion prevailed. Indefinitely postponed	1053

LEGISLATIVE BILL 121 By Kelly

Jan. 4	Title	9
Jan. 5	Attorney General's Opinion	165
Feb. 3	Kelly amendments printed	518
Feb. 10	Kelly amendments printed	614
Feb. 16	Nichol amendment printed	744
Mar. 7	Bracketed	1114
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 128 By Mills

Jan. 4	Title	10
Jan. 12	Mills amendment printed	328
Jan. 16	Committee amendments lost. Bracketed	380
Feb. 3	Bracketed	509
Feb. 7	Mills pending amendment adopted. Laid over	553
Feb. 9	Mills and Fowler amendments adopted	593
Feb. 9	Advanced for review	594
Mar. 14	Placed on Select File	1242
Mar. 21	Hefner amendment printed	1417
Apr. 10	Maresh and Rasmussen amendments adopted. Advanced for engrossment	1748

Apr. 11	Maresh intent printed	1785
Apr. 12	Returned to Select File for Cullan amendment	1820
Apr. 12	Cullan amendment adopted. Advanced for engrossment	1821
Apr. 12	Correctly engrossed	1848
Apr. 18	Returned to Select File for Mills amendment. Mills amendment adopted. Advanced for re-engrossment	2057
Apr. 18	Correctly re-engrossed	2118
Apr. 21	Final Reading	2207
Apr. 21	Correctly enrolled. President signed	2218
Apr. 21	Presented to Governor	2230
May 2	Approved by Governor	2306

LEGISLATIVE BILL 130 By Burrows

Jan. 4	Title	10
Feb. 3	Indefinitely postponed	507

LEGISLATIVE BILL 135 By Agriculture and Environment Committee

Jan. 4	Title	10
Feb. 9	Placed on General File	586
Mar. 17	Advanced for review	1369
Mar. 21	Placed on Select File	1390
Apr. 3	Advanced for engrossment	1590
Apr. 5	Correctly engrossed	1663
Apr. 13	Final Reading	1916
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 135A By Agriculture and Environment Committee

Feb. 22	Read first time. Placed on General File	856
Mar. 17	Advanced for review	1369
Mar. 21	Placed on Select File	1390
Apr. 3	Advanced for engrossment	1590
Apr. 5	Correctly engrossed	1663
Apr. 13	Final Reading	1917
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 140 By Reutzel

Jan. 4	Title	10
Jan. 4	Newell name added. Reutzel name withdrawn	155
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 142 By Bereuter

Jan. 4	Title	10
Jan. 5	Bracketed	158
Mar. 1	Bracketed	1002
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 149 By Dworak

Jan. 4	Title	10
Jan. 11	Laid over	287
Mar. 2	Indefinitely postponed	1038

LEGISLATIVE BILL 153 By Newell

Jan. 4	Title	11
Feb. 2	Placed on General File	462
Feb. 21	Newell amendment printed	833
Feb. 23	Burrows amendment adopted. Newell amendment lost. Newell pending amendment withdrawn. Advanced for review	881
Feb. 24	Barnett amendment printed	919
Feb. 27	Placed on Select File	935
Feb. 27	Merz amendment printed	948
Feb. 28	Bracketed	966
Mar. 6	Bracketed	1055
Apr. 3	Placed on Select File (corrected)	1605
Apr. 6	Merz and Barnett pending amendments withdrawn. Cullan, Koch, Nichol, Simon, and Newell amendments lost. Advanced for engrossment	1696
Apr. 7	Correctly engrossed	1734
Apr. 14	F. Lewis motion to return to Select File lost. Returned to Select File for Mills amendment	1971
Apr. 14	Mills amendment adopted. Advanced for re-engrossment	1973
Apr. 14	Replaced on Select File	1991
Apr. 14	Advanced for engrossment	1994
Apr. 17	Correctly re-engrossed	2025
Apr. 19	Final Reading	2122

Apr. 19 Correctly enrolled. President signed 2145
Apr. 19 F. Lewis explanation of vote 2146
Apr. 19 Presented to Governor 2152
May 2 Approved by Governor 2305

LEGISLATIVE BILL 159 By Goodrich

Jan. 4 Title 11
Feb. 13 Bracketed 647
Mar. 7 Bracketed 1114
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 165 By Judiciary Committee

Jan. 4 Title 11
Jan. 11 Burrows and Committee amendments lost. Barnett amendment adopted. Advanced for review 298
Feb. 2 Placed on Select File 451
Feb. 7 Reutzel amendment lost. Advanced for engrossment 546
Feb. 9 Correctly engrossed 602
Feb. 14 Final Reading 678
Feb. 15 Correctly enrolled. President signed 726
Feb. 16 Presented to Governor 738
Feb. 22 Approved by Governor 848

LEGISLATIVE BILL 166 By Judiciary Committee

Jan. 4 Title 11
Feb. 20 Indefinitely postponed 815

LEGISLATIVE BILL 168 By Judiciary Committee

Jan. 4 Title 11
Jan. 11 Newell and Brennan amendments adopted. Stoney pending amendment withdrawn. Keyes motion to indefinitely postpone lost. Newell amendments lost. Advanced for review 289
Jan. 16 Placed on Select File 366
Feb. 3 Newell amendment adopted. Advanced for engrossment 504
Feb. 8 Correctly engrossed 572
Feb. 14 Final Reading 665

Feb. 15	Correctly enrolled. President signed	726
Feb. 16	Presented to Governor	738
Feb. 22	Approved by Governor	848

LEGISLATIVE BILL 169 By Judiciary Committee

Jan. 4	Title	12
Jan. 12	Stoney amendment printed	313
Mar. 1	Stoney amendment withdrawn. Stoney pending amendment adopted	1013
Mar. 2	Laid over	1023
Mar. 8	Laid over	1136
Mar. 9	Mills amendment adopted. Advanced for review	1170
Mar. 13	Placed on Select File	1221
Mar. 16	Marsh amendment printed	1325
Mar. 21	Mills amendment adopted. Marsh pending amendment adopted. Newell amendments withdrawn. Advanced for engrossment	1416
Mar. 23	Replaced on Select File	1479
Apr. 3	Advanced for engrossment	1588
Apr. 5	Correctly engrossed	1645
Apr. 13	Final Reading	1917
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 170 By Koch

Jan. 4	Title	12
Apr. 11	Carsten change of order pending	1773
Apr. 11	Carsten change of order prevailed	1802
Apr. 11	Marvel pending amendments withdrawn. Carsten amendment adopted. Advanced for review	1803
Apr. 12	Placed on Select File	1871
Apr. 17	Carsten amendment adopted. Advanced for engrossment	2049
Apr. 18	Correctly engrossed	2118
Apr. 19	Attorney General's Opinion	2156
Apr. 21	Rules suspended	2207
Apr. 21	Laid over	2208
Apr. 21	Kahle motion to return to Select File lost. Final Reading	2215
Apr. 21	Warner motion to reconsider prevailed	2228
Apr. 21	Final Reading	2229
Apr. 21	Goodrich motion to reconsider lost	2285

LEGISLATIVE BILL 170A By LR 156 Oversite Committee

Apr. 12	Read first time. Placed on General File	1855
Apr. 12	Advanced for review	1865
Apr. 13	Placed on Select File	1930
Apr. 17	Advanced for engrossment	2050
Apr. 18	Correctly engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Laid over	2217
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 171 By Bereuter

Jan. 4	Title	12
Feb. 2	Indefinitely postponed	459

LEGISLATIVE BILL 177 By Dworak

Jan. 4	Title	12
Jan. 5	Laid over	162
Jan. 9	Bracketed	242
Mar. 1	Dworak pending amendment withdrawn. Mills motion to indefinitely postpone prevailed	1007

LEGISLATIVE BILL 184 By Agriculture and Environment Committee

Jan. 4	Title	12
Jan. 11	Bracketed	287
Feb. 14	Laid over	694
Feb. 14	Schmit amendment printed	703
Feb. 21	Bracketed	845
Mar. 2	DeCamp amendments printed	1027
Mar. 2	Unbracketed	1029
Mar. 6	Schmit pending amendment withdrawn. Committee amendments withdrawn. DeCamp pending amendment adopted. Advanced for review	1076
Mar. 7	Placed on Select File	1104
Mar. 7	Chambers amendments printed	1108
Mar. 9	Bracketed	1168
Mar. 14	DeCamp amendment printed	1268
Mar. 15	Chambers pending amendment lost. DeCamp pending amendment adopted. Advanced for engrossment	1308
Mar. 17	Correctly engrossed	1367

Mar. 21	Cullan amendment printed	1402
Mar. 22	Cullan amendment withdrawn. Cullan motion to return to Select File lost	1452
Mar. 23	Message from the Governor	1492
Apr. 5	F. Lewis motion to return to Select File pending	1649
Apr. 6	F. Lewis pending motion withdrawn	1690
Apr. 6	Chambers motion to return to Select File pending	1694
Apr. 10	Chambers pending motion renewed	1737
Apr. 13	Chambers pending motion lost. Ruling of the Chair	1940
Apr. 13	Final Reading	1941
Apr. 13	Correctly enrolled. Speaker signed	1960
Apr. 13	Presented to Governor	1964
Apr. 17	Returned by Governor without approval	2022
Apr. 18	DeCamp motion to override pending	2112
Apr. 21	DeCamp motion to override lost	2226

LEGISLATIVE BILL 184A By DeCamp

Mar. 15	Read first time. Placed on General File	1297
Mar. 22	Failed to advance for review	1457
Mar. 23	Advanced for review	1485
Apr. 3	Placed on Select File	1552
Apr. 4	Advanced for engrossment	1617
Apr. 6	Correctly engrossed	1681
Apr. 13	Final Reading	1942
Apr. 13	Newell motion to reconsider prevailed	1947
Apr. 13	Final Reading	1948
Apr. 14	Correctly enrolled. Speaker signed	1966
Apr. 14	Presented to Governor	1986
Apr. 17	Returned by Governor without approval	2022
Apr. 18	DeCamp motion to override pending	2112

LEGISLATIVE BILL 186 By Bereuter, Cullan

Jan. 4	Title	13
Jan. 4	Koch and Warner amendments adopted. Advanced for review	150
Jan. 10	Placed on Select File	248
Jan. 12	DeCamp pending amendments withdrawn. Barnett and Bereuter amendments adopted. Dworak and Cullan amendments lost. Bracketed	323
Jan. 17	Bereuter amendments adopted. Advanced for engrossment	406

Feb. 2	Replaced on Select File	447
Feb. 3	Advanced for engrossment	505
Feb. 7	Replaced on Select File	537
Feb. 8	Advanced for engrossment	564
Feb. 10	Correctly engrossed	617
Feb. 15	Final Reading	714
Feb. 16	Correctly enrolled. Speaker signed	738
Feb. 17	Presented to Governor	758
Feb. 22	Approved by Governor	849

LEGISLATIVE BILL 187 By DeCamp

Jan. 4	Title	13
Jan. 17	DeCamp amendment printed	422
Feb. 9	DeCamp amendments printed	589
Feb. 16	DeCamp amendments printed	750
Feb. 27	Motions out of order	952
Mar. 7	Bereuter amendment printed	1088
Mar. 8	Committee amendments lost. DeCamp pending amendments withdrawn. Clark amendment to DeCamp amendment adopted. DeCamp amendment lost, as amended	1122
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 188 By DeCamp

Jan. 4	Title	13
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 189 By Agriculture and Environment Committee

Jan. 4	Title	13
Feb. 23	Schmit amendment printed	887
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 192 By Burrows

Jan. 4	Title	14
Jan. 11	Bracketed	288
Feb. 2	Attorney General's Opinion	432
Feb. 7	Barnett amendment adopted. F. Lewis amendment lost. Bracketed	551
Feb. 14	Burrows amendments pending	706
Feb. 15	Burrows pending amendments adopted. White copy printed. Bracketed	729
Feb. 28	Bracketed	977

Mar. 9	Koch motion to indefinitely postpone pending	1171
Mar. 23	Advanced for review	1492
Apr. 3	Placed on Select File	1552
Apr. 3	Keyes amendment printed	1572
Apr. 11	Burrows amendments printed	1812
Apr. 17	Burrows pending amendments adopted. Koch motion to indefinitely postpone lost. Keyes pending amendment withdrawn. Maresh amendments adopted. Advanced for engrossment	2017
Apr. 17	Replaced on Select File	2035
Apr. 17	Advanced for engrossment	2036
Apr. 18	Correctly engrossed	2078
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2208

LEGISLATIVE BILL 192A By Burrows

Feb. 6	Read first time. Placed on General File	533
Feb. 7	Bracketed	551
Feb. 28	Bracketed	977
Mar. 23	Advanced for review	1492
Apr. 3	Placed on Select File	1554
Apr. 17	Advanced for engrossment	2019
Apr. 18	Correctly engrossed	2078
Apr. 21	Rules suspended	2207
Apr. 21	Laid over	2209
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 198 By Maxey

Jan. 4	Title	14
Feb. 17	Committee amendment considered	17
Feb. 24	Advanced for review	922
Feb. 28	Placed on Select File	955
Mar. 1	Bracketed	1000
Mar. 7	Maxey amendment printed. Maxey name added	1086
Mar. 10	Unbracketed	1209
Mar. 13	Maxey amendment adopted. Advanced for engrossment	1236
Mar. 14	Correctly engrossed	1268
Apr. 13	Final Reading	1911
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 198A By Maxey

Jan.	4	Title 14
Feb.	24	Advanced for review 922
Feb.	28	Placed on Select File 955
Mar.	1	Bracketed 1000
Mar.	10	Unbracketed 1209
Mar.	13	Advanced for engrossment 1236
Mar.	14	Correctly engrossed 1268
Mar.	16	Returned to Select File for Maxey amendment. Maxey amendment adopted. Advanced for re-engrossment 1305
Mar.	16	Correctly re-engrossed 1327
Apr.	13	Final Reading 1912
Apr.	13	Correctly enrolled. Speaker signed 1950
Apr.	13	Presented to Governor 1960
Apr.	21	Approved by Governor 2203

LEGISLATIVE BILL 202 By Simon

Jan.	4	Title 14
Jan.	9	Laid over 235
Jan.	9	Bracketed 242
Feb.	2	Bracketed 486
Feb.	27	Simon amendments printed 940
Feb.	28	DeCamp amendment printed 972
Feb.	28	Murphy amendments adopted 974
Feb.	28	Simon and Murphy amendments adopted. Simon pending amendment withdrawn. Laid over 976
Feb.	28	Simon, DeCamp and Murphy amendments adopted. Advanced for review 981
Mar.	2	Placed on Select File 1016
Mar.	7	Rasmussen motion to indefinitely postpone pending 1089
Mar.	7	Koch amendment printed 1092
Mar.	7	Rasmussen amendments printed 1100
Mar.	7	Hefner amendment printed 1112
Mar.	8	Koch and Simon amendments adopted. Rasmussen motion to indefinitely postpone withdrawn. Rasmussen and Hefner amendments withdrawn. Advanced for engrossment 1131
Mar.	9	Bracketed 1155
Mar.	15	Unbracketed 1308

Mar.	16	Returned to Select File for Simon amendment. Simon amendment adopted. Advanced for engrossment 1332
Mar.	17	Replaced on Select File 1357
Mar.	20	Advanced for engrossment 1382
Mar.	21	Correctly engrossed 1417
Mar.	28	Final Reading 1509
Apr.	3	Correctly enrolled. President signed 1556
Apr.	3	Kelly explanation of vote 1571
Apr.	4	Presented to Governor 1615
Apr.	7	Approved by Governor 1733

LEGISLATIVE BILL 210 By Warner

Jan.	4	Title 14
Jan.	16	Laid over 370
Jan.	17	Bereuter amendment printed 393
Feb.	13	DeCamp amendments printed 656
Feb.	14	Laid over 694
Feb.	16	Change of order 748
Feb.	21	Marvel, Koch and Bereuter amendments withdrawn. Bereuter amendment part 1 adopted, part 2 lost. DeCamp amendment renewed. Warner amendment to DeCamp amendment adopted. DeCamp amendment, as amended, pending 830
Feb.	22	DeCamp pending amendment lost. DeCamp and Warner amendments lost. Warner motion to indefinitely postpone pending. White copy printed 849
Mar.	1	DeCamp amendments printed 1011
Mar.	7	Warner motion to indefinitely postpone withdrawn. DeCamp name added. DeCamp pending amendment adopted. Simon motion to indefinitely postpone lost. Warner name withdrawn. Advanced for review 1096
Mar.	9	Placed on Select File 1148
Mar.	13	Failed to advance for engrossment 1238
Mar.	20	Dworak amendments printed. Laid over 1383
Apr.	10	Dworak pending amendment, and Kelly and DeCamp amendments adopted. Koch motion to indefinitely postpone pending 1740
Apr.	11	Koch pending motion withdrawn. Advanced for engrossment 1786
Apr.	12	Replaced on Select File 1870
Apr.	12	Failed to advance for engrossment 1882
Apr.	13	Advanced for engrossment 1902

Apr. 13	Correctly engrossed	1906
Apr. 18	Koch motion to return to Select File lost. Final Reading	2085
Apr. 18	Marsh explanation of vote	2108
Apr. 18	Correctly enrolled. Speaker signed	2118
Apr. 19	Presented to Governor	2120
Apr. 19	Returned by Governor without approval	2143
Apr. 21	DeCamp motion to override lost	2225

LEGISLATIVE BILL 212 By Kremer

Jan. 4	Title	14
Jan. 6	Laid over	199
Jan. 10	Bracketed	270
Feb. 3	Kremer amendments printed	520
Feb. 7	Laid over	551
Feb. 9	Committee amendments rejected. Kremer amendments withdrawn. Kremer amendments adopted. Barnett amendment renewed. Dworak amendment to Barnett amendment lost. Fowler amendment to Barnett amendment adopted. Barnett amendment, as amended, adopted. Laid over	594
Feb. 14	Kremer, Maresh and Koch amendments adopted. Advanced for review	688
Feb. 15	Maxey amendment printed	730
Feb. 16	Placed on Select File	737
Feb. 16	Barnett amendments printed	744
Feb. 17	Maxey pending amendments lost. Barnett and Fowler amendments withdrawn. Advanced for engrossment	777
Feb. 21	Correctly engrossed	831
Feb. 24	Laid over	906
Mar. 10	Returned to Select File for Barnett amendment. Barnett amendment adopted. Advanced for re-engrossment	1181
Mar. 13	Correctly re-engrossed	1221
Mar. 15	Koch amendments printed	1310
Mar. 16	Laid over	1315
Mar. 16	Koch motion to return to Select File lost. Final Reading	1317
Mar. 17	Correctly enrolled. President signed	1346
Mar. 20	Presented to Governor	1376
Mar. 21	Approved by Governor	1414
Apr. 4	Attorney General's Opinion	1629

LEGISLATIVE BILL 216 By Dworak

Jan. 4	Title	15
Jan. 13	Barnett, Schmit and Dworak amendments adopted. Schmit and Dworak amendments lost. Advanced for review	357
Feb. 2	Placed on Select File	451
Feb. 3	Advanced for engrossment	506
Feb. 8	Correctly engrossed	572
Feb. 14	Final Reading	666
Feb. 15	Correctly enrolled. President signed	726
Feb. 16	Presented to Governor	738
Feb. 22	Approved by Governor	848

LEGISLATIVE BILL 217 By Mills

Jan. 4	Title	15
Jan. 9	Committee amendments withdrawn. Duis and Mills amendments withdrawn. Corrected Committee amendments, as amended by Mills, adopted. Mills amendment adopted. Advanced for review	230
Jan. 13	Placed on Select File	342
Jan. 17	Advanced for engrossment	401
Feb. 2	Correctly engrossed	452
Feb. 7	Final Reading	538
Feb. 7	Reutzel explanation of vote	542
Feb. 8	Correctly enrolled. Speaker signed	572
Feb. 9	Presented to Governor	579
Feb. 15	Approved by Governor	718

LEGISLATIVE BILL 223 By Venditte

Jan. 4	Title	15
Jan. 9	Laid over	235
Jan. 10	Simon amendment printed	270
Jan. 10	Barnett and Reutzel amendments adopted. Advanced for review	273
Jan. 16	Placed on Select File	365
Jan. 17	Laid over	401
Feb. 2	Reutzel and Simon amendments lost. Advanced for engrossment	473
Feb. 6	Correctly engrossed	528
Feb. 9	Final Reading	581
Feb. 9	Chambers motion to reconsider pending	583
Feb. 9	Simon explanation of vote	592
Feb. 14	Chambers pending motion lost	684

LEGISLATIVE BILL 226 By Merz

Jan.	4	Title	15
Apr.	5	Warner amendment adopted. F. Lewis motion to indefinitely postpone prevailed	1657
Apr.	6	Reutzel motion to reconsider pending	1676

LEGISLATIVE BILL 233 By Fowler

Jan.	4	Title	15
Jan.	6	Kahle amendment lost. Advanced for review	185
Jan.	6	Savage explanation of vote	192
Jan.	11	Placed on Select File	284
Jan.	13	Cullan, Keyes and Murphy amendments adopted. Advanced for engrossment	353
Feb.	2	Replaced on Select File	447
Feb.	3	Advanced for engrossment	505
Feb.	8	Correctly engrossed	572
Feb.	14	Final Reading	667
Feb.	15	Correctly enrolled. President signed	726
Feb.	16	Presented to Governor	738
Feb.	23	Approved by Governor	883

LEGISLATIVE BILL 234 By Maresh, Cullan

Jan.	4	Title	15
Feb.	2	Indefinitely postponed	463

LEGISLATIVE BILL 240 By Maresh

Jan.	4	Title	16
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 244 By Hasebroock

Jan.	4	Title	16
Jan.	11	Advanced for review	295
Jan.	16	Placed on Select File	366
Feb.	2	Advanced for engrossment	473
Feb.	6	Correctly engrossed	528
Feb.	9	Final Reading	582
Feb.	10	Correctly enrolled. President signed	617
Feb.	14	Presented to Governor	688
Feb.	17	Request Governor to return	778
Feb.	17	Hasebroock motion to reconsider prevailed	784

Feb. 17	Returned to Select File for Hasebroock amendment. Hasebroock amendment adopted. Advanced for re-engrossment	785
Feb. 21	Correctly re-engrossed	831
Feb. 24	Final Reading	906
Feb. 27	Correctly enrolled	936
Feb. 28	Speaker signed	957
Feb. 28	Presented to Governor	979
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 247 By Kremer

Jan. 4	Title	16
Mar. 1	Barnett amendment printed	996
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 247A By Kremer

Jan. 4	Title	16
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 248 By Public Works Committee

Jan. 4	Title	16
Feb. 21	Mills amendments printed	831
Feb. 24	DeCamp amendment printed	919
Mar. 1	Barnett amendment printed	1007
Mar. 9	Barnett amendment printed	1171
Mar. 17	Mills and DeCamp pending amendments withdrawn. Advanced for review	1366
Mar. 21	Placed on Select File	1389
Apr. 13	Mills and DeCamp pending amendments adopted. Barnett amendments withdrawn. Advanced for engrossment	1960
Apr. 14	Replaced on Select File	1985
Apr. 14	Advanced for engrossment	1994
Apr. 18	Correctly engrossed	2064
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2221
Apr. 21	Correctly enrolled. President signed	2230
Apr. 21	Presented to Governor	2261
May 2	Approved by Governor	2306

LEGISLATIVE BILL 249 By Murphy

Jan. 4	Title	16
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 258 By Schmit

Jan.	4	Title	17
Jan.	6	Schmit and Goodrich amendments withdrawn. DeCamp and Schmit amendments pending	186
Jan.	6	DeCamp and Schmit amendments adopted. Dworak amendment lost. Advanced for review	195
Jan.	12	Placed on Select File	311
Jan.	17	Bracketed	413
Feb.	2	Dworak and Fowler amendments lost. Mills amendment adopted. Advanced for engrossment	470
Feb.	6	Correctly engrossed	528
Mar.	10	Final Reading	1181
Mar.	13	Correctly enrolled	1221
Mar.	13	President signed	1222
Mar.	13	Mills explanation of vote	1224
Mar.	14	Presented to Governor	1242
Mar.	17	Approved by Governor	1362

LEGISLATIVE BILL 258A By Schmit

Jan.	4	Title	17
Jan.	6	Advanced for review	196
Jan.	12	Placed on Select File	312
Feb.	2	Advanced for engrossment	472
Feb.	6	Correctly engrossed	528
Mar.	10	Final Reading	1182
Mar.	13	Correctly enrolled	1221
Mar.	13	President signed	1222
Mar.	13	Mills explanation of vote	1224
Mar.	14	Presented to Governor	1242
Mar.	17	Approved by Governor	1362

LEGISLATIVE BILL 259 By DeCamp

Jan.	4	Title	17
Jan.	11	Burrows and DeCamp amendments adopted. Advanced for review	288
Jan.	16	Placed on Select File	365
Feb.	3	Bracketed	503
Feb.	8	Stoney amendments printed	570
Feb.	9	Mills amendments printed	587
Feb.	13	Laid over	646
Feb.	14	Laid over	680

Feb. 14	Stoney amendment printed	683
Feb. 15	Mills and Stoney amendments adopted. Advanced for engrossment	722
Feb. 17	Replaced on Select File	759
Feb. 22	Advanced for engrossment	857
Feb. 23	Correctly engrossed	890
Feb. 28	Final Reading	957
Feb. 28	Correctly enrolled. Speaker signed	976
Feb. 28	Presented to Governor	979
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 262 By Banking, Commerce and Insurance Committee

Jan. 4	Title	17
Jan. 11	Dworak and Burrows amendments lost. Simon motion to indefinitely postpone lost. Bracketed	300
Feb. 7	Dworak amendment printed. Unbracketed	551
Feb. 14	Dworak and Simon amendments adopted. Advanced for review	693
Feb. 16	Placed on Select File	737
Feb. 17	Advanced for engrossment	773
Feb. 21	Correctly engrossed	831
Feb. 24	Final Reading	907
Feb. 27	Correctly enrolled	936
Feb. 28	Speaker signed	957
Feb. 28	Presented to Governor	979
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 270 By F. Lewis

Jan. 4	Title	17
Jan. 11	Advanced for review	297
Feb. 2	Placed on Select File	451
Feb. 3	F. Lewis amendment adopted. Advanced for engrossment	506
Feb. 8	Correctly engrossed	572
Feb. 14	Final Reading	668
Feb. 15	Correctly enrolled. President signed	726
Feb. 16	Presented to Governor	738
Feb. 22	Approved by Governor	848

LEGISLATIVE BILL 271 By F. Lewis

Jan. 4	Title	17
Jan. 16	Laid over	370
Feb. 24	Laid over	920
Apr. 4	Advanced for review	1636
Apr. 6	Placed on Select File	1675
Apr. 7	Advanced for engrossment	1729
Apr. 11	Correctly engrossed	1800
Apr. 14	Final Reading	1977
Apr. 14	Correctly enrolled. Speaker signed	2001
Apr. 14	Presented to Governor	2004
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 276 By Fowler

Jan. 4	Title	18
Jan. 10	Bracketed	266
Jan. 16	Advanced for review	367
Feb. 2	Placed on Select File	452
Feb. 3	Fowler amendment adopted. Advanced for engrossment	510
Feb. 8	Correctly engrossed	572
Feb. 14	Final Reading	668
Feb. 15	Correctly enrolled. President signed	726
Feb. 16	Presented to Governor	738
Feb. 22	Approved by Governor	848

LEGISLATIVE BILL 281 By Constitutional Revision and Recreation Committee

Jan. 4	Title	18
Feb. 2	Indefinitely postponed	463

LEGISLATIVE BILL 282 By Constitutional Revision and Recreation Committee

Jan. 4	Title	18
Jan. 16	Bracketed	369
Feb. 7	Laid over	553
Feb. 14	Laid over	693
Feb. 15	Warner amendment adopted. Failed to advance for review	730
Mar. 7	Failed to advance for review	1111
Mar. 8	Laid over	1138
Mar. 9	Laid over	1170
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 286 By Simon

Jan. 4	Title	18
Feb. 13	Failed to advance for review	655
Apr. 7	Advanced for review	1719
Apr. 10	Placed on Select File	1758
Apr. 12	Advanced for engrossment	1819
Apr. 14	Correctly engrossed	2001
Apr. 18	Final Reading	2089
Apr. 18	Marsh explanation of vote	2108
Apr. 18	Correctly enrolled. Speaker signed	2118
Apr. 19	Presented to Governor	2120
May 2	Approved by Governor	2305

LEGISLATIVE BILL 293 By Mills at request of Governor

Jan. 4	Title	18
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 295 By Dworak

Jan. 4	Title	19
Feb. 2	Indefinitely postponed	463

LEGISLATIVE BILL 296 By Public Works Committee

Jan. 4	Title	19
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 297 By Public Works Committee

Jan. 4	Title	19
Feb. 2	Indefinitely postponed	463

LEGISLATIVE BILL 298 By Public Works Committee

Jan. 4	Title	19
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 298A By Kremer

Jan. 4	Title	19
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 299 By Public Works Committee

Jan. 4	Title	20
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 300 By Public Works Committee

Jan. 4 Title 20
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 313 By Public Works Committee

Jan. 4 Title 20
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 315 By Rasmussen

Jan. 4 Title 20
Jan. 5 Rasmussen amendment printed 168
Jan. 9 Rasmussen amendments adopted. Advanced for review 217
Jan. 12 Placed on Select File 313
Jan. 13 Advanced for engrossment 357
Feb. 2 Correctly engrossed 452
Feb. 7 Returned to Select File for Rasmussen amendment 539
Feb. 7 Rasmussen amendment adopted. Advanced for re-engrossment 545
Feb. 9 Correctly re-engrossed 602
Feb. 14 Marsh motion to bracket lost 678
Feb. 14 Final Reading 679
Feb. 15 Correctly enrolled. President signed 726
Feb. 16 Presented to Governor 738
Feb. 22 Approved by Governor 848

LEGISLATIVE BILL 316 By Marvel

Jan. 4 Title 20
Jan. 11 Laid over 297
Feb. 3 Advanced for review 509
Feb. 7 Placed on Select File 536
Feb. 9 Laid over 593
Feb. 14 Koch amendment lost. Marvel motion to withdraw pending. Laid over 680
Feb. 15 Withdrawn 728

LEGISLATIVE BILL 322 By Maresh

Jan. 4 Title 20
Feb. 15 Placed on General File 734
Apr. 13 Maresh motion to change order lost 1902
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 323 By Mills

Jan. 4	Title	21
Jan. 16	Laid over	369
Jan. 16	Mills and Burrows amendments adopted. Keyes amendment lost. Advanced for review	370
Feb. 2	Placed on Select File	452
Feb. 3	Advanced for engrossment	514
Feb. 8	Correctly engrossed	572
Feb. 14	Final Reading	669
Feb. 14	Action vacated	677
Feb. 14	Returned to Select File for Mills amendment. Mills amendment adopted. Advanced for re-engrossment	686
Feb. 15	Correctly re-engrossed	725
Feb. 20	Final Reading	798
Feb. 20	DeCamp motion to reconsider pending	808
Feb. 21	DeCamp pending motion prevailed	843
Apr. 14	Final Reading	1968
Apr. 14	Correctly enrolled. Speaker signed. Newell and Reutzel explanations of vote	1986
Apr. 14	Presented to Governor	1989
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 325 By Boughn

Jan. 4	Title	21
Jan. 16	Indefinitely postponed	377
Feb. 2	Attorney General's Opinion	436

LEGISLATIVE BILL 327 By Newell

Jan. 4	Title	21
Jan. 9	Newell amendment lost. Advanced for review	224
Jan. 12	Placed on Select File	313
Feb. 2	Laid over	472
Feb. 7	Murphy amendment pending	546
Feb. 8	Newell amendment adopted. Lamb amendment lost. Advanced for engrossment	565
Feb. 10	Replaced on Select File	611
Feb. 10	Advanced for engrossment	632
Feb. 10	Murphy motion to return to Select File lost	633
Feb. 13	Correctly engrossed	652

Feb. 15	Returned to Select File for Newell amendment. Newell amendment adopted. Advanced for engrossment	722
Feb. 16	Replaced on Select File	738
Feb. 17	Advanced for re-engrossment	773
Feb. 21	Correctly re-engrossed	831
Feb. 24	Laid over	908
Feb. 27	Laid over	936
Feb. 28	Final Reading	962
Feb. 28	Correctly enrolled. Speaker signed	976
Feb. 28	Presented to Governor	979
Mar. 7	Approved by Governor	1102

LEGISLATIVE BILL 329 By Maxey

Jan. 4	Title	21
Jan. 5	Advanced for review	175
Jan. 11	Placed on Select File	284
Jan. 12	Advanced for engrossment	319
Feb. 2	Correctly engrossed	452
Feb. 7	Final Reading	539
Feb. 8	Correctly enrolled. Speaker signed	572
Feb. 9	Presented to Governor	579
Feb. 15	Approved by Governor	718

LEGISLATIVE BILL 331 By Banking, Commerce and Insurance Committee

Jan. 4	Title	21
Feb. 14	Placed on General File	698
Feb. 17	Bracketed	794
Mar. 1	Barnett amendment printed	1007

LEGISLATIVE BILL 339 By Lamb

Jan. 4	Title	22
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 341 By Nebraska Retirement Systems Committee

Jan. 4	Title	22
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 342 By Nebraska Retirement Systems Committee

Jan. 4	Title	22
Feb. 13	Placed on General File	641
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 343 By Nebraska Retirement Systems Committee

Jan. 4	Title	22
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 348 By Nebraska Retirement Systems Committee

Jan. 4	Title	23
Feb. 14	Attorney General's Opinion	696
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 350 By Moylan

Jan. 4	Title	23
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 351 By Revenue Committee

Jan. 4	Title	23
Jan. 16	Duis motion to reconsider prevailed. Bracketed	378
Feb. 8	DeCamp amendments printed	571
Feb. 14	Barnett amendment lost. Koch amendments withdrawn. Bracketed	695
Feb. 14	Murphy and DeCamp amendments printed	703
Feb. 28	Bracketed	979
Mar. 7	DeCamp amendments printed	1106
Mar. 8	Keyes amendments printed	1144
Mar. 16	Keyes amendments printed	1325
Mar. 23	DeCamp pending amendments withdrawn. DeCamp pending amendment adopted. Keyes pending amendments withdrawn. Advanced for review	1496
Mar. 28	Barnett amendments printed	1543
Apr. 3	Placed on Select File	1554
Apr. 7	Keyes amendments printed	1730
Apr. 11	Dvorak amendments printed	1816
Apr. 12	Murphy amendments printed	1854
Apr. 17	Keyes, Barnett and Murphy pending amendments withdrawn. Dvorak, Barnett, Chambers and Murphy amendments adopted. Chambers amendment lost. Advanced for engrossment	2020
Apr. 17	Replaced on Select File	2036
Apr. 17	Advanced for engrossment	2037
Apr. 18	Correctly engrossed	2064
Apr. 21	Rules suspended	2207

Apr. 21	Final Reading	2222
Apr. 21	Correctly enrolled. President signed	2230
Apr. 21	Presented to Governor	2261
Apr. 21	Newell explanation of vote	2278
May 2	Approved by Governor	2306

LEGISLATIVE BILL 351A By Simon

Feb. 28	Read first time. Placed on General File	973
Mar. 7	Simon motion to indefinitely postpone pending	1114
Apr. 3	Simon pending motion prevailed. Indefinitely postponed	1604

LEGISLATIVE BILL 360 By Kahle

Jan. 4	Title	23
Jan. 4	Kahle motion to withdraw pending	147
Jan. 5	Withdrawn	157

LEGISLATIVE BILL 361 By Duis

Jan. 4	Title	23
Jan. 9	Stoney amendment printed	242
Jan. 10	Duis, Maresh, Maxey, Dworak, Stoney and Marsh amendments adopted. Maxey amendment withdrawn. Cullan amendment lost. Bracketed	275
Jan. 11	Unbracketed. Advanced for review	291
Feb. 2	Placed on Select File	449
Feb. 2	Stoney amendment printed	477
Feb. 3	Maresh and Stoney amendments adopted. Advanced for engrossment	505
Feb. 3	George amendments printed	515
Feb. 7	George amendment withdrawn	545
Feb. 8	Correctly engrossed	572
Feb. 14	Final Reading	672
Feb. 15	Correctly enrolled. President signed	726
Feb. 16	Presented to Governor	738
Feb. 22	Approved by Governor	848

LEGISLATIVE BILL 367 By Fowler

Jan. 4	Title	24
Feb. 20	Indefinitely postponed	815

LEGISLATIVE BILL 372 By Kelly

Jan.	4	Title	24
Jan.	5	Kelly and Marsh amendments withdrawn. Koch amendment adopted. Fowler amendment lost. Advanced for review	169
Jan.	11	Placed on Select File	284
Jan.	12	Kelly amendment pending. Laid over	339
Jan.	13	Barnett amendment lost. Schmit, Kelly, Koch, DeCamp and Marsh amendments adopted. Advanced for engrossment	347
Jan.	17	Koch motion to return to Select File lost	398
Feb.	2	Replaced on Select File	447
Feb.	3	Advanced for engrossment	505
Feb.	3	Kelly amendments printed	517
Feb.	7	Replaced on Select File	536
Feb.	8	Returned to Select File for Kelly amendment	562
Feb.	8	Kelly amendment adopted. Advanced for engrossment	563
Feb.	10	Replaced on Select File	611
Feb.	13	Advanced for engrossment	646
Feb.	14	Correctly engrossed	689
Feb.	17	Fowler motion withdrawn	761
Feb.	17	Attorney General's Opinion	763
Feb.	23	Final Reading	868
Feb.	23	Schmit motion to reconsider pending	887
Feb.	27	Laid over	946
Mar.	1	Schmit pending motion lost	1001

LEGISLATIVE BILL 373 By Kremer

Jan.	4	Attorney General's Opinion	87
Apr.	4	Committee amendments lost. Advanced for review	1636
Apr.	6	Placed on Select File	1675
Apr.	7	Advanced for engrossment	1729
Apr.	11	Correctly engrossed	1800
Apr.	14	Final Reading	1978
Apr.	14	Correctly enrolled. Speaker signed	2001
Apr.	14	Presented to Governor	2004
Apr.	21	Approved by Governor	2203

LEGISLATIVE BILL 375 By Boughn

Jan.	4	Title	24
Feb.	2	Notice of hearing	486
Feb.	16	Placed on General File	746
Mar.	7	Maxey name added	1086

Apr. 11	Koch amendment adopted. Advanced for review	1800
Apr. 12	Placed on Select File	1871
Apr. 13	Advanced for engrossment	1902
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2124
Apr. 19	Correctly enrolled. President signed	2145
Apr. 19	Intent of Koch amendments printed	2174
Apr. 19	Presented to Governor	2152
May 2	Approved by Governor	2305

LEGISLATIVE BILL 377 By Schmit

Jan. 4	Title	24
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 378 By Rumery

Jan. 4	Title	24
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 380 By Burrows

Jan. 4	Title	25
Jan. 5	Koch amendment pending	162
Jan. 5	Koch pending amendment adopted. Advanced for review	168
Jan. 10	Placed on Select File	249
Jan. 12	Advanced for engrossment	319
Feb. 2	Replaced on Select File	446
Feb. 3	Advanced for engrossment	505
Feb. 8	Correctly engrossed	572
Feb. 14	Final Reading	673
Feb. 15	Correctly enrolled. President signed	726
Feb. 16	Presented to Governor	738
Feb. 23	Approved by Governor	883

LEGISLATIVE BILL 380A By Burrows

Jan. 4	Title	25
Jan. 5	Warner amendment adopted. Advanced for review	168
Jan. 10	Placed on Select File	250
Jan. 12	Advanced for engrossment	319
Feb. 8	Correctly engrossed	572
Feb. 14	Final Reading	674
Feb. 15	Correctly enrolled. President signed	726
Feb. 16	Presented to Governor	738
Feb. 23	Approved by Governor	883

LEGISLATIVE BILL 381 By Newell

Jan.	4	Title	25
Feb.	2	Indefinitely postponed	459

LEGISLATIVE BILL 382 By Newell

Jan.	4	Title	25
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 385 By DeCamp

Jan.	4	Title	25
Feb.	23	Rasmussen motion to indefinitely postpone lost. Failed to advance for review. Chambers motion lost	891
Mar.	1	Barnett amendments printed	1007
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 385A By DeCamp

Feb.	17	Read first time. Placed on General File	793
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 386 By DeCamp

Jan.	4	Title	25
Feb.	6	DeCamp amendments printed	532
Feb.	10	DeCamp amendment printed	612
Apr.	4	DeCamp pending amendment lost. DeCamp pending amendment withdrawn. Advanced for review	1638
Apr.	6	Placed on Select File	1675
Apr.	6	Kelly amendments printed	1677
Apr.	11	Dworak amendments printed	1813
Apr.	17	Barnett, Keyes, and Maxey amendments lost. Kelly amendment withdrawn. Dworak and F. Lewis amendments adopted. Advanced for engrossment	2025
Apr.	18	Correctly engrossed	2064
Apr.	18	Returned to Select File for DeCamp amendment	2071
Apr.	18	DeCamp amendment adopted. Advanced for engrossment	2072
Apr.	18	Rules suspended	2089
Apr.	18	Replaced on Select File	2092
Apr.	18	Advanced for engrossment	2093

Apr. 18	Correctly re-engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2223
Apr. 21	Correctly enrolled. President signed	2230
Apr. 21	Presented to Governor	2261
May 2	Approved by Governor	2307

LEGISLATIVE BILL 388 By Maxey

Jan. 4	Title	26
Feb. 13	Indefinitely postponed	647

LEGISLATIVE BILL 392 By George

Jan. 4	Title	26
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 394 By Lamb

Jan. 4	Title	26
Jan. 5	Keyes, Chambers and Lamb amendments adopted. Newell amendment lost. Newell amendment withdrawn. F. Lewis motion to bracket lost. Simon motion to indefinitely postpone lost. Advanced for review	159
Jan. 10	Placed on Select File	249
Jan. 12	Failed to advance for engrossment	327
Jan. 13	Laid over	347
Jan. 13	Warner motion to reconsider pending	352
Jan. 16	Warner pending motion prevailed. Advanced for engrossment	367
Jan. 17	Koch motion to return to Select File lost. Newell motion to return to Select File lost	398
Feb. 2	Correctly engrossed	452
Feb. 7	Final Reading	540
Feb. 8	Correctly enrolled. Speaker signed	572
Feb. 9	Presented to Governor	579
Feb. 15	Approved by Governor	718

LEGISLATIVE BILL 395 By Rasmussen

Jan. 4	Title	26
Jan. 16	Bracketed	369
Feb. 17	Keyes amendment printed	794
Feb. 22	Keyes amendment withdrawn. Advanced for review	862

Feb. 24	Placed on Select File	905
Feb. 27	Advanced for engrossment	948
Feb. 28	Correctly engrossed	976
Mar. 6	Final Reading	1049
Mar. 7	Correctly enrolled. President signed	1086
Mar. 8	Presented to Governor	1124
Mar. 14	Approved by Governor	1256

LEGISLATIVE BILL 402 By Swigart

Jan. 4	Title	26
Jan. 9	Indefinitely postponed	235

LEGISLATIVE BILL 403 By Boughn

Jan. 4	Title	26
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 404 By Boughn

Jan. 4	Title	27
Jan. 9	DeCamp name added	225
Jan. 9	Merz name added	229
Mar. 6	DeCamp amendments printed	1083
Apr. 5	Committee amendments rejected. DeCamp and Reutzel amendments adopted. Chambers amendment pending. Advanced for review	1656
Apr. 6	Placed on Select File	1692
Apr. 14	Advanced for engrossment	2004
Apr. 17	Correctly engrossed	2025
Apr. 18	Returned to Select File for Kremer amendment. Kremer amendment adopted. Advanced for re-engrossment	2074
Apr. 18	Correctly re-engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2224
Apr. 21	Correctly enrolled. President signed	2230
Apr. 21	Presented to Governor	2261
May 2	Returned by Governor without approval	2306
May 2	Message from Secretary of State	2319

LEGISLATIVE BILL 405 By Moylan

Jan. 4	Title	27
Apr. 5	Moylan amendment adopted. Failed to advance for review	1656
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 405A By Moylan

Apr. 11	Read first time. Placed on General File	1810
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 406 By Moylan

Jan. 4	Title	27
Jan. 5	Nichol amendment withdrawn. Moylan amendment adopted. Advanced for review	174
Jan. 11	Placed on Select File	284
Jan. 12	Advanced for engrossment	319
Jan. 16	Maresh motion to return to Select File for amendment pending	380
Jan. 17	Maresh pending motion prevailed	397
Jan. 17	Maresh amendment adopted. Advanced for engrossment	398
Jan. 17	Marvel motion to bracket lost	400
Feb. 2	Replaced on Select File	446
Feb. 2	Rumery amendments printed	479
Feb. 3	Advanced for engrossment	505
Feb. 8	Rumery motion to return to Select File for amendment lost	562
Feb. 9	Replaced on Select File	579
Feb. 13	Advanced for engrossment	645
Feb. 15	Kennedy motion out of order	728
Feb. 16	Correctly engrossed	746
Feb. 21	Chambers motion to read on Final Reading lost	829
Mar. 10	Final Reading	1183
Mar. 13	Correctly enrolled	1221
Mar. 13	President signed	1222
Mar. 13	Mills explanation of vote	1224
Mar. 14	Presented to Governor	1242
Mar. 21	Approved by Governor	1388

LEGISLATIVE BILL 406A By Moylan

Jan. 4	Title	27
Jan. 5	Moylan amendment adopted. Advanced for review	175
Jan. 11	Placed on Select File	284
Jan. 12	Advanced for engrossment	319
Feb. 16	Correctly engrossed	746
Mar. 10	Final Reading	1184
Mar. 13	Correctly enrolled	1221
Mar. 13	President signed	1222
Mar. 14	Presented to Governor	1242
Mar. 21	Approved by Governor	1388

LEGISLATIVE BILL 407 By Labedz

Jan. 4	Title	27
Jan. 5	Attorney General's Opinion	73
Jan. 6	Bracketed	199
Feb. 6	Carsten amendments printed	528
Feb. 9	Labedz amendments printed	603
Feb. 15	Labedz amendment printed	732
Feb. 16	Corrected Committee amendments lost. Labedz, Maxey and Carsten amendments adopted. Labedz amendment withdrawn	748
Feb. 16	George and Fowler amendments printed	753
Feb. 17	Newell amendment printed	782
Feb. 20	Carsten amendment adopted. DeCamp amendment lost	818
Feb. 21	George amendment printed	843
Feb. 21	Fowler and Newell amendments withdrawn. F. Lewis amendment adopted. Newell amendment lost. Advanced for review	844
Feb. 23	Placed on Select File	880
Feb. 24	Attorney General's Opinion	911
Feb. 24	Laid over	914
Feb. 27	Attorney General's Opinion	933
Feb. 28	Maxey amendment printed	986
Mar. 6	George, Labedz, Carsten and Maxey amendments adopted. George amendment withdrawn. George name added. Bracketed	1055
Mar. 10	Labedz amendment printed	1209
Mar. 20	Bracketed	1383
Mar. 22	Attorney General's Opinion	1426
Mar. 22	Labedz amendment printed	1449
Apr. 5	Labedz amendment pending	1652
Apr. 5	Labedz, George, Warner and Newell amendments adopted. Newell motion to bracket lost. Newell amendment lost. Advanced for engrossment	1653
Apr. 6	Labedz motion to indefinitely postpone laid over	1698
Apr. 7	Replaced on Select File	1728
Apr. 7	Advanced for engrossment	1729
Apr. 11	Correctly engrossed	1800
Apr. 14	Final Reading	1979
Apr. 14	Correctly enrolled. Speaker signed	2001
Apr. 14	Presented to Governor	2004
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 407A By Labedz

Jan.	6	Read first time. Placed on General File 202
Feb.	21	Advanced for review 846
Feb.	23	Placed on Select File 881
Feb.	24	Laid over 914
Mar.	6	Bracketed 1056
Mar.	20	Bracketed 1383
Apr.	5	Laid over 1655
Apr.	7	Labedz pending motion withdrawn. Koch amendment adopted 1703
Apr.	7	Advanced for engrossment 1704
Apr.	7	Correctly engrossed 1734
Apr.	14	Final Reading 1973
Apr.	14	Correctly enrolled. Speaker signed 1986
Apr.	14	Presented to Governor 1989
Apr.	21	Approved by Governor 2203

LEGISLATIVE BILL 408 By Chambers

Jan.	4	Title 27
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 411 By Maresh

Jan.	4	Title 28
Jan.	5	Mills amendment lost 175
Jan.	6	Kremer amendment adopted. Bracketed 185
Feb.	3	Bracketed 507
Feb.	3	Mills amendments printed 515
Feb.	16	Lamb amendment printed 754
Feb.	21	Laid over 846
Feb.	22	Lamb amendment withdrawn. Mills and Lamb amendments adopted. Advanced for review 859
Feb.	24	Placed on Select File 905
Feb.	27	Laid over 948
Mar.	1	Kremer amendment lost. Mills amendment adopted. Advanced for engrossment 998
Mar.	2	Correctly engrossed 1023
Mar.	8	Returned to Select File for Mills amendment 1118
Mar.	8	Mills amendment adopted. Advanced for re-engrossment 1126
Mar.	13	Correctly re-engrossed 1221
Mar.	16	Final Reading 1315
Mar.	17	Correctly enrolled. President signed 1346
Mar.	20	Presented to Governor 1376
Apr.	3	Approved by Governor 1548

LEGISLATIVE BILL 413 By Stoney

Jan. 4	Title	28
Feb. 15	Indefinitely postponed	726

LEGISLATIVE BILL 416 By Burrows, Brennan, Merz

Jan. 4	Title	28
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 420 By Public Works Committee

Jan. 4	Title	28
Jan. 11	Lamb amendment lost. Kahle amendment adopted. Advanced for review	298
Feb. 2	Placed on Select File	451
Feb. 3	Advanced for engrossment	506
Feb. 8	Correctly engrossed	572
Feb. 14	Final Reading	675
Feb. 15	Correctly enrolled. President signed	726
Feb. 16	Presented to Governor	738
Feb. 22	Approved by Governor	848

LEGISLATIVE BILL 423 By Boughn

Jan. 4	Title	28
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 424 By Schmit

Jan. 4	Title	29
Jan. 16	Bracketed	381
Feb. 3	Bracketed	509
Feb. 7	Schmit and Marsh amendments adopted. Advanced for review	552
Feb. 7	Barnett amendment pending	553
Feb. 9	Placed on Select File	580
Feb. 14	Laid over	681
Feb. 15	Laid over	723
Feb. 15	Schmit amendment printed	725
Feb. 16	Schmit and Barnett amendments lost. Schmit amendment withdrawn. Laid over	740
Feb. 16	Schmit amendment printed	743
Feb. 24	Murphy amendment pending	914
Mar. 15	Hefner amendment printed	1301
Apr. 12	Unbracketed	1898

Apr. 13 Murphy amendment lost. Schmit and Hefner amendments withdrawn. Schmit amendments adopted. Advanced for engrossment 1957
Apr. 14 Replaced on Select File 1985
Apr. 14 Advanced for engrossment 1994
Apr. 17 Correctly engrossed 2025
Apr. 19 Final Reading 2125
Apr. 19 Correctly enrolled. President signed 2145
Apr. 19 Presented to Governor 2152
May 2 Approved by Governor 2305

LEGISLATIVE BILL 426 By F. Lewis

Jan. 4 Title 29
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 428 By Koch

Jan. 4 Title 29
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 434 By Agriculture and Environment Committee

Jan. 4 Title 29
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 435 By Agriculture and Environment Committee

Jan. 4 Title 29
Feb. 28 Placed on General File 966
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 436 By Chambers

Jan. 4 Title 30
Jan. 6 Advanced for review 199
Jan. 12 Placed on Select File 313
Jan. 13 Advanced for engrossment 357
Feb. 2 Correctly engrossed 452
Feb. 7 Laid over 541
Mar. 10 Attorney General's Opinion 1178
Mar. 10 Final Reading 1185
Mar. 17 Attorney General's Opinion 1363

LEGISLATIVE BILL 437 By Constitutional Revision and Recreation Committee

Jan. 4	Title	30
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 440 By Education Committee

Jan. 4	Title	30
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 441 By Education Committee

Jan. 4	Title	30
Jan. 11	Advanced for review	288
Jan. 16	Placed on Select File	366
Feb. 3	F. Lewis amendment adopted. Advanced for engrossment	503
Feb. 7	Replaced on Select File	536
Feb. 8	Advanced for engrossment	563
Feb. 10	Correctly engrossed	617
Feb. 15	Final Reading	715
Feb. 16	Correctly enrolled. Speaker signed	738
Feb. 17	Presented to Governor	758
Feb. 23	Approved by Governor	883

LEGISLATIVE BILL 442 By Education Committee

Jan. 4	Title	30
Mar. 2	Placed on General File	1018
Apr. 12	Marsh motion to suspend rules lost	1898
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 442A By Kahle

Apr. 12	Read first time. Placed on General File	1848
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 444 By Education Committee

Jan. 4	Title	31
Feb. 28	Placed on General File	979
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 445 By Education Committee

Jan.	4	Title 31
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 446 By Brennan

Jan.	4	Title 31
Jan.	11	Laid over 289
Jan.	13	Bracketed 357
Feb.	3	Bracketed 507
Feb.	21	Bracketed 846
Feb.	28	Bracketed 974
Mar.	7	Brennan amendment withdrawn. Advanced for review 1095
Mar.	9	Placed on Select File 1148
Mar.	20	Bracketed 1383
Mar.	23	Brennan amendment printed 1475
Mar.	23	Brennan amendment adopted. Failed to advance for engrossment 1477
Apr.	5	DeCamp, Schmit and Fitzgerald amendments adopted. Newell amendment lost. Advanced for engrossment 1647
Apr.	6	Replaced on Select File 1684
Apr.	7	Advanced for engrossment 1729
Apr.	10	Replaced on Select File 1770
Apr.	12	Advanced for engrossment 1818
Apr.	13	Correctly engrossed 1950
Apr.	18	Final Reading 2088
Apr.	18	Marsh explanation of vote 2108
Apr.	18	Correctly enrolled. Speaker signed 2118
Apr.	19	Presented to Governor 2120
May	2	Approved by Governor 2305

LEGISLATIVE BILL 447 By Clark

Jan.	4	Title 31
Feb.	13	Advanced for review 653
Feb.	15	Placed on Select File 711
Feb.	17	Laid over 772
Feb.	17	Clark amendment adopted. Advanced for engrossment 773
Feb.	21	Correctly engrossed 831
Feb.	24	Final Reading 908
Feb.	27	Correctly enrolled 936
Feb.	28	Speaker signed 957
Feb.	28	Presented to Governor 979
Mar.	6	Approved by Governor 1073

LEGISLATIVE BILL 448 By Nichol

Jan.	11	Title 31
Feb.	21	Nichol amendment printed 838
Apr.	10	Newell amendment adopted. Advanced for review 1768
Apr.	12	Placed on Select File 1835
Apr.	13	Advanced for engrossment 1901
Apr.	13	Attorney General's Opinion 1905
Apr.	17	Correctly engrossed 2025
Apr.	19	Final Reading 2126
Apr.	19	Correctly enrolled. President signed 2145
Apr.	19	Presented to Governor 2152
Apr.	21	Returned by Governor without approval 2248

LEGISLATIVE BILL 448A By Nichol

Apr.	11	Read first time. Placed on General File 1791
Apr.	11	Advanced for review 1799
Apr.	12	Placed on Select File 1825
Apr.	13	Advanced for engrossment 1901
Apr.	17	Correctly engrossed 2025
Apr.	19	Final Reading 2127

LEGISLATIVE BILL 449 By Bereuter, Fowler

Jan.	11	Title 31
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 455 By Judiciary Committee

Jan.	4	Title 32
Feb.	17	Indefinitely postponed 610

LEGISLATIVE BILL 457 By Barnett

Jan.	4	Title 32
Jan.	6	Barnett amendment printed 202
Jan.	9	Barnett amendment adopted. Koch amendment lost. Barnett amendment withdrawn. Advanced for review 223
Jan.	12	Placed on Select File 313
Feb.	2	Bracketed 472
Feb.	3	Barnett amendments printed 519
Feb.	20	Maxey name added 808
Feb.	21	Unbracketed 843
Feb.	24	Laid over 914

Feb. 27	Barnett amendment adopted. Marsh amendment lost. Advanced for engrossment	947
Feb. 28	Correctly engrossed	976
Mar. 6	Final Reading	1050
Mar. 7	Correctly enrolled. President signed	1086
Mar. 8	Presented to Governor	1124
Mar. 9	Request Governor to return	1154
Mar. 9	Barnett motion to reconsider prevailed. Returned to Select File for Barnett amendment. Barnett amendment adopted. Advanced for re-engrossment	1168
Mar. 13	Correctly re-engrossed	1221
Mar. 16	Final Reading	1318
Mar. 17	Correctly enrolled. President signed	1346
Mar. 20	Presented to Governor	1376
Mar. 21	Approved by Governor	1414

LEGISLATIVE BILL 460 By Warner

Jan. 4	Title	32
Feb. 9	Marsh amendments printed	604
Feb. 20	Placed on General File (corrected)	806
Mar. 15	Marsh amendments lost. Advanced for review	1296
Mar. 17	Placed on Select File	1345
Mar. 21	Warner amendment adopted. Advanced for engrossment	1400
Mar. 22	Correctly engrossed	1459
Mar. 28	Final Reading	1514
Apr. 3	Correctly enrolled. President signed	1556
Apr. 3	Kelly explanation of vote	1571
Apr. 4	Presented to Governor	1615
Apr. 7	Approved by Governor	1733

LEGISLATIVE BILL 464 By Banking, Commerce and Insurance Committee

Jan. 4	Title	32
Feb. 14	Placed on General File	701
Apr. 11	Advanced for review	1800
Apr. 12	Placed on Select File	1836
Apr. 13	Advanced for engrossment	1901
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2127
Apr. 19	Correctly enrolled. President signed	2145
Apr. 19	Presented to Governor	2152
May 2	Approved by Governor	2305

LEGISLATIVE BILL 465 By Banking, Commerce and Insurance Committee

Jan. 4	Title	32
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 469 By Constitutional Revision and Recreation Committee

Jan. 4	Title	33
Jan. 6	Laid over	199
Jan. 10	Koch amendment adopted. Warner motion to indefinitely postpone lost	265
Jan. 10	Advanced for review	270
Jan. 16	Placed on Select File	365
Feb. 2	Laid over	472
Feb. 3	Warner amendments lost. Advanced for engrossment	502
Feb. 8	Correctly engrossed	572
Feb. 14	Final Reading	675
Feb. 14	Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for re-engrossment	686
Feb. 15	Correctly re-engrossed	725
Feb. 20	Laid over	800
Feb. 20	Laid over	808
Feb. 23	Final Reading	871
Feb. 24	Correctly enrolled. President signed	906
Feb. 27	Presented to Governor	936
Mar. 6	Approved by Governor	1073
Mar. 23	Attorney General's Opinion	1471

LEGISLATIVE BILL 476 By Urban Affairs Committee

Jan. 4	Title	33
Feb. 23	Laid over	885
Feb. 28	George amendments adopted. Advanced for review	977
Mar. 2	Placed on Select File	1015
Mar. 7	Advanced for engrossment	1089
Mar. 9	Correctly engrossed	1154
Mar. 14	Final Reading	1248
Mar. 15	Correctly enrolled. President signed	1276
Mar. 15	Marsh explanation of vote	1311
Mar. 16	Presented to Governor	1315
Mar. 23	Approved by Governor	1466

LEGISLATIVE BILL 489 By Speaker Luedtke at request of Governor

Jan. 4 Title 33
Jan. 12 Indefinitely postponed 306

LEGISLATIVE BILL 490 By Speaker Luedtke at request of Governor

Jan. 4 Title 33
Jan. 12 Indefinitely postponed 306

LEGISLATIVE BILL 493 By Speaker Luedtke at request of Governor

Jan. 4 Title 33
Jan. 12 Indefinitely postponed 307

LEGISLATIVE BILL 495 By Speaker Luedtke at request of Governor

Jan. 4 Title 33
Jan. 12 Indefinitely postponed 307

LEGISLATIVE BILL 496 By Speaker Luedtke at request of Governor

Jan. 4 Title 34
Jan. 16 Indefinitely postponed 377

LEGISLATIVE BILL 501 By Public Health and Welfare Committee

Jan. 4 Title 34
Jan. 16 Advanced for review 370
Feb. 2 Placed on Select File 451
Feb. 3 Laid over 506
Feb. 6 Fowler amendment printed 529
Feb. 7 Fowler amendment adopted. F. Lewis amendment pending. Laid over 547
Feb. 8 F. Lewis amendment withdrawn. F. Lewis amendment adopted. Advanced for engrossment 566
Feb. 10 Replaced on Select File 611
Feb. 13 Advanced for engrossment 646
Feb. 14 Replaced on Select File 665
Feb. 14 Advanced for engrossment 685
Feb. 14 Returned to Select File for Fowler amendment. Fowler amendment adopted. Advanced for engrossment 686
Feb. 15 Replaced on Select File 713
Feb. 16 Advanced for engrossment 742
Feb. 17 Correctly engrossed 789

Feb. 22	Final Reading	848
Feb. 23	Correctly enrolled	884
Feb. 23	Speaker signed	885
Feb. 24	Presented to Governor	906
Feb. 27	Approved by Governor	940

LEGISLATIVE BILL 502 By Revenue Committee

Jan. 4	Title	34
Jan. 16	Keyes motion to indefinitely postpone lost. Advanced for review	382
Feb. 2	Placed on Select File	452
Feb. 3	Advanced for engrossment	515
Feb. 8	Correctly engrossed	572
Apr. 3	Unbracketed	1588
Apr. 5	Final Reading	1641
Apr. 6	Correctly enrolled. President signed	1676
Apr. 6	Presented to Governor	1691
Apr. 11	Approved by Governor	1797

LEGISLATIVE BILL 502A By Revenue Committee

Jan. 4	Title	34
Jan. 16	Chambers motion to bracket pending	382
Feb. 2	Bracketed	469
Apr. 3	Indefinitely postponed	1588

LEGISLATIVE BILL 508 By Education Committee

Jan. 9	Title	34
Feb. 13	Warner amendment adopted. Advanced for review	646
Feb. 15	Placed on Select File	711
Feb. 17	Advanced for engrossment	772
Feb. 20	Correctly engrossed	806
Feb. 23	Final Reading	872
Feb. 24	Correctly enrolled. President signed	906
Feb. 27	Presented to Governor	936
Feb. 28	Request Governor to return	966
Mar. 2	Returned by Governor	1030
Mar. 2	Kremer motion to reconsider pending	1033
Mar. 6	Kremer pending motion prevailed. Returned to Select File for Rumery amendment. Rumery amendment adopted. Advanced for re-engrossment	1054
Mar. 7	Correctly re-engrossed	1086

Mar. 10	Final Reading	1186
Mar. 13	Correctly enrolled	1221
Mar. 13	President signed	1222
Mar. 14	Presented to Governor	1242
Mar. 17	Approved by Governor	1362

LEGISLATIVE BILL 519 By Kahle at request of Governor

Jan. 4	Title	35
Jan. 9	Advanced for review	235
Jan. 13	Placed on Select File	342
Jan. 17	Advanced for engrossment	401
Feb. 2	Correctly engrossed	452
Feb. 7	Final Reading	541
Feb. 8	Correctly enrolled. Speaker signed	572
Feb. 9	Presented to Governor	579
Feb. 15	Approved by Governor	718

LEGISLATIVE BILL 523 By Miscellaneous Subjects Committee

Jan. 4	Title	35
Mar. 1	Barnett amendment printed	997
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 526 By Appropriations Committee

Jan. 4	Title	35
Jan. 9	Warner amendment adopted. Advanced for review	231
Jan. 13	Placed on Select File	343
Feb. 2	Warner amendment printed	477
Feb. 3	Warner amendment adopted. Advanced for engrossment	502
Feb. 7	Replaced on Select File	536
Feb. 8	Advanced for engrossment	563
Feb. 10	Correctly engrossed	617
Feb. 15	Final Reading	716
Feb. 16	Correctly enrolled. Speaker signed	738
Feb. 17	Presented to Governor	758
Feb. 24	Returned by Governor without approval	903
Feb. 24	Warner motion to override pending	904
Feb. 28	Warner pending motion prevailed. Passed over Governor's veto	968
Feb. 28	Communications. Certificate	981
Mar. 1	Letter	1004

LEGISLATIVE BILL 529 By Business and Labor Committee

Jan. 4	Title	35
Jan. 9	Advanced for review	235
Jan. 13	Placed on Select File	342
Jan. 17	Advanced for engrossment	401
Feb. 2	Correctly engrossed	452
Feb. 7	Final Reading	542
Feb. 8	Correctly enrolled. Speaker signed	572
Feb. 9	Presented to Governor	579
Feb. 15	Approved by Governor	718

LEGISLATIVE BILL 534 By Banking, Commerce and Insurance Committee

Jan. 4	Title	35
Jan. 9	DeCamp amendment withdrawn. Lamb amendment adopted. Advanced for review	235
Jan. 13	Placed on Select File	343
Feb. 2	Laid over	472
Feb. 7	Murphy amendment pending. Bracketed	546
Feb. 15	DeCamp amendment printed	732
Feb. 16	Murphy and DeCamp amendments adopted. Advanced for engrossment. Expedited	742
Feb. 16	Replaced on Select File	752
Feb. 17	Advanced for engrossment	773
Feb. 20	Correctly engrossed	806
Feb. 23	Returned to Select File for Murphy amendment. Murphy amendment adopted. Advanced for re-engrossment	885
Feb. 23	Correctly re-engrossed	896
Feb. 28	Final Reading	958
Feb. 28	Correctly enrolled. Speaker signed	976
Feb. 28	Presented to Governor	979
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 535 By Business and Labor Committee

Jan. 4	Title	36
Feb. 13	Laid over	647
Mar. 2	Barnett amendments printed	1030
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 538 By Appropriations Committee

Jan. 4	Title	36
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 541 By Appropriations Committee

Jan. 4	Title	36
Feb. 23	F. Lewis amendment withdrawn	881
Feb. 27	Placed on Select File	935
Feb. 28	Advanced for engrossment	966
Mar. 1	Correctly engrossed	1000
Apr. 13	Final Reading	1914
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 541A By Warner

Feb. 28	Read first time. Placed on General File	965
Mar. 7	Advanced for review	1096
Mar. 9	Placed on Select File	1149
Mar. 13	Warner amendment adopted. Advanced for engrossment	1238
Mar. 15	Replaced on Select File	1276
Mar. 20	Advanced for engrossment	1383
Mar. 21	Correctly engrossed	1417
Apr. 13	Final Reading	1915
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 551 By Judiciary Committee

Jan. 4	Read first time	128
Jan. 5	Placed on General File	171
Feb. 17	Advanced for review	786
Feb. 21	Placed on Select File	826
Feb. 22	Advanced for engrossment	857
Feb. 23	Correctly engrossed	890
Feb. 28	Final Reading	959
Feb. 28	Correctly enrolled. Speaker signed	976
Feb. 28	Presented to Governor	979
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 552 By Judiciary Committee

Jan.	4	Read first time 129
Jan.	5	Placed on General File 171
Feb.	17	Advanced for review 786
Feb.	21	Placed on Select File 826
Feb.	22	Advanced for engrossment 857
Feb.	23	Correctly engrossed 890
Feb.	28	Final Reading 959
Feb.	28	Correctly enrolled. Speaker signed 976
Feb.	28	Presented to Governor 979
Mar.	6	Approved by Governor 1073

LEGISLATIVE BILL 553 By Duis

Jan.	4	Read first time 129
Jan.	5	Referred to Committee on Constitutional Revision and Recreation 171
Jan.	11	Notice of hearing 302
Jan.	12	Notice of hearing cancelled. Notice of hearing reset 334
Feb.	23	Placed on General File 900
Apr.	12	Chambers motion to indefinitely postpone lost. Advanced for review 1832
Apr.	13	Placed on Select File 1930
Apr.	14	Advanced for engrossment 1993
Apr.	17	Correctly engrossed 2025
Apr.	19	Final Reading 2128
Apr.	19	Duis motion to reconsider pending 2146
Apr.	21	Duis pending motion prevailed. Final Reading 2227
Apr.	21	Correctly enrolled. President signed 2261
Apr.	21	Presented to Governor 2277
May	2	Approved by Governor 2306

LEGISLATIVE BILL 554 By Duis

Jan.	4	Read first time 129
Jan.	5	Referred to Committee on Judiciary 171
Jan.	12	Notice of hearing 321
Feb.	9	Placed on General File 597
Apr.	13	Duis motion to consider prevailed 1954
Apr.	13	Advanced for review 1955
Apr.	14	Placed on Select File 1984
Apr.	14	Advanced for engrossment 1994
Apr.	17	Correctly engrossed 2025

Apr. 19 Final Reading 2130
Apr. 19 Correctly enrolled. President signed 2145
Apr. 19 Presented to Governor 2152
May 2 Approved by Governor 2305

LEGISLATIVE BILL 555 By Duis

Jan. 4 Read first time 129
Jan. 5 Referred to Committee on Judiciary 171
Jan. 16 Notice of hearing 364
Feb. 27 Duis motion to place on General File pending 947
Feb. 28 Duis pending motion prevailed.
Placed on General File 967
Feb. 28 Reutzel explanation of vote 972
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 556 By Duis

Jan. 4 Read first time 129
Jan. 5 Referred to Committee on Judiciary 171
Jan. 10 Attorney General's Opinion 255
Jan. 16 Notice of hearing 364
Feb. 20 Placed on General File 814
Mar. 15 Attorney General's Opinion 1294
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 557 By Keyes

Jan. 4 Read first time 129
Jan. 5 Referred to Committee on Revenue 171
Jan. 12 Notice of hearing 333
Feb. 7 Indefinitely postponed 550

LEGISLATIVE BILL 558 By Reutzel

Jan. 4 Read first time 130
Jan. 5 Referred to Committee on Urban Affairs 171
Jan. 12 Notice of hearing 334
Feb. 2 Placed on General File 461
Feb. 20 Corrected Committee statement 798
Feb. 24 Advanced for review 930
Feb. 28 Placed on Select File 956
Mar. 1 Advanced for engrossment 1001
Mar. 2 Correctly engrossed 1023
Mar. 8 Final Reading 1118
Mar. 9 Correctly enrolled. Speaker signed 1153
Mar. 10 Presented to Governor 1205
Mar. 14 Approved by Governor 1256

LEGISLATIVE BILL 559 By Mills

Jan.	4	Read first time 130
Jan.	5	Referred to Committee on Urban Affairs 171
Jan.	17	Notice of hearing 421
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 560 By Mills

Jan.	4	Read first time 130
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs 171
Jan.	11	Notice of hearing 293
Feb.	6	Placed on General File 526
Mar.	2	R. Lewis amendments printed 1041
Mar.	10	R. Lewis amendment withdrawn. Advanced for review 1207
Mar.	13	Rumery and Lamb amendments printed 1224
Mar.	14	Placed on Select File 1245
Apr.	10	R. Lewis, Lamb and Rumery amendments adopted. Advanced for engrossment 1754
Apr.	11	Replaced on Select File 1804
Apr.	12	Advanced for engrossment 1818
Apr.	12	Returned to Select File for Hefner amendment. Hefner amendment adopted. Advanced for engrossment 1853
Apr.	14	Correctly engrossed 2010
Apr.	18	Rules suspended 2089
Apr.	18	Final Reading 2090
Apr.	18	Marsh explanation of vote 2108
Apr.	18	Correctly enrolled. Speaker signed 2118
May	2	Approved by Governor 2305

LEGISLATIVE BILL 561 By Judiciary Committee

Jan.	4	Read first time 130
Jan.	5	Referred to Committee on Judiciary 171
Jan.	12	Notice of hearing 321
Feb.	2	Placed on General File 459
Feb.	24	Advanced for review 923
Feb.	28	Placed on Select File 956
Mar.	1	Advanced for engrossment 1001
Mar.	2	Correctly engrossed 1023
Mar.	8	Final Reading 1119
Mar.	9	Correctly enrolled. Speaker signed 1153
Mar.	10	Presented to Governor 1205
Mar.	14	Approved by Governor 1256

LEGISLATIVE BILL 562 By Barnett

Jan.	4	Read first time 130
Jan.	5	Reutzel name added 166
Jan.	5	Referred to Committee on Judiciary 171
Jan.	12	Notice of hearing 321
Feb.	2	Placed on General File 461
Mar.	23	Reutzel change of order lost 1482
Apr.	7	Advanced for review 1705
Apr.	10	Placed on Select File 1757
Apr.	14	Advanced for engrossment 2004
Apr.	17	Correctly engrossed 2025
Apr.	19	Final Reading 2130
Apr.	19	Correctly enrolled. President signed 2145
Apr.	19	Presented to Governor 2152
May	2	Approved by Governor 2305

LEGISLATIVE BILL 563 By Barnett

Jan.	4	Read first time 130
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs 171
Jan.	11	Notice of hearing 293
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 564 By Rasmussen

Jan.	4	Read first time 131
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs 171
Jan.	10	Notice of hearing 279
Feb.	24	Placed on General File 918
Mar.	17	Rasmussen amendment printed 1356
Apr.	12	Rasmussen amendment adopted. Advanced for review 1844
Apr.	13	Placed on Select File 1930
Apr.	17	Simon amendment lost. Advanced for engrossment 2050
Apr.	18	Correctly engrossed 2089
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2230
Apr.	21	Correctly enrolled. President signed 2261
Apr.	21	Presented to Governor 2277
May	2	Approved by Governor 2306

LEGISLATIVE BILL 564A By Rasmussen

Mar.	2	Read first time. Placed on General File 1027
Apr.	12	Advanced for review 1853
Apr.	13	Placed on Select File 1930
Apr.	17	Advanced for engrossment 2050
Apr.	18	Correctly engrossed 2108
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2321
Apr.	21	Correctly enrolled. President signed 2261
Apr.	21	Presented to Governor 2277
May	2	Approved by Governor 2306

LEGISLATIVE BILL 565 By Rasmussen

Jan.	4	Read first time 131
Jan.	5	Referred to Committee on Agriculture and Environment 171
Jan.	10	Notice of hearing 258
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 566 By Bereuter

Jan.	4	Read first time 131
Jan.	5	Referred to Committee on Judiciary 171
Jan.	16	Notice of hearing 365
Feb.	2	Placed on General File 460
Apr.	5	Bereuter amendment lost. Advanced for review 1667
Apr.	6	Placed on Select File 1684
Apr.	17	Bereuter amendment adopted. Advanced for engrossment 2038
Apr.	18	Replaced on Select File. Advanced for engrossment 2056
Apr.	18	Correctly engrossed 2089
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2232
Apr.	21	Correctly enrolled. President signed 2261
Apr.	21	Presented to Governor 2277
May	2	Approved by Governor 2306

LEGISLATIVE BILL 567 By Bereuter, Warner, Kahle

Jan.	4	Read first time 131
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs 171
Jan.	11	Notice of hearing 293
Feb.	2	Placed on General File 453

Feb. 17	Advanced for review	789
Feb. 21	Placed on Select File	826
Feb. 22	Advanced for engrossment	857
Feb. 23	Correctly engrossed	890
Mar. 6	Koch explanation of vote	1073
Mar. 10	Final Reading	1187
Mar. 13	Correctly enrolled	1221
Mar. 13	President signed	1222
Mar. 14	Presented to Governor	1242
Mar. 17	Approved by Governor	1362

LEGISLATIVE BILL 567A By Bereuter, Warner, Kahle

Feb. 13	Read first time. Placed on General File	662
Feb. 17	Advanced for review	789
Feb. 21	Placed on Select File	826
Feb. 22	Advanced for engrossment	857
Feb. 23	Correctly engrossed	890
Feb. 24	Returned to Select File for Bereuter, Kahle, and Warner amendments. Amendments adopted. Advanced for re-engrossment	913
Feb. 27	Correctly re-engrossed	936
Mar. 6	Koch explanation of vote	1073
Mar. 10	Final Reading	1187
Mar. 13	Correctly enrolled	1221
Mar. 13	President signed	1222
Mar. 14	Presented to Governor	1242
Mar. 17	Approved by Governor	1362

LEGISLATIVE BILL 568 By Government, Military and Veterans Affairs Committee

Jan. 4	Read first time	131
Jan. 5	Referred to Committee on Government, Military and Veterans Affairs	171
Jan. 10	Notice of hearing	279
Feb. 2	Placed on General File	453
Feb. 17	Advanced for review	790
Feb. 21	Placed on Select File	826
Feb. 22	Rasmussen amendment adopted. Advanced for engrossment	858
Feb. 24	Correctly engrossed	906
Mar. 1	Final Reading	990
Mar. 2	Correctly enrolled. President signed	1018
Mar. 6	Presented to Governor	1047
Mar. 6	Approved by Governor. Koch explanation of vote	1073

LEGISLATIVE BILL 569 By Government, Military and Veterans Affairs Committee

Jan.	4	Read first time	132
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	171
Jan.	10	Notice of hearing	279
Feb.	2	Placed on General File	461
Mar.	2	Advanced for review	1026
Mar.	28	Placed on Select File	1520
Apr.	4	Advanced for engrossment	1617
Apr.	6	Replaced on Select File	1676
Apr.	7	Rasmussen amendments printed	1712
Apr.	7	Advanced for engrossment	1729
Apr.	11	Returned to Select File for Rasmussen amendment	1779
Apr.	11	Rasmussen amendment adopted. Advanced for engrossment	1780
Apr.	11	Replaced on Select File	1805
Apr.	12	Advanced for engrossment	1819
Apr.	14	Correctly engrossed	2010
Apr.	18	Rules suspended	2089
Apr.	18	Final Reading	2091
Apr.	18	Marsh explanation of vote	2108
Apr.	18	Correctly enrolled. Speaker signed	2118
Apr.	19	Presented to Governor	2120
May	2	Approved by Governor	2305

LEGISLATIVE BILL 570 By Government, Military and Veterans Affairs Committee

Jan.	4	Read first time	132
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	171
Jan.	10	Notice of hearing	279
Feb.	2	Placed on General File	458
Feb.	24	Advanced for review	923
Feb.	28	Placed on Select File	956
Mar.	1	Advanced for engrossment	1000
Mar.	2	Correctly engrossed	1023
Mar.	8	Final Reading	1119
Mar.	9	Correctly enrolled. Speaker signed	1153
Mar.	10	Presented to Governor	1205
Mar.	14	Approved by Governor	1256

LEGISLATIVE BILL 571 By Government, Military and Veterans Affairs Committee

Jan.	4	Read first time	132
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	171
Jan.	10	Notice of hearing	279
Feb.	2	Placed on General File	458
Feb.	17	Advanced for review	790
Feb.	21	Placed on Select File	826
Feb.	22	Rasmussen amendment adopted. Advanced for engrossment	858
Feb.	24	Correctly engrossed	906
Mar.	1	Final Reading	991
Mar.	2	Correctly enrolled. President signed	1018
Mar.	6	Presented to Governor	1047
Mar.	6	Koch explanation of vote	1073
Mar.	7	Approved by Governor	1102

LEGISLATIVE BILL 572 By Rasmussen

Jan.	4	Read first time	132
Jan.	5	Referred to Committee on Public Health and Welfare	171
Jan.	11	Notice of hearing	293
Jan.	13	Notice of hearing cancelled	352
Mar.	1	Indefinitely postponed	1011

LEGISLATIVE BILL 573 By Fowler

Jan.	4	Read first time	132
Jan.	5	Referred to Committee on Public Health and Welfare	171
Jan.	11	Notice of hearing	293
Feb.	3	Indefinitely postponed	499

LEGISLATIVE BILL 574 By Maresh

Jan.	4	Read first time	133
Jan.	5	Referred to Committee on Public Works	171
Jan.	6	Placed on General File	184
Jan.	17	Maresh amendment adopted. Advanced for review. Expedited	417
Feb.	2	Placed on Select File	452
Feb.	3	Laid over	515
Feb.	7	Kremer, Lamb and Marsh amendments adopted. Simon and Dworak amendments pending	547

Feb.	8	Simon and Dworak amendments adopted. Advanced for engrossment 565
Feb.	9	Simon name added 587
Feb.	9	Simon statement of clarification 602
Feb.	13	Replaced on Select File 652
Feb.	14	Advanced for engrossment 681
Feb.	15	Replaced on Select File 718
Feb.	16	Advanced for engrossment 742
Feb.	16	Correctly engrossed 749
Feb.	21	Maresh motion to return to Select File for amendment pending 844
Feb.	23	Maresh pending motion withdrawn 891
Feb.	24	Laid over 909
Feb.	27	Laid over 936
Feb.	28	Kahle motion to return to Select File for amendment lost. Final Reading 963
Feb.	28	Correctly enrolled. Speaker signed 976
Feb.	28	Presented to Governor 979
Mar.	6	Request Governor to return 1055
Mar.	6	Dworak motion to reconsider prevailed 1071
Mar.	6	Returned to Select File for Dworak amendment. Dworak amendment adopted. Advanced for re-engrossment 1072
Mar.	8	Correctly re-engrossed 1124
Mar.	8	Returned to Select File for Warner and Goodrich amendments. Warner and Goodrich amendments adopted. Advanced for re-engrossment 1146
Mar.	10	Replaced on Select File 1173
Mar.	13	Advanced for re-engrossment 1236
Mar.	14	Correctly re-engrossed 1267
Mar.	16	Final Reading 1321
Mar.	17	Correctly enrolled. President signed 1346
Mar.	20	Presented to Governor 1376
Mar.	28	Approved by Governor 1504

LEGISLATIVE BILL 574A By Simon

Feb.	13	Read first time. Placed on General File 662
Feb.	17	Advanced for review 793
Feb.	20	Expedited 807
Feb.	20	Placed on Select File 808
Feb.	20	Advanced for engrossment 818
Feb.	21	Correctly engrossed 831
Feb.	24	Laid over 909
Feb.	28	Final Reading 964
Feb.	28	Correctly enrolled. Speaker signed 976
Feb.	28	Presented to Governor 979

Mar. 6 Request Governor to return 1055
Mar. 16 Final Reading 1322
Mar. 17 Correctly enrolled. Speaker signed 1353
Mar. 20 Presented to Governor 1376
Mar. 28 Approved by Governor 1504

LEGISLATIVE BILL 575 By Maresh

Jan. 4 Read first time 133
Jan. 5 Referred to Committee on Public Health and Welfare 171
Jan. 11 Notice of hearing 293
Feb. 3 Placed on General File 500
Mar. 2 Advanced for review 1044
Mar. 7 Placed on Select File 1104
Mar. 8 Advanced for engrossment 1130
Mar. 10 Correctly engrossed 1205
Mar. 15 Final Reading 1277
Mar. 16 Correctly enrolled. President signed 1315
Mar. 17 Presented to Governor 1347
Mar. 21 Approved by Governor 1414

LEGISLATIVE BILL 576 By Nichol

Jan. 4 Read first time 133
Jan. 5 Referred to Committee on Public Works 171
Jan. 17 Notice of hearing 418
Feb. 13 Placed on General File 646
Apr. 7 Nichol amendment adopted. Advanced for review 1727
Apr. 11 Placed on Select File 1785
Apr. 14 Advanced for engrossment 1997
Apr. 17 Correctly engrossed 2025
Apr. 19 Final Reading 2131
Apr. 19 Correctly enrolled. President signed 2145
Apr. 19 Presented to Governor 2152
Apr. 21 Returned by Governor without approval 2246
Apr. 21 Attorney General's Opinion 2247
Apr. 21 Nichol motion to override prevailed 2261
Apr. 21 Communication 2281
Apr. 21 Certificate 2282
May 2 Message from Secretary of State 2316

LEGISLATIVE BILL 577 By Nichol

Jan. 4	Read first time	133
Jan. 5	Referred to Committee on Urban Affairs	171
Jan. 17	Notice of hearing	421
Apr. 3	Attorney General's Opinion	1550
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 578 By Nichol

Jan. 4	Read first time	133
Jan. 5	Referred to Committee on Agriculture and Environment	171
Jan. 10	Notice of hearing	258
Feb. 9	Placed on General File	586
Mar. 17	Advanced for review	1369
Mar. 21	Placed on Select File	1390
Mar. 21	Hefner amendments printed	1418
Apr. 14	Hefner and Rasmussen amendments lost. Advanced for engrossment	2007
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2132
Apr. 19	Correctly enrolled. President signed	2145
Apr. 19	Presented to Governor	2152
May 2	Approved by Governor	2305

LEGISLATIVE BILL 579 By Nichol

Jan. 4	Read first time	133
Jan. 5	Referred to Committee on Public Works	171
Jan. 17	Notice of hearing	418
Mar. 2	Indefinitely postponed	1038

LEGISLATIVE BILL 580 By Nichol

Jan. 4	Read first time	134
Jan. 5	Referred to Committee on Public Health and Welfare	171
Jan. 11	Notice of hearing	293
Feb. 3	Placed on General File	500
Feb. 13	Advanced for review	662
Feb. 15	Placed on Select File	713
Feb. 17	Advanced for engrossment	773
Feb. 21	Correctly engrossed	831
Feb. 24	Final Reading	909
Feb. 27	Correctly enrolled	936

Feb. 28 Speaker signed 957
Feb. 28 Presented to Governor 979
Mar. 6 Approved by Governor 1073

LEGISLATIVE BILL 581 By Nichol

Jan. 4 Read first time 134
Jan. 5 Referred to Committee on Public Works 171
Jan. 17 Notice of hearing 418
Feb. 14 Indefinitely postponed 683

LEGISLATIVE BILL 582 By Rumery

Jan. 4 Read first time 134
Jan. 5 Referred to Committee on Constitutional Revision and Recreation 171
Jan. 11 Notice of hearing 302
Feb. 2 Placed on General File 463
Mar. 2 Maresh amendment adopted. Advanced for review 1026
Mar. 6 Placed on Select File 1048
Mar. 7 Advanced for engrossment 1091
Mar. 9 Correctly engrossed 1154
Mar. 9 Returned to Select File for Rumery amendment. Rumery amendment adopted. Advanced for re-engrossment 1166
Mar. 13 Correctly re-engrossed 1221
Mar. 16 Final Reading 1319
Mar. 17 Correctly enrolled. President signed 1346
Mar. 20 Presented to Governor 1376
Mar. 20 Returned by Governor without approval 1379
Apr. 3 Rumery motion to override lost 1591

LEGISLATIVE BILL 583 By Moylan

Jan. 4 Read first time 134
Jan. 5 Referred to Committee on Public Health and Welfare 171
Jan. 11 Notice of hearing 293
Feb. 3 Placed on General File 499
Mar. 2 Fowler and Barnett amendments lost. Advanced for review 1043
Mar. 7 Placed on Select File 1103
Mar. 8 Advanced for engrossment 1129
Mar. 10 Correctly engrossed 1205
Mar. 15 Final Reading 1279
Mar. 16 Correctly enrolled. President signed 1315

Mar. 17 Presented to Governor 1347
Mar. 21 Approved by Governor 1414

LEGISLATIVE BILL 584 By Administrative Rules and Regulations Committee

Jan. 4 Read first time 134
Jan. 5 Referred to Committee on Public Works 171
Jan. 9 Notice of hearing 226
Feb. 14 Indefinitely postponed 683

LEGISLATIVE BILL 585 By Administrative Rules and Regulations Committee

Jan. 4 Read first time 134
Jan. 5 Referred to Committee on Miscellaneous Subjects 171
Jan. 11 Notice of hearing 296
Feb. 2 Placed on General File 458
Feb. 13 Advanced for review 654
Feb. 15 Placed on Select File 711
Feb. 17 Advanced for engrossment 772
Feb. 20 Correctly engrossed 806
Feb. 23 Final Reading 873
Feb. 24 Correctly enrolled. President signed 906
Feb. 27 Presented to Governor 936
Mar. 6 Approved by Governor 1073

LEGISLATIVE BILL 586 By Mills

Jan. 4 Read first time 135
Jan. 5 Referred to Committee on Constitutional Revision and Recreation 171
Jan. 11 Notice of hearing 302
Feb. 2 Placed on General File 463
Mar. 2 Advanced for review 1026
Mar. 6 Placed on Select File 1048
Mar. 6 Mills amendment printed 1070
Mar. 7 Mills amendment adopted. Advanced for engrossment 1091
Mar. 9 Correctly engrossed 1154
Mar. 14 Final Reading 1249
Mar. 15 Correctly enrolled. President signed 1276
Mar. 15 Marsh explanation of vote 1311
Mar. 16 Presented to Governor 1315
Mar. 20 Returned by Governor without approval 1379
Apr. 3 Koch motion to override lost 1582
Apr. 4 Mills motion to reconsider pending 1629

Apr. 5 Mills pending motion prevailed. Mills motion to suspend rules prevailed 1645
Apr. 5 Passed over Governor's veto 1646
Apr. 5 Communication 1649
Apr. 5 Certificate 1650
Apr. 5 Letter 1659

LEGISLATIVE BILL 587 By Simon

Jan. 4 Read first time 135
Jan. 5 Referred to Committee on Public Works 172
Jan. 9 Notice of hearing 226
Feb. 8 Attorney General's Opinion 539
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 588 By Simon, Newell

Jan. 4 Read first time 135
Jan. 5 Referred to Committee on Public Health and Welfare 172
Jan. 11 Notice of hearing 293
Feb. 8 Indefinitely postponed 569
Feb. 13 Simon motion to place on General File pending. Laid over 663
Feb. 20 Simon pending motion withdrawn 814

LEGISLATIVE BILL 589 By Cullan

Jan. 4 Read first time 135
Jan. 5 Referred to Committee on Education 172
Jan. 12 Notice of hearing 311
Feb. 16 Indefinitely postponed 748

LEGISLATIVE BILL 590 By Cope

Jan. 4 Read first time 135
Jan. 5 Referred to Committee on Agriculture and Environment 172
Jan. 10 Notice of hearing 258
Feb. 27 Indefinitely postponed 945

LEGISLATIVE BILL 591 By Cope

Jan.	4	Read first time 135
Jan.	5	Referred to Committee on Urban Affairs 172
Jan.	12	Notice of hearing 334
Feb.	2	Placed on General File 461
Feb.	20	Corrected Committee statement 798
Mar.	2	Advanced for review 1026
Mar.	6	Placed on Select File 1048
Mar.	7	Advanced for engrossment 1091
Mar.	9	Correctly engrossed 1154
Mar.	14	Final Reading 1250
Mar.	15	Correctly enrolled. President signed 1276
Mar.	15	Marsh explanation of vote 1311
Mar.	16	Presented to Governor 1315
Mar.	17	Approved by Governor 1362

LEGISLATIVE BILL 592 By Marsh

Jan.	4	Read first time 136
Jan.	5	Referred to Committee on Nebraska Retirement Systems 172
Jan.	17	Notice of hearing 421
Apr.	10	Placed on General File 1765
Apr.	12	Marsh motion to suspend rules lost 1898
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 593 By Nichol

Jan.	4	Read first time 136
Jan.	5	Referred to Committee on Judiciary 172
Jan.	17	Notice of hearing 422
Feb.	9	Placed on General File 596
Apr.	7	Mills challenge to ruling of Chair lost. Advanced for review 1719
Apr.	10	Placed on Select File 1758
Apr.	12	Advanced for engrossment 1819
Apr.	14	Correctly engrossed 2001
Apr.	18	Rules suspended 2089
Apr.	18	Final Reading 2093
Apr.	18	Marsh explanation of vote 2108
Apr.	18	Correctly enrolled. Speaker signed 2118
Apr.	19	Presented to Governor 2120
May	2	Approved by Governor 2305

LEGISLATIVE BILL 594 By Warner, Fowler

Jan.	4	Read first time	136
Jan.	5	Referred to Committee on Public Works	172
Jan.	9	Notice of hearing	227
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 595 By Public Health and Welfare Committee

Jan.	4	Read first time	136
Jan.	5	Referred to Committee on Public Health and Welfare	172
Jan.	11	Notice of hearing	293
Feb.	3	Placed on General File	499
Feb.	28	Kremer amendment printed	980
Apr.	7	Kremer amendments adopted. Failed to advance for review	1713
Apr.	7	Dworak motion to reconsider pending	1717
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 596 By Merz

Jan.	4	Read first time	136
Jan.	5	Referred to Committee on Education	172
Jan.	12	Notice of hearing	311
Feb.	7	Placed on General File	551
Mar.	10	Murphy amendment adopted. Advanced for review	1213
Mar.	15	Placed on Select File	1274
Apr.	3	Advanced for engrossment	1589
Apr.	5	Correctly engrossed	1645
Apr.	13	Final Reading	1918
Apr.	13	Correctly enrolled. Speaker signed	1950
Apr.	13	Presented to Governor	1960
Apr.	21	Approved by Governor	2203

LEGISLATIVE BILL 597 By Merz

Jan.	4	Read first time	137
Jan.	5	Referred to Committee on Judiciary	172
Jan.	17	Notice of hearing	422
Feb.	10	Indefinitely postponed	610

LEGISLATIVE BILL 598 By Merz

Jan.	4	Read first time	137
Jan.	5	Referred to Committee on Public Works	172
Jan.	17	Notice of hearing	418
Feb.	2	Notice of hearing cancelled. Notice of hearing reset	445
Feb.	14	Indefinitely postponed	683

LEGISLATIVE BILL 599 By Rasmussen

Jan.	4	Read first time	137
Jan.	5	Referred to Committee on Banking, Commerce and Insurance	172
Jan.	12	Notice of hearing	333
Feb.	2	Placed on General File	481
Mar.	2	Advanced for review	1031
Mar.	6	Placed on Select File	1048
Mar.	7	Advanced for engrossment	1091
Mar.	9	Correctly engrossed	1154
Mar.	14	Final Reading	1250
Mar.	15	Correctly enrolled. President signed	1276
Mar.	15	Marsh explanation of vote	1311
Mar.	16	Presented to Governor	1315
Mar.	17	Approved by Governor	1362

LEGISLATIVE BILL 600 By Rasmussen

Jan.	4	Read first time	137
Jan.	5	Referred to Committee on Banking, Commerce and Insurance	172
Jan.	13	Notice of hearing	362
Feb.	2	Placed on General File	481
Mar.	2	Advanced for review	1031
Mar.	6	Placed on Select File	1049
Mar.	7	Advanced for engrossment	1091
Mar.	9	Correctly engrossed	1154
Mar.	14	Final Reading	1251
Mar.	15	Correctly enrolled. President signed	1276
Mar.	15	Marsh explanation of vote	1311
Mar.	16	Presented to Governor	1315
Mar.	17	Approved by Governor	1362

LEGISLATIVE BILL 601 By Fowler, Marsh, Newell

Jan.	4	Read first time 137
Jan.	5	Referred to Committee on Education 172
Jan.	12	Notice of hearing 311
Feb.	28	Placed on General File 979
Apr.	12	Dworak amendment adopted. Failed to advance for review 1884
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 602 By Schmit

Jan.	4	Read first time 137
Jan.	5	Referred to Committee on Urban Affairs 172
Jan.	17	Notice of hearing 421
Mar.	8	Schmit motion to place on General File pending 1127
Mar.	14	Schmit pending motion lost. Indefinitely postponed 1261

LEGISLATIVE BILL 603 By Mills

Jan.	4	Read first time 138
Jan.	5	Referred to Committee on Judiciary 172
Jan.	12	Notice of hearing 321
Feb.	15	Indefinitely postponed 719

LEGISLATIVE BILL 604 By Simon

Jan.	4	Read first time 138
Jan.	5	Referred to Committee on Miscellaneous Subjects 172
Jan.	11	Notice of hearing 296
Feb.	9	Placed on General File 573
Feb.	20	Simon amendments printed 808
Mar.	16	Simon amendments printed 1342
Apr.	5	DeCamp amendments printed 1661
Apr.	10	Simon and Maresh amendments withdrawn. DeCamp amendment adopted. Failed to advance for review 1762
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 605 By Stoney, Simon

Jan.	4	Read first time 138
Jan.	5	Referred to Committee on Public Health and Welfare 172
Jan.	11	Notice of hearing 293
Feb.	3	Placed on General File 500
Mar.	10	Stoney amendment adopted. Advanced for review 1207
Mar.	14	Placed on Select File 1245
Mar.	15	Advanced for engrossment 1310
Mar.	17	Correctly engrossed 1367
Mar.	22	Final Reading 1422
Mar.	22	R. Lewis explanation of vote 1427
Mar.	23	Correctly enrolled. President signed 1467
Mar.	28	Presented to Governor 1505
Apr.	3	Approved by Governor 1549
Apr.	3	Luedtke explanation of vote 1557

LEGISLATIVE BILL 606 By Marsh

Jan.	4	Read first time 138
Jan.	5	Referred to Committee on Public Works 172
Jan.	9	Notice of hearing 227
Feb.	2	Placed on General File 466
Mar.	2	Advanced for review 1031
Mar.	6	Placed on Select File 1048
Mar.	7	Advanced for engrossment 1091
Mar.	9	Correctly engrossed 1154
Mar.	14	Final Reading 1252
Mar.	15	Correctly enrolled. President signed 1276
Mar.	15	Marsh explanation of vote 1311
Mar.	16	Presented to Governor 1315
Mar.	23	Approved by Governor 1466

LEGISLATIVE BILL 607 By Venditte, Fitzgerald

Jan.	4	Read first time 138
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs 172
Jan.	10	Notice of hearing 279
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 608 By Venditte

Jan.	4	Read first time	138
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	172
Jan.	11	Notice of hearing	293
Feb.	6	Indefinitely postponed	526

LEGISLATIVE BILL 609 By Dworak

Jan.	4	Read first time	139
Jan.	5	Referred to Committee on Urban Affairs	172
Jan.	12	Notice of hearing	334
Feb.	7	Placed on General File	554
Mar.	17	Advanced for review	1358
Mar.	21	Placed on Select File	1388
Apr.	3	Advanced for engrossment	1589
Apr.	5	Correctly engrossed	1663
Apr.	13	Final Reading	1919
Apr.	13	Correctly enrolled. Speaker signed	1950
Apr.	13	Presented to Governor	1960
Apr.	21	Approved by Governor	2203

LEGISLATIVE BILL 610 By Dworak

Jan.	4	Read first time	139
Jan.	5	Referred to Committee on Public Works	172
Jan.	9	Notice of hearing	227
Feb.	6	Indefinitely postponed	528

LEGISLATIVE BILL 611 By Dworak

Jan.	4	Read first time	139
Jan.	5	Referred to Committee on Public Works	172
Jan.	9	Notice of hearing	226
Jan.	12	Notice of hearing cancelled. Notice of hearing reset	311
Feb.	13	Placed on General File	647
Feb.	28	Warner amendment printed	973
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 612 By Constitutional Revision and Recreation Committee

Jan.	4	Read first time	139
Jan.	5	Referred to Committee on Constitutional Revision and Recreation	172
Jan.	11	Notice of hearing	302

Feb. 2	Placed on General File	463
Mar. 6	Bracketed	1066
Mar. 10	Advanced for review	1202
Mar. 14	Placed on Select File	1243
Mar. 15	Advanced for engrossment	1309
Mar. 17	Correctly engrossed	1367
Mar. 22	Final Reading	1422
Mar. 23	Correctly enrolled. President signed	1467
Mar. 28	Presented to Governor	1505
Apr. 3	Approved by Governor	1549
Apr. 3	Luedtke explanation of vote	1557

LEGISLATIVE BILL 613 By Constitutional Revision and Recreation Committee

Jan. 4	Read first time	139
Jan. 5	Referred to Committee on Constitutional Revision and Recreation	172
Jan. 11	Notice of hearing	302
Feb. 2	Placed on General File	463
Mar. 10	Advanced for review	1204
Mar. 14	Placed on Select File	1244
Mar. 15	Advanced for engrossment	1309
Mar. 17	Correctly engrossed	1367
Mar. 22	Final Reading	1423
Mar. 23	Correctly enrolled. President signed	1467
Mar. 28	Presented to Governor	1505
Apr. 3	Approved by Governor	1549
Apr. 3	Luedtke explanation of vote	1557

LEGISLATIVE BILL 614 By Constitutional Revision and Recreation Committee

Jan. 4	Read first time	140
Jan. 5	Referred to Committee on Constitutional Revision and Recreation	172
Jan. 11	Notice of hearing	302
Feb. 15	Indefinitely postponed	734

LEGISLATIVE BILL 615 By Dworak

Jan. 4	Read first time	140
Jan. 5	Referred to Committee on Public Works	172
Jan. 9	Notice of hearing	226
Mar. 2	Indefinitely postponed	1038

LEGISLATIVE BILL 616 By Kennedy

Jan.	4	Read first time	140
Jan.	5	Referred to Committee on Judiciary	172
Jan.	17	Notice of hearing	422
Feb.	10	Indefinitely postponed	610

LEGISLATIVE BILL 617 By Kennedy

Jan.	4	Read first time	140
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	172
Jan.	11	Notice of hearing	294
Feb.	6	Indefinitely postponed	526

LEGISLATIVE BILL 618 By Chambers

Jan.	4	Read first time	140
Jan.	5	Referred to Committee on Judiciary	172
Jan.	17	Notice of hearing	422
Feb.	3	Placed on General File	495
Mar.	2	Advanced for review	1039
Mar.	7	Placed on Select File	1103
Mar.	8	Advanced for engrossment	1129
Mar.	10	Correctly engrossed	1205
Mar.	15	Final Reading	1279
Mar.	16	Correctly enrolled. President signed	1315
Mar.	17	Presented to Governor	1347
Mar.	21	Approved by Governor	1414

LEGISLATIVE BILL 619 By Chambers

Jan.	4	Read first time	140
Jan.	5	Referred to Committee on Public Works	172
Jan.	9	Notice of hearing	226
Feb.	13	Indefinitely postponed	663

LEGISLATIVE BILL 620 By Chambers

Jan.	4	Read first time	141
Jan.	5	Referred to Committee on Revenue	172
Jan.	12	Notice of hearing	333
Feb.	14	Chambers motion to place on General File pending. Laid over	702
Feb.	15	Chambers motion renewed	728
Feb.	16	Chambers pending motion lost	739

Feb. 16	F. Lewis motion to reconsider pending. Laid over	745
Feb. 23	Placed on General File	886
Mar. 16	Chambers amendments printed	1330
Mar. 16	Chambers motion for special order lost	1333
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 621 By Moylan

Jan. 4	Read first time	141
Jan. 5	Referred to Committee on Public Works	172
Jan. 9	Notice of hearing	226
Feb. 2	Indefinitely postponed	461

LEGISLATIVE BILL 622 By Judiciary Committee

Jan. 4	Read first time	141
Jan. 5	Referred to Committee on Judiciary	172
Jan. 12	Notice of hearing	321
Feb. 20	Placed on General File	814
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 623 By Judiciary Committee

Jan. 4	Read first time	141
Jan. 5	Referred to Committee on Judiciary	172
Jan. 12	Notice of hearing	321
Feb. 2	Placed on General File	459
Feb. 17	Bracketed	782
Feb. 22	Barnett amendment printed	862
Mar. 2	Barnett amendment withdrawn. Advanced for review	1018
Mar. 6	Placed on Select File	1047
Mar. 7	Advanced for engrossment	1090
Mar. 9	Correctly engrossed	1154
Mar. 9	Returned to Select File for Barnett amendment. Barnett amendment adopted. Advanced for re-engrossment	1169
Mar. 9	Bracketed	1170
Mar. 13	Unbracketed	1229
Mar. 14	Correctly re-engrossed	1267
Mar. 17	Final Reading	1351
Mar. 20	Correctly enrolled	1375
Mar. 20	President signed	1376
Mar. 21	Presented to Governor	1391
Mar. 23	Approved by Governor	1466

LEGISLATIVE BILL 623A By Barnett

Feb. 21	Read first time. Placed on General File	838
Mar. 2	Advanced for review	1019
Mar. 6	Placed on Select File	1047
Mar. 7	Advanced for engrossment	1091
Mar. 9	Correctly engrossed	1154
Mar. 17	Lamb motion to return to Select File for amendment lost	1349
Mar. 17	Final Reading	1352
Mar. 20	Correctly enrolled	1375
Mar. 20	President signed	1376
Mar. 21	Presented to Governor	1391
Mar. 23	Approved by Governor	1466

LEGISLATIVE BILL 624 By Judiciary Committee

Jan. 4	Read first time	141
Jan. 5	Referred to Committee on Judiciary	172
Jan. 12	Notice of hearing	321
Feb. 2	Placed on General File	460
Feb. 17	Advanced for review	791
Feb. 21	Placed on Select File	827
Feb. 21	Keyes amendments printed	833
Feb. 24	Laid over	914
Feb. 27	Bracketed	947
Mar. 6	Warner amendment printed	1053
Mar. 6	Laid over	1055
Mar. 8	Keyes amendment lost. Warner amendment adopted. Keyes motion to indefinitely postpone pending. Laid over	1132
Mar. 9	Keyes pending motion withdrawn. Advanced for engrossment	1167
Mar. 13	Replaced on Select File	1221
Mar. 14	Advanced for engrossment	1262
Mar. 16	Correctly engrossed	1315
Apr. 11	Returned to Select File for Reutzel amendment. Reutzel amendment adopted. Advanced for re-engrossment	1782
Apr. 12	Correctly re-engrossed	1848
Apr. 18	Laid over	2082
Apr. 19	Final Reading	2174
Apr. 19	Correctly enrolled	2184
Apr. 19	President signed	2185
Apr. 19	Presented to Governor	2200
Apr. 21	Bereuter explanation of vote	2221
Apr. 21	Returned by Governor without approval	2244

Apr. 21	Passed over Governor's veto	2262
Apr. 21	Delivered to Secretary of State	2282
Apr. 21	Certificate	2283
May 2	Letter	2314

LEGISLATIVE BILL 624A By Judiciary Committee

Feb. 10	Read first time. Placed on General File	636
Feb. 17	Advanced for review	792
Feb. 21	Placed on Select File	827
Feb. 24	Laid over	914
Feb. 27	Bracketed	947
Mar. 6	Laid over	1055
Mar. 9	Advanced for engrossment	1167
Mar. 13	Correctly engrossed	1221
Apr. 18	Laid over	2082
Apr. 19	Final Reading	2175
Apr. 19	Correctly enrolled	2184
Apr. 19	President signed	2185
Apr. 19	Presented to Governor	2200
Apr. 21	Bereuter explanation of vote	2221
Apr. 21	Returned by Governor without approval	2244
Apr. 21	Reutzel motion to pass over Governor's veto prevailed	2263
Apr. 21	Delivered to Secretary of State. Certificate	2283
May 2	Message from Secretary of State	2315

LEGISLATIVE BILL 625 By Judiciary Committee

Jan. 4	Read first time	142
Jan. 5	Referred to Committee on Judiciary	172
Jan. 12	Notice of hearing	321
Feb. 2	Placed on General File	460
Feb. 17	Advanced for review	793
Feb. 21	Placed on Select File	827
Feb. 22	Advanced for engrossment	857
Feb. 24	Correctly engrossed	906
Mar. 1	Final Reading	992
Mar. 2	Correctly enrolled. President signed	1018
Mar. 6	Presented to Governor	1047
Mar. 6	Koch explanation of vote	1073
Mar. 7	Approved by Governor	1102

LEGISLATIVE BILL 626 By Newell

Jan.	4	Read first time	142
Jan.	5	Referred to Committee on Banking, Commerce and Insurance	172
Jan.	12	Notice of hearing	333
Feb.	2	Indefinitely postponed	485

LEGISLATIVE BILL 627 By Newell

Jan.	4	Read first time	142
Jan.	5	Referred to Committee on Revenue	172
Jan.	12	Notice of hearing	333
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 628 By George

Jan.	4	Read first time	142
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	172
Jan.	11	Notice of hearing	293
Feb.	2	Placed on General File	458
Feb.	17	Advanced for review	790
Feb.	21	Placed on Select File	826
Feb.	22	Advanced for engrossment	857
Feb.	23	Correctly engrossed	890
Feb.	28	Final Reading	960
Feb.	28	Correctly enrolled. Speaker signed	976
Feb.	28	Presented to the Governor	979
Mar.	6	Approved by Governor	1073

LEGISLATIVE BILL 629 By Brennan

Jan.	4	Read first time	142
Jan.	5	Referred to Committee on Business & Labor	172
Jan.	11	Notice of hearing	294
Feb.	2	Indefinitely postponed	468

LEGISLATIVE BILL 630 By Brennan

Jan.	4	Read first time	143
Jan.	5	Referred to Committee on Business & Labor	173
Jan.	17	Notice of hearing	404
Feb.	2	Indefinitely postponed	468

LEGISLATIVE BILL 631 By Brennan

Jan.	4	Read first time 143
Jan.	5	Referred to Committee on Business & Labor 173
Jan.	17	Notice of hearing 405
Mar.	10	Placed on General File 1209
Apr.	12	Marsh motion to suspend rules lost 1898
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 632 By Burrows

Jan.	4	Read first time 143
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs 173
Jan.	11	Notice of hearing 293
Feb.	2	Placed on General File 460
Feb.	24	Chambers amendment pending. Laid over 929
Mar.	2	Rasmussen amendment printed 1041
Mar.	10	Rasmussen and Simon amendments adopted. Chambers pending amendment withdrawn. Advanced for review 1202
Mar.	14	Placed on Select File 1243
Mar.	14	Dworak amendment printed 1259
Mar.	22	Lamb amendments printed 1464
Apr.	10	Lamb and Dworak amendments adopted. Dworak pending amendment withdrawn. Advanced for engrossment 1753
Apr.	11	Replaced on Select File 1799
Apr.	12	Advanced for engrossment 1818
Apr.	12	Returned to Select File for Fowler amendment 1851
Apr.	12	Fowler amendment adopted. Advanced for engrossment 1852
Apr.	12	Dworak motion to return to Select File for amendment pending 1892
Apr.	13	Replaced on Select File 1930
Apr.	14	Advanced for engrossment 1966
Apr.	17	Correctly engrossed 2025
Apr.	18	Dworak pending motion to return to Select File for amendment lost 2061
Apr.	19	Final Reading 2133
Apr.	19	Correctly enrolled. President signed 2145
Apr.	19	Presented to Governor 2152
May	2	Approved by Governor 2305

LEGISLATIVE BILL 633 By Government, Military and Veterans Affairs Committee

Jan.	4	Read first time	143
Jan.	5	Referred to Committee on Public Health and Welfare	173
Jan.	11	Notice of hearing	293
Feb.	3	Indefinitely postponed	499

LEGISLATIVE BILL 634 By Stoney

Jan.	4	Read first time	143
Jan.	5	Referred to Committee on Urban Affairs	173
Jan.	17	Notice of hearing	421
Feb.	10	Placed on General File	638
Apr.	7	Advanced for review	1726
Apr.	10	Placed on Select File	1759
Apr.	12	Advanced for engrossment	1819
Apr.	14	Correctly engrossed	2010
Apr.	18	Rules suspended	2089
Apr.	18	Final Reading	2094
Apr.	18	Marsh explanation of vote	2108
Apr.	18	Correctly enrolled. Speaker signed	2118
Apr.	19	Presented to Governor	2120
May	2	Approved by Governor	2305

LEGISLATIVE BILL 635 By Agriculture and Environment Committee

Jan.	4	Read first time	144
Jan.	5	Referred to Committee on Revenue	173
Jan.	12	Notice of hearing	333
Jan.	13	Notice of hearing cancelled. Notice of hearing reset	343
Feb.	7	Indefinitely postponed	550

LEGISLATIVE BILL 636 By Agriculture and Environment Committee

Jan.	4	Read first time	144
Jan.	5	Referred to Committee on Agriculture and Environment	173
Jan.	10	Notice of hearing	258
Feb.	9	Placed on General File	587
Mar.	17	Advanced for review	1371
Mar.	21	Placed on Select File	1391
Apr.	3	Advanced for engrossment	1590
Apr.	6	Correctly engrossed	1681
Apr.	14	Final Reading	1970

Apr. 14	Correctly enrolled. Speaker signed. Reutzel explanation of vote	1986
Apr. 14	Presented to Governor	1989
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 637 By Agriculture and Environment Committee

Jan. 4	Read first time	144
Jan. 5	Referred to Committee on Agriculture and Environment	173
Jan. 10	Notice of hearing	258
Feb. 9	Placed on General File	586
Apr. 7	Advanced for review	1719
Apr. 10	Placed on Select File	1769
Apr. 12	Advanced for engrossment	1820
Apr. 18	Correctly engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2233
Apr. 21	Correctly enrolled. President signed	2261
Apr. 21	Presented to Governor	2277
May 2	Approved by Governor	2306

LEGISLATIVE BILL 638 By Lamb

Jan. 4	Read first time	144
Jan. 5	Referred to Committee on Education	173
Jan. 6	Attorney General's Opinion	182
Jan. 12	Notice of hearing	311
Mar. 6	Lamb motion to place on General File pending	1084
Mar. 7	Lamb pending motion lost	1087
Mar. 7	Indefinitely postponed	1088

LEGISLATIVE BILL 639 By Agriculture and Environment Committee

Jan. 4	Read first time	144
Jan. 5	Referred to Committee on Agriculture and Environment	173
Jan. 10	Notice of hearing	258
Feb. 9	Placed on General File	586
Mar. 10	Schmit amendment printed	1215
Mar. 17	Advanced for review	1371
Mar. 21	Placed on Select File	1390
Apr. 3	Lamb amendments printed	1580
Apr. 14	Schmit amendment withdrawn. Lamb and R. Lewis amendments adopted	2008
Apr. 14	Kahle amendment adopted. Cullan amendment lost. Advanced for engrossment	2011

Apr. 17	Replaced on Select File. Advanced for engrossment	2015
Apr. 18	Correctly engrossed	2064
Apr. 21	Rules suspended	2207
Apr. 21	Burrows motion to return to Select File for amendment lost	2234
Apr. 21	Final Reading	2235
Apr. 21	Correctly enrolled. President signed	2261
Apr. 21	Presented to Governor	2277
Apr. 21	Simon explanation of vote	2278
May 2	Approved by Governor	2306

LEGISLATIVE BILL 639A By Agriculture and Environment Committee

Feb. 22	Read first time. Placed on General File	856
Mar. 17	Advanced for review	1371
Mar. 21	Placed on Select File	1390
Apr. 14	Advanced for engrossment	2012
Apr. 18	Correctly engrossed	2064
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2236
Apr. 21	Correctly enrolled. President signed	2261
Apr. 21	Presented to Governor	2277
May 2	Approved by Governor	2306

LEGISLATIVE BILL 640 By Revenue Committee

Jan. 4	Read first time	145
Jan. 5	Referred to Committee on Revenue	173
Jan. 12	Notice of hearing	333
Feb. 2	Attorney General's Opinion	473
Feb. 3	Placed on General File	496
Feb. 15	Newell amendment printed	720
Feb. 23	Keyes motion to change order lost	891
Feb. 23	Bracketed	901
Feb. 28	Laid over	985
Mar. 1	Laid over	1007
Mar. 1	Barnett amendments printed	1011
Mar. 6	Newell and Cullan amendments adopted. Labedz motion to indefinitely postpone pending	1070
Mar. 7	Labedz pending motion prevailed. Indefinitely postponed	1093

LEGISLATIVE BILL 641 By Murphy

Jan.	4	Read first time 147
Jan.	5	Referred to Committee on Banking, Commerce and Insurance 173
Jan.	12	Notice of hearing 333
Feb.	2	Placed on General File 481
Mar.	2	Advanced for review 1031
Mar.	7	Placed on Select File 1102
Mar.	8	Advanced for engrossment 1129
Mar.	10	Correctly engrossed 1205
Mar.	15	Final Reading 1280
Mar.	16	Correctly enrolled. President signed 1315
Mar.	17	Presented to Governor 1347
Mar.	21	Approved by Governor 1414

LEGISLATIVE BILL 642 By Carsten

Jan.	4	Read first time 147
Jan.	5	Referred to Committee on Revenue 173
Jan.	12	Notice of hearing 333
Feb.	2	Maxey name added 469
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 643 By Kahle, Cope

Jan.	4	Read first time 151
Jan.	6	Referred to Committee on Government, Military and Veterans Affairs 199
Jan.	11	Notice of hearing 293
Feb.	7	Placed on General File 550
Mar.	10	Committee amendment rejected. Nichol amendment adopted. Advanced for review 1209
Mar.	15	Placed on Select File 1274
Mar.	22	Bereuter amendments printed 1459
Apr.	11	Bereuter amendments adopted. Advanced for engrossment 1788
Apr.	12	Replaced on Select File 1828
Apr.	13	Advanced for engrossment 1901
Apr.	18	Correctly engrossed 2118
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2237
Apr.	21	Correctly enrolled. President signed 2261
Apr.	21	Presented to Governor 2277
May	2	Approved by Governor 2306

LEGISLATIVE BILL 644 By Keyes

Jan.	4	Read first time	152
Jan.	6	Referred to Committee on Constitutional Revision and Recreation	199
Jan.	11	Notice of hearing	302
Feb.	23	Indefinitely postponed	900

LEGISLATIVE BILL 645 By Banking, Commerce and Insurance Committee

Jan.	4	Read first time	153
Jan.	6	Referred to Committee on Banking, Commerce and Insurance	199
Jan.	5	Duis name withdrawn. DeCamp name added	162
Jan.	13	Notice of hearing	362
Feb.	16	Indefinitely postponed	737

LEGISLATIVE BILL 646 By Agriculture and Environment Committee

Jan.	4	Read first time	154
Jan.	6	Referred to Committee on Agriculture and Environment	199
Jan.	13	Notice of hearing	361
Feb.	8	Placed on General File	569
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 647 By Labedz

Jan.	4	Read first time	155
Jan.	6	Referred to Committee on Public Works	199
Jan.	9	Notice of hearing	226
Jan.	10	Notice of hearing correction	243
Feb.	2	Indefinitely postponed	461

LEGISLATIVE BILL 648 By Stoney

Jan.	5	Read first time	161
Jan.	6	Referred to Committee on Public Health and Welfare	199
Jan.	11	Notice of hearing	293
Feb.	3	Indefinitely postponed	499

LEGISLATIVE BILL 649 By Judiciary Committee

Jan.	5	Read first time	161
Jan.	6	Referred to Committee on Judiciary	199
Jan.	17	Notice of hearing	421

Feb. 9	Placed on General File	601
Apr. 7	Advanced for review	1725
Apr. 10	Placed on Select File	1759
Apr. 14	Advanced for engrossment	2004
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2134
Apr. 19	Correctly enrolled. President signed	2145
Apr. 19	Presented to Governor	2152
May 2	Approved by Governor	2305

LEGISLATIVE BILL 650 By Judiciary Committee

Jan. 5	Read first time	161
Jan. 6	Referred to Committee on Judiciary	199
Jan. 12	Notice of hearing	321
Feb. 3	Placed on General File	495
Apr. 7	Luedtke amendment adopted. Advanced for review	1706
Apr. 10	Placed on Select File	1758
Apr. 12	Advanced for engrossment	1819
Apr. 14	Correctly engrossed	2001
Apr. 18	Rules suspended	2089
Apr. 18	Final Reading	2095
Apr. 18	Correctly enrolled. Speaker signed	2118
Apr. 19	Presented to Governor	2120
May 2	Approved by Governor	2305

LEGISLATIVE BILL 651 By Banking, Commerce and Insurance Committee

Jan. 5	Read first time	163
Jan. 6	Referred to Committee on Revenue	199
Jan. 12	Notice of hearing	333
Feb. 2	Placed on General File	465
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 652 By Hefner

Jan. 5	Read first time	163
Jan. 6	Referred to Committee on Revenue	199
Jan. 12	Notice of hearing	333
Feb. 2	Placed on General File	465
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 653 By Banking, Commerce and Insurance Committee

Jan. 5	Read first time	163
Jan. 6	Referred to Committee on Banking, Commerce and Insurance	199
Jan. 12	Notice of hearing	333
Feb. 2	Placed on General File	485
Feb. 6	Attorney General's Opinion	523
Mar. 10	Duis and DeCamp amendments adopted. Advanced for review	1206
Mar. 14	Placed on Select File	1245
Mar. 15	Advanced for engrossment	1309
Mar. 20	Replaced on Select File	1375
Mar. 21	Advanced for engrossment	1410
Mar. 23	Correctly engrossed	1495
Apr. 4	Final Reading	1611
Apr. 4	Kremer explanation of vote	1616
Apr. 4	Correctly enrolled. President signed	1634
Apr. 4	Presented to Governor	1638
Apr. 7	Approved by Governor	1733

LEGISLATIVE BILL 654 By Banking, Commerce and Insurance Committee

Jan. 5	Read first time	163
Jan. 6	Referred to Committee on Banking, Commerce and Insurance	199
Jan. 9	Notice of hearing	229
Jan. 12	Notice of hearing cancelled	317
Feb. 2	Attorney General's Opinion	440
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 655 By Banking Commerce and Insurance Committee

Jan. 5	Read first time	164
Jan. 6	Referred to Committee on Banking, Commerce and Insurance	199
Jan. 9	Notice of hearing	229
Jan. 13	Attorney General's Opinion	346
Feb. 3	Placed on General File	495
Feb. 13	Advanced for review	661
Feb. 15	Placed on Select File	712
Feb. 17	Advanced for engrossment	772
Feb. 20	Correctly engrossed	818

Feb. 23	Final Reading	874
Feb. 24	Correctly enrolled. President signed	906
Feb. 27	Presented to Governor	936
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 656 By Banking, Commerce and Insurance Committee

Jan. 5	Read first time	164
Jan. 6	Referred to Committee on Banking, Commerce and Insurance	199
Jan. 9	Notice of hearing	229
Feb. 2	Placed on General File	480
Feb. 13	Advanced for review	654
Feb. 15	Placed on Select File	711
Feb. 17	Advanced for engrossment	772
Feb. 20	Correctly engrossed	806
Feb. 23	Final Reading	875
Feb. 24	Correctly enrolled. President signed	906
Feb. 27	Presented to Governor	936
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 657 By Banking, Commerce and Insurance Committee

Jan. 5	Read first time	164
Jan. 6	Referred to Committee on Banking, Commerce and Insurance	199
Jan. 9	Notice of hearing	229
Feb. 14	Placed on General File	692
Feb. 17	Placed on General File, corrected	781
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 658 By Lamb, Hefner

Jan. 5	Read first time	164
Jan. 6	Referred to Committee on Public Health and Welfare	199
Jan. 11	Notice of hearing	293
Feb. 9	Placed on General File	586
Apr. 7	R. Lewis amendments printed	1715
Apr. 10	R. Lewis amendments adopted. Advanced for review	1764
Apr. 12	Placed on Select File	1834
Apr. 12	Marsh amendments printed	1898
Apr. 17	Marsh amendments withdrawn. Marsh amendment adopted. Advanced for engrossment	2048

Apr. 18	Correctly engrossed	2089
Apr. 21	Rules suspended. Final Reading	2239
Apr. 21	Correctly enrolled. President signed	2261
Apr. 21	Presented to Governor	2277
May 2	Approved by Governor	2306

LEGISLATIVE BILL 659 By Duis

Jan. 5	Read first time	167
Jan. 9	Referred to Committee on Banking, Commerce and Insurance	225
Jan. 12	Notice of hearing	333
Feb. 2	Placed on General File	482
Feb. 13	Advanced for review	654
Feb. 15	Placed on Select File	711
Feb. 17	Advanced for engrossment	772
Feb. 20	Correctly engrossed	818
Feb. 23	Final Reading	877
Feb. 24	Correctly enrolled. President signed	906
Feb. 27	Presented to Governor	936
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 660 By Constitutional Revision and Recreation Committee

Jan. 5	Read first time	167
Jan. 12	Placed on General File	336
Feb. 2	Expedited	469
Feb. 3	Maxey amendment adopted. Advanced for review	508
Feb. 3	Marvel and Maxey amendments printed	518
Feb. 7	Placed on Select File	535
Feb. 8	Marvel, Maxey and Koch amendments adopted. Advanced for engrossment	567
Feb. 10	Replaced on Select File	611
Feb. 10	Advanced for engrossment	634
Feb. 10	Returned to Select File for Marvel amendment. Marvel amendment adopted. Advanced for engrossment	635
Feb. 13	Replaced on Select File	652
Feb. 14	Advanced for engrossment	682
Feb. 15	Replaced on Select File	713
Feb. 16	Advanced for engrossment	742
Feb. 16	Correctly engrossed	749
Feb. 21	Final Reading	828

Feb. 22	Correctly enrolled	854
Feb. 22	President signed	859
Feb. 23	Presented to Governor	883
Feb. 24	Approved by Governor	916

LEGISLATIVE BILL 661 By Clark

Jan. 5	Read first time	170
Jan. 9	Referred to Committee on Miscellaneous Subjects	225
Jan. 10	Notice of hearing	266
Feb. 2	Placed on General File	453
Feb. 13	Clark amendment adopted. Advanced for review	655
Feb. 15	Placed on Select File	712
Feb. 17	Advanced for engrossment	772
Feb. 20	Correctly engrossed	818
Feb. 23	Final Reading	876
Feb. 24	Correctly enrolled. President signed	906
Feb. 27	Presented to Governor	936
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 662 By Banking, Commerce and Insurance Committee

Jan. 5	Read first time	170
Jan. 9	Referred to Committee on Banking, Commerce and Insurance	225
Jan. 12	Notice of hearing	333
Feb. 2	Placed on General File	485
Mar. 2	Advanced for review	1033
Mar. 7	Placed on Select File	1103
Mar. 8	Advanced for engrossment	1129
Mar. 10	Correctly engrossed	1205
Mar. 15	Final Reading	1281
Mar. 16	Correctly enrolled. President signed	1315
Mar. 17	Presented to Governor	1347
Mar. 21	Approved by Governor	1414

LEGISLATIVE BILL 663 By Warner, Koch

Jan. 5	Read first time	170
Jan. 9	Referred to Committee on Education	225
Jan. 12	Notice of hearing	311
Feb. 17	Attorney General's Opinion	765
Feb. 28	Placed on General File	979
Mar. 16	Attorney General's Opinion	1339

Mar. 20	Bracketed	1381
Mar. 23	Koch amendment printed	1485
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 664 By Newell

Jan. 5	Read first time	170
Jan. 9	Referred to Committee on Appropriations	225
Jan. 11	Notice of hearing	297
Feb. 2	Placed on General File	459
Feb. 24	Lamb amendment to Newell amendment adopted. Newell amendment, as amended, lost. Advanced for review	923
Feb. 28	Placed on Select File	956
Feb. 28	Newell amendments printed	972
Mar. 6	Newell amendment adopted. Lamb amendment lost. Advanced for engrossment	1056
Mar. 8	Correctly engrossed	1124
Mar. 13	Laid over	1222
Mar. 14	Final Reading	1253
Mar. 15	Correctly enrolled. President signed	1276
Mar. 15	Marsh explanation of vote	1311
Mar. 16	Presented to Governor	1315
Mar. 17	Approved by Governor	1362

LEGISLATIVE BILL 665 By Banking, Commerce and Insurance Committee and others

Jan. 5	Read first time	174
Jan. 9	Referred to Committee on Banking, Commerce and Insurance	225
Jan. 12	Notice of hearing	333
Feb. 2	Rasmussen name withdrawn	469
Feb. 2	Placed on General File	480
Feb. 8	Mills amendment printed	560
Feb. 13	Bracketed	663
Feb. 17	Bracketed	782
Feb. 17	Mills amendment printed	786
Feb. 17	Bracketed	795
Feb. 20	Change of order. Kelly amendment withdrawn. Mills amendment pending	804
Feb. 20	Mills and DeCamp amendments adopted	809
Feb. 20	Merz name withdrawn	824
Feb. 21	Chambers amendment printed	839
Feb. 22	Fowler amendment printed	851
Feb. 27	Chambers and Fowler amendments lost	938
Feb. 27	Advanced for review	942
Feb. 27	Chambers amendments printed	945

Mar.	1	Placed on Select File 988
Mar.	6	DeCamp amendments printed 1061
Mar.	7	Laid over 1089
Mar.	7	Chambers amendment withdrawn. Chambers and DeCamp amendments adopted. Advanced for engrossment 1100
Mar.	8	Replaced on Select File 1139
Mar.	9	Laid over 1166
Mar.	10	Schmit amendment printed 1193
Mar.	10	Murphy amendment printed 1217
Mar.	16	Advanced for engrossment. Returned to Select File for Schmit amendment. Schmit amendment adopted. Advanced for engrossment. Returned to Select File for Murphy amendment. Murphy amendment adopted. Advanced for engrossment .. 1334
Mar.	17	Replaced on Select File 1357
Mar.	20	Advanced for engrossment 1382
Mar.	21	Correctly engrossed 1417
Mar.	28	Chambers motion to return to Select File lost. Final Reading 1511
Apr.	3	Correctly enrolled. President signed 1556
Apr.	3	Kelly explanation of vote 1571
Apr.	4	Presented to Governor 1615
Apr.	7	Approved by Governor 1733

LEGISLATIVE BILL 666 By Public Works Committee

Jan.	5	Read first time 177
Jan.	9	Referred to Committee on Public Works 225
Jan.	11	Notice of hearing 292
Feb.	2	Placed on General File 466
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 667 By Public Works Committee

Jan.	5	Read first time 177
Jan.	9	Referred to Committee on Public Works 225
Jan.	11	Notice of hearing 292
Feb.	2	Indefinitely postponed 466

LEGISLATIVE BILL 668 By Judiciary Committee

Jan.	5	Read first time 177
Jan.	9	Referred to Committee on Judiciary 225
Jan.	12	Notice of hearing 321
Feb.	2	Placed on General File 460
Feb.	24	Advanced for review 929

Feb. 28	Placed on Select File	956
Mar. 1	Advanced for engrossment	1001
Mar. 2	Correctly engrossed	1023
Mar. 8	Returned to Select File for Duis amendment	1120
Mar. 8	Duis amendment renewed. Laid over	1126
Mar. 9	Laid over	1167
Mar. 16	Laid over	1334
Mar. 21	Duis amendment withdrawn. Readvanced to Final Reading	1411
Mar. 28	Final Reading	1512
Apr. 3	Correctly enrolled. President signed	1556
Apr. 3	Kelly explanation of vote	1571
Apr. 4	Presented to Governor	1615
Apr. 7	Approved by Governor	1733

LEGISLATIVE BILL 669 By Fowler

Jan 6	Read first time	184
Jan. 9	Referred to Committee on Public Health and Welfare	225
Jan. 11	Notice of hearing	293
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 670 By Duis

Jan. 6	Read first time	184
Jan. 9	Referred to Committee on Judiciary	225
Jan. 17	Notice of hearing	421
Feb. 9	Placed on General File	596
Feb. 13	Advanced for review	654
Feb. 15	Placed on Select File	711
Feb. 17	Advanced for engrossment	772
Feb. 20	Correctly engrossed	818
Feb. 23	Final Reading	877
Feb. 24	Correctly enrolled. President signed	906
Feb. 27	Presented to Governor	936
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 671 By Public Health and Welfare Committee

Jan. 6	Read first time	188
Jan. 9	Referred to Committee on Public Health and Welfare	225
Jan. 11	Notice of hearing	293
Feb. 3	Placed on General File	499
Mar. 2	Advanced for review	1044

Mar.	7	Placed on Select File 1104
Mar.	8	Laid over 1130
Mar.	9	Marsh amendment adopted. Advanced for engrossment 1167
Mar.	13	Correctly engrossed 1221
Mar.	16	Final Reading 1320
Mar.	17	Correctly enrolled. President signed 1346
Mar.	20	Presented to Governor 1376
Mar.	21	Approved by Governor 1414

LEGISLATIVE BILL 672 By Judiciary Committee

Jan.	6	Read first time 188
Jan.	9	Referred to Committee on Judiciary 225
Jan.	12	Notice of hearing 321
Feb.	14	Placed on General File 690
Feb.	24	Bracketed 921
Mar.	8	Advanced for review 1145
Mar.	10	Placed on Select File 1173
Mar.	13	Advanced for engrossment 1239
Mar.	14	Correctly engrossed 1268
Apr.	13	Final Reading 1920
Apr.	13	Correctly enrolled. Speaker signed 1950
Apr.	13	Presented to Governor 1960
Apr.	21	Approved by Governor 2203

LEGISLATIVE BILL 672A By Nichol

Mar.	9	Read first time. Placed on General File 1170
Mar.	16	Advanced for review 1324
Mar.	17	Placed on Select File 1356
Apr.	3	Advanced for engrossment 1589
Apr.	5	Correctly engrossed 1663
Apr.	13	Final Reading 1921
Apr.	13	Correctly enrolled. Speaker signed 1950
Apr.	13	Presented to Governor 1960
Apr.	21	Approved by Governor 2203

LEGISLATIVE BILL 673 By Barnett

Jan.	6	Read first time 188
Jan.	9	Referred to Committee on Public Works 225
Jan.	11	Notice of hearing 292
Feb.	2	Placed on General File 461
Feb.	13	Advanced for review 661
Feb.	15	Placed on Select File 712
Feb.	17	Advanced for engrossment 773
Feb.	20	Correctly engrossed 818

Feb. 23 Final Reading 878
Feb. 24 Correctly enrolled. President signed 906
Feb. 27 Presented to Governor 936
Mar. 6 Approved by Governor 1073

LEGISLATIVE BILL 674 By Public Health and Welfare Committee

Jan. 6 Read first time 189
Jan. 9 Referred to Committee on Public Health and Welfare 225
Jan. 11 Notice of hearing 293
Jan. 17 Withdrawn 397

LEGISLATIVE BILL 675 By Public Health and Welfare Committee

Jan. 6 Read first time 189
Jan. 9 Referred to Committee on Public Health and Welfare 225
Jan. 11 Notice of hearing 293
Feb. 3 Placed on General File 499
Mar. 2 Advanced for review 1043
Mar. 7 Placed on Select File 1103
Mar. 8 Advanced for engrossment 1130
Mar. 10 Correctly engrossed 1205
Mar. 15 Final Reading 1282
Mar. 16 Correctly enrolled. President signed 1315
Mar. 17 Presented to Governor 1347
Mar. 21 Approved by Governor 1414

LEGISLATIVE BILL 676 By Public Health and Welfare Committee

Jan. 6 Read first time 189
Jan. 9 Referred to Committee on Public Health and Welfare 225
Jan. 11 Notice of hearing 293
Jan. 12 Notice of hearing cancelled. Notice of hearing reset 321
Feb. 3 Placed on General File 500
Mar. 2 Advanced for review 1044
Mar. 7 Placed on Select File 1104
Mar. 8 Advanced for engrossment 1130
Mar. 10 Correctly engrossed 1205
Mar. 15 Final Reading 1283
Mar. 16 Correctly enrolled. President signed 1315
Mar. 17 Presented to Governor 1347
Mar. 21 Approved by Governor 1414

LEGISLATIVE BILL 676A By Public Health and Welfare Committee

Feb.	9	Read first time. Placed on General File	579
Mar.	2	Advanced for review	1044
Mar.	7	Placed on Select File	1104
Mar.	8	Advanced for engrossment	1130
Mar.	10	Correctly engrossed	1205
Mar.	15	Final Reading	1283
Mar.	16	Correctly enrolled. President signed	1315
Mar.	17	Presented to Governor	1347
Mar.	21	Approved by Governor	1414

LEGISLATIVE BILL 677 By Kelly

Jan.	6	Read first time	189
Jan.	9	Referred to Committee on Revenue	225
Jan.	12	Notice of hearing	333
Feb.	7	Indefinitely postponed	550

LEGISLATIVE BILL 678 By Kelly

Jan.	6	Read first time	189
Jan.	9	Referred to Committee on Judiciary	226
Jan.	12	Notice of hearing	321
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 679 By Kelly

Jan.	6	Read first time	190
Jan.	9	Referred to Committee on Miscellaneous Subjects	226
Jan.	10	Notice of hearing	266
Mar.	1	Kelly motion to place on General File pending	1003
Mar.	8	Indefinitely postponed	1128

LEGISLATIVE BILL 680 By Kelly

Jan.	6	Read first time	190
Jan.	9	Referred to Committee on Judiciary	226
Jan.	17	Notice of hearing	422
Feb.	3	Indefinitely postponed	495

LEGISLATIVE BILL 681 By Kelly

Jan.	6	Read first time 190
Jan.	9	Referred to Committee on Urban Affairs 226
Jan.	17	Notice of hearing 421
Feb.	10	Indefinitely postponed 639

LEGISLATIVE BILL 682 By Kelly, Fowler

Jan.	6	Read first time 190
Jan.	9	Referred to Committee on Miscellaneous Subjects 226
Jan.	10	Notice of hearing 266
Feb.	2	Placed on General File 453
Feb.	24	Advanced for review 923
Feb.	28	Placed on Select File 955
Mar.	1	Advanced for engrossment 1000
Mar.	2	Correctly engrossed 1023
Mar.	8	Final Reading 1120
Mar.	9	Correctly enrolled. Speaker signed 1153
Mar.	10	Presented to Governor 1205
Mar.	14	Approved by Governor 1256

LEGISLATIVE BILL 683 By Kelly

Jan.	6	Read first time 190
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs 226
Jan.	11	Notice of hearing 293
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 684 By Murphy

Jan.	6	Read first time 190
Jan.	9	Referred to Committee on Miscellaneous Subjects 226
Jan.	10	Notice of hearing 266
Feb.	14	Indefinitely postponed 683

LEGISLATIVE BILL 685 By Barnett

Jan.	6	Read first time 191
Jan.	9	Referred to Committee on Public Health and Welfare 226
Jan.	11	Notice of hearing 293
Feb.	3	Placed on General File 500
Feb.	13	Duis amendment adopted. Advanced for review 661

Feb. 15	Placed on Select File	712
Feb. 17	Advanced for engrossment	773
Feb. 21	Correctly engrossed	831
Feb. 24	Final Reading	910
Feb. 27	Correctly enrolled	936
Feb. 28	Speaker signed	957
Feb. 28	Presented to Governor	979
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 686 By Murphy

Jan. 6	Read first time	191
Jan. 9	Referred to Committee on Government, Military and Veterans Affairs	226
Jan. 13	Notice of hearing	362
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 687 By Public Works Committee

Jan. 6	Read first time	191
Jan. 9	Referred to Committee on Public Works	226
Jan. 11	Notice of hearing	292
Feb. 28	Placed on General File	975
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 688 By Public Works Committee

Jan. 6	Read first time	191
Jan. 9	Referred to Committee on Public Works	226
Jan. 11	Notice of hearing	292
Feb. 2	Placed on General File	465
Mar. 2	Advanced for review	1027
Mar. 6	Placed on Select File	1048
Mar. 7	Advanced for engrossment	1091
Mar. 9	Correctly engrossed	1154
Mar. 14	Final Reading	1254
Mar. 15	Correctly enrolled. President signed	1276
Mar. 15	Marsh explanation of vote	1311
Mar. 16	Presented to Governor	1315
Mar. 17	Approved by Governor	1362

LEGISLATIVE BILL 689 By Public Health and Welfare Committee

Jan. 6	Read first time	191
Jan. 9	Placed on General File	226
Feb. 24	Advanced for review	923
Feb. 27	Mills amendments printed	949
Feb. 28	Placed on Select File	955

Mar.	1	Mills amendment adopted. Advanced for engrossment 1000
Mar.	2	Replaced on Select File 1017
Mar.	7	Advanced for engrossment 1089
Mar.	9	Correctly engrossed 1154
Mar.	14	Final Reading 1254
Mar.	15	Correctly enrolled. President signed 1276
Mar.	15	Marsh explanation of vote 1311
Mar.	16	Presented to Governor 1315
Mar.	17	Approved by Governor 1362

LEGISLATIVE BILL 690 By Reutzel

Jan.	6	Read first time 191
Jan.	9	Referred to Committee on Judiciary 226
Jan.	17	Notice of hearing 422
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 691 By George

Jan.	6	Read first time 198
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs 226
Jan.	11	Notice of hearing 293
Feb.	24	Placed on General File 918
Apr.	12	Advanced for review 1843
Apr.	13	Placed on Select File 1930
Apr.	17	Advanced for engrossment 2051
Apr.	18	Correctly engrossed 2078
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2240
Apr.	21	Correctly enrolled. President signed 2261
Apr.	21	Presented to Governor 2277
May	2	Approved by Governor 2306

LEGISLATIVE BILL 691A By George

Mar.	1	Read first time. Placed on General File 1004
Apr.	12	George amendment adopted. Advanced for review 1843
Apr.	17	Advanced for engrossment 2050
Apr.	18	Correctly engrossed 2078
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2240

LEGISLATIVE BILL 692 By Agriculture and Environment Committee

Jan.	6	Read first time 198
Jan.	9	Referred to Committee on Agriculture and Environment 226
Jan.	12	Notice of hearing 332
Feb.	8	Placed on General File 569
Mar.	17	Advanced for review 1366
Mar.	21	Placed on Select File 1389
Mar.	28	Schmit amendment printed 1525
Apr.	3	Schmit amendment withdrawn. Advanced for engrossment 1589
Apr.	5	Correctly engrossed 1663
Apr.	13	Returned to Select File for Schmit amendment 1922
Apr.	13	Schmit amendment adopted. Advanced for re-engrossment. Returned to Select File for Schmit amendment. Schmit amendment adopted. Advanced for re-engrossment 1926
Apr.	13	Replaced on Select File 1959
Apr.	14	Advanced for re-engrossment 1966
Apr.	17	Correctly re-engrossed 2025
Apr.	19	Final Reading 2135
Apr.	19	Correctly enrolled. President signed 2145
Apr.	19	Presented to Governor 2152
May	2	Approved by Governor 2305

LEGISLATIVE BILL 693 By Cope

Jan.	6	Read first time 200
Jan.	9	Referred to Committee on Education 226
Jan.	12	Notice of hearing 311
Feb.	2	Placed on General File 453
Apr.	5	Cope amendments adopted. Advanced for review 1658
Apr.	6	Placed on Select File 1684
Apr.	14	Advanced for engrossment 1998
Apr.	17	Correctly engrossed 2025
Apr.	19	Final Reading 2179
Apr.	19	Correctly enrolled 2184
Apr.	19	President signed 2185
Apr.	19	Presented to Governor 2200
Apr.	21	Bereuter explanation of vote 2221
Apr.	21	Returned by Governor without approval 2243
Apr.	21	Cope motion to pass over Governor's veto prevailed 2264

Apr. 21 Delivered to Secretary of State. Certificate 2284
May 2 Message from Secretary of State 2313

LEGISLATIVE BILL 693A By Cope

Feb. 8 Read first time. Placed on General File 571
Apr. 5 Advanced for review 1663
Apr. 6 Placed on Select File 1684
Apr. 14 Advanced for engrossment 1998
Apr. 17 Correctly engrossed 2025
Apr. 19 Final Reading 2180
Apr. 19 Correctly enrolled 2184
Apr. 19 President signed 2185
Apr. 19 Presented to Governor 2200
Apr. 21 Bereuter explanation of vote 2221
Apr. 21 Returned by Governor without approval 2243
Apr. 21 Cope motion to pass over Governor's veto prevailed 2264
Apr. 21 Delivered to Secretary of State 2284
Apr. 21 Certificate 2285
May 2 Message from Secretary of State 2313

LEGISLATIVE BILL 694 By Newell

Jan. 6 Read first time 200
Jan. 9 Referred to Committee on Business & Labor 226
Jan. 11 Notice of hearing 294
Feb. 7 Indefinitely postponed 535

LEGISLATIVE BILL 695 By Chambers

Jan. 6 Read first time 200
Jan. 9 Referred to Committee on Judiciary 226
Jan. 17 Notice of hearing 422
Feb. 9 Placed on General File 595
Feb. 16 Chambers amendment printed 753
Apr. 7 Advanced for review 1719
Apr. 10 Placed on Select File 1758
Apr. 14 Chambers amendment withdrawn. Advanced for engrossment 1997
Apr. 17 Replaced on Select File. Advanced for engrossment 2015
Apr. 17 Correctly engrossed 2028
Apr. 19 Final Reading 2136
Apr. 19 Correctly enrolled. President signed 2145
Apr. 19 Presented to Governor 2152
May 2 Approved by Governor 2305

LEGISLATIVE BILL 696 By Dworak

Jan.	6	Read first time 200
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs 226
Jan.	11	Notice of hearing 293
Feb.	6	Indefinitely postponed 526

LEGISLATIVE BILL 697 By Bereuter

Jan.	6	Read first time 200
Jan.	9	Referred to Committee on Appropriations 226
Jan.	11	Notice of hearing 297
Feb.	2	Placed on General File 452
Feb.	13	Advanced for review 655
Feb.	15	Placed on Select File 712
Feb.	17	Laid over 773
Feb.	17	Fowler and Bereuter amendments pending 778
Feb.	20	Bereuter amendment lost. Bereuter and Fowler amendments adopted. Advanced for engrossment 815
Feb.	22	Replaced on Select File 848
Feb.	23	Advanced for engrossment 890
Feb.	24	Correctly engrossed 924
Mar.	1	Returned to Select File for DeCamp amendment. Laid over 993
Mar.	6	DeCamp amendment adopted. Advanced for re-engrossment 1055
Mar.	6	Koch explanation of vote 1073
Mar.	7	Replaced on Select File 1105
Mar.	8	Advanced for re-engrossment 1125
Mar.	10	Correctly re-engrossed 1205
Mar.	15	Final Reading 1284
Mar.	16	Correctly enrolled. President signed 1315
Mar.	17	Presented to Governor 1347
Mar.	21	Approved by Governor 1414

LEGISLATIVE BILL 698 By Keyes

Jan.	6	Read first time 200
Jan.	9	Referred to Committee on Banking, Commerce and Insurance 226
Jan.	13	Notice of hearing 362
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 699 By Revenue Committee

Jan.	6	Read first time 201
Jan.	9	Referred to Committee on Revenue
Jan.	12	Notice of hearing 333
Feb.	3	Placed on General File 496
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 700 By Judiciary Committee

Jan.	6	Read first time 201
Jan.	9	Referred to Committee on Judiciary 226
Jan.	12	Notice of hearing 321
Feb.	2	Placed on General File 460
Feb.	22	Barnett amendment printed 862
Mar.	2	Laid over 1024
Mar.	10	Advanced for review 1202
Mar.	14	Placed on Select File 1243
Apr.	10	Barnett amendment adopted. Advanced for engrossment 1753
Apr.	11	Replaced on Select File 1785
Apr.	12	Advanced for engrossment 1818
Apr.	13	Correctly engrossed 1959
Apr.	18	Laid over 2082
Apr.	19	Final Reading 2177
Apr.	19	Correctly enrolled 2184
Apr.	19	President signed 2185
Apr.	19	Presented to Governor 2200
Apr.	21	Bereuter explanation of vote 2221
May	2	Approved by Governor 2305

LEGISLATIVE BILL 700A By Carsten

Mar.	7	Read first time. Placed on General File 1099
Mar.	10	Advanced for review 1202
Mar.	14	Placed on Select File 1243
Mar.	14	Carsten amendment printed 1261
Apr.	10	Carsten amendment adopted. Advanced for engrossment 1753
Apr.	13	Correctly engrossed 1959
Apr.	18	Laid over 2082
Apr.	19	Final Reading 2177
Apr.	19	Correctly enrolled 2184
Apr.	19	President signed 2185
Apr.	19	Presented to Governor 2200
Apr.	21	Bereuter explanation of vote 2221
May	2	Approved by Governor 2305

LEGISLATIVE BILL 701 By Judiciary Committee

Jan.	6	Read first time 201
Jan.	9	Referred to Committee on Judiciary 226
Jan.	16	Notice of hearing 364
Feb.	9	Placed on General File 601
Mar.	9	Duis amendment lost. Advanced for review 1150
Mar.	10	Barnett amendment printed 1210
Mar.	13	Placed on Select File 1221
Mar.	21	Barnett amendment adopted. Advanced for engrossment 1416
Mar.	23	Correctly engrossed 1495
Apr.	4	Final Reading 1612
Apr.	4	Kremer explanation of vote 1616
Apr.	4	Correctly enrolled. President signed 1634
Apr.	4	Presented to Governor 1638
Apr.	11	Approved by Governor 1797

LEGISLATIVE BILL 702 By Judiciary Committee

Jan.	6	Read first time 201
Jan.	9	Referred to Committee on Public Works 226
Jan.	11	Notice of hearing 292
Feb.	2	Indefinitely postponed 461

LEGISLATIVE BILL 703 By Clark

Jan.	6	Read first time 201
Jan.	9	Referred to Committee on Judiciary 226
Jan.	12	Notice of hearing 321
Feb.	20	Placed on General File 814
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 704 By Brennan

Jan.	6	Read first time 202
Jan.	9	Referred to Committee on Judiciary 226
Jan.	12	Notice of hearing 321
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 705 By Brennan

Jan.	6	Read first time 202
Jan.	9	Referred to Committee on Business & Labor 226
Jan.	11	Notice of hearing 294
Feb.	2	Indefinitely postponed 468

LEGISLATIVE BILL 706 By Business and Labor Committee

Jan.	9	Read first time	216
Jan.	10	Referred to Committee on Miscellaneous Subjects	274
Jan.	13	Notice of hearing	352
Feb.	2	Indefinitely postponed	463

LEGISLATIVE BILL 707 By Bereuter

Jan.	9	Read first time	221
Jan.	10	Referred to Committee on Public Works	274
Jan.	11	Notice of hearing	292
Feb.	2	Placed on General File	461
Feb.	24	Advanced for review	930
Feb.	28	Placed on Select File	956
Mar.	1	Advanced for engrossment	1001
Mar.	1	Bereuter amendment printed	1011
Mar.	6	Returned to Select File for Bereuter amendment	1052
Mar.	6	Bereuter amendment adopted. Advanced for engrossment	1053
Mar.	7	Correctly engrossed	1086
Mar.	10	Final Reading	1188
Mar.	13	Correctly enrolled	1221
Mar.	13	President signed	1222
Mar.	14	Presented to Governor	1242
Mar.	17	Approved by Governor	1362

LEGISLATIVE BILL 708 By Brennan

Jan.	9	Read first time	221
Jan.	10	Referred to Committee on Urban Affairs	274
Jan.	17	Notice of hearing	421
Feb.	10	Placed on General File	638
Apr.	7	Advanced for review	1726
Apr.	10	Placed on Select File	1759
Apr.	12	Advanced for engrossment	1819
Apr.	12	Keyes amendments printed	1872
Apr.	14	Correctly engrossed	2010
Apr.	18	Keyes motion to overrule Chair lost	2069
Apr.	18	Rules suspended	2089
Apr.	18	Final Reading	2096
Apr.	18	Correctly enrolled. Speaker signed	2118
Apr.	19	Presented to Governor	2120
May	2	Approved by Governor	2305

LEGISLATIVE BILL 709 By Revenue Committee

Jan.	9	Read first time 221
Jan.	10	Referred to Committee on Revenue 274
Jan.	12	Notice of hearing 333
Feb.	7	Indefinitely postponed 550

LEGISLATIVE BILL 710 By Chambers

Jan.	9	Read first time 221
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs 274
Jan.	10	Notice of hearing 279
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 711 By Chambers

Jan.	9	Read first time 221
Jan.	10	Referred to Committee on Judiciary 274
Jan.	12	Notice of hearing 321
Feb.	2	Placed on General File 460
Feb.	23	Change of order 901
Feb.	24	Placed on General File, corrected 921
Feb.	28	Laid over 985
Mar.	1	Chambers amendment adopted. Bracketed 1009
Mar.	8	Rasmussen motion to indefinitely postpone lost. Simon motion to bracket lost. Failed to advance for review 1136
Mar.	13	Attorney General's Opinion 1232
Apr.	4	Advanced for review 1636
Apr.	6	Placed on Select File 1692
Apr.	7	Advanced for engrossment 1729
Apr.	11	Correctly engrossed 1800
Apr.	14	Final Reading 1979
Apr.	14	Correctly enrolled. Speaker signed 2001
Apr.	14	Presented to Governor 2004
Apr.	18	Returned by Governor without approval 2105
Apr.	19	Chambers motion to override pending 2146
Apr.	19	Chambers motion to override prevailed 2169
Apr.	21	Delivered to Secretary of State. Certificate 2205
Apr.	21	Message from Secretary of State 2219

LEGISLATIVE BILL 712 By Murphy

Jan. 9	Read first time	222
Jan. 10	Referred to Committee on Business & Labor	274
Jan. 17	Notice of hearing	405
Feb. 7	Placed on General File	535
Apr. 10	Koch motion to indefinitely postpone. Ruling to vote on advancement. Failed to advance for review	1761
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 713 By Murphy

Jan. 9	Read first time	222
Jan. 10	Referred to Committee on Miscellaneous Subjects	274
Jan. 13	Notice of hearing	352
Feb. 2	Placed on General File	453
Mar. 17	Advanced for review	1366
Mar. 17	Koch amendment printed	1367
Mar. 21	Placed on Select File	1390
Mar. 22	Fowler amendments printed	1459
Apr. 4	Murphy objection to Simon bracket motion	1638
Apr. 5	Murphy amendment printed	1660
Apr. 6	Fowler amendments printed	1680
Apr. 6	Fowler amendments printed	1694
Apr. 6	Fowler amendments printed	1695
Apr. 10	Simon amendments printed	1748
Apr. 10	Warner amendment printed	1757
Apr. 13	Murphy, Dworak and Warner amendments adopted. Simon motion to indefinitely postpone lost	1961
Apr. 14	Koch and Fowler amendments withdrawn. Chambers amendment lost. Fowler amendment adopted. Fowler amendment renewed	1989
Apr. 14	Fowler amendments withdrawn. Fowler and Simon amendments lost. Koch amendment adopted	1994
Apr. 14	Murphy to suspend rules lost. Chambers amendment lost	1996
Apr. 14	Fowler amendment lost. Chambers motion to indefinitely postpone lost. Advanced for engrossment	2002
Apr. 17	Replaced on Select File. Advanced for engrossment	2015
Apr. 18	Simon motion ruled out of order	2071

Apr. 18	Barnett motion to return to Select File lost	2077
Apr. 18	Correctly engrossed	2078
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2249
Apr. 21	Correctly enrolled. President signed	2261
Apr. 21	Presented to Governor	2277
May 2	Approved by Governor	2306

LEGISLATIVE BILL 713A By Dworak

Feb. 10	Read first time. Placed on General File	636
Mar. 9	Dworak amendment printed	1155
Mar. 17	Dworak amendment adopted. Advanced for review	1366
Mar. 21	Placed on Select File	1390
Apr. 14	Advanced for engrossment	2004
Apr. 18	Correctly engrossed	2078
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2250
Apr. 21	Correctly enrolled. President signed	2261
Apr. 21	Presented to Governor	2277
May 2	Approved by Governor	2306

LEGISLATIVE BILL 714 By Judiciary Committee

Jan. 9	Read first time	222
Jan. 10	Referred to Committee on Judiciary	274
Jan. 12	Notice of hearing	321
Feb. 20	Placed on General File	814
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 715 By Savage

Jan. 9	Read first time	222
Jan. 10	Referred to Committee on Government, Military and Veterans Affairs	274
Jan. 11	Notice of hearing	293
Feb. 6	Placed on General File	531
Mar. 10	Advanced for review	1207
Mar. 13	Rasmussen amendments printed	1235
Mar. 15	Placed on Select File	1273
Apr. 4	Rasmussen amendments withdrawn. Advanced for engrossment	1617
Apr. 6	Correctly engrossed	1681
Apr. 11	Returned to Select File for Rasmussen amendment. Rasmussen amendment adopted. Advanced for re-engrossment	1781

Apr. 12	Correctly re-engrossed	1848
Apr. 18	Final Reading	2082
Apr. 18	Correctly enrolled. Speaker signed	2089
Apr. 18	Presented to Governor. Marsh explanation of vote	2108
May 2	Approved by Governor	2305

LEGISLATIVE BILL 716 By Savage

Jan. 9	Read first time	222
Jan. 10	Referred to Committee on Banking, Commerce and Insurance	274
Jan. 12	Notice of hearing	333
Feb. 14	Indefinitely postponed	693

LEGISLATIVE BILL 717 By Savage

Jan. 9	Read first time	223
Jan. 10	Referred to Committee on Banking, Commerce and Insurance	274
Jan. 12	Notice of hearing	333
Feb. 2	Placed on General File	485
Feb. 13	Advanced for review	655
Feb. 15	Placed on Select File	712
Feb. 17	Savage amendment adopted. Advanced for engrossment	774
Feb. 21	Replaced on Select File	826
Feb. 22	Advanced for engrossment	857
Feb. 24	Replaced on Select File	905
Feb. 27	Advanced for engrossment	947
Feb. 28	Correctly engrossed	976
Mar. 6	Final Reading	1051
Mar. 7	Correctly enrolled. President signed	1086
Mar. 8	Presented to Governor	1124
Mar. 14	Approved by Governor	1256

LEGISLATIVE BILL 718 By Carsten

Jan. 9	Read first time	223
Jan. 10	Referred to Committee on Urban Affairs	274
Jan. 12	Notice of hearing	334
Feb. 10	Indefinitely postponed	639

LEGISLATIVE BILL 719 By Merz

Jan.	9	Read first time 223
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs 274
Jan.	11	Notice of hearing 294
Jan.	16	Notice of hearing cancelled. Notice of hearing reset 385
Feb.	6	Placed on General File 531
Mar.	10	Advanced for review 1208
Mar.	14	Placed on Select File 1246
Mar.	15	Advanced for engrossment 1310
Mar.	17	Correctly engrossed 1367
Mar.	22	Final Reading 1424
Mar.	23	Correctly enrolled. President signed 1467
Mar.	28	Presented to Governor 1505
Apr.	3	Approved by Governor 1549
Apr.	3	Luedtke explanation of vote 1557

LEGISLATIVE BILL 720 By Brennan

Jan.	9	Read first time 227
Jan.	10	Referred to Committee on Urban Affairs 274
Jan.	12	Notice of hearing 334
Feb.	7	Indefinitely postponed 554

LEGISLATIVE BILL 721 By Rasmussen

Jan.	9	Read first time 227
Jan.	10	Referred to Committee on Public Works 274
Jan.	16	Notice of hearing 374
Feb.	22	Placed on General File 852
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 722 By Government, Military and Veterans Affairs Committee

Jan.	9	Read first time 227
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs 274
Jan.	10	Notice of hearing 279
Feb.	2	Placed on General File 460
Mar.	2	Advanced for review 1024
Mar.	6	Placed on Select File 1048
Mar.	7	Rasmussen amendment adopted. Laid over 1091
Mar.	9	Chambers amendment pending. Laid over 1167

Mar. 15	Chambers and Rasmussen amendments adopted. Advanced for engrossment	1313
Mar. 17	Replaced on Select File	1346
Mar. 20	Advanced for engrossment	1382
Mar. 21	Bracketed	1392
Apr. 4	Replaced on Select File	1621
Apr. 4	Advanced for engrossment	1629
Apr. 5	Correctly engrossed	1663
Apr. 13	Final Reading	1927
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 723 By Government, Military and Veterans Affairs Committee

Jan. 9	Read first time	227
Jan. 10	Referred to Committee on Government, Military and Veterans Affairs	274
Jan. 10	Notice of hearing	279
Feb. 2	Placed on General File	453
Feb. 17	Advanced for review	789
Feb. 21	Placed on Select File	826
Feb. 22	Rasmussen amendment adopted. Advanced for engrossment	857
Feb. 24	Correctly engrossed	906
Mar. 1	Final Reading	993
Mar. 2	Correctly enrolled. President signed	1018
Mar. 6	Presented to Governor	1047
Mar. 6	Approved by Governor. Koch explanation of vote	1073

LEGISLATIVE BILL 724 By Government, Military and Veterans Affairs Committee

Jan. 9	Read first time	228
Jan. 10	Referred to Committee on Government, Military and Veterans Affairs	274
Jan. 10	Notice of hearing	279
Feb. 2	Placed on General File	453
Feb. 17	Advanced for review	789
Feb. 21	Placed on Select File	826
Feb. 22	Rasmussen amendment adopted. Advanced for engrossment	858
Feb. 24	Correctly engrossed	906
Mar. 1	Final Reading	994

Mar. 2 Correctly enrolled. President signed 1018
Mar. 6 Presented to Governor 1047
Mar. 6 Approved by Governor.
Koch explanation of vote 1073

LEGISLATIVE BILL 725 By Government, Military and Veterans Affairs Committee

Jan. 9 Read first time 228
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs 274
Jan. 10 Notice of hearing 279
Feb. 2 Placed on General File 453
Feb. 17 Advanced for review 790
Feb. 21 Placed on Select File 826
Feb. 22 Bracketed 855
Feb. 22 Rasmussen amendment adopted.
Bracketed 858
Mar. 13 Advanced for engrossment 1236
Mar. 14 Correctly engrossed 1268
Mar. 17 Final Reading 1348
Mar. 20 Correctly enrolled 1375
Mar. 20 President signed 1376
Mar. 21 Presented to Governor 1391
Mar. 23 Approved by Governor 1466

LEGISLATIVE BILL 726 By Government, Military and Veterans Affairs Committee

Jan. 9 Read first time 228
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs 275
Jan. 11 Notice of hearing 293
Feb. 7 Placed on General File 550
Mar. 10 Goodrich motion to bracket lost.
Goodrich amendment lost.
Goodrich motion to indefinitely postpone pending 1212
Mar. 10 Ruling of the Chair 1213
Mar. 21 Barnett amendment printed 1391
Mar. 22 Cullan amendment printed 1449
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 726A By Rasmussen

Apr. 10 Read first time. Placed on General File 1764
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 727 By Goodrich

Jan.	9	Read first time	228
Jan.	10	Referred to Committee on Judiciary	275
Jan.	12	Notice of hearing	321
Feb.	2	Indefinitely postponed	460

LEGISLATIVE BILL 728 By Burrows

Jan.	9	Read first time	228
Jan.	10	Referred to Committee on Agriculture and Environment	275
Jan.	12	Notice of hearing	332
Feb.	2	Attorney General's Opinion	427
Mar.	8	Burrows motion to place on General File pending	1145
Mar.	9	Burrows pending motion renewed	1154
Mar.	9	Burrows renewed motion lost. Indefinitely postponed	1158

LEGISLATIVE BILL 729 By Barnett, Fowler, Maxey, Luedtke, Warner

Jan.	9	Read first time	230
Jan.	10	Referred to Committee on Judiciary	275
Jan.	17	Notice of hearing	422
Feb.	15	Placed on General File	730
Feb.	15	Bracketed	735
Mar.	1	Indefinitely postponed	1008

LEGISLATIVE BILL 730 By Nichol

Jan.	9	Read first time	231
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	275
Jan.	11	Notice of hearing	293
Feb.	6	Indefinitely postponed	531

LEGISLATIVE BILL 731 By Nichol

Jan.	9	Read first time	232
Jan.	10	Referred to Committee on Judiciary	275
Jan.	17	Notice of hearing	422
Apr.	21	Indefinitely postponed	2300

LEGISLATIVE BILL 732 By Marsh

Jan.	9	Read first time 232
Jan.	10	Referred to Committee on Public Health and Welfare 275
Jan.	17	Notice of hearing 405
Feb.	3	Placed on General File 499
Mar.	2	Advanced for review 1044
Mar.	7	Placed on Select File 1104
Mar.	8	Advanced for engrossment 1130
Mar.	10	Correctly engrossed 1205
Mar.	15	Final Reading 1285
Mar.	16	Correctly enrolled. President signed 1315
Mar.	17	Presented to Governor 1347
Mar.	21	Approved by Governor 1414

LEGISLATIVE BILL 732A By Marsh

Feb.	8	Read first time. Placed on General File 571
Mar.	2	Advanced for review 1044
Mar.	7	Placed on Select File 1104
Mar.	8	Advanced for engrossment 1130
Mar.	10	Correctly engrossed 1205
Mar.	15	Final Reading 1286
Mar.	16	Correctly enrolled. President signed 1315
Mar.	17	Presented to Governor 1347
Mar.	21	Approved by Governor 1414

LEGISLATIVE BILL 733 By Koch, Bereuter, Rasmussen

Jan.	9	Read first time 232
Jan.	10	Referred to Committee on Appropriations 275
Jan.	17	Notice of hearing 406
Mar.	7	Placed on General File 1100
Mar.	16	Advanced for review 1324
Mar.	17	Placed on Select File 1356
Mar.	23	Advanced for engrossment 1475
Mar.	28	Correctly engrossed 1526
Apr.	13	Final Reading 1907
Apr.	13	Correctly enrolled. Speaker signed 1950
Apr.	13	Presented to Governor 1960
Apr.	21	Approved by Governor 2203

LEGISLATIVE BILL 733A By Koch

Mar. 16	Read first time. Placed on General File	1327
Mar. 23	Advanced for review	1485
Mar. 28	Placed on Select File	1539
Apr. 3	Advanced for engrossment	1560
Apr. 3	Expedited	1571
Apr. 3	Correctly engrossed	1600
Apr. 13	Final Reading	1908
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 734 By Constitutional Revision and Recreation Committee

Jan. 9	Read first time	232
Jan. 10	Referred to Committee on Constitutional Revision and Recreation	275
Jan. 12	Notice of hearing	334
Feb. 2	Placed on General File	463
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 735 By Koch

Jan. 9	Read first time	232
Jan. 10	Referred to Committee on Appropriations	275
Jan. 12	Koch motion to withdraw pending	336
Jan. 13	Koch pending motion withdrawn	347
Jan. 17	Notice of hearing	406
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 736 By Koch

Jan. 9	Read first time	233
Jan. 10	Referred to Committee on Revenue	275
Jan. 12	Notice of hearing	333
Jan. 13	Notice of hearing cancelled. Notice of hearing reset	343
Feb. 7	Indefinitely postponed	550

LEGISLATIVE BILL 737 By Koch

Jan. 9	Read first time	233
Jan. 10	Referred to Committee on Public Health and Welfare	275
Jan. 17	Notice of hearing	405
Feb. 9	Placed on General File	586

Mar. 17	Considered	1369
Apr. 10	Advanced for review	1768
Apr. 12	Placed on Select File	1835
Apr. 13	Advanced for engrossment	1901
Apr. 14	Correctly engrossed	2010
Apr. 19	Final Reading	2181
Apr. 19	Correctly enrolled	2184
Apr. 19	President signed	2185
Apr. 19	Presented to Governor	2200
May 2	Approved by Governor	2305

LEGISLATIVE BILL 737A By Koch

Feb. 20	Read first time. Placed on General File	807
Apr. 10	Advanced for review	1768
Apr. 12	Placed on Select File	1835
Apr. 13	Advanced for engrossment	1901
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2182
Apr. 19	Correctly enrolled	2184
Apr. 19	President signed	2185
Apr. 19	Presented to Governor	2200
May 2	Approved by Governor	2305

LEGISLATIVE BILL 738 By Koch

Jan. 9	Read first time	233
Jan. 10	Referred to Committee on Miscellaneous Subjects	275
Jan. 13	Notice of hearing	352
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 739 By Koch

Jan. 9	Read first time	233
Jan. 10	Referred to Committee on Constitutional Revision and Recreation	275
Jan. 12	Notice of hearing	334
Feb. 23	Placed on General File	900
Apr. 13	Change of order. Advanced for review	1902
Apr. 13	Placed on Select File	1950
Apr. 14	Advanced for engrossment	1967
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2137
Apr. 19	Correctly enrolled. President signed	2153
Apr. 19	Presented to Governor	2173
May 2	Approved by Governor	2305

LEGISLATIVE BILL 740 By Koch

Jan.	9	Read first time 233
Jan.	10	Referred to Committee on Public Health and Welfare 275
Jan.	17	Notice of hearing 405
Mar.	1	Indefinitely postponed 1011

LEGISLATIVE BILL 741 By Koch

Jan.	9	Read first time 233
Jan.	10	Referred to Committee on Education 275
Jan.	12	Notice of hearing 311
Feb.	16	Placed on General File 747
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 742 By Barnett, Mills, Rasmussen

Jan.	9	Read first time 234
Jan.	10	Referred to Committee on Constitutional Revision and Recreation 275
Jan.	12	Notice of hearing 334
Jan.	17	Notice of hearing cancelled. Notice of hearing reset 412
Feb.	7	Placed on General File 534
Mar.	28	Barnett amendment printed 1543
Apr.	5	Barnett amendments printed 1660
Apr.	7	Committee amendments lost. Barnett amendment withdrawn. Advanced for review 1714
Apr.	10	Placed on Select File 1758
Apr.	10	Schmit amendments printed 1770
Apr.	12	Fowler amendments printed 1842
Apr.	13	Fowler amendments printed 1952
Apr.	17	Barnett amendments lost. Barnett and Fowler amendments withdrawn. Mills and Barnett amendments to Schmit amendment adopted. Schmit amendment, as amended, lost. Fowler and Mills amendments adopted. Advanced for engrossment 2038
Apr.	17	Replaced on Select File 2055
Apr.	18	Advanced for engrossment 2057
Apr.	18	Correctly engrossed 2118
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2251
Apr.	21	Correctly enrolled. President signed 2261
Apr.	21	Presented to Governor 2277
May	2	Approved by Governor 2306

LEGISLATIVE BILL 742A By Barnett

Feb. 21	Read first time. Placed on General File	838
Apr. 7	Advanced for review	1714
Apr. 10	Placed on Select File	1758
Apr. 17	Mills amendment adopted. Advanced for engrossment	2043
Apr. 18	Correctly engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2252
Apr. 21	Correctly enrolled. President signed	2261
Apr. 21	Presented to Governor	2277
May 2	Approved by Governor	2306

LEGISLATIVE BILL 743 By Education Committee

Jan. 9	Read first time	234
Jan. 10	Referred to Committee on Education	275
Jan. 12	Notice of hearing	311
Feb. 16	Placed on General File	748
Apr. 11	Mills motion to indefinitely postpone lost. F. Lewis amendments adopted. Advanced for review	1801
Apr. 12	Placed on Select File	1836
Apr. 12	Attorney General's Opinion	1893
Apr. 13	Advanced for engrossment	1901
Apr. 17	Correctly engrossed	2025
Apr. 19	Mills motion to return to Select File lost	2182
Apr. 19	Final Reading	2183
Apr. 19	Correctly enrolled. President signed	2189
Apr. 19	Presented to Governor	2200
Apr. 21	Bereuter explanation of vote	2221
May 2	Approved by Governor	2305

LEGISLATIVE BILL 743A By F. Lewis

Mar. 21	Read first time. Placed on General File	1406
Apr. 11	Advanced for review	1802
Apr. 12	Placed on Select File	1836
Apr. 13	Advanced for engrossment	1901
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2183
Apr. 19	Correctly enrolled. President signed	2189
Apr. 19	Presented to Governor	2200
Apr. 21	Bereuter explanation of vote	2221
May 2	Approved by Governor	2305

LEGISLATIVE BILL 744 By Kahle

Jan. 9	Read first time	236
Jan. 10	Referred to Committee on Government, Military and Veterans Affairs	275
Jan. 11	Notice of hearing	293
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 745 By Kahle

Jan. 9	Read first time	236
Jan. 10	Referred to Committee on Government, Military and Veterans Affairs	275
Jan. 11	Notice of hearing	293
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 746 By Goodrich

Jan. 9	Read first time	236
Jan. 10	Referred to Committee on Miscellaneous Subjects	275
Jan. 13	Notice of hearing	352
Mar. 8	Indefinitely postponed	1128

LEGISLATIVE BILL 747 By Merz

Jan. 9	Read first time	236
Jan. 10	Referred to Committee on Appropriations	275
Jan. 17	Notice of hearing	407
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 748 By Judiciary Committee

Jan. 9	Read first time	237
Jan. 10	Placed on General File	275
Feb. 9	Fowler amendments printed	604
Feb. 17	Carsten amendment printed	770
Feb. 17	Barnett amendment printed	781
Mar. 9	Barnett, Carsten and Fowler amendments adopted. Venditte amendment lost. Venditte amendment withdrawn. Advanced for review	1148
Mar. 13	Placed on Select File	1220
Mar. 21	Barnett, DeCamp and Venditte amendments adopted. Advanced for engrossment	1411
Mar. 23	Bracketed	1497
Mar. 28	Replaced on Select File	1520
Apr. 3	Advanced for engrossment	1588

Apr.	3	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for engrossment 1595
Apr.	4	Returned to Select File for Barnett amendment. Barnett amendment adopted. Advanced for engrossment 1619
Apr.	4	Replaced on Select File 1628
Apr.	4	Advanced for engrossment 1629
Apr.	7	Replaced on Select File 1702
Apr.	7	Advanced for engrossment 1703
Apr.	7	Correctly engrossed 1713
Apr.	14	Final Reading 1974
Apr.	14	Correctly enrolled. Speaker signed 2001
Apr.	14	Presented to Governor 2004
Apr.	21	Approved by Governor 2203

LEGISLATIVE BILL 749 By Chambers

Jan.	9	Read first time 237
Jan.	10	Referred to Committee on Judiciary 275
Jan.	12	Notice of hearing 321
Feb.	2	Placed on General File 460
Feb.	13	Advanced for review 662
Feb.	15	Placed on Select File 713
Feb.	17	Advanced for engrossment 773
Feb.	21	Correctly engrossed 831
Feb.	24	Final Reading 911
Feb.	27	Correctly enrolled 936
Feb.	28	Speaker signed 957
Feb.	28	Presented to Governor 979
Mar.	6	Approved by Governor 1073

LEGISLATIVE BILL 750 By Maresh

Jan.	9	Read first time 237
Jan.	10	Referred to Committee on Public Works 275
Jan.	16	Notice of hearing 374
Feb.	13	Placed on General File 646
Apr.	7	Advanced for review 1728
Apr.	12	Placed on Select File 1833
Apr.	13	Advanced for engrossment 1901
Apr.	18	Correctly engrossed 2064
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2253
Apr.	21	Correctly enrolled. President signed 2261
Apr.	21	Presented to Governor 2277
May	2	Approved by Governor 2307

LEGISLATIVE BILL 751 By Burrows

Jan. 9	Read first time	237
Jan. 10	Referred to Committee on Agriculture and Environment	275
Jan. 12	Notice of hearing	332
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 752 By Bereuter

Jan. 10	Read first time	250
Jan. 12	Referred to Committee on Miscellaneous Subjects	334
Jan. 13	Notice of hearing	352
Mar. 8	Indefinitely postponed	1128

LEGISLATIVE BILL 753 By Appropriations Committee

Jan. 10	Read first time	250
Jan. 11	Savage name added	295
Jan. 12	Referred to Committee on Government, Military and Veterans Affairs	334
Jan. 16	Notice of hearing	373
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 754 By Appropriations Committee

Jan. 10	Read first time	250
Jan. 11	Savage name added	295
Jan. 12	Referred to Committee on Banking, Commerce and Insurance	334
Jan. 13	Notice of hearing	362
Feb. 13	Placed on General File	641
Apr. 7	Advanced for review	1726
Apr. 10	Placed on Select File	1759
Apr. 12	Advanced for engrossment	1819
Apr. 14	Correctly engrossed	2001
Apr. 18	Rules suspended	2089
Apr. 18	Final Reading	2097
Apr. 18	Correctly enrolled. Speaker signed	2118
Apr. 19	Presented to Governor	2120
May 2	Approved by Governor	2305

LEGISLATIVE BILL 755 By Appropriations Committee

Jan. 10	Read first time	250
Jan. 11	Savage name added	295
Jan. 12	Referred to Committee on Appropriations	334
Jan. 16	Notice of hearing	381
Feb. 2	Indefinitely postponed	459

LEGISLATIVE BILL 756 By Appropriations Committee

Jan. 10	Read first time	251
Jan. 11	Savage name added	295
Jan. 12	Referred to Committee on Appropriations	334
Jan. 16	Notice of hearing	381
Feb. 2	Placed on General File	459
Feb. 17	Warner amendment adopted. Advanced for review	790
Feb. 21	Placed on Select File	826
Feb. 22	Advanced for engrossment	857
Feb. 24	Correctly engrossed	906
Mar. 1	Bracketed	995
Mar. 6	Bracketed	1052
Mar. 13	Bracketed	1222
Apr. 14	Unbracketed. Cullan, F. Lewis and Murphy names added. Returned to Select File for Warner amendment	1986
Apr. 14	Warner amendment adopted. Advanced for re-engrossment. Cope motion to return to Select File lost. Expedited	1987
Apr. 14	Replaced on Select File	1991
Apr. 14	Advanced for engrossment	1994
Apr. 14	Correctly engrossed	2013
Apr. 18	Rules suspended	2089
Apr. 18	Final Reading	2098
Apr. 18	Correctly enrolled. Speaker signed	2118
Apr. 19	Presented to Governor	2120
Apr. 19	Returned by Governor without approval	2193
Apr. 19	Attorney General's Opinion	2194
Apr. 19	Warner motion to override veto prevailed	2198
Apr. 21	Delivered to Secretary of State	2205
Apr. 21	Certificate	2206
Apr. 21	Message from Secretary of State	2219
Apr. 21	Bereuter explanation of vote	2221

LEGISLATIVE BILL 757 By DeCamp

Jan. 10	Read first time	251
Jan. 12	Notice of hearing	311
Jan. 12	Referred to Committee on Education	334
Jan. 13	DeCamp amendment printed	347
Feb. 17	Attorney General's Opinion	761
Mar. 7	Duis motion to place on General File pending	1114
Mar. 13	Duis pending motion prevailed. Placed on General File	1231
Mar. 17	Lamb amendments printed	1361
Mar. 20	Lamb and DeCamp amendments withdrawn. F. Lewis and DeCamp amendments adopted. Advanced for review. Expedited	1377
Mar. 21	Placed on Select File	1388
Apr. 3	Dworak amendment lost. Advanced for engrossment	1604
Apr. 5	Replaced on Select File	1651
Apr. 6	Advanced for engrossment	1670
Apr. 6	Correctly engrossed	1681
Apr. 13	Final Reading	1944
Apr. 14	Correctly enrolled. Speaker signed	1966
Apr. 14	Presented to Governor	1986
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 758 By DeCamp

Jan. 10	Read first time	258
Jan. 12	Referred to Committee on Banking, Commerce and Insurance	334
Jan. 13	Notice of hearing	362
Feb. 13	Placed on General File	641
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 759 By Fowler

Jan. 10	Read first time	258
Jan. 12	Referred to Committee on Agriculture and Environment	334
Jan. 13	Notice of hearing	361
Feb. 27	Indefinitely postponed	945

LEGISLATIVE BILL 760 By Schmit

Jan.	10	Read first time 259
Jan.	12	Referred to Committee on Banking, Commerce and Insurance 334
Jan.	13	Notice of hearing 362
Feb.	13	Placed on General File 641
Apr.	3	Schmit amendment printed 1603
Apr.	7	Schmit amendment withdrawn. Murphy amendment adopted. Advanced for review 1726
Apr.	12	Placed on Select File 1825
Apr.	17	Schmit amendment adopted. Schmit amendment ruled reconsideration. Schmit challenge of Chair lost. DeCamp amendment adopted. Advanced for engrossment 2041
Apr.	17	DeCamp intent printed 2053
Apr.	18	Replaced on Select File 2063
Apr.	18	Advanced for engrossment 2065
Apr.	18	DeCamp intent printed 2067
Apr.	18	Correctly engrossed 2118
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2254
Apr.	21	Correctly enrolled. President signed 2261
Apr.	21	Presented to Governor 2277
May	2	Approved by Governor 2306

LEGISLATIVE BILL 761 By Public Health and Welfare Committee

Jan.	10	Read first time 259
Jan.	12	Referred to Committee on Public Health and Welfare 334
Jan.	17	Notice of hearing 405
Feb.	3	Placed on General File 499
Mar.	2	Advanced for review 1043
Mar.	7	Placed on Select File 1103
Mar.	8	Advanced for engrossment 1130
Mar.	10	Correctly engrossed 1205
Mar.	15	Final Reading 1287
Mar.	16	Correctly enrolled. President signed 1315
Mar.	17	Presented to Governor 1347
Mar.	21	Approved by Governor 1414

LEGISLATIVE BILL 762 By Public Health and Welfare Committee

Jan. 10	Read first time	259
Jan. 12	Referred to Committee on Appropriations	334
Jan. 17	Notice of hearing	407
Feb. 15	Indefinitely postponed	726

LEGISLATIVE BILL 763 By Banking, Commerce and Insurance Committee

Jan. 10	Read first time	259
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	341
Jan. 13	Notice of hearing	362
Feb. 13	Placed on General File	641
Apr. 7	Advanced for review	1727
Apr. 10	Placed on Select File	1759
Apr. 12	Advanced for engrossment	1819
Apr. 14	Correctly engrossed	2001
Apr. 18	Rules suspended	2089
Apr. 18	Final Reading	2098
Apr. 18	Correctly enrolled. Speaker signed	2118
Apr. 19	Presented to Governor	2120
May 2	Approved by Governor	2305

LEGISLATIVE BILL 764 By Banking, Commerce and Insurance Committee

Jan. 10	Read first time	260
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	341
Jan. 13	Notice of hearing	362
Feb. 13	Indefinitely postponed	645

LEGISLATIVE BILL 765 By Speaker Luedtke at request of Governor

Jan. 10	Read first time. Message from Governor	260
Jan. 13	Referred to Committee on Appropriations	341
Jan. 16	Notice of hearing	381
Feb. 2	Indefinitely postponed	459

LEGISLATIVE BILL 766 By Banking, Commerce and Insurance Committee

Jan. 10	Read first time	262
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	342
Jan. 13	Notice of hearing	362

Feb. 13	Placed on General File	643
Apr. 7	Advanced for review	1727
Apr. 10	Placed on Select File	1759
Apr. 12	Advanced for engrossment	1820
Apr. 14	Correctly engrossed	2001
Apr. 18	Rules suspended	2089
Apr. 18	Final Reading	2099
Apr. 18	Correctly enrolled. Speaker signed	2118
Apr. 19	Presented to Governor	2120
May 2	Approved by Governor	2305

LEGISLATIVE BILL 767 By Banking, Commerce and Insurance Committee

Jan. 10	Read first time	263
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	342
Jan. 13	Notice of hearing	362
Feb. 3	Placed on General File	498
Mar. 2	Advanced for review	1039
Mar. 7	Placed on Select File	1103
Mar. 8	Advanced for engrossment	1129
Mar. 10	Correctly engrossed	1205
Mar. 15	Final Reading	1288
Mar. 16	Correctly enrolled. President signed	1317
Mar. 17	Presented to Governor	1347
Mar. 21	Approved by Governor	1414

LEGISLATIVE BILL 768 By Banking, Commerce and Insurance Committee

Jan. 10	Read first time	263
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	342
Jan. 13	Notice of hearing	362
Feb. 13	Placed on General File	641
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 769 By Banking, Commerce and Insurance Committee

Jan. 10	Read first time	263
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	342
Jan. 13	Notice of hearing	362
Feb. 13	Placed on General File	643
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 770 By Banking, Commerce and Insurance Committee

Jan. 10	Read first time	263
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	342
Jan. 13	Notice of hearing	362
Feb. 16	Placed on General File	737
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 771 By Banking, Commerce and Insurance Committee

Jan. 10	Read first time	263
Jan. 12	Referred to Committee on Banking, Commerce and Insurance	335
Jan. 13	Notice of hearing	362
Feb. 3	Placed on General File	499
Mar. 2	Advanced for review	1039
Mar. 7	Placed on Select File	1103
Mar. 8	Advanced for engrossment	1129
Mar. 10	Correctly engrossed	1205
Mar. 15	Final Reading	1289
Mar. 16	Correctly enrolled. President signed	1315
Mar. 17	Presented to Governor	1347
Mar. 21	Approved by Governor	1414

LEGISLATIVE BILL 772 By Savage

Jan. 10	Read first time	264
Jan. 12	Referred to Committee on Banking, Commerce and Insurance	335
Jan. 12	Notice of hearing	333
Feb. 2	Placed on General File	485
Mar. 2	Advanced for review	1033
Mar. 7	Placed on Select File	1103
Mar. 8	Advanced for engrossment	1129
Mar. 10	Correctly engrossed	1205
Mar. 15	Final Reading	1289
Mar. 16	Correctly enrolled. President signed	1315
Mar. 17	Presented to Governor	1347
Mar. 21	Approved by Governor	1414

LEGISLATIVE BILL 773 By Kremer

Jan. 10	Read first time	264
Jan. 12	Referred to Committee on Public Works	335
Jan. 17	Notice of hearing	418
Feb. 7	Placed on General File	535
Mar. 10	Advanced for review	1209
Mar. 15	Placed on Select File	1273
Apr. 3	Advanced for engrossment	1589
Apr. 5	Correctly engrossed	1645
Apr. 13	Final Reading	1928
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 774 By DeCamp

Jan. 10	Read first time	265
Jan. 12	Referred to Committee on Miscellaneous Subjects	335
Jan. 13	Notice of hearing	352
Mar. 7	Reutzel amendment printed	1092
Mar. 10	Placed on General File	1194
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 775 By DeCamp, Murphy

Jan. 10	Read first time	266
Jan. 12	Referred to Committee on Judiciary	335
Jan. 17	Notice of hearing	421
Feb. 10	Indefinitely postponed	610

LEGISLATIVE BILL 776 By Burrows

Jan. 10	Read first time	266
Jan. 12	Referred to Committee on Public Works	335
Jan. 16	Notice of hearing	374
Feb. 22	Indefinitely postponed	853

LEGISLATIVE BILL 777 By Bereuter

Jan. 10	Read first time	266
Jan. 12	Referred to Committee on Miscellaneous Subjects	335
Jan. 13	Notice of hearing	352
Feb. 2	Placed on General File	463
Mar. 10	Laid over	1202
Mar. 17	Advanced for review	1358

Apr. 3 Placed on Select File 1552
Apr. 4 Advanced for engrossment 1617
Apr. 7 Correctly engrossed 1734
Apr. 14 Laid over 1975
Apr. 14 Newell explanation of vote 1986
Apr. 21 Laid over 2207
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 778 By Public Health and Welfare Committee

Jan. 10 Read first time 278
Jan. 12 Referred to Committee on Public Health and Welfare 335
Jan. 17 Notice of hearing 405
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 779 By Education Committee

Jan. 10 Read first time 278
Jan. 12 Referred to Committee on Education 335
Jan. 12 Notice of hearing 311
Feb. 16 Placed on General File 748
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 779A By Education Committee

Mar. 1 Read first time. Placed on General File 1000
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 780 By Barnett

Jan. 10 Read first time 278
Jan. 12 Referred to Committee on Miscellaneous Subjects 335
Jan. 13 Notice of hearing 352
Feb. 14 Indefinitely postponed 683

LEGISLATIVE BILL 781 By Barnett

Jan. 10 Read first time 279
Jan. 12 Referred to Committee on Urban Affairs 335
Jan. 17 Notice of hearing 421
Feb. 28 Placed on General File 973
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 782 By Public Works Committee

Jan. 11	Read first time	286
Jan. 12	Referred to Committee on Public Works	335
Jan. 16	Notice of hearing	374
Feb. 6	Placed on General File	528
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 783 By Public Works Committee

Jan. 11	Read first time	286
Jan. 12	Referred to Committee on Public Works	335
Jan. 16	Notice of hearing	374
Feb. 13	Placed on General File	651
Apr. 10	Advanced for review	1771
Apr. 12	Placed on Select File	1835
Apr. 14	Kremer amendments printed	2008
Apr. 17	Kremer amendment adopted. Advanced for engrossment	2048
Apr. 18	Replaced on Select File	2063
Apr. 18	Advanced for engrossment	2065
Apr. 18	Correctly engrossed	2089
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2254
Apr. 21	Correctly enrolled. President signed	2261
Apr. 21	Presented to Governor	2277
May 2	Approved by Governor	2306

LEGISLATIVE BILL 784 By Public Works Committee

Jan. 11	Read first time	286
Jan. 12	Referred to Committee on Public Works	335
Jan. 17	Notice of hearing	418
Feb. 28	Placed on General File	983
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 785 By Public Works Committee

Jan. 11	Read first time	287
Jan. 12	Referred to Committee on Public Works	335
Jan. 17	Notice of hearing	418
Mar. 6	Placed on General File	1064
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 786 By Banking, Commerce and Insurance Committee

Jan. 11	Read first time	294
Jan. 12	Referred to Committee on Banking, Commerce and Insurance	335
Jan. 13	Notice of hearing	362
Feb. 14	Placed on General File	693
Apr. 13	Duis motion to change order prevailed	1954
Apr. 13	Advanced for review	1956
Apr. 14	Placed on Select File	1992
Apr. 14	Advanced for engrossment	1998
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2185
Apr. 19	Correctly enrolled. President signed	2199
Apr. 19	Presented to Governor	2200
Apr. 21	Bereuter explanation of vote	2221
May 2	Approved by Governor	2305

LEGISLATIVE BILL 786A By Warner

Apr. 11	Read first time. Placed on General File	1810
Apr. 13	Duis motion to change order prevailed	1954
Apr. 13	Advanced for review	1956
Apr. 13	Placed on Select File	1964
Apr. 14	Advanced for engrossment	2004
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2185
Apr. 19	Correctly enrolled. President signed	2199
Apr. 19	Presented to Governor	2200
Apr. 21	Bereuter explanation of vote	2221
May 2	Approved by Governor	2305

LEGISLATIVE BILL 787 By Hefner

Jan. 11	Read first time	294
Jan. 12	Referred to Committee on Business & Labor	335
Jan. 17	Notice of hearing	405
Feb. 7	Placed on General File	535
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 788 By Rumery

Jan. 11	Read first time	294
Jan. 12	Referred to Committee on Urban Affairs	335
Jan. 17	Notice of hearing	421
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 789 By Dworak

Jan. 11	Read first time	294
Jan. 12	Referred to Committee on Miscellaneous Subjects	335
Jan. 13	Notice of hearing	352
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 790 By Agriculture and Environment Committee

Jan. 11	Read first time	295
Jan. 12	Referred to Committee on Agriculture and Environment	335
Jan. 13	Notice of hearing	361
Mar. 9	Placed on General File	1160
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 791 By Moylan

Jan. 11	Read first time	296
Jan. 12	Referred to Committee on Public Works	335
Jan. 16	Notice of hearing	373
Feb. 13	Indefinitely postponed	663

LEGISLATIVE BILL 792 By Venditte

Jan. 11	Read first time	297
Jan. 12	Referred to Committee on Government, Military and Veterans Affairs	335
Jan. 16	Notice of hearing	373
Feb. 6	Indefinitely postponed	531

LEGISLATIVE BILL 793 By Cullan, Marvel

Jan. 11	Read first time	303
Jan. 12	Referred to Committee on Education	335
Jan. 13	Notice of hearing	362
Feb. 28	Placed on General File	979
Mar. 17	Cullan amendment printed	1359
Mar. 23	Cullan and Marvel amendments printed	1493
Apr. 3	Cullan amendments printed	1571
Apr. 12	Koch motion to indefinitely postpone lost. Advanced for review	1896
Apr. 13	Placed on Select File	1958
Apr. 14	Advanced for engrossment	1967
Apr. 14	Replaced on Select File. Advanced for engrossment	1997

Apr. 17	Correctly engrossed	2028
Apr. 19	Laid over	2139
Apr. 21	Laid over	2207
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 794 By Public Health and Welfare Committee

Jan. 11	Read first time	304
Jan. 12	Referred to Committee on Public Health and Welfare	335
Jan. 17	Notice of hearing	405
Mar. 6	Placed on General File	1073
Apr. 12	Marsh motion to suspend rules lost	1898
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 795 By Public Health and Welfare Committee

Jan. 11	Read first time	304
Jan. 12	Referred to Committee on Public Health and Welfare	335
Jan. 17	Notice of hearing	405
Feb. 21	Placed on General File	840
Feb. 24	Corrected Committee Statement	917
Mar. 8	Goodrich amendments printed	1143
Mar. 9	Goodrich amendment printed	1157
Apr. 10	Attorney General's Opinion	1746
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 795A By Public Health and Welfare Committee

Feb. 28	Read first time. Placed on General File	983
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 796 By F. Lewis

Jan. 11	Read first time	304
Jan. 12	Referred to Committee on Miscellaneous Subjects	335
Jan. 13	Notice of hearing	352
Feb. 2	Placed on General File	463
Feb. 24	Advanced for review	930
Feb. 28	Placed on Select File	956
Mar. 1	Kelly amendments printed	996

Mar. 6	Venditte and DeCamp amendments adopted. Kelly amendment renewed. Dworak amendment to Kelly amendment lost. F. Lewis amendment to Kelly amendment withdrawn. Kelly amendment pending	1057
Mar. 6	Kelly pending amendment lost. Advanced for engrossment	1067
Mar. 7	Replaced on Select File	1105
Mar. 8	Advanced for engrossment	1125
Mar. 10	Correctly engrossed	1205
Mar. 15	Final Reading	1290
Mar. 16	Correctly enrolled. President signed	1315
Mar. 17	Presented to Governor	1347
Mar. 21	Approved by Governor	1414

LEGISLATIVE BILL 797 By Nebraska Transportation Advisory Committee

Jan. 12	Read first time	307
Jan. 12	Referred to Committee on Appropriations	335
Jan. 16	Notice of hearing	381
Feb. 2	Placed on General File	459
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 798 By Executive Board

Jan. 12	Read first time	307
Jan. 12	Referred to Committee on Government, Military and Veterans Affairs	335
Jan. 16	Notice of hearing	373
Feb. 6	Indefinitely postponed	531

LEGISLATIVE BILL 799 By Executive Board

Jan. 12	Read first time	307
Jan. 12	Referred to Committee on Government, Military and Veterans Affairs	335
Jan. 16	Notice of hearing	373
Feb. 6	Indefinitely postponed	531

LEGISLATIVE BILL 800 By Merz

Jan. 12	Read first time	314
Jan. 12	Referred to Committee on Public Works	335
Jan. 17	Notice of hearing	418
Feb. 8	Placed on General File	558
Mar. 17	Advanced for review	1365
Mar. 20	Kremer amendments printed	1380

Mar. 21	Placed on Select File	1389
Mar. 23	Clark statement printed	1483
Apr. 3	Merz amendments printed	1600
Apr. 6	Clark name added	1681
Apr. 13	Kremer amendment adopted. Merz amendment withdrawn. Advanced for engrossment	1960
Apr. 14	Replaced on Select File	1985
Apr. 14	Advanced for engrossment	1994
Apr. 17	Correctly engrossed	2025
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2255
Apr. 21	Correctly enrolled. President signed	2261
Apr. 21	Presented to Governor	2277
May 2	Approved by Governor	2306

LEGISLATIVE BILL 800A By Merz

Feb. 21	Read first time. Placed on General File	843
Mar. 17	Advanced for review	1365
Mar. 21	Placed on Select File	1389
Apr. 13	Advanced for engrossment	1960
Apr. 17	Correctly engrossed	2025
Apr. 18	Returned to Select File for Merz amendment. Merz amendment adopted. Advanced for engrossment	2068
Apr. 18	Correctly re-engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2256
Apr. 21	Correctly enrolled. President signed	2261
Apr. 21	Presented to Governor	2277
May 2	Approved by Governor	2306

LEGISLATIVE BILL 801 By Keyes

Jan. 12	Read first time	314
Jan. 12	Referred to Committee on Urban Affairs	335
Jan. 17	Notice of hearing	421
Feb. 28	Indefinitely postponed	974

LEGISLATIVE BILL 802 By Marsh

Jan. 12	Read first time	314
Jan. 12	Referred to Committee on Education	335
Jan. 13	Notice of hearing	362
Feb. 2	Placed on General File	489
Mar. 2	Advanced for review	1039
Mar. 7	Placed on Select File	1103
Mar. 8	Advanced for engrossment	1129

Mar. 10	Correctly engrossed	1205
Mar. 15	Final Reading	1291
Mar. 16	Correctly enrolled. President signed	1315
Mar. 17	Presented to Governor	1347
Mar. 21	Approved by Governor	1414

LEGISLATIVE BILL 803 By Cullan

Jan. 12	Read first time	315
Jan. 12	Referred to Committee on Education	335
Jan. 13	Notice of hearing	362
Feb. 16	Placed on General File	748
Apr. 7	Nichol amendments printed	1733
Apr. 11	Nichol amendment withdrawn. Nichol amendment lost. Advanced for review	1813
Apr. 12	Placed on Select File	1870
Apr. 14	Advanced for engrossment	1967
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2186
Apr. 19	Correctly enrolled. President signed	2199
Apr. 19	Presented to Governor	2200
Apr. 21	Bereuter explanation of vote	2221
May 2	Approved by Governor	2305

LEGISLATIVE BILL 803A By Cullan

Apr. 11	Read first time. Placed on General File	1799
Apr. 12	Advanced for review	1883
Apr. 13	Placed on Select File	1930
Apr. 14	Advanced for engrossment	1967
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2187
Apr. 19	Correctly enrolled. President signed	2199
Apr. 19	Presented to Governor	2200
Apr. 21	Bereuter explanation of vote	2221
May 2	Approved by Governor	2305

LEGISLATIVE BILL 804 By Cullan, Newell

Jan. 12	Read first time	315
Jan. 12	Referred to Committee on Revenue	335
Jan. 17	Notice of hearing	405
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 805 By Newell

Jan. 12	Read first time	315
Jan. 12	Referred to Committee on Urban Affairs	335
Jan. 17	Notice of hearing	421
Feb. 28	Placed on General File	973
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 806 By Dworak

Jan. 12	Read first time	315
Jan. 12	Referred to Committee on Education	335
Jan. 13	Notice of hearing	362
Feb. 20	Placed on General File	806
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 807 By Warner

Jan. 12	Read first time	315
Jan. 12	Referred to Committee on Government, Military and Veterans Affairs	335
Jan. 16	Notice of hearing	373
Feb. 6	Placed on General File	531
Feb. 13	Warner amendment adopted. Advanced for review	655
Feb. 15	Placed on Select File	712
Feb. 17	Advanced for engrossment	772
Feb. 20	Correctly engrossed	818
Feb. 23	Final Reading	879
Feb. 24	Correctly enrolled. President signed	906
Feb. 27	Presented to Governor	936
Mar. 6	Approved by Governor	1073

LEGISLATIVE BILL 808 By Venditte

Jan. 12	Read first time	315
Jan. 12	Referred to Committee on Judiciary	335
Jan. 17	Notice of hearing	421
Jan. 17	Notice of hearing, corrected	422
Feb. 2	Notice of hearing cancelled	446
Feb. 9	Placed on General File	601
Mar. 22	DeCamp amendments printed	1460
Apr. 5	Venditte amendments printed	1664
Apr. 7	DeCamp amendments withdrawn. Venditte amendment adopted. Simon motion to overrule Chair prevailed. Advanced for review	1724

Apr. 11 Venditte amendments printed 1784
Apr. 11 Placed on Select File 1804
Apr. 14 Venditte amendments withdrawn.
Advanced for engrossment 1997
Apr. 17 Correctly engrossed 2028
Apr. 19 Final Reading 2188
Apr. 19 Correctly enrolled. President signed 2199
Apr. 19 Presented to Governor 2200
Apr. 21 Bereuter explanation of vote 2221
May 2 Approved by Governor 2305

LEGISLATIVE BILL 808A By Warner

Apr. 12 Read first time. Placed on General File 1896
Apr. 13 Advanced for review 1906
Apr. 13 Placed on Select File 1950
Apr. 14 Advanced for engrossment 1967
Apr. 17 Correctly engrossed 2028
Apr. 19 Returned to Select File for DeCamp amendment.
DeCamp amendment adopted.
Indefinitely postponed 2189

LEGISLATIVE BILL 809 By Barnett

Jan. 12 Read first time 316
Jan. 12 Referred to Committee on Government,
Military and Veterans Affairs 335
Jan. 16 Notice of hearing, corrected 373
Jan. 17 Notice of hearing reset 421
Feb. 2 Notice of hearing cancelled 446
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 810 By Nebraska Retirement Systems Committee

Jan. 12 Read first time 316
Jan. 12 Referred to Committee on Nebraska
Retirement Systems 335
Feb. 2 Notice of hearing 446
Feb. 14 Notice of hearing reset 698
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 811 By Nebraska Retirement Systems Committee

Jan. 12 Read first time 316
Jan. 12 Referred to Committee on Nebraska
Retirement Systems 335

Feb. 2 Notice of hearing 446
Feb. 14 Notice of hearing reset 698
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 812 By Appropriations Committee

Jan. 12 Read first time 317
Jan. 12 Referred to Committee on Public Health and Welfare 335
Jan. 17 Notice of hearing 405
Mar. 1 Placed on General File 990
Mar. 15 Advanced for review 1296
Mar. 17 Placed on Select File 1346
Mar. 21 Warner amendment adopted. Advanced for engrossment 1400
Mar. 22 Replaced on Select File 1421
Mar. 22 Expedited 1463
Apr. 3 Expedited 1571
Apr. 3 Advanced for engrossment 1588
Apr. 4 Correctly engrossed 1634
Apr. 6 Final Reading 1670
Apr. 6 Correctly enrolled. President signed 1681
Apr. 6 Presented to Governor 1691
Apr. 11 Approved by Governor 1797

LEGISLATIVE BILL 813 By Appropriations Committee

Jan. 12 Read first time 317
Jan. 12 Referred to Committee on Public Health and Welfare 335
Jan. 17 Notice of hearing 405
Mar. 1 Placed on General File 990
Mar. 15 Advanced for review 1297
Mar. 17 Placed on Select File 1346
Mar. 21 Advanced for engrossment 1401
Mar. 22 Correctly engrossed 1459
Mar. 28 Final Reading 1515
Apr. 3 Correctly enrolled. President signed 1556
Apr. 3 Kelly explanation of vote 1571
Apr. 4 Presented to Governor 1615
Apr. 11 Approved by Governor 1797

LEGISLATIVE BILL 814 By Appropriations Committee

Jan. 12 Read first time 317
Jan. 12 Referred to Committee on Public Health and Welfare 336
Jan. 17 Notice of hearing 405

Mar.	1	Placed on General File 990
Mar.	15	Advanced for review 1297
Mar.	17	Placed on Select File 1346
Mar.	21	Advanced for engrossment 1401
Mar.	22	George amendments printed 1450
Mar.	22	Correctly engrossed 1459
Mar.	23	Returned to Select File for George amendment. George amendment adopted. Advanced for re-engrossment 1490
Mar.	28	Replaced on Select File 1539
Apr.	3	Advanced for re-engrossment 1560
Apr.	3	Expedited 1571
Apr.	3	Replaced on Select File 1582
Apr.	3	Advanced for re-engrossment 1588
Apr.	4	Replaced on Select File 1628
Apr.	4	Advanced for re-engrossment 1629
Apr.	5	Correctly re-engrossed 1645
Apr.	13	R. Lewis amendments printed 1956
Apr.	18	Returned to Select File for R. Lewis amendment. R. Lewis amendment adopted. Advanced for re-engrossment. Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for re-engrossment 2076
Apr.	18	Correctly re-engrossed 2118
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2257
Apr.	21	Correctly enrolled. Speaker signed 2278
Apr.	21	Presented to Governor 2294
May	2	Approved by Governor 2306

LEGISLATIVE BILL 815 By Miscellaneous Subjects

Jan.	12	Read first time 318
Jan.	12	Referred to Committee on Banking, Commerce and Insurance 336
Jan.	13	Notice of hearing 362
Feb.	13	Placed on General File 641
Feb.	16	DeCamp amendments printed 750
Apr.	7	DeCamp amendments withdrawn. Advanced for review 1727
Apr.	10	Placed on Select File 1759
Apr.	12	Advanced for engrossment 1819
Apr.	14	Correctly engrossed 2001
Apr.	18	Rules suspended 2089
Apr.	18	Final Reading 2100
Apr.	18	Correctly enrolled. Speaker signed 2118
Apr.	19	Presented to Governor 2120
May	2	Approved by Governor 2305

LEGISLATIVE BILL 816 By Public Works Committee

Jan. 12	Read first time	318
Jan. 12	Referred to Committee on Public Works	336
Jan. 16	Notice of hearing	373
Feb. 2	Placed on General File	461
Feb. 24	Advanced for review	930
Feb. 28	Placed on Select File	956
Mar. 1	Advanced for engrossment	1001
Mar. 2	Correctly engrossed	1023
Mar. 8	Final Reading	1121
Mar. 9	Correctly enrolled. Speaker signed	1153
Mar. 10	Presented to Governor	1205
Mar. 14	Approved by Governor	1256

LEGISLATIVE BILL 817 By Marsh

Jan. 12	Read first time	318
Jan. 12	Referred to Committee on Government, Military and Veterans Affairs	336
Jan. 13	Notice of hearing	362
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 818 By Bereuter, Dworak, Fowler, Schmit, Mills and DeCamp

Jan. 12	Read first time	318
Jan. 12	Referred to Committee on Agriculture and Environment	336
Jan. 13	Notice of hearing	361
Feb. 3	Placed on General File	507
Feb. 10	Bracketed	639
Feb. 20	Maresh amendment printed	806
Feb. 23	Fowler motion to bracket lost. Maresh amendment lost. F. Lewis motion to indefinitely postpone pending	899
Feb. 24	F. Lewis pending motion prevailed. Indefinitely postponed	914
Feb. 24	Bereuter explanation of vote	922
Feb. 24	DeCamp amendments printed	926
Feb. 27	Moylan explanation of vote	935

LEGISLATIVE BILL 819 By Duis

Jan.	12	Read first time 320
Jan.	12	Referred to Committee on Judiciary 336
Jan.	17	Notice of hearing 422
Feb.	9	Placed on General File 601
Apr.	7	Advanced for review 1724
Apr.	10	Placed on Select File 1759
Apr.	12	Advanced for engrossment 1819
Apr.	14	Correctly engrossed 2010
Apr.	18	Rules suspended 2089
Apr.	18	Final Reading 2101
Apr.	18	Correctly enrolled. Speaker signed 2118
Apr.	19	Presented to Governor 2120
May	2	Approved by Governor 2305

LEGISLATIVE BILL 820 By Executive Board

Jan.	12	Read first time 320
Jan.	12	Referred to Committee on Public Health and Welfare 336
Jan.	17	Notice of hearing 405
Feb.	20	Simon name added 808
Mar.	6	Placed on General File 1080
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 821 By Rumery

Jan.	12	Read first time 320
Jan.	12	Referred to Committee on Agriculture and Environment 336
Jan.	13	Notice of hearing 361
Feb.	9	Placed on General File 587
Apr.	7	Laid over 1719
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 822 By DeCamp

Jan.	12	Read first time 320
Jan.	12	Referred to Committee on Government, Military and Veterans Affairs 336
Jan.	16	Notice of hearing 373
Feb.	7	Placed on General File 550
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 823 By Hefner

Jan. 12	Read first time	320
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	363
Jan. 17	Notice of hearing	412
Feb. 2	Placed on General File	465
Apr. 7	Chambers amendment lost. Murphy amendment adopted. Koch motion to indefinitely postpone prevailed	1705

LEGISLATIVE BILL 824 By Constitutional Revision and Recreation Committee

Jan. 12	Read first time	336
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	363
Feb. 2	Notice of hearing	445
Feb. 23	Indefinitely postponed	900

LEGISLATIVE BILL 825 By Appropriations Committee

Jan. 12	Read first time	336
Jan. 13	Referred to Committee on Appropriations	363
Jan. 17	Notice of hearing	406
Feb. 2	Indefinitely postponed	466

LEGISLATIVE BILL 826 By Banking, Commerce and Insurance Committee

Jan. 12	Read first time	337
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	363
Jan. 17	Notice of hearing	391
Feb. 2	Placed on General File	485
Mar. 2	Advanced for review	1033
Mar. 7	Placed on Select File	1103
Mar. 8	Advanced for engrossment	1129
Mar. 10	Correctly engrossed	1205
Mar. 15	Final Reading	1292
Mar. 16	Correctly enrolled. President signed	1315
Mar. 17	Presented to Governor	1347
Mar. 21	Approved by Governor	1414

LEGISLATIVE BILL 827 By Constitutional Revision and Recreation Committee

Jan. 12	Read first time	337
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	363
Jan. 17	Notice of hearing	412
Feb. 23	Indefinitely postponed	900

LEGISLATIVE BILL 828 By Constitutional Revision and Recreation Committee

Jan. 12	Read first time	337
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	363
Jan. 17	Notice of hearing	412
Feb. 7	Placed on General File	535
Mar. 10	Committee amendment lost. Advanced for review	1208
Mar. 10	Burrows amendment printed	1210
Mar. 15	Placed on Select File	1273
Mar. 16	Burrows amendment printed	1330
Apr. 11	Burrows amendment lost. Burrows amendment withdrawn. Advanced for engrossment	1787
Apr. 12	Correctly engrossed	1848
Apr. 18	Returned to Select File for Burrows amendment. Burrows amendment adopted. Advanced for re-engrossment	2059
Apr. 18	Barnett motion to reconsider Burrows amendment lost	2077
Apr. 18	Correctly re-engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2258
Apr. 21	Correctly enrolled. Speaker signed	2278
Apr. 21	Presented to Governor	2294
May 2	Approved by Governor	2306

LEGISLATIVE BILL 829 By Stoney

Jan. 13	Read first time	347
Jan. 13	Referred to Committee on Judiciary	363
Jan. 17	Notice of hearing	422
Feb. 3	Placed on General File	495
Mar. 2	Advanced for review	1039
Mar. 7	Placed on Select File	1103
Mar. 8	Advanced for engrossment	1129
Mar. 10	Correctly engrossed	1205

Mar. 15 Final Reading 1293
Mar. 16 Correctly enrolled. President signed 1315
Mar. 17 Presented to Governor 1347
Mar. 21 Approved by Governor 1414

LEGISLATIVE BILL 830 By Savage

Jan. 13 Read first time 351
Jan. 13 Referred to Committee on Urban Affairs 363
Jan. 17 Notice of hearing 421
Feb. 7 Placed on General File 554
Mar. 17 Advanced for review 1358
Mar. 21 Placed on Select File 1389
Apr. 11 Murphy amendment adopted.
Advanced for engrossment 1789
Apr. 12 Correctly engrossed 1848
Apr. 18 Final Reading 2083
Apr. 18 Correctly enrolled. Speaker signed 2089
Apr. 18 Presented to Governor.
Marsh explanation of vote 2108
May 2 Approved by Governor 2305

LEGISLATIVE BILL 831 By Marsh

Jan. 13 Read first time 351
Jan. 13 Referred to Committee on Public Works 363
Jan. 16 Notice of hearing 373
Feb. 15 Placed on General File 719
Apr. 13 Marsh motion to change order lost 1902
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 832 By Urban Affairs Committee

Jan. 13 Read first time 351
Jan. 13 Referred to Committee on Urban Affairs 363
Jan. 17 Notice of hearing 421
Feb. 28 Placed on General File 973
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 833 By Appropriations Committee

Jan. 13 Read first time 351
Jan. 13 Referred to Committee on Miscellaneous
Subjects 363
Jan. 17 Notice of hearing 420
Feb. 2 Placed on General File 485
Mar. 2 R. Lewis amendment lost.
Advanced for review 1038

Mar. 7	Placed on Select File	1103
Mar. 8	Advanced for engrossment	1129
Mar. 10	Correctly engrossed	1205
Mar. 15	Laid over	1293
Mar. 17	Bracketed	1352
Mar. 20	R. Lewis amendments printed	1385
Mar. 21	Returned to Select File for R. Lewis amendment. R. Lewis amendment adopted. Advanced for re-engrossment	1392
Mar. 22	Replaced on Select File	1421
Apr. 3	Advanced for re-engrossment	1588
Apr. 5	Correctly re-engrossed	1645
Apr. 13	Final Reading	1933
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 834 By Schmit

Jan. 13	Read first time	352
Jan. 13	Referred to Committee on Miscellaneous Subjects	363
Jan. 17	Notice of hearing	421
Feb. 14	Indefinitely postponed	683
Feb. 14	Schmit motion to place on General File pending. Laid over	702
Feb. 16	Schmit pending motion lost	738

LEGISLATIVE BILL 835 By Lamb

Jan. 13	Read first time	360
Jan. 16	Referred to Committee on Urban Affairs	385
Jan. 17	Notice of hearing	421
Feb. 28	Indefinitely postponed	974

LEGISLATIVE BILL 836 By Banking, Commerce and Insurance Committee

Jan. 13	Read first time	361
Jan. 16	Referred to Committee on Banking, Commerce and Insurance	385
Jan. 17	Notice of hearing	391
Feb. 2	Placed on General File	485
Mar. 1	DeCamp amendments printed	1012
Mar. 2	DeCamp amendment lost. Advanced for review	1032
Mar. 7	Placed on Select File	1102
Mar. 8	Advanced for engrossment	1129

Mar. 8 DeCamp amendments printed 1135
Mar. 13 Replaced on Select File 1221
Mar. 14 Advanced for engrossment 1262
Mar. 15 Returned to Select File for DeCamp amendment.
DeCamp amendment adopted. Advanced
for engrossment 1304
Mar. 17 Replaced on Select File 1346
Mar. 20 Advanced for engrossment 1382
Mar. 21 Correctly engrossed 1417
Mar. 28 Final Reading 1513
Apr. 3 Correctly enrolled. President signed 1556
Apr. 3 Kelly explanation of vote 1571
Apr. 4 Presented to Governor 1615
Apr. 7 Approved by Governor 1733

LEGISLATIVE BILL 837 By Urban Affairs Committee

Jan. 13 Read first time 361
Jan. 16 Referred to Committee on Public Works 385
Jan. 17 Notice of hearing 418
Feb. 8 Placed on General File 558
Mar. 17 Advanced for review 1365
Mar. 20 Barnett amendment printed 1377
Mar. 21 Placed on Select File 1389
Apr. 3 Moylan amendments printed 1577
Apr. 11 Barnett and Moylan amendments lost.
Advanced for engrossment 1789
Apr. 12 Correctly engrossed 1848
Apr. 18 Final Reading 2084
Apr. 18 Correctly enrolled. Speaker signed 2089
Apr. 18 Presented to Governor.
Marsh explanation of vote 2108
May 2 Approved by Governor 2305

LEGISLATIVE BILL 838 By Goodrich

Jan. 13 Read first time 361
Jan. 16 Referred to Committee on Urban Affairs 385
Jan. 17 Notice of hearing 421
Feb. 10 Indefinitely postponed 639

LEGISLATIVE BILL 839 By Dworak

Jan. 16 Read first time 366
Jan. 16 Referred to Committee on Public
Health and Welfare 385

Feb.	3	Notice of hearing 500
Mar.	2	Placed on General File 1022
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 839A By Dworak

Mar.	8	Read first time. Placed on General File 1124
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 840 By Carsten

Jan.	16	Read first time 366
Jan.	16	Referred to Committee on Appropriations 385
Jan.	17	Notice of hearing 406
Mar.	10	Placed on General File 1211
Apr.	12	Marsh motion to suspend rules lost 1898
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 841 By Dworak

Jan.	16	Read first time 367
Jan.	16	Referred to Committee on Judiciary 385
Feb.	2	Notice of hearing 445
Feb.	20	Placed on General File 815
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 842 By Goodrich

Jan.	16	Read first time 367
Jan.	16	Referred to Committee on Revenue 385
Jan.	17	Notice of hearing 405
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 843 By Chambers

Jan.	16	Read first time 367
Jan.	16	Referred to Committee on Judiciary 385
Jan.	17	Murphy name added 406
Feb.	2	Notice of hearing 445
Feb.	9	Attorney General's Opinion 577
Feb.	14	Placed on General File 690
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 844 By Maresh

Jan. 16	Read first time	368
Jan. 16	Referred to Committee on Public Health and Welfare	385
Feb. 3	Notice of hearing	500
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 845 By Warner

Jan. 16	Read first time	368
Jan. 16	Referred to Committee on Public Works	385
Jan. 17	Notice of hearing	418
Feb. 7	Placed on General File	535
Mar. 10	Advanced for review	1209
Mar. 15	Placed on Select File	1273
Apr. 3	Advanced for engrossment	1589
Apr. 5	Correctly engrossed	1645
Apr. 13	Final Reading	1934
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 846 By Nebraska Postsecondary Education Advisory Committee

Jan. 16	Read first time	368
Jan. 16	Referred to Committee on Education	385
Feb. 2	Notice of hearing	486
Mar. 2	Placed on General File	1033
Mar. 9	Koch amendment printed	1158
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 847 By Bereuter

Jan. 16	Read first time	368
Jan. 16	Referred to Committee on Government, Military and Veterans Affairs	385
Jan. 17	Notice of hearing	412
Feb. 7	Placed on General File	550
Mar. 6	Bereuter amendment printed	1053
Mar. 10	Bereuter amendment adopted. Advanced for review	1210
Mar. 15	Placed on Select File	1274
Apr. 3	Advanced for engrossment	1589
Apr. 5	Correctly engrossed	1645
Apr. 13	Final Reading	1934

Apr. 13	Final Reading, revote	1943
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 848 By Newell

Jan. 16	Read first time	369
Jan. 16	Referred to Committee on Business & Labor	385
Jan. 17	Notice of hearing	405
Mar. 14	Indefinitely postponed	1260

LEGISLATIVE BILL 849 By R. Lewis

Jan. 16	Read first time	369
Jan. 16	Referred to Committee on Judiciary	385
Feb. 2	Notice of hearing	445
Feb. 20	Indefinitely postponed	815

LEGISLATIVE BILL 850 By DeCamp

Jan. 16	Read first time	369
Jan. 16	Referred to Committee on Judiciary	385
Feb. 2	Notice of hearing	445
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 851 By Goodrich

Jan. 16	Read first time	374
Jan. 16	Referred to Committee on Constitutional Revision and Recreation	385
Jan. 17	Notice of hearing	412
Feb. 7	Placed on General File	535
Mar. 10	Advanced for review	1208
Mar. 15	Placed on Select File	1273
Apr. 3	Advanced for engrossment	1589
Apr. 5	Correctly engrossed	1645
Apr. 13	Final Reading	1935
Apr. 13	Correctly enrolled. Speaker signed	1960
Apr. 13	Presented to Governor	1964
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 852 By Banking, Commerce and Insurance Committee

Jan. 16	Read first time	374
Jan. 16	Referred to Committee on Judiciary	385
Feb. 2	Notice of hearing	445
Mar. 6	Placed on General File	1083
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 853 By Schmit

Jan. 16	Read first time	375
Jan. 16	Referred to Committee on Public Health and Welfare	385
Feb. 3	Notice of hearing	500
Feb. 22	Indefinitely postponed	859

LEGISLATIVE BILL 854 By Fowler, Marvel

Jan. 16	Read first time	375
Jan. 16	Referred to Committee on Judiciary	385
Feb. 2	Notice of hearing	445
Feb. 14	Placed on General File	692
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 855 By Rumery

Jan. 16	Read first time	375
Jan. 16	Referred to Committee on Government, Military and Veterans Affairs	385
Jan. 17	Notice of hearing	412
Feb. 7	Placed on General File	550
Mar. 10	Advanced for review	1212
Mar. 15	Placed on Select File	1274
Apr. 3	Advanced for engrossment	1589
Apr. 5	Correctly engrossed	1645
Apr. 13	Final Reading	1938
Apr. 13	Correctly enrolled. Speaker signed	1960
Apr. 13	Presented to Governor	1964
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 856 By Public Health and Welfare Committee

Jan. 16	Read first time	375
Jan. 16	Referred to Committee on Public Health and Welfare	385
Feb. 3	Notice of hearing	500
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 857 By Burrows

Jan. 16	Read first time	376
Jan. 16	Referred to Committee on Agriculture and Environment	385
Feb. 2	Notice of hearing	469
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 858 By Agriculture and Environment Committee

Jan. 16	Read first time	378
Jan. 16	Referred to Committee on Agriculture and Environment	385
Feb. 2	Notice of hearing	469
Feb. 27	Indefinitely postponed	945

LEGISLATIVE BILL 859 By Maxey

Jan. 16	Read first time	378
Jan. 16	Referred to Committee on Banking, Commerce and Insurance	385
Jan. 17	Notice of hearing	391
Jan. 17	Notice of hearing cancelled. Notice of hearing reset	408
Feb. 16	Placed on General File	737
Apr. 13	Marsh motion to change order lost	1902
Apr. 13	Maxey motion to overrule Chair prevailed. Advanced for review	1954
Apr. 13	Placed on Select File	1964
Apr. 14	Advanced for engrossment	1967
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2139
Apr. 19	Correctly enrolled. President signed	2153
Apr. 19	Presented to Governor	2173
May 2	Approved by Governor	2305

LEGISLATIVE BILL 860 By Maxey

Jan. 16	Read first time	378
Jan. 16	Referred to Committee on Judiciary	385
Feb. 2	Notice of hearing	445
Feb. 14	Placed on General File	692
Apr. 13	Marsh motion to change order lost	1902
Apr. 13	Maxey motion to overrule Chair prevailed. Advanced for review	1954
Apr. 13	Placed on Select File	1964
Apr. 14	Advanced for engrossment	1967
Apr. 17	Correctly engrossed	2025

Apr. 19 Final Reading 2140
Apr. 19 Correctly enrolled. President signed 2153
Apr. 19 Presented to Governor 2173
May 2 Approved by Governor 2305

LEGISLATIVE BILL 861 By Warner

Jan. 16 Read first time 379
Jan. 17 Referred to Committee on Urban Affairs 416
Jan. 17 Notice of hearing 421
Feb. 28 Placed on General File 974
Mar. 13 Barnett amendments printed 1234
Apr. 10 DeCamp amendments printed 1775
Apr. 12 Barnett amendment adopted. DeCamp amendment pending. Advanced for review 1867
Apr. 13 Placed on Select File 1949
Apr. 17 DeCamp amendment withdrawn. Advanced for engrossment 2050
Apr. 18 Replaced on Select File 2055
Apr. 18 Advanced for engrossment 2056
Apr. 18 Correctly engrossed 2089
Apr. 21 Rules suspended 2207
Apr. 21 Final Reading 2259
Apr. 21 Savage motion to reconsider lost 2280

LEGISLATIVE BILL 862 By Warner

Jan. 16 Read first time 379
Jan. 17 Referred to Committee on Public Works 416
Jan. 17 Notice of hearing 418
Feb. 7 Placed on General File 535
Feb. 17 Mills amendment printed 786
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 863 By Judiciary Committee

Jan. 16 Read first time 379
Jan. 17 Placed on General File 416
Feb. 17 Advanced for review 789
Feb. 21 Placed on Select File 826
Feb. 22 Advanced for engrossment 857
Feb. 23 Correctly engrossed 890
Feb. 28 Final Reading 961
Feb. 28 Correctly enrolled. Speaker signed 976
Feb. 28 Presented to Governor 979
Mar. 6 Approved by Governor 1073

LEGISLATIVE BILL 864 By Committee on Committees

Jan. 16	Read first time	379
Jan. 17	Referred to Committee on Agriculture and Environment	416
Feb. 2	Notice of hearing	469
Feb. 27	Placed on General File	943
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 865 By Hefner

Jan. 16	Read first time	381
Jan. 17	Referred to Committee on Education	416
Feb. 2	Notice of hearing	486
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 866 By Hefner

Jan. 16	Read first time	381
Jan. 17	Referred to Committee on Public Works	416
Feb. 13	Notice of hearing	663
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 867 By Fowler

Jan. 16	Read first time	382
Jan. 17	Referred to Committee on Miscellaneous Subjects	416
Jan. 17	Notice of hearing	420
Feb. 2	Placed on General File	463
Mar. 6	George amendment printed	1063
Apr. 3	George amendment printed	1604
Apr. 7	George amendment adopted. George amendment withdrawn. Advanced for review	1705
Apr. 7	Maxey amendments printed	1732
Apr. 10	Placed on Select File	1758
Apr. 14	Maxey amendment withdrawn. Advanced for engrossment	2002
Apr. 17	Correctly engrossed	2025
Apr. 18	Returned to Select File for Maxey amendment	2074
Apr. 18	Maxey amendment adopted. Advanced for re-engrossment	2075
Apr. 18	Correctly re-engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2266
Apr. 21	Correctly enrolled. Speaker signed	2278

Apr. 21	Presented to Governor	2294
May 2	Approved by Governor	2307

LEGISLATIVE BILL 868 By Rumery

Jan. 16	Read first time	383
Jan. 17	Referred to Committee on Urban Affairs	416
Jan. 17	Notice of hearing	421
Feb. 7	Placed on General File	554
Mar. 17	Duis amendment adopted. Advanced for review	1358
Mar. 21	Placed on Select File	1389
Apr. 11	George amendment adopted. Advanced for engrossment	1789
Apr. 11	Replaced on Select File	1805
Apr. 12	Advanced for engrossment	1818
Apr. 14	Correctly engrossed	2001
Apr. 18	Final Reading	2089
Apr. 18	Correctly enrolled. Speaker signed	2118
Apr. 19	Presented to Governor	2120
May 2	Approved by Governor	2305

LEGISLATIVE BILL 869 By R. Lewis

Jan. 16	Read first time	383
Jan. 17	Referred to Committee on Appropriations	416
Jan. 17	Notice of hearing	419
Feb. 2	Placed on General File	459
Feb. 17	Advanced for review	791
Feb. 21	Placed on Select File	827
Feb. 22	Advanced for engrossment	857
Feb. 24	Correctly engrossed	906
Mar. 1	Final Reading	995
Mar. 2	Correctly enrolled. President signed	1018
Mar. 6	Presented to Governor	1047
Mar. 6	Koch explanation of vote	1073
Mar. 7	Approved by Governor	1102

LEGISLATIVE BILL 870 By Banking, Commerce and Insurance Committee

Jan. 16	Read first time	383
Jan. 17	Referred to Committee on Urban Affairs	416
Jan. 17	Notice of hearing	421
Feb. 10	Placed on General File	638
Apr. 7	Advanced for review	1726
Apr. 10	Placed on Select File	1770
Apr. 12	Advanced for engrossment	1820

Apr. 18	Correctly engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2267
Apr. 21	Correctly enrolled. Speaker signed	2278
Apr. 21	Presented to Governor	2294
May 2	Approved by Governor	2306

LEGISLATIVE BILL 871 By Education Committee

Jan. 16	Read first time	383
Jan. 17	Referred to Committee on Education	416
Feb. 2	Notice of hearing	486
Mar. 2	Placed on General File	1021
Mar. 7	Koch amendments printed	1106
Apr. 7	Advanced for review	1730
Apr. 7	Koch amendments printed	1732
Apr. 12	Placed on Select File	1834
Apr. 17	Koch amendment withdrawn. Koch and Kahle amendments adopted. Advanced for engrossment	2043
Apr. 18	Replaced on Select File	2072
Apr. 18	Advanced for engrossment	2073
Apr. 18	Correctly engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2268
Apr. 21	Correctly enrolled. Speaker signed	2278
Apr. 21	Presented to Governor	2294
May 2	Approved by Governor	2307

LEGISLATIVE BILL 871A By Koch

Apr. 11	Read first time. Placed on General File	1810
Apr. 12	Advanced for review	1865
Apr. 13	Placed on Select File	1930
Apr. 17	Kahle amendment adopted. Advanced for engrossment	2047
Apr. 18	Correctly engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2269
Apr. 21	Correctly enrolled. Speaker signed	2278
Apr. 21	Presented to Governor	2294
May 2	Approved by Governor	2307

LEGISLATIVE BILL 872 By Education Committee

Jan.	16	Read first time 383
Jan.	17	Referred to Committee on Education 416
Feb.	2	Notice of hearing 486
Feb.	10	Placed on General File 638
Apr.	7	Advanced for review 1725
Apr.	10	Lamb amendments printed 1748
Apr.	10	Placed on Select File 1759
Apr.	14	Lamb amendments withdrawn. Advanced for engrossment 1998
Apr.	17	Correctly engrossed 2025
Apr.	18	Returned to Select File for Lamb amendment 2068
Apr.	18	Lamb amendment adopted. Advanced for re-engrossment 2069
Apr.	18	Correctly re-engrossed 2118
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2269
Apr.	21	Correctly enrolled. Speaker signed 2278
Apr.	21	Presented to Governor 2294
May	2	Approved by Governor 2306

LEGISLATIVE BILL 873 By Education Committee

Jan.	16	Read first time 384
Jan.	17	Referred to Committee on Education 416
Feb.	2	Notice of hearing 486
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 874 By Education Committee

Jan.	16	Read first time 384
Jan.	17	Referred to Committee on Education 416
Feb.	2	Notice of hearing 486
Feb.	10	Placed on General File 638
Apr.	7	Advanced for review 1725
Apr.	10	Placed on Select File 1769
Apr.	12	Advanced for engrossment 1820
Apr.	18	Correctly engrossed 2118
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2270
Apr.	21	Correctly enrolled. President signed 2280
Apr.	21	Presented to Governor 2298
May	2	Approved by Governor 2306

LEGISLATIVE BILL 875 By Education Committee

Jan.	16	Read first time 384
Jan.	17	Referred to Committee on Education 416
Feb.	2	Notice of hearing 486
Feb.	10	Placed on General File 638
Apr.	7	Advanced for review 1725
Apr.	10	Placed on Select File 1759
Apr.	12	Advanced for engrossment 1819
Apr.	14	Correctly engrossed 2010
Apr.	18	Returned to Select File for Warner amendment 2067
Apr.	18	Warner amendment adopted. Advanced for engrossment 2068
Apr.	18	Correctly engrossed 2118
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2271
Apr.	21	Correctly enrolled. President signed 2281
Apr.	21	Presented to Governor 2298
May	2	Returned by Governor without approval 2307
May	2	Message from Secretary of State 2319

LEGISLATIVE BILL 876 By Education Committee

Jan.	16	Read first time 384
Jan.	17	Referred to Committee on Education 416
Feb.	2	Notice of hearing 486
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 877 By Kelly

Jan.	16	Read first time 384
Jan.	17	Referred to Committee on Judiciary 416
Jan.	17	Notice of hearing 422
Feb.	14	Placed on General File 690
Feb.	22	Kelly amendments printed 859
Mar.	6	F. Lewis amendments printed 1061
Mar.	22	Kelly amendment printed 1437
Apr.	3	Kelly amendment printed 1575
Apr.	10	Kelly amendments adopted. Kelly and F. Lewis amendments withdrawn. F. Lewis pending motion to indefinitely postpone withdrawn. Advanced for review 1771
Apr.	12	Placed on Select File 1836
Apr.	17	Advanced for engrossment 2027
Apr.	18	Correctly engrossed 2064
Apr.	21	Rules suspended 2207
Apr.	21	Final Reading 2272

Apr. 21 Correctly enrolled. President signed 2281
Apr. 21 Presented to Governor. Rasmussen explanation of vote 2298
May 2 Approved by Governor 2306

LEGISLATIVE BILL 878 By Public Works Committee

Jan. 17 Read first time 391
Jan. 17 Referred to Committee on Public Works 416
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 879 By Public Works Committee

Jan. 17 Read first time 391
Jan. 17 Referred to Committee on Public Works 416
Jan. 17 Notice of hearing 418
Mar. 6 Placed on General File 1054
Apr. 12 Marsh motion to suspend rules lost 1898
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 880 By Public Works Committee

Jan. 17 Read first time 391
Jan. 17 Referred to Committee on Public Works 416
Jan. 17 Notice of hearing 418
Feb. 13 Indefinitely postponed 663

LEGISLATIVE BILL 881 By Public Works Committee

Jan. 17 Read first time 392
Jan. 17 Referred to Committee on Public Works 416
Jan. 17 Notice of hearing 418
Feb. 2 Notice of hearing cancelled. Notice of hearing reset 445
Feb. 14 Placed on General File 683
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 882 By Public Works Committee

Jan. 17 Read first time 392
Jan. 17 Referred to Committee on Public Works 416
Jan. 17 Notice of hearing 418
Feb. 13 Placed on General File 662
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 883 By Public Works Committee

Jan. 17	Read first time	392
Jan. 17	Referred to Committee on Public Works	416
Jan. 17	Notice of hearing	418
Feb. 22	Placed on General File	853
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 884 By Maresh

Jan. 17	Read first time	395
Jan. 17	Referred to Committee on Public Health and Welfare	416
Feb. 3	Notice of hearing	500
Feb. 22	Placed on General File	864
Apr. 12	Advanced for review	1823
Apr. 12	Maresh and Marsh amendments printed	1855
Apr. 13	Placed on Select File	1929
Apr. 17	Maresh and Marsh amendments withdrawn. Advanced for engrossment	2027
Apr. 18	Correctly engrossed	2078
Apr. 19	Attorney General's Opinion	2153
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2273
Apr. 21	Correctly enrolled. President signed	2281
Apr. 21	Presented to Governor	2298
May 2	Approved by Governor	2306

LEGISLATIVE BILL 884A By Maresh

Mar. 22	Read first time. Placed on General File	1440
Apr. 12	Advanced for review	1823
Apr. 12	Maresh amendments printed	1854
Apr. 13	Placed on Select File	1930
Apr. 17	Maresh amendment adopted. Advanced for engrossment	2027
Apr. 18	Correctly engrossed	2078
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2274
Apr. 21	Correctly enrolled. President signed	2281
Apr. 21	Presented to Governor	2298
May 2	Approved by Governor	2306

LEGISLATIVE BILL 885 By Warner

Jan. 17	Read first time	395
Jan. 17	Referred to Committee on Constitutional Revision and Recreation	416
Feb. 2	Notice of hearing	445
Feb. 15	Placed on General File	734
Mar. 17	Advanced for review	1371
Mar. 21	Placed on Select File	1390
Apr. 3	Advanced for engrossment	1590
Apr. 6	Correctly engrossed	1681
Apr. 14	Final Reading	1970
Apr. 14	Correctly enrolled. Speaker signed. Reutzel explanation of vote	1986
Apr. 14	Presented to Governor	1989
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 886 By Keyes

Jan. 17	Read first time	395
Jan. 17	Referred to Committee on Constitutional Revision and Recreation	416
Feb. 2	Notice of hearing	445
Feb. 23	Indefinitely postponed	900

LEGISLATIVE BILL 887 By Telecommunications Committee

Jan. 17	Read first time	396
Jan. 17	Referred to Committee on Public Works	416
Feb. 2	Notice of hearing	489
Mar. 16	Placed on General File	1335
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 888 By Education Committee

Jan. 17	Read first time	396
Jan. 17	Referred to Committee on Education	416
Feb. 2	Notice of hearing	486
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 889 By Koch

Jan. 17	Read first time	396
Jan. 17	Referred to Committee on Education	416
Feb. 2	Notice of hearing	486
Feb. 16	Placed on General File	748
Feb. 21	Bracketed	846
Mar. 7	F. Lewis amendments printed	1095

Mar. 7	F. Lewis amendments adopted. Advanced for review	1112
Mar. 9	Placed on Select File	1148
Mar. 20	Lamb amendment pending	1383
Mar. 20	Lamb pending amendment lost. Cullan amendment pending	1384
Mar. 21	Cullan pending amendment lost. Lamb amendment adopted. Advanced for engrossment	1410
Mar. 23	Correctly engrossed	1495
Apr. 3	Dworak amendment printed	1605
Apr. 10	Koch amendments printed	1766
Apr. 11	Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for re-engrossment. Returned to Select File for F. Lewis amendment. F. Lewis amendment adopted. Advanced for re-engrossment. Expedited	1783
Apr. 11	Correctly re-engrossed	1800
Apr. 13	Rules suspended. Dworak amendment withdrawn. Final Reading	1945
Apr. 13	Correctly enrolled. Speaker signed	1960
Apr. 13	Presented to Governor	1964
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 889A By Koch

Mar. 7	Read first time. Placed on General File	1092
Mar. 16	Advanced for review	1324
Mar. 17	Placed on Select File	1356
Mar. 21	Advanced for engrossment	1410
Mar. 23	Correctly engrossed	1495
Apr. 10	Koch amendments printed	1766
Apr. 11	Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for re-engrossment	1784
Apr. 11	Correctly re-engrossed	1800
Apr. 13	Rules suspended. Final Reading	1946
Apr. 13	Correctly enrolled. Speaker signed	1960
Apr. 13	Presented to Governor	1964
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 890 By Cope

Jan. 17	Read first time	396
Jan. 17	Referred to Committee on Business & Labor	416
Feb. 2	Notice of hearing	444
Mar. 1	Indefinitely postponed	1002

LEGISLATIVE BILL 891 By Chambers

Jan. 17	Read first time	396
Jan. 17	Referred to Committee on Judiciary	416
Jan. 17	Notice of hearing	422
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 892 By Banking, Commerce and Insurance Committee

Jan. 17	Read first time	396
Jan. 17	Referred to Committee on Banking, Commerce and Insurance	417
Feb. 6	Notice of hearing	526
Feb. 27	Placed on General File	950
Mar. 28	DeCamp amendment printed	1524
Apr. 11	Duis amendments printed	1815
Apr. 12	DeCamp amendment withdrawn. Duis amendment adopted. Advanced for review	1866
Apr. 13	Placed on Select File	1949
Apr. 14	Advanced for engrossment	1967
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2141
Apr. 19	Correctly enrolled. President signed	2153
Apr. 19	Presented to Governor	2173
May 2	Approved by Governor	2305

LEGISLATIVE BILL 893 By Hefner

Jan. 17	Read first time	397
Jan. 17	Referred to Committee on Miscellaneous Subjects	417
Jan. 17	Notice of hearing	420
Feb. 14	Indefinitely postponed	683

LEGISLATIVE BILL 894 By Agriculture and Environment Committee

Jan. 17	Read first time	397
Jan. 17	Referred to Committee on Public Works	417
Feb. 2	Notice of hearing	445
Mar. 8	Schmit motion to place on General File pending	1128
Mar. 15	Schmit pending motion lost. Indefinitely postponed	1304

LEGISLATIVE BILL 895 By Agriculture and Environment Committee

Jan. 17	Read first time	397
Jan. 17	Referred to Committee on Public Works	417
Feb. 2	Notice of hearing	445
Feb. 22	Indefinitely postponed	853

LEGISLATIVE BILL 896 By Rasmussen

Jan. 17	Read first time	401
Jan. 17	Placed on General File	417
Feb. 15	Rasmussen motion to withdraw pending. Laid over	733
Feb. 16	Rasmussen pending motion prevailed. Withdrawn	739

LEGISLATIVE BILL 897 By Nebraska Postsecondary Education Advisory Committee

Jan. 17	Read first time	401
Jan. 17	Referred to Committee on Appropriations	417
Jan. 17	Notice of hearing	420
Feb. 2	Placed on General File	459
Feb. 24	Advanced for review	923
Feb. 28	Placed on Select File	956
Mar. 1	Advanced for engrossment	1001
Mar. 2	Returned to Select File for Warner amendment	1017
Mar. 2	Warner amendment adopted. Advanced for engrossment	1018
Mar. 6	Replaced on Select File	1049
Mar. 7	Advanced for engrossment	1089
Mar. 9	Correctly engrossed	1154
Apr. 13	Final Reading	1909
Apr. 13	Correctly enrolled. Speaker signed	1950
Apr. 13	Presented to Governor	1960
Apr. 19	Returned by Governor without approval	2190
Apr. 19	Attorney General's Opinion	2191
Apr. 19	Warner motion to override Governor's veto prevailed	2197
Apr. 21	Delivered to Secretary of State	2206
Apr. 21	Certificate	2207
Apr. 21	Message from Secretary of State	2220
Apr. 21	Bereuter explanation of vote	2221

LEGISLATIVE BILL 897A By Warner

Feb.	24	Read first time. Placed on General File 928
Mar.	9	Placed on Select File 1148
Mar.	13	Advanced for engrossment 1238
Mar.	14	Correctly engrossed 1268
Apr.	13	Final Reading 1910
Apr.	13	Correctly enrolled. Speaker signed 1950
Apr.	13	Presented to Governor 1960
Apr.	19	Returned by Governor without approval 2190

LEGISLATIVE BILL 898 By Interim Study Committee on LR 62

Jan.	17	Read first time 402
Jan.	17	Referred to Committee on Appropriations 417
Jan.	17	Notice of hearing 420
Apr.	21	Indefinitely postponed 2300

LEGISLATIVE BILL 899 By Dworak and Keyes at request of Governor

Jan.	17	Read first time 402
Jan.	17	Referred to Committee on Revenue 417
Jan.	17	Notice of hearing 413
Feb.	3	Placed on General File 520
Feb.	10	Bracketed 639
Feb.	13	DeCamp amendments printed 659
Feb.	14	Indefinitely postponed 694
Mar.	22	DeCamp amendments printed 1438

LEGISLATIVE BILL 900 By DeCamp

Jan.	17	Read first time 402
Jan.	17	Referred to Committee on Judiciary 417
Jan.	17	Notice of hearing 422
Feb.	9	Placed on General File 601
Apr.	7	Advanced for review 1724
Apr.	10	Placed on Select File 1759
Apr.	12	Advanced for engrossment 1819
Apr.	12	DeCamp amendments printed 1893
Apr.	14	Correctly engrossed 2010
Apr.	18	Rules suspended 2089
Apr.	18	DeCamp amendments withdrawn 2103
Apr.	18	Final Reading. Correctly enrolled. Speaker signed 2118
Apr.	19	Presented to Governor 2120
May	2	Approved by Governor 2305

LEGISLATIVE BILL 901 By Chambers

Jan. 17	Read first time	402
Jan. 17	Referred to Committee on Judiciary	417
Jan. 17	Notice of hearing	421
Mar. 6	Placed on General File	1083
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 902 By Merz

Jan. 17	Read first time	402
Jan. 17	Referred to Committee on Revenue	417
Jan. 17	Notice of hearing	413
Feb. 2	Goodrich amendment printed	468
Feb. 3	Placed on General File	498
Feb. 15	Change of order	726
Feb. 15	Koch amendment printed. Debate limited	730
Feb. 20	Goodrich amendments lost. Koch amendment renewed, pending	803
Feb. 21	Koch amendment lost. Venditte motion to reconsider Goodrich amendment prevailed. Goodrich amendment adopted. Chambers and F. Lewis amendments lost. Newell amendment pending	834
Feb. 22	Reutzel explanation of vote	852
Feb. 22	Stoney and Newell amendments adopted. Chambers motion to indefinitely postponed pending	853
Feb. 22	Simon motion to bracket lost. Chambers motion to indefinitely postpone lost. Chambers amendment lost	854
Feb. 27	Advanced for review	945
Mar. 1	Placed on Select File	989
Mar. 7	Laid over	1089
Mar. 7	Chambers amendments lost. Chambers motion to indefinitely postpone pending	1101
Mar. 8	Chambers amendment withdrawn. Chambers amendment lost. Schmit amendment pending	1126
Mar. 8	Bracketed	1131
Mar. 10	Dworak amendments printed	1214
Mar. 10	DeCamp amendments printed	1215
Mar. 13	Schmit amendment withdrawn. DeCamp amendment substituted. Dworak amendment lost	1236

Mar. 14	Chambers amendment lost. DeCamp amendment adopted. Marsh motion to indefinitely postpone read. Advanced for engrossment	1262
Mar. 15	Labedz and Goodrich names added	1296
Mar. 15	DeCamp amendment printed	1310
Mar. 16	Replaced on Select File	1342
Mar. 20	Advanced for engrossment	1383
Mar. 21	Message from Governor	1407
Mar. 21	Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Advanced for engrossment. Expedited. Chambers motion to return to Select File for amendment lost	1409
Mar. 21	DeCamp motion to take up on Final Reading pending. Correctly engrossed	1417
Mar. 23	Goodrich motion to take up item 6 prevailed	1468
Mar. 23	DeCamp pending motion prevailed. Chambers motion to return to Select File for amendment lost. Final Reading	1475
Mar. 23	Correctly enrolled. President signed	1484
Mar. 23	Presented to Governor	1491
Mar. 28	Returned by Governor without approval	1499
Apr. 5	DeCamp motion to override veto pending	1663
Apr. 6	DeCamp pending motion prevailed. Passed over Governor's veto	1684
Apr. 6	Communication	1698
Apr. 6	Certificate	1699
Apr. 7	Message from Secretary of State	1702

LEGISLATIVE BILL 902A By Merz

Mar. 9	Read first time. Placed on General File	1157
Mar. 21	Chambers motion to indefinitely postpone pending	1406
Mar. 21	Chambers pending motion prevailed. Indefinitely postponed	1408

LEGISLATIVE BILL 903 By Mills

Jan. 17	Read first time	403
Jan. 17	Referred to Committee on Miscellaneous Subjects	417
Jan. 17	Notice of hearing	421
Feb. 7	Placed on General File	553
Feb. 15	Koch amendment printed	730
Mar. 10	Advanced for review	1214

Mar. 15	Placed on Select File	1274
Apr. 3	Advanced for engrossment	1589
Apr. 5	Correctly engrossed	1663
Apr. 13	Final Reading	1938
Apr. 13	Correctly enrolled. Speaker signed	1960
Apr. 13	Presented to Governor	1964
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 904 By Maresh

Jan. 17	Read first time	403
Jan. 17	Referred to Committee on Education	417
Feb. 2	Notice of hearing	486
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 905 By Stoney

Jan. 17	Read first time	403
Jan. 17	Referred to Committee on Revenue	417
Jan. 17	Notice of hearing	414
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 906 By Labedz

Jan. 17	Read first time	403
Jan. 17	Referred to Committee on Miscellaneous Subjects	417
Jan. 17	Notice of hearing	420
Feb. 2	Placed on General File	463
Mar. 10	Barnett amendment adopted. Advanced for review	1207
Mar. 14	Placed on Select File	1245
Mar. 15	Advanced for engrossment	1309
Mar. 17	Correctly engrossed	1367
Mar. 22	Final Reading	1425
Mar. 23	Correctly enrolled. President signed	1467
Mar. 28	Presented to Governor	1505
Apr. 3	Approved by Governor	1549
Apr. 3	Luedtke explanation of vote	1557

LEGISLATIVE BILL 907 By Carsten

Jan. 17	Read first time	403
Jan. 17	Referred to Committee on Government, Military and Veterans Affairs	417
Jan. 17	Notice of hearing	420
Feb. 7	Placed on General File	550
Mar. 10	Advanced for review	1209

Mar. 13 George amendment printed 1240
Mar. 15 Placed on Select File 1274
Apr. 11 George amendment adopted.
Advanced for engrossment 1788
Apr. 11 Replaced on Select File 1805
Apr. 12 Advanced for engrossment 1818
Apr. 17 Correctly engrossed 2025
Apr. 19 Final Reading 2141
Apr. 19 Correctly enrolled. President signed 2153
Apr. 19 Presented to Governor 2173
May 2 Approved by Governor 2305

LEGISLATIVE BILL 908 By Education Committee

Jan. 17 Read first time 403
Jan. 17 Referred to Committee on Education 417
Feb. 2 Notice of hearing 486
Feb. 10 Placed on General File 638
Apr. 7 Advanced for review 1725
Apr. 10 Placed on Select File 1759
Apr. 12 Advanced for engrossment 1819
Apr. 14 Correctly engrossed 2001
Apr. 18 Rules suspended 2089
Apr. 18 Final Reading 2104
Apr. 18 Correctly enrolled. Speaker signed 2118
Apr. 19 Presented to Governor 2120
May 2 Approved by Governor 2305

LEGISLATIVE BILL 909 By Public Works Committee

Jan. 17 Read first time 404
Jan. 17 Referred to Committee on Public Works 417
Jan. 17 Notice of hearing 418
Feb. 2 Notice of hearing cancelled.
Notice of hearing reset 445
Feb. 14 Placed on General File 683
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 910 By Schmit

Jan. 17 Read first time 404
Jan. 17 Referred to Committee on Judiciary 417
Jan. 17 Notice of hearing 422
Feb. 20 Placed on General File 815
Apr. 10 Schmit amendments printed 1776
Apr. 12 Schmit amendments adopted.
Advanced for review 1821
Apr. 13 Placed on Select File 1929

Apr. 14	Advanced for engrossment	1967
Apr. 17	Correctly engrossed	2025
Apr. 18	Returned to Select File for Schmit amendment	2070
Apr. 18	Schmit amendment adopted. Advanced for engrossment	2071
Apr. 18	Replaced on Select File	2092
Apr. 18	Advanced for engrossment	2093
Apr. 18	Correctly re-engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2275
Apr. 21	Correctly enrolled. President signed	2281
Apr. 21	Presented to Governor	2298
May 2	Approved by Governor	2307

LEGISLATIVE BILL 910A By Schmit

Apr. 11	Read first time. Placed on General File	1810
Apr. 12	Advanced for review	1821
Apr. 12	Placed on Select File	1872
Apr. 14	Advanced for engrossment	1967
Apr. 17	Correctly engrossed	2025
Apr. 18	Returned to Select File for Schmit amendment	2061
Apr. 18	Schmit amendment adopted. Advanced for re-engrossment	2062
Apr. 18	Correctly re-engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2275
Apr. 21	Correctly enrolled. President signed	2281
Apr. 21	Presented to Governor	2298
May 2	Approved by Governor	2307

LEGISLATIVE BILL 911 By Agriculture and Environment Committee

Jan. 17	Read first time	404
Jan. 17	Referred to Committee on Agriculture and Environment	417
Feb. 2	Notice of hearing	469
Feb. 3	Notice of hearing cancelled. Notice of hearing reset	507
Feb. 24	Placed on General File	928
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 912 By Keyes

Jan. 17	Read first time	404
Jan. 17	Referred to Committee on Miscellaneous Subjects	417
Jan. 17	Notice of hearing	420
Feb. 14	Placed on General File	683
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 912A By Keyes

Feb. 17	Read first time. Placed on General File	782
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 913 By Kelly

Jan. 17	Read first time	407
Jan. 17	Referred to Committee on Judiciary	417
Jan. 17	Notice of hearing	422
Feb. 14	Placed on General File	692
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 914 By Keyes

Jan. 17	Read first time	407
Jan. 17	Referred to Committee on Constitutional Revision and Recreation	417
Feb. 2	Notice of hearing	445
Feb. 23	Indefinitely postponed	901

LEGISLATIVE BILL 915 By Judiciary Committee

Jan. 17	Read first time	411
Jan. 17	Referred to Committee on Judiciary	417
Jan. 17	Notice of hearing	422
Feb. 15	Indefinitely postponed	719

LEGISLATIVE BILL 916 By R. Lewis, Maxey

Jan. 17	Read first time	411
Jan. 17	Referred to Committee on Judiciary	417
Jan. 17	Notice of hearing	422
Feb. 15	Indefinitely postponed	719

LEGISLATIVE BILL 917 By R. Lewis, Schmit, Rasmussen, Rumery, Kennedy

Jan. 17	Read first time	413
Jan. 17	Referred to Committee on Agriculture and Environment	417
Feb. 2	Notice of hearing	469
Feb. 3	Notice of hearing cancelled. Notice of hearing reset	507
Feb. 27	Placed on General File	944
Mar. 8	Placed on General File, corrected	1134
Mar. 9	Rumery amendment printed	1159
Apr. 12	Rumery and Dworak amendments adopted. Advanced for review	1865
Apr. 12	Rumery amendments printed	1893
Apr. 13	Placed on Select File	1958
Apr. 17	Rumery amendment withdrawn. Lamb, Kremer, and DeCamp amendments lost. Duis amendment adopted. Advanced for engrossment	2051
Apr. 18	Replaced on Select File	2079
Apr. 18	Advanced for engrossment	2081
Apr. 18	Correctly engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2276
Apr. 21	Correctly enrolled. President signed	2294
Apr. 21	Presented to Governor	2299
May 2	Approved by Governor	2306

LEGISLATIVE BILL 918 By Maresh

Jan. 17	Read first time	413
Jan. 17	Referred to Committee on Public Works	417
Feb. 2	Notice of hearing	445
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 919 By Brennan

Jan. 17	Read first time	415
Jan. 17	Referred to Committee on Business & Labor	417
Feb. 2	Notice of hearing	444
Mar. 1	Placed on General File	1002
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 920 By Judiciary Committee

Jan.	17	Read first time	416
Jan.	17	Referred to Committee on Judiciary	417
Jan.	17	Notice of hearing	422
Feb.	10	Placed on General File	609
Mar.	8	Schmit amendments printed	1144
Mar.	9	Schmit amendments adopted. Advanced for review	1150
Mar.	13	Placed on Select File	1220
Mar.	14	Advanced for engrossment	1262
Mar.	16	Correctly engrossed	1315
Mar.	21	Final Reading	1392
Mar.	22	Correctly enrolled. President signed	1421
Mar.	23	Presented to Governor	1466
Apr.	3	Approved by Governor	1548
Apr.	3	Luedtke explanation of vote	1557

LEGISLATIVE BILL 921 By Rumery

Jan.	17	Read first time	424
Feb.	2	Referred to Committee on Public Works	444
Feb.	2	Notice of hearing	489
Feb.	14	Indefinitely postponed	683

LEGISLATIVE BILL 922 By Appropriations Committee

Feb.	2	Read first time	487
Feb.	7	Bereuter name added	542
Feb.	8	Placed on General File	571
Mar.	17	Advanced for review	1367
Mar.	21	Placed on Select File	1390
Apr.	3	Bracketed	1590
Apr.	3	Cullan and Marvel amendments printed	1600
Apr.	4	Cullan amendment adopted. Bereuter amendment pending	1620
Apr.	4	Bereuter, Cullan, Koch, Kremer and Marvel amendments adopted. Lamb amendment lost. Kelly motion to bracket and print white copy lost. Nichol amendment lost. Advanced for engrossment	1624
Apr.	6	Returned to Select File for Cullan amendment	1685
Apr.	6	Cullan amendment adopted. Advanced for engrossment	1689
Apr.	7	Replaced on Select File	1712
Apr.	7	Advanced for engrossment	1729
Apr.	10	Kelly amendments printed	1770

Apr. 10	Koch amendments printed	1775
Apr. 11	Barnett motion to return to Select File for amendment lost	1780
Apr. 11	Marsh motion toreturn to Select File for amendment lost	1781
Apr. 11	Kremer amendments printed	1784
Apr. 11	Correctly engrossed	1800
Apr. 12	Koch motion to return to Select File for amendment lost	1849
Apr. 12	Kelly motion to return to Select File for amendment lost	1850
Apr. 14	Kremer motion to return to Select File for amendment lost. Schmit motion to lay over lost	1981
Apr. 14	Final Reading	1982
Apr. 14	Correctly enrolled. Speaker signed	2001
Apr. 14	Presented to Governor	2004
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 923 By Appropriations Committee

Feb. 2	Read first time	487
Feb. 2	Referred to Committee on Appropriations. Notice of hearing	490
Feb. 7	Bereuter name added	542
Mar. 7	Placed on General File	1100
Mar. 17	Advanced for review	1355
Mar. 21	Placed on Select File	1388
Mar. 21	Advanced for engrossment	1402
Mar. 22	Correctly engrossed	1459
Mar. 28	Final Reading	1515
Apr. 3	Correctly enrolled. President signed	1556
Apr. 3	Kelly explanation of vote	1571
Apr. 4	Presented to Governor	1615
Apr. 7	Approved by Governor	1733

LEGISLATIVE BILL 924 By Appropriations Committee

Feb. 3	Read first time	509
Feb. 3	Referred to Committee on Appropriations. Notice of hearing	520
Feb. 7	Bereuter name added	542
Mar. 7	Placed on General File	1100
Mar. 13	Warner amendment adopted. Advanced for review	1223
Mar. 15	Placed on Select File	1275
Mar. 21	Warner amendments adopted. Advanced for engrossment	1393

Mar. 22	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for engrossment	1454
Mar. 22	Expedited	1463
Mar. 22	Governor's message - amendment	1456
Mar. 28	Replaced on Select File	1521
Mar. 28	Expedited. Advanced for engrossment	1526
Mar. 28	Correctly engrossed	1539
Apr. 4	Final Reading	1613
Apr. 4	Correctly enrolled. President signed	1634
Apr. 4	Presented to Governor	1638
Apr. 10	Approved by Governor. Line-item veto	1722
Apr. 17	Warner motion to override line-item veto prevailed	2033
Apr. 18	Delivered to Secretary of State. Certificate	2107
Apr. 19	Message from Secretary of State	2121

LEGISLATIVE BILL 925 By Miscellaneous Subjects Committee

Feb. 6	Read first time	527
Feb. 8	Referred to Committee on Miscellaneous Subjects	571
Feb. 9	Notice of hearing	585
Feb. 22	Placed on General File	854
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 926 By Agriculture and Environment Committee

Feb. 9	Read first time	585
Feb. 9	Referred to Committee on Agriculture and Environment	602
Feb. 10	Notice of hearing	616
Feb. 10	Notice of hearing corrected	628
Feb. 23	Placed on General File	896
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 926A By Agriculture and Environment Committee

Apr. 3	Read first time. Placed on General File	1557
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 927 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	629
Feb. 10	Referred to Committee on Public Health and Welfare	636

Feb. 14	Notice of hearing	697
Feb. 22	Placed on General File	859
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 928 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	630
Feb. 10	Referred to Committee on Public Health and Welfare	636
Feb. 14	Notice of hearing	697
Feb. 21	Placed on General File	842
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 928A By Speaker Luedtke

Feb. 28	Read first time. Placed on General File	983
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 929 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	630
Feb. 10	Referred to Committee on Appropriations	636
Feb. 10	Notice of hearing	637
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 930 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	630
Feb. 10	Placed on General File	636
Feb. 21	Advanced for review	830
Feb. 23	Placed on Select File	880
Feb. 24	Advanced for engrossment	914
Feb. 27	Correctly engrossed	936
Mar. 6	Koch explanation of vote	1073
Mar. 10	Final Reading	1189
Mar. 13	Correctly enrolled	1221
Mar. 13	President signed	1222
Mar. 14	Presented to Governor	1242
Mar. 17	Approved by Governor	1362

LEGISLATIVE BILL 931 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	630
Feb. 10	Referred to Committee on Public Health and Welfare	636
Feb. 14	Notice of hearing	697
Feb. 22	Indefinitely postponed	859

LEGISLATIVE BILL 932 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	630
Feb. 10	Referred to Committee on Public Works	636
Feb. 16	Notice of hearing	743
Feb. 23	Placed on General File	895
Apr. 13	Warner motion for change of order prevailed. Advanced for review	1949
Apr. 13	Placed on Select File	1964
Apr. 14	Advanced for engrossment	1967
Apr. 17	Correctly engrossed	2025
Apr. 18	Returned to Select File for Chambers amendment. Chambers amendment adopted. Advanced for re-engrossment	2060
Apr. 18	Replaced on Select File	2072
Apr. 18	Advanced for engrossment	2073
Apr. 18	Correctly re-engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2278
Apr. 21	Correctly enrolled. President signed	2294
Apr. 21	Presented to Governor	2299
May 2	Approved by Governor	2306

LEGISLATIVE BILL 933 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	631
Feb. 10	Referred to Committee on Government, Military and Veterans Affairs. Notice of hearing	636
Feb. 15	Rules suspended	728
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 934 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	631
Feb. 10	Referred to Committee on Appropriations	636
Feb. 10	Notice of hearing	637
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 935 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	631
Feb. 10	Referred to Committee on Appropriations	636
Feb. 10	Notice of hearing	637
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 936 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	631
Feb. 10	Placed on General File	636
Feb. 21	Advanced for review	830
Feb. 23	Placed on Select File	880
Feb. 24	Advanced for engrossment	914
Feb. 27	Correctly engrossed	936
Mar. 6	Koch explanation of vote	1073
Mar. 10	Final Reading	1190
Mar. 13	Correctly enrolled	1221
Mar. 13	President signed	1222
Mar. 14	Presented to Governor	1242
Mar. 17	Approved by Governor	1362

LEGISLATIVE BILL 937 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	631
Feb. 10	Referred to Committee on Appropriations	636
Feb. 10	Notice of hearing	637
Mar. 8	Placed on General File	1139
Mar. 13	Advanced for review	1227
Mar. 15	Placed on Select File	1275
Mar. 21	Warner amendments adopted. Advanced for engrossment	1397
Mar. 22	Replaced on Select File	1458
Mar. 22	Expedited	1463
Apr. 3	Advanced for engrossment	1560
Apr. 3	Expedited	1571
Apr. 3	Correctly engrossed	1600
Apr. 5	Bracketed	1645
Apr. 10	Warner amendments printed	1766
Apr. 11	Returned to Select File for Warner amendment	1782
Apr. 11	Warner amendment adopted. Advanced for re-engrossment	1783
Apr. 11	Replaced on Select File	1804
Apr. 11	Advanced for re-engrossment. Expedited	1807
Apr. 12	Correctly re-engrossed	1818
Apr. 18	Final Reading	2084
Apr. 18	Correctly enrolled. Speaker signed	2089
Apr. 18	Presented to Governor. Marsh explanation of vote	2108
Apr. 21	Message from the Governor	2242
May 2	Approved by Governor	2305

LEGISLATIVE BILL 938 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	632
Feb. 10	Referred to Committee on Appropriations	636
Feb. 10	Notice of hearing	637
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 939 By Speaker Luedtke at request of Governor

Feb. 10	Read first time	632
Feb. 10	Referred to Committee on Appropriations	636
Feb. 10	Notice of hearing	637
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 940 By Banking, Commerce and Insurance Committee

Feb. 10	Read first time	634
Feb. 16	Referred to Committee on Banking, Commerce and Insurance	750
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 941 By Nebraska Transportation Advisory Committee

Feb. 10	Read first time	635
Feb. 16	Referred to Committee on Government, Military and Veterans Affairs	750
Feb. 24	Notice of hearing	920
Mar. 10	Placed on General File	1204
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 942 By Speaker Luedtke at request of Governor

Feb. 13	Read first time	656
Feb. 16	Referred to Committee on Public Works	743
Feb. 17	Notice of hearing	771
Mar. 2	Placed on General File	1036
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 943 By Business and Labor Committee

Feb. 15	Read first time	734
Feb. 16	Referred to Committee on Business & Labor	743
Feb. 17	Notice of hearing	780
Feb. 20	Notice of hearing corrected	797
Apr. 10	Placed on General File	1743

Apr. 11	Schmit amendment adopted. Advanced for review	1798
Apr. 11	Expedited	1810
Apr. 12	Placed on Select File	1824
Apr. 13	Advanced for engrossment	1901
Apr. 13	Returned to Select File for Maresh amendment. Maresh amendment adopted. Advanced for engrossment	1963
Apr. 14	Correctly engrossed	2010
Apr. 18	Rules suspended	2089
Apr. 18	Final Reading	2104
Apr. 18	Correctly enrolled. Speaker signed	2118
Apr. 19	Presented to Governor	2120
Apr. 21	Approved by Governor. Line-item veto	2245
Apr. 21	Schmit motion to override line-item veto prevailed	2265
Apr. 21	Delivered to Secretary of State	2294
Apr. 21	Certificate	2295
May 2	Message from Secretary of State	2316

LEGISLATIVE BILL 944 By Business and Labor Committee

Feb. 15	Read first time	734
Feb. 16	Referred to Committee on Business & Labor	743
Feb. 17	Notice of hearing	780
Feb. 20	Notice of hearing corrected	797
Apr. 10	Indefinitely postponed	1745

LEGISLATIVE BILL 945 By Clark at request of Governor

Feb. 16	Read first time	755
Feb. 17	Cullan name added	771
Feb. 17	Placed on General File	781
Mar. 1	Savage amendment printed	1013
Mar. 13	Savage amendment adopted. Advanced for review	1223
Mar. 15	Placed on Select File	1275
Mar. 21	Advanced for engrossment	1397
Mar. 22	Clark amendment printed	1449
Mar. 22	Correctly engrossed	1459
Mar. 23	Returned to Select File for Clark amendment. Clark amendment adopted. Advanced for re-engrossment	1491
Mar. 28	Correctly re-engrossed	1526
Apr. 4	Final Reading	1614
Apr. 4	Correctly enrolled. President signed	1634
Apr. 4	Presented to Governor	1638
Apr. 11	Approved by Governor	1797

LEGISLATIVE BILL 946 By Appropriations Committee

Feb.	17	Read first time. Notice of hearing 779
Feb.	17	Referred to Committee on Appropriations 786
Mar.	10	Placed on General File 1211
Mar.	13	Labedz amendments printed 1239
Mar.	21	Warner amendment adopted. Labedz amendment lost. Advanced for review 1402
Mar.	22	Placed on Select File 1458
Mar.	23	Barnett amendments adopted. Advanced for engrossment 1470
Apr.	3	Replaced on Select File 1555
Apr.	3	Advanced for engrossment 1586
Apr.	3	Warner motion to return to Select File for amendment lost. Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for engrossment 1587
Apr.	5	Correctly engrossed 1645
Apr.	14	Labedz motion to suspend rules lost 1984
Apr.	18	Laid over 2082
Apr.	19	Final Reading 2176
Apr.	19	Correctly enrolled 2184
Apr.	19	President signed 2185
Apr.	19	Presented to Governor 2200
Apr.	21	Bereuter explanation of vote 2221
May	2	Approved by Governor 2305

LEGISLATIVE BILL 946A By Warner

Mar.	21	Read first time. Placed on General File 1419
Mar.	23	Laid over 1485
Apr.	3	Advanced for review 1587
Apr.	4	Placed on Select File. Advanced for engrossment 1634
Apr.	6	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for engrossment 1695
Apr.	7	Correctly engrossed 1734
Apr.	12	Returned to E & R Final by Warner motion 1821
Apr.	12	Correctly re-engrossed 1848
Apr.	14	Labedz motion to suspend rules lost 1984
Apr.	18	Laid over 2082
Apr.	19	Final Reading 2176
Apr.	19	Correctly enrolled 2184
Apr.	19	President signed 2185
Apr.	19	Presented to Governor 2200
Apr.	21	Bereuter explanation of vote 2221
May	2	Approved by Governor 2305

LEGISLATIVE BILL 947 By Public Health and Welfare Committee

Feb. 17	Read first time	780
Feb. 17	Referred to Committee on Public Health and Welfare	786
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 948 By Rules Committee

Feb. 17	Read first time	781
Feb. 17	Placed on General File	786
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 949 By Urban Affairs Committee

Feb. 17	Read first time	792
Feb. 20	Referred to Committee on Urban Affairs	800
Feb. 22	Notice of hearing	865
Mar. 13	Placed on General File	1239
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 950 By Speaker Luedtke at request of Governor

Feb. 24	Read first time	913
Feb. 24	Referred to Committee on Judiciary	922
Feb. 27	Notice of hearing	953
Mar. 10	Placed on General File	1205
Apr. 21	Indefinitely postponed	2300

LEGISLATIVE BILL 951 By Appropriations Committee

Mar. 6	Read first time	1052
Mar. 6	Placed on General File	1059
Mar. 13	Warner amendment adopted. Advanced for review	1227
Mar. 15	Placed on Select File	1276
Mar. 21	Warner amendment adopted. Advanced for engrossment	1398
Mar. 22	Bracketed	1462
Apr. 3	Expedited	1571
Apr. 3	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for engrossment	1583
Apr. 3	Correctly engrossed	1600
Apr. 5	Final Reading	1642
Apr. 6	Correctly enrolled. President signed	1676
Apr. 6	Presented to Governor	1691
Apr. 14	Approved by Governor	1984

LEGISLATIVE BILL 952 By Appropriations Committee

Mar. 6 Read first time 1052
Mar. 6 Placed on General File 1059
Mar. 13 Warner amendments adopted.
Advanced for review 1228
Mar. 15 Placed on Select File 1276
Mar. 21 Warner amendments adopted.
Advanced for engrossment 1399
Mar. 22 Bracketed 1462
Mar. 23 Replaced on Select File 1491
Apr. 3 Expedited 1571
Apr. 3 Advanced for engrossment 1588
Apr. 4 Correctly engrossed 1615
Apr. 5 Returned to Select File for Marvel amendment. Marvel amendment adopted.
Advanced for re-engrossment 1655
Apr. 6 Correctly re-engrossed 1676
Apr. 13 Final Reading 1907
Apr. 13 Correctly enrolled. Speaker signed 1950
Apr. 13 Presented to Governor 1960
Apr. 14 Reutzel explanation of vote 1986
Apr. 19 Approved by Governor. Line-item veto 2150
Apr. 21 Appropriations Committee report 2286

LEGISLATIVE BILL 953 By Appropriations Committee

Mar. 6 Read first time. Placed on General File 1079
Mar. 9 George amendment printed 1152
Mar. 14 George amendment lost.
Advanced for review 1257
Mar. 14 Burrows amendments printed 1258
Mar. 16 Placed on Select File 1315
Mar. 16 Barnett amendments printed 1336
Mar. 22 Warner and Kremer amendments adopted.
Laid over 1432
Mar. 22 Burrows, Barnett and Koch amendments lost.
Advanced for engrossment 1442
Mar. 22 Message from the Governor 1455
Mar. 22 Bracketed 1462
Mar. 28 F. Lewis amendment printed 1521
Apr. 3 Replaced on Select File 1555
Apr. 3 Expedited 1571
Apr. 3 Advanced for engrossment. Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for engrossment 1583

Apr. 3	Correctly engrossed	1600
Apr. 4	F. Lewis amendments withdrawn. Returned to Select File for F. Lewis amendment	1617
Apr. 4	F. Lewis amendment adopted. Advanced for re-engrossment	1618
Apr. 4	Replaced on Select File. Advanced for re-engrossment	1628
Apr. 4	Correctly re-engrossed	1638
Apr. 6	Schmit motion withdrawn. Schmit and Simon motion to return to Select File for amendment lost. F. Lewis motion to lay over lost. Duis motion to reconsider withdrawn	1672
Apr. 6	Final Reading	1677
Apr. 6	Correctly enrolled. President signed	1693
Apr. 6	Presented to Governor	1699
Apr. 7	Correction in Journal	1701
Apr. 12	Approved by Governor. Line-item veto	1868
Apr. 19	Warner motion to override line-item vetoes, part prevailed and part failed	2159
Apr. 19	Lamb motion to reconsider lost	2170
Apr. 21	Delivered to Secretary of State. Certificate	2295
May 2	Message from Secretary of State	2317

LEGISLATIVE BILL 954 By Appropriations Committee

Mar. 6	Read first time. Placed on General File	1079
Mar. 16	Nichol amendment lost. Advanced for review	1323
Mar. 17	Placed on Select File	1356
Mar. 22	Warner amendment adopted. Advanced for engrossment	1428
Mar. 22	Bracketed	1462
Mar. 23	Replaced on Select File	1496
Apr. 3	Advanced for engrossment	1560
Apr. 3	Expedited	1571
Apr. 3	Correctly engrossed	1600
Apr. 5	Nichol motion withdrawn. Final Reading	1643
Apr. 6	Correctly enrolled. President signed	1676
Apr. 6	Presented to Governor	1691
Apr. 12	Approved by Governor	1854

LEGISLATIVE BILL 955 By Nichol at request of Governor

Mar. 7	Read first time	1114
Mar. 8	Placed on General File	1123
Mar. 10	DeCamp amendment printed	1201
Mar. 17	Rumery and Nichol amendments printed	1370
Mar. 22	DeCamp amendment withdrawn. Rumery and Nichol amendments ruled out of order. Advanced for review. Expedited. All names added	1453
Mar. 23	Placed on Select File	1479
Apr. 3	Advanced for engrossment	1605
Apr. 4	Correctly engrossed	1634
Apr. 6	Final Reading	1671
Apr. 6	Correctly enrolled. President signed	1681
Apr. 6	Presented to Governor	1691
Apr. 12	Approved by Governor	1853

LEGISLATIVE BILL 956 By Appropriations Committee

Mar. 8	Read first time. Placed on General File	1138
Mar. 13	DeCamp amendments printed	1233
Mar. 17	DeCamp amendment lost. Advanced for review	1355
Mar. 21	Placed on Select File	1388
Mar. 22	Bracketed	1462
Mar. 23	Warner amendments adopted. Marsh and George amendments lost. Advanced for engrossment	1468
Apr. 3	Replaced on Select File	1555
Apr. 3	Expedited	1571
Apr. 3	Advanced for engrossment. Returned to Select File for Warner amendment	1585
Apr. 3	Warner amendment adopted. Advanced for engrossment	1586
Apr. 4	Correctly engrossed	1615
Apr. 4	Newell motion to return to Select File for amendment lost	1618
Apr. 6	Newell motion to return to Select File for amendment lost	1678
Apr. 6	Final Reading	1679
Apr. 6	Correctly enrolled. President signed	1693
Apr. 6	Presented to Governor	1699
Apr. 7	Correction for Journal	1701
Apr. 12	Approved by Governor. Line-item veto	1868
Apr. 19	Warner motions to override line-item vetoes, part prevailed and part failed. Marsh motion to override line-item veto failed	2165

Apr. 21	Delivered to Secretary of State. Certificate	2296
May 2	Message from Secretary of State	2318

LEGISLATIVE BILL 957 By Appropriations Committee

Mar. 9	Read first time	1155
Mar. 9	Placed on General File	1156
Mar. 14	Burrows amendment printed	1258
Mar. 15	Carsten amendment adopted. Advanced for review	1300
Mar. 16	Barnett amendment printed	1336
Mar. 17	Placed on Select File	1346
Mar. 22	Message from the Governor	1455
Mar. 22	Bracketed	1462
Mar. 23	Laid over	1471
Apr. 3	Burrows, Bereuter and Warner amendments adopted. Barnett amendments withdrawn. Advanced for engrossment	1560
Apr. 3	Expedited	1571
Apr. 4	Correctly engrossed	1615
Apr. 4	Returned to Select File for Fowler amendment	1619
Apr. 4	Fowler amendment adopted. Advanced for re-engrossment	1620
Apr. 4	Correctly re-engrossed	1638
Apr. 5	F. Lewis amendments printed	1664
Apr. 6	Final Reading	1682
Apr. 6	Correctly enrolled. President signed	1693
Apr. 6	Presented to Governor	1699
Apr. 7	Correction for Journal	1701
Apr. 14	Approved by Governor	1984

LEGISLATIVE BILL 958 By Appropriations Committee

Mar. 9	Read first time. Placed on General File	1156
Mar. 16	Merz amendment lost. Advanced for review	1323
Mar. 17	Placed on Select File	1356
Mar. 22	Warner and Murphy amendments adopted. Lamb amendment withdrawn. Advanced for engrossment	1430
Mar. 22	Bracketed	1462
Mar. 28	Replaced on Select File	1505
Mar. 28	Attorney General's Opinion	1540
Apr. 3	Expedited	1571
Apr. 3	Advanced for engrossment	1578

Apr. 3 Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for engrossment 1579
Apr. 3 Correctly engrossed 1600
Apr. 5 Final Reading 1644
Apr. 6 Correctly enrolled. President signed 1676
Apr. 6 Presented to Governor 1691
Apr. 12 Approved by Governor 1854

LEGISLATIVE BILL 959 By Agriculture and Environment Committee

Mar. 9 Read first time 1156
Mar. 10 Referred to Committee on Agriculture and Environment 1193
Mar. 10 Notice of hearing 1204
Mar. 28 Attorney General's Opinion 1506
Apr. 21 Indefinitely postponed 2300

LEGISLATIVE BILL 960 By Appropriations Committee

Mar. 10 Read first time 1203
Mar. 10 Placed on General File 1204
Mar. 16 Advanced for review 1324
Mar. 17 Placed on Select File 1356
Mar. 21 Advanced for engrossment 1401
Mar. 22 Correctly engrossed 1459
Mar. 28 Final Reading 1516
Apr. 3 Correctly enrolled. President signed 1556
Apr. 3 Kelly explanation of vote 1571
Apr. 4 Presented to Governor 1615
Apr. 7 Approved by Governor 1733

LEGISLATIVE BILL 961 By Appropriations Committee

Mar. 10 Read first time. Placed on General File 1204
Mar. 16 Advanced for review 1324
Mar. 17 Placed on Select File 1356
Mar. 21 Advanced for engrossment 1401
Mar. 22 Correctly engrossed 1459
Mar. 28 Final Reading 1517
Apr. 3 Correctly enrolled. President signed 1556
Apr. 3 Kelly explanation of vote 1571
Apr. 4 Presented to Governor 1615
Apr. 7 Approved by Governor 1733

LEGISLATIVE BILL 962 By Appropriations Committee

Mar. 16	Read first time	1330
Mar. 16	Placed on General File	1331
Mar. 17	Advanced for review	1355
Mar. 21	Placed on Select File	1388
Mar. 21	Advanced for engrossment	1401
Mar. 22	Correctly engrossed	1459
Mar. 28	Final Reading	1518
Apr. 3	Correctly enrolled. President signed	1556
Apr. 3	Kelly explanation of vote	1571
Apr. 4	Presented to Governor	1615
Apr. 7	Approved by Governor	1733

LEGISLATIVE BILL 963 By Appropriations Committee

Mar. 16	Read first time. Placed on General File	1331
Mar. 17	Advanced for review	1356
Mar. 21	Placed on Select File	1388
Mar. 21	Warner amendment adopted. Advanced for engrossment	1401
Mar. 22	Correctly engrossed	1459
Mar. 28	Final Reading	1519
Apr. 3	Correctly enrolled. President signed	1556
Apr. 3	Kelly explanation of vote	1571
Apr. 4	Presented to Governor	1615
Apr. 7	Approved by Governor	1733

LEGISLATIVE BILL 964 By Appropriations Committee

Mar. 16	Read first time. Placed on General File	1331
Mar. 21	Maxey amendment adopted. Advanced for review	1404
Mar. 22	Placed on Select File	1459
Apr. 3	Expedited	1571
Apr. 3	Koch amendment lost. Advanced for engrossment	1579
Apr. 4	Correctly engrossed	1615
Apr. 5	Returned to E & R Final by Warner motion	1667
Apr. 6	Correctly re-engrossed	1681
Apr. 7	Replaced on Select File	1702
Apr. 7	Advanced for engrossment	1703
Apr. 7	Correctly re-engrossed	1713
Apr. 14	Final Reading	1975
Apr. 14	Correctly enrolled. Speaker signed	2001
Apr. 14	Presented to Governor	2004
Apr. 21	Approved by Governor	2203

LEGISLATIVE BILL 965 By Appropriations Committee

Mar. 22	Read first time. Placed on General File	1443
Mar. 22	Simon and Reutzel names added	1444
Mar. 23	Advanced for review	1485
Apr. 3	Placed on Select File	1552
Apr. 4	Bracketed	1617
Apr. 6	Change of order. Unbracketed. Simon, Schmit and F. Lewis amendments adopted. Advanced for engrossment. Bracketed	1674
Apr. 12	Replaced on Select File	1837
Apr. 13	Advanced for engrossment	1901
Apr. 13	Bracketed	1928
Apr. 14	Warner amendments printed	2004
Apr. 18	Unbracketed. Returned to Select File for Warner amendment	2057
Apr. 18	Warner amendment adopted. Advanced for engrossment. Returned to Select File for F. Lewis amendment. F. Lewis amendment adopted. Advanced for engrossment. Returned to Select File for Carsten amendment	2058
Apr. 18	Carsten amendment adopted. Advanced for engrossment	2059
Apr. 18	Replaced on Select File. Advanced for engrossment	2081
Apr. 18	Replaced on Select File. Advanced for engrossment	2117
Apr. 18	Correctly engrossed	2118
Apr. 21	Rules suspended	2207
Apr. 21	Final Reading	2278
Apr. 21	George explanation of vote	2280
Apr. 21	Correctly enrolled. President signed	2294
Apr. 21	Presented to Governor	2299
May 2	Approved by Governor. Line-item veto	2308
May 2	Adjutant General letter	2310
May 2	Message from Secretary of State	2320

LEGISLATIVE BILL 966 By Banking, Commerce and Insurance Committee

Mar. 22	Read first time. Placed on General File	1444
Mar. 22	Fowler motion to indefinitely postpone lost. Motion to advance pending	1445
Apr. 13	Change of order. Advanced for review	1903

Apr. 13	Placed on Select File	1950
Apr. 14	Advanced for engrossment	1967
Apr. 17	Correctly engrossed	2025
Apr. 19	Final Reading	2142
Apr. 19	Correctly enrolled. President signed	2153
Apr. 19	Presented to Governor	2173
May 2	Approved by Governor	2305

LEGISLATIVE BILLS

By Original Introducers

WALLY BARNETT, JR.

457 District election of Lincoln school board of education.
562 Transfer of criminal proceedings to any other district or county.
563 State Fire Marshal Act changes
623A Appropriation Bill.
673 Test fee in driving convictions when under influence of drugs, liquor.
685 Seizure of animals by rabies control authority.
729 Settlement of disputes over wholesale power service charges.
742 Duplicate park entry permits.
742A Appropriation Bill.
780 Liquor container disposal by minors and other liquor provision changes.
781 Maximum weekly duty hours for firemen.
809 Authorizing sale or lease of county owned real estate.
955 Name NETV Building as Terry M. Carpenter Building.

DOUGLAS K. BEREUTER

44 Administrative Rules and Regulations Review Committee.
142 Nebraska Product-Liability Act.
171 Acquisition of Major's Hall, Peru State College.
186 Planning commissions, land-use planning changes.
449 Nebraska Public Service Commission Reform Act.
566 Adoption investigations.
567 Willa Cather Center.
567A Appropriation Bill.
665 Products liability revision.
697 Legislative Fiscal Analyst analyses on administrative agencies.
707 Conditions for landowners receiving cost-share funds.
733 Increasing Veterans' Aid Fund.
752 Possession of liquor while in private motor vehicle.
777 Legislature's Committee on Administrative Agency Rules and Regulations.
818 Provide for control of beverage containers.

847 Including bond fund money with county distribution payments.
955 Name NETV Building as Terry M. Carpenter Building.

BILL BRENNAN

416 Tax on intangible property income.
446 Rights of teachers, administrators in employment contracts.
629 Increasing previously determined workmen's compensation benefits.
630 Increasing weekly workmen's compensation benefits.
631 Increasing maximum amount in unemployment benefits.
704 Redefining final order of Court of Industrial Relations.
705 Per diem increase for judges of Court of Industrial Relations.
708 Approval for acquisition of interest in real property by SID.
720 Metropolitan transit authority board membership increase.
919 Extending time for employment security appeals.
955 Name NETV Building as Terry M. Carpenter Building.

KEITH M. BOUGHN

325 Registration of school psychologists.
375 Reduction in force of school district employees.
403 Attachment of Class I school district to adjoining district.
404 Motorized bicycles.
423 Supplemental retirement benefits for teachers.

GEORGE W. BURROWS

130 Integrated corporations ownership restrictions.
192 Adjusted gross income tax for state aid to schools.
192A Appropriation Bill.
380 Practice of clinical psychology.
380A Appropriation Bill.
416 Tax on intangible property income.
632 Initiative, referendum petition requirements.
728 Prohibiting certain corporations from owning agricultural land.
751 Restrictions on real estate investment trusts.
776 Extended area telephone service.
857 Tax exempt pension, profit-sharing, or stock bonus trust.
955 Name NETV Building as Terry M. Carpenter Building.

CALVIN F. CARSTEN

642 Homestead exemption for residences on leased land.
665 Products liability revision.
700A Appropriation Bill.
718 Removal of elected officials in second class cities.
840 Appropriation for research on biomass.
907 Merger of village volunteer fire department and rural fire district.
955 Name NETV Building as Terry M. Carpenter Building.

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.
408 Disciplining of Supreme Court Judges or other judge, C.A.
436 Nebraska Legal Information Center.
618 Incriminating testimony by prostitutes.
619 Increasing speed limits.
620 Exempting food and food products from sales and use taxes.
695 Prohibiting person on parole or probation as undercover agents.
710 Nebraska law applicable to National Guard members on active duty.
711 Supreme court review and analysis of all criminal homicides committed.
749 Reports of all criminal homicide cases filed in district court.
843 Surveillance by out-of-state headquartered law enforcement agencies.
891 Application for a new trial.
901 Professional negligence of attorneys, limitation of action against.
955 Name NETV Building as Terry M. Carpenter Building.

ROBERT L. CLARK

87 Drunken driving first offense conviction.
447 Oil, gas cost, expense recovery figures in pooling orders.
661 Prospecting for minerals.
665 Products liability revision.

703 Public work as an additional probation condition.
800 Per diem increase for Power Review Board.
945 NETV, destroyed facility, replacement appropriation.
955 Name NETV Building as Terry M. Carpenter Building.

RON COPE

590 Electric generator testing.
591 Temporary council chairperson in particular class cities.
643 County petty cash fund.
665 Products liability revision.
693 Establishing Nebraska Safety Center.
693A Appropriation Bill.
890 Nebraska Jobs Creation Act.
955 Name NETV Building as Terry M. Carpenter Building.

SAMUEL K. CULLAN

186 Planning commissions, land-use planning changes.
234 Taxation of mobile homes, C.A.
589 Board of education procedures for suspension and expulsion.
756 Repayment procedures for overcharges and agencies.
793 Statewide system of technical community colleges.
803 Technical community college fund distribution in low density areas.
803A Appropriation Bill.
804 Changing taxation provisions relating to railroads.
945 NETV, destroyed facility, replacement appropriation.
955 Name NETV Building as Terry M. Carpenter Building.

JOHN W. DECAMP

184A Appropriation Bill.
187 Penalty changes for possession of marijuana.
188 Probationary period for school teachers and administrators.
210 Conflicts of interests, land ownership disclosure change.
259 Industrial loan and investment changes.
385 Bank Holding Company Act.
385A Appropriation Bill.
386 Liquor licenses and disposal of containers by minors.
404 Motorized bicycles.
757 Distribution of state aid to education.

758 Legal expense insurance.
774 Repealing Political Accountability and Disclosure Act provisions.
775 Payment of court costs and fees by state agencies.
818 Provide for control of beverage containers.
822 Overtime compensation to state employees.
850 Employment of persons confined in correctional institutions.
900 Excluding coin-operated mechanical game as gambling device.
955 Name NETV Building as Terry M. Carpenter Building.

HERBERT J. DUIS

361 Real estate licensing, business procedures change.
553 Nonbailable sexual offenses, C.A.
554 Redefining sexual offense, sexual sociopath hearing.
555 Penalty change for sexual assault in the first degree.
556 Bail procedure change in sexual assault cases.
659 Real estate appraiser licenses.
670 Changing garnishment procedures.
819 Harmonizing provision of Political Subdivisions Tort Claims Act.
955 Name NETV Building as Terry M. Carpenter Building.

EDWIN V. DVORAK

955 Name NETV Building as Terry M. Carpenter Building.

DONALD N. DWORAK

149 Beneficial use of irrigation defined.
177 Regular paydays for employees, remedies for nonpayment.
216 Use of aircraft to shoot coyotes.
295 Nine-member Board of Trustees for Higher Education, C.A.
609 Use of electronic voting devices.
610 Motor vehicle repair plates.
611 Automatic railroad grade crossing protection devices.
615 Natural resources district regulation of its own lands.
696 Office for signing referendum or initiative petitions
713A Appropriation Bill.
789 Changing various liquor provisions.
806 School census reports.
818 Provide for control of beverage containers.

839 Board of Nursing review authority to Department of Health.
839A Appropriation Bill.
841 Changing procedures for release of committed persons.
899 Changing provisions relating to political subdivision budget adjustments.
955 Name NETV Building as Terry M. Carpenter Building.

TOM FITZGERALD

607 Douglas County Nebraska Veterans' Home.
955 Name NETV Building as Terry M. Carpenter Building.

STEVE FOWLER

233 Voting, booth access for handicapped persons, mail registration.
276 Requiring corroboration of testimony of drug informants.
367 Nebraska Legal Services Commission.
449 Nebraska Public Service Commission Reform Act.
573 Redefining unprofessional conduct by funeral directors.
594 Removing certain exceptions for municipalities supplying electricty.
601 Nebraska Public Radio Act.
669 Training of physicians' assistants at U of N College of Medicine.
682 Unicameral Research Institute.
729 Settlement of disputes over wholesale power service charges.
759 Restricting construction of radioactive waste facilities.
818 Provide for control of beverage containers.
854 Revising various sex discrimination provisions.
867 Sunday horse racing.
955 Name NETV Building as Terry M. Carpenter Building.

WALTER GEORGE

392 Homestead exemptions.
407 Homestead exemption.
628 Receipt of federal funds by individuals for historical property.
665 Products liability actions.
691 Increasing mileage allowance for county officers and employees.

691A Appropriation Bill.
955 Name NETV Building as Terry M. Carpenter Building.

GLENN A. GOODRICH

89 UNO health, physical education, recreation facility appropriation.
92 Medical assistance payments.
92A Appropriation Bill.
159 Private housing authorities.
665 Products liability actions.
727 Juvenile court detention center in metropolitan class cities.
746 Commission to Strengthen State Government.
838 Changing Membership of Landmark Heritage Preservation Commission.
842 Exempting Girl and Boy Scouts personal property from sales and use tax.
851 Issuance of bonds by governmental subdivisions, C.A.
902 Increasing to 1.5 percent, the city sales tax ceiling.
955 Name NETV Building as Terry M. Carpenter Building.

WILLIAM H. HASEBROOCK

244 Sales, use tax refunds for pollution control facility owners.
665 Product liability actions.
955 Name NETV Building as Terry M. Carpenter Building.

ELROY M. HEFNER

216 Use of aircraft to shoot coyotes.
652 Political subdivisions and educational service units budgets.
658 Elimination nursing review course requirement.
665 Products liability actions.
787 Time for which a person may be denied unemployment benefits.
823 Increasing fees retained by vendors of hunting and fishing permits.
865 School tax levy for Class I, II districts on Indian Reservation.
866 Prohibits passengers under age of twelve on motorcycles.
893 Exempting certain persons from filing requirement in Sunshine Act.
955 Name NETV Building as Terry M. Carpenter Building.

MARTIN F. KAHLE

360 Grain and seed excise tax proceeds
442A Appropriation Bill.
519 Local government's revenue sharing.
567 Willa Cather Center.
567A Appropriation Bill.
643 County petty cash fund.
665 Products liability action.
744 Revising sheriffs' fees.
745 Advance payment of fees to county clerk.
955 Name NETV Building as Terry M. Carpenter Building.

RALPH D. KELLY

121 Tenant security deposits.
372 Redefining child care.
665 Product liability action.
677 Higher tax assessment without receipt of written notice.
678 Denial of probation in certain instances.
679 Raising legal age for consumption of alcoholic liquors.
680 Prohibiting use and sale of fireworks.
681 Designation of open space or park land by first class cities.
682 Unicameral Research Institute.
683 Establishing or dissolving rural library districts.
877 Construction of Nebraska Public Safety Academy.
913 Changing name of Nebraska Law Enforcement Training Center.
955 Name NETV Building as Terry M. Carpenter Building.

THOMAS C. KENNEDY

616 Court facilities in certain first-class cities.
617 Procedure for removing designation of industrial area.
917 Eminent domain procedures changes.
955 Name NETV Building as Terry M. Carpenter Building.

ORVAL A. KEYES

28 Premium taxation rates increase.
557 Credits recreational vehicle tax proceeds to Recreation Road Fund.

644 Changing Board of Equalization and Assessment membership, C.A.
665 Product liability actions.
698 Exemption from retaliatory taxation of insurance companies.
801 Sale of land by sanitary and improvement districts.
886 Property classification and exemption from taxation by Legislature, C.A.
912 Registration of apprentice electricians.
912A Appropriation Bill.
914 Payment in lieu of taxes, certain public corporations, and political subdivisions, C.A.
955 Name NETV Building as Terry M. Carpenter Building.

GERALD D. KOCH

33A State aid to schools.
44 Administrative Rules and Regulations Review Committee
170 Statewide computerized property tax valuation.
428 Notice of school administrators' contracts.
663 State assistance to Education Fund.
733 Increasing Veterans' Aid Fund.
733A Appropriation Bill.
735 Outdoor Recreation Development Act.
736 Motor vehicles transporting passengers for hire within municipalities.
737 Immunological response to rubella marriage license requirement.
737A Appropriation Bill.
738 Nebraska Computer Privacy Act.
739 Retroactive retirement benefits to spouses of public employees, C.A.
740 Registration of school psychologists.
741 Out-of-state higher education institutions within Nebraska.
871A Appropriation Bill.
889 Education programs for handicapped children less than five years of age.
889A Appropriation Bill.
955 Name NETV Building as Terry M. Carpenter Building.

MAURICE A. KREMER

212 Jail Standards Board.

247 Ground Water Protection Act.
373 Installment contracts for purchases of mobile homes.
402 Driver's education for motor vehicle operator's license.
665 Products liability actions.
773 Filing fee exception for secretary to Power Review Board.
955 Name NETV Building as Terry M. Carpenter Building.

BERNICE LABEDZ

407 Homestead exemption.
407A Appropriation Bill.
647 Option to court appearance in certain traffic offenses.
906 Changing State Electrical Board standards.
955 Name NETV Building as Terry M. Carpenter Building.

HOWARD LAMB

339 Technical Community College Board of Governors.
394 Election for municpal sales and use tax.
638 State aid to schools distribution change.
658 Eliminating nursing review course requirement.
665 Product liability actions.
835 Fixing compensation for certain city and village officers and employees.
955 Name NETV Building as Terry M. Carpenter Building.

FRANK L. LEWIS

99 Income and sales tax rates.
270 Reports to Legislature of General Fund receipts.
271 District court reporter fee increase.
426 Bottle clubs and alcoholic liquors.
743A Appropriation Bill.
756 Repayment procedures for overcharges to agencies.
796 Exempting certain bowling establishments from additional liquor license.
955 Name NETV Building as Terry M. Carpenter Building.

RICHARD LEWIS

108 Red Willow, Swanson Reservoir State Recreation Areas.
849 Moratorium on foreclosure of farm mortgages.
869 Reimbursement to state employees for travel by privately-owned airplane.

887 Purchase, lease of communications facilities, services by power districts.
916 Creating the Nebraska Correctional Services Commission.
917 Eminent domain procedures changes.
955 Name NETV Building as Terry M. Carpenter Building.

ROLAND A. LUEDTKE

489 Postsecondary education appropriation.
490 State aid to local governments and individuals.
493 Appropriations for expenses of state government.
495 Appropriations for capital construction.
496 State aid for children.
729 Settlement of disputes over wholesale power service charges.
765 Deleting restriction on rebates or reduction of charges to user agencies.
927 Defining crippled child.
928 Assistance for rural areas in securing medical care.
928A Appropriation Bill.
929 Pay plan and salary increases for state employees.
930 Appropriation for payment of salaries of state officers.
931 Changing name of Public Welfare Department to Nebraska Department of Human Services.
932 Issuance and fee for motor vehicle license plates.
933 National Guard enlistment bonus.
934 Increasing Nebraska Veterans' Aid Fund.
935 DAS Accounting Revolving Fund.
936 Appropriation for payment of salaries of members of Legislature.
937 Appropriations and reaffirmations.
938 Appropriations for capital construction projects.
939 Appropriations for operation of state agencies.
942 Defining carpooling, vanpooling, guest passenger.
950 Committed offenders, definite term sentence.
955 Name NETV Building as Terry M. Carpenter Building.

RICHARD MARESH

234 Taxation of mobile homes, C.A.
240 Political Accountability and Disclosure Act exemptions.
322 Assistance for medically needy areas, C.A.
411 Discontinuance of watershed conservancy districts.

574 Temporary driver's license when unavailable for photograph.
575 Increasing membership of State Board of Health.
665 Products liability revision.
750 Livestock forage vehicles width and length limitation change.
844 Additional credentials for reciprocity of medicine and surgery licenses.
884 Medical student loan program.
884A Appropriation Bill.
904 General knowledge test of all sixth and eleventh grade students.
918 Exemption from stopping at state scales.
955 Name NETV Building as Terry M. Carpenter Building.

SHIRLEY MARSH

75 Fine increase for certain offenses.
592 Removing mandatory retirement age for certain state employees.
601 Nebraska Public Radio Act.
606 Changing name on motor vehicle operator's license.
732 Public Welfare Department services until age 21 if child is a student.
732A Appropriation Bill.
802 Increasing annual delay rentals on oil and gas leases.
817 Enforcement unit within State Fire Marshal's office.
831 Changing restrictions on control of noise.
955 Name NETV Building as Terry M. Carpenter Building.

RICHARD D. MARVEL

316 Access roads on isolated land.
665 Products liability revision.
793 Statewide system of technical community colleges.
854 Revising various sex discrimination provisions.
887 Purchase, lease of communications facilities, services by power districts.
955 Name NETV Building as Terry M. Carpenter Building.

JO ANN MAXEY

198 Increased retirement benefits for certain U of N retirees.
198A Appropriation Bill.
329 Martin Luther King, Jr. Day

375 Reduction in force of school district employees.
388 Wyuka Cemetery.
457 District election of Lincoln school board of education.
642 Homestead exemption for residences on leased land.
729 Settlement of disputes over wholesale power service charges.
859 Disposition of Unclaimed Property Act exemption change.
860 Depositing county court unclaimed monies in Permanent School Fund.
916 Creating the Nebraska Correctional Services Commission.
955 Name NETV Building as Terry M. Carpenter Building.

NELSON MERZ

226 Municipal Cooperative Financing Act.
404 Motorized bicycles.
416 Tax on intangible property income.
596 Option for Class I, II, III school districts kindergarten programs.
597 Restricting display of material depicting nudity.
598 Restricting placement of irrigation wells.
665 Product liability action.
719 County health facilities board of trustees salary limitation, mileage.
747 Campground improvements at Indian Cave State Park.
800 Per diem increase for Power Review Board.
800A Appropriation Bill.
902 Increasing to 1.5 percent the city sales tax ceiling.
902A Appropriation Bill.
955 Name NETV Building as Terry M. Carpenter Building.

JACK D. MILLS

128 Unemployment compensation benefit changes.
217 Control of runoff of water on a statewide basis.
293 Alcoholic beverages tax increase, DPI Alcoholism Cash Fund.
323 Exempting solar energy systems from taxation, C.A.
559 Ineffective single-family dwelling ordinances.
560 County board approval for certain expenditures.
586 Appropriation for modernizing Rock Creek Fish Hatchery.
603 Increasing salaries of county, district court judges.
742 Duplicate park entry permits.
818 Provide for control of beverage containers.

903 Operation of aircraft while under influence of alcoholic liquor or drugs.
955 Name NETV Building as Terry M. Carpenter Building.

HAROLD T. MOYLAN

102 School retirement annuity adjustments.
350 Paraplegics, blind, mobile home, motor vehicle taxes, exempt.
405 Selection of Nebraska Natural Resources Commission.
405A Appropriation Bill.
406 Audiologists and speech pathologists.
406A Appropriation Bill.
583 State Anatomical Board membership change.
621 Penalty change for injuring or obstructing roads.
791 Landowners responsibility for mowing vegetation from roadway edges.
955 Name NETV Building as Terry M. Carpenter Building.

JOHN ROBERT MURPHY

48 Minimum standard health-care benefits.
98 Implementation of acts of Legislature.
249 Coal slurry pipeline.
641 Interest on bank reserve deficiencies.
684 Increasing State Racing Commission membership.
686 Defining public records.
712 Additional factors in Court of Industrial Relations findings.
713 Security, Privacy, & Dissemination of Criminal History Information Act.
756 Repayment procedures for overcharges to agencies.
775 Payment of court costs and fees by state agencies.
843 Surveillance by out-of-state headquartered law enforcement agencies.
955 Name NETV Building as Terry M. Carpenter Building.

DAVID R. NEWELL

42 Property taxation.
105 Partisan Legislature.
107 Personal Property Tax Relief Fund appropriation maximum.
140 Removal of withholding gasoline tax from counties.
153 Establishment of salary for members of Legislature, C.A.

327 Sales and use, income tax rates, eliminating nearly equal levy.
381 State employees salary increase.
382 Income tax checkoff for political parties.
588 Minimum insulation standards for houses.
601 Nebraska Public Radio Act.
626 Written consumer agreements.
627 Exempts certain foods from sales tax, eliminating tax credit.
664 Acquisition of art works for public buildings.
694 Safety services and equipment at construction sites.
804 Changing taxation provisions relating to railroads.
805 Qualifications, terms, and membership of civil service commissions.
848 Final order of Court of Industrial Relations.
955 Name NETV Building as Terry M. Carpenter Building.

WILLIAM E. NICHOL

15 Lake Minatare State Recreation Area.
18 Installment loan maximum amount, interest rate increase.
448 Auditor of Public Accounts.
448A Appropriation Bill.
576 Rules of the road mobile home width exception.
577 Granting authority relating to irrigation, drainage ditches, canals.
578 Additional registration exemptions for commercial feeding stuffs.
579 One county permit required for hauling crops.
580 Consecutive terms of office for board of health members.
581 Changing hours when motor vehicle lights must be used.
593 Decriminalizing certain intoxication offenses.
665 Products liability action.
672A Appropriation Bill.
730 Changing election hours.
731 Court consultants who are not attorneys.
955 Name NETV Building as Terry M. Carpenter Building.

DENNIS RASMUSSEN

315 Transfer of DPI funds to Veterans' Home Building Fund.
395 Registration fee for cabin trailers, implements of husbandry.
564 Changing National Guard educational benefits.
564A Appropriation Bill.

565 Specification of meat substitutes and imports on restaurant menus.
572 Board of Diploma Nursing Schools.
599 Increasing maximum amount of state funds deposited in banks.
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733 Increasing Veterans' Aid Fund.
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690 Immunity to certain private security forces.
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917 Eminent domain procedures changes.
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569 Continued existence of Board of Cosmetologist Examiners.
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571 Eligibility date in defining Vietnam veterans.
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701 Redefining sexual assault terms.
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675 Temporary educational permits to practice pharmacy.
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782 Amount of motor vehicle registration fees retained by county.

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883 Changing certain fees paid to Water Resources Department.
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751	759	790	818	821	857	858	864
911	917	926	959				

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Chairman - Jerome Warner

89	171	381	413	437	449	489	490
493	495	519	526	538	664	697	733
735	747	755	756	762	765	797	825
840	869	897	898	923	924	929	934
935	937	938	939	946			

Banking, Commerce & Insurance

Chairman - John W. DeCamp

18	48	202	258	259	262	331	361
373	385	464	465	502	599	600	626
641	645	653	654	655	656	657	659
662	665	698	716	717	754	758	760
763	764	766	767	768	769	770	771
772	786	815	826	836	859	892	940

Business & Labor

Chairman - Richard Maresh

128	177	424	529	535	629	630	631
694	705	712	787	848	890	919	943
944	LR42						

Constitutional Revision & Recreation

Chairman - Gerald D. Koch

15	21	75	76	105	108	109	153
216	234	281	282	295	297	322	323
408	469	553	582	586	612	613	614
644	734	739	742	823	824	827	828
851	885	886	914	LR63			

Education

Chairman - Frank Lewis

188	339	375	378	403	428	440	441
442	444	445	446	457	508	589	596
601	638	663	693	741	743	757	779
793	802	803	806	846	865	871	872
873	874	875	876	888	889	904	908

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Chairman - Dennis L. Rasmussen

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388	434	448	541	560	563	564	567
568	569	570	571	607	608	617	628
632	643	683	686	691	696	710	715
719	722	723	724	725	726	730	744
745	753	792	798	799	807	809	817
822	847	855	907	933	941		

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Chairman - Wally Barnett

64	65	121	142	165	166	168	169
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554	555	556	561	562	566	593	597
603	616	618	622	623	624	625	649
650	668	670	672	678	680	690	695
700	701	703	704	711	714	727	729
731	749	775	808	819	829	841	843

849 850 852 854 860 877 891 900
901 910 913 915 916 920 950
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210 240 293 329 386 426 523 585
604 661 679 682 684 706 713 738
746 752 774 777 780 789 796 833
834 867 893 903 906 912 925

Nebraska Retirement Systems

Chairman - William H. Hasebroock

102 198 341 342 343 348 423 592
810 811

Public Health & Welfare

Chairman - Richard Lewis

92 325 372 380 406 496 501 572
573 575 580 583 588 595 605 633
648 658 669 671 674 675 676 685
732 737 740 761 778 794 795 812
813 814 820 839 844 853 856 884
927 928 931 947 LR152

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Chairman - Maurice A. Kremer

51 87 149 217 247 248 249 296
298 299 300 313 316 377 395 402
404 405 411 420 447 534 576 579
581 584 587 594 598 606 610 611
615 619 621 647 666 667 673 687
688 702 707 721 750 773 776 782
783 784 785 791 800 816 831 837

845 862 866 878 879 880 881 882
883 887 894 895 909 918 921 932
942

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Chairman - Orval A. Keyes

28 42 99 107 140 170 192 244
270 327 350 351 360 382 392 394
407 416 557 620 627 635 640 642
651 652 677 699 709 736 804 842
899 902 905 LR154 LR155

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Chairman - Walter George

159 226 476 558 559 577 591 602
609 634 681 708 718 720 781 788
801 805 830 832 835 838 861 868
870 949

SUMMARY OF LEGISLATIVE BILLS

The following table shows the final disposition of each bill

Length 60 days

Total Number of Bills Introduced, 85th Legislature.....966
Total Number of "A" Bills Introduced, 85th Legislature 89
Total Number of Carryover Bills, 1st Session.....172
Total Number of Carryover "A" Bills, 1st Session.....11
Total Number of New Bills, 2nd Session.....416
Total Number of New "A" Bills, 2nd Session.....46
Total Number of Resolutions Introduced 310
Total Number of Bills to Become Law.....275

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153CA	165	168	169	186e	198	198A	202
212e	216	217e	233	244	248	258e	258A
259e	262	270	271	276	286	315e	323CA
327	329	351	361	373e	375e	380e	380Ae
386	394e	395	406	406A	407	407Ae	411
420	424e	441	446e	447e	457	460e	464
469CA	476	501	502	508e	519	529	534
541	541Ae	551	552e	553CA	554	558	560e
561	562	564	564A	566	567	567A	568e
569e	570	571e	574e	574A	575	578	580
583	585	591	593	596	599e	600e	605
606	609	612e	613	618	623e	623Ae	625
628e	632e	634	636	637	639e	639Ae	641e
643	649	650	653	655e	656e	658	659
660e	661e	662	664	665	668e	670	671
672	672A	673	675	676e	676A	682	685e
688	689e	691	692e	695	697	700e	700Ae
701	707e	708	713e	713Ae	715	717	719
722e	723e	724e	725e	732	732A	733e	733Ae
737	737A	739CA	742e	742Ae	743e	743Ae	748e
749e	750	754	757e	760	761e	763	766
767	771	772	773	783	786	786A	796
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813	814	815	816	819	826	828	829

830 833 836 837 845e 847e 851CA 855
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871Ae 872 874 877e 884 884A 885 889
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910A 917 920 922 923e 930e 932 936e
937e 945e 946e 946Ae 951e 954e 955 957e
958e 960e 961 962 963e 964e 966e

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952e* 965e*

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87 92 92A 184 184A 210 404e 448
582 875e 897Ae

Passed Notwithstanding the Objections of Governor, 18:

44 98e 108e 526e 576e 586e 624 624A
693 693A 711 756e 897e 902e 924e* 943e*
953e* 956e*

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281 282CA 293 295CA 296 297 298 298A
299 300 313 322CA 325 331 339 341
342 343 348 350 351A 367 377 378
381 382 385 385A 388 392 402 403
405 405A 408CA 413 416 423 426 428
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449 455 465 489 490 493 495 496
502A 523 535 538 555 556 557 559
563 565 572 573 577 579 581 584

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598	601	602	603	604	607	608	610
611	614	615	616	617	619	620	621
622	626	627	629	630	631	633	635
638	640	642	644CA	645	646	647	648
651	652	654	657	663	666	667	669
677	678	679	680	681	683	684	686
687	690	694	696	698	699	702	703
704	705	706	709	710	712	714	716
718	720	721	726	726A	727	728	729
730	731	734CA	735	736	738	740	741
744	745	746	747	751	752	753	755
758	759	762	764	765	768	769	770
774	775	776	777	778	779	779A	780
781	782	784	785	787	788	789	790
791	792	793e	794	795	795A	797	798
799	801	804	805	806	808A	809	810
811	817	818	820	821	822	823	824CA
825	827	831	832	834	835	838	839
839A	840	841	842	843	844	846	848
849	850	852	853	854	856	857	858
862	864	865	866	873	876	878	879
880	881	882	883	886CA	887	888	890
891	893	894	895	898	899	901	902A
904	905	909	911	912	912A	913	914CA
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308	309	310					

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Compiled by

Patrick O'Donnell
Clerk of the Legislature

Elsye Firestone, Index Clerk

Note: LB 665 was introduced by the Banking and Commerce Committee, DeCamp, Chairman, Schmit, Duis, Labedz, Mills, Murphy, and Goodrich, Bereuter, Reutzel, Nichol, Hasebroock, Kahle, Cope, Savage, Hefner, Kremer, Kelly, Stoney, Lamb, Marvel, George, Keyes, R. Maresh, Rumery, Venditte, Clark, Carsten.

LB 955 was introduced by Nichol at the request of the Governor with Barnett, Bereuter, Brennan, Burrows, Carsten, Chambers, Clark, Cope, Cullan, DeCamp, Duis, E. Dvorak, D. Dworak, Fitzgerald, Fowler, George, Goodrich, Hasebroock, Hefner, Kahle, Kelly, Kennedy, Keyes, Koch, Kremer, Labedz, Lamb, F. Lewis, R. Lewis, Luedtke, R. Maresh, S. Marsh, Marvel, Maxey, Merz, Mills, Moylan, Murphy, Newell, Rasmussen, Reutzel, Rumery, Savage, Schmit, Simon, Stoney, Venditte, Warner.

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43-210.01	A	700
43-512	A	496
43-512.01	A	748
43-512.05	A	960
43-512.10	A	960
43-617	R	442
to 43-620		
43-627	A	442
43-645	A	871
43-646	A	889
43-646.01	A	889
43-654	A	442
43-905	A	732
43-1493	A	186
44-139	A	836
to 44-142		
44-143	R	836
44-144	R	836
44-145	A	836
44-146	R	836
44-147	A	836
44-150	A	698
44-201	A	767
44-311.03	A	769
44-320	A	769
44-407.04	A	854
44-407.08	A	854
44-502	A	262
44-515	A	748
44-1525	A	766
44-1620.01	A	923
44-1620.02	R	923
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44-1625	A	771
44-2118	A	770
45-114	A	18
45-137	A	18
45-138	A	18
45-335	A	373
46-139	A	42
46-144	A	42
46-154	A	721
46-1,127	A	42
46-204	A	313
46-204	A	687
46-206	R	296
46-230	A	909
46-234	A	296
46-235	A	296
46-236	A	296
46-256	A	667
46-261	A	882
46-265	A	296
46-516	A	42
46-538	A	721
46-543	A	42
46-544	A	42
46-553	A	42
46-574	A	42
46-602	A	247
46-602	A	909
46-609	A	598
46-613	A	313
46-631	A	42
46-651	A	881
46-658	A	785
46-663	A	666
46-664	A	217
46-665	A	784
46-666	A	784
46-673	A	42
46-673	A	879
48-108	A	649
48-120	A	529
48-121	A	630
48-122	A	630
48-122.03	A	630

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48-136	A	649
48-139	A	649
48-153	A	649
48-158	A	653
48-159	A	672
48-173	A	649
48-174	A	649
48-176	A	649
48-177	A	649
48-501	R	535
48-502	R	535
48-503	A	535
to 48-508		
48-510	A	535
to 48-513		
48-512	A	854
48-515	A	535
48-516	A	535
48-518	A	535
to 48-521		
48-522	R	535
48-523	A	535
48-524	A	535
48-609	A	653
48-618	A	653
48-624	A	631
48-628	A	128
48-628	A	424
48-628	A	787
48-634	A	919
48-638	A	919
48-649	A	128
48-669	A	631
48-701	A	653
48-804.03	A	653
48-806	A	705
48-812	A	848
48-818	A	712
49-236	A	948
49-617	A	168
49-803	A	551
49-1493	A	893
49-1496	A	210
50-423	A	526
51-201	A	42
51-316	A	42
51-501	A	42
52-1102	A	645
52-1103	A	645
53-102	A	386
53-102	A	780
53-103	A	679
53-103	A	789
53-109	A	653
53-109	A	789
53-120	R	789
53-121	R	789
53-122	A	789
53-123	A	789
53-123.02	A	426
53-123.02	R	789
53-123.03	A	426
53-123.04	A	789
53-123.05	A	789
53-123.06	R	789
53-123.08	R	789
53-124	A	426
53-124	A	789
53-124.01	R	789
53-124.02	A	789
53-124.03	A	789
53-124.03	A	796
53-124.05	A	789
53-124.07	A	789
53-125	A	789
53-127	R	789
53-129	A	789
53-131	A	789
53-132	A	386
53-132	A	789
53-133	A	386
53-134	A	789
53-135.01	A	426
53-135.01	A	789
53-138.02	A	789
53-138.03	A	789
53-140	A	789
53-141	R	789
53-142	A	426
53-142	A	789
53-143	R	789
to 53-145		
53-146	R	789
53-160	A	293
53-160	A	426
53-160.03	R	426
to 53-160.07		
53-160.03	R	789
to 53-160.07		
53-160.08	A	386
53-166	A	789
53-168	A	386
53-168	A	780
53-168.02	A	426
53-177	A	789
53-179	A	386
53-179	A	789
53-180.02	A	679
53-180.04	A	679
53-180.07	A	780
53-183	A	780
53-183	A	789
53-184	A	789
53-188	A	789
53-196	R	593
53-1,106	A	780
54-101	A	748
54-137	A	748
54-141	A	748
54-160	A	748
54-201	A	852
54-821	A	578
55-123	A	653
55-126	A	653
55-127	A	653
55-134	A	854
55-135	A	570
55-136	A	570

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55-138	A	570
55-143	A	570
55-150	A	653
57-104	A	661
57-905	A	661
57-909	A	447
57-917	A	653
57-1101	A	249
57-1103	A	249
60-107	A	248
60-301	A	404
60-301	A	942
60-305.09	A	862
60-305.09	A	963
60-311	A	932
60-315	A	862
60-320	A	248
60-324	A	932
60-326.01	A	782
60-332	A	395
60-333	A	395
60-336	A	404
60-403.01	A	404
60-406.04	A	574
60-406.04	A	878
60-412	A	502
60-415	A	606
60-432	A	653
60-1004	A	748
60-1005	A	748
60-1303	A	653
60-1401.02	A	248
60-1406	A	248
60-1409	A	248
60-1411.01	A	248
60-1411.02	A	248
60-1413	A	248
60-1415	A	248
60-1417	A	248
60-1502	A	653
60-1602	A	660
60-2207	A	831
60-2303	A	248
62-301	A	855
66-635	A	736
68-603	A	925
68-620	A	42
68-620.01	A	42
68-701	A	931
68-703	A	653
68-704	A	931
68-1022	A	92
69-1317	A	754
69-1326	A	859
70-624.02	A	837
70-626	A	887
70-651.04	A	42
70-1003	A	800
70-1012	A	594
71-102	A	406
71-107	A	406
71-110	A	406
71-112 to 71-114	A	406
71-116	A	406
71-121	A	406
71-122	A	406
71-138	A	406
71-139	A	406
71-139.01	A	844
71-161.01	A	748
71-162	A	406
71-162	A	689
71-1,104	A	761
71-1,107.13	A	761
71-1,132.11	A	653
71-1,132.11	A	839
71-1,132.20	A	658
71-1,132.34	A	839
71-1,132.43	R	846
71-1,133 to 71-1,136	A	595
71-201	A	633
71-201.01	R	633
71-202	A	633
71-202.01	A	633
71-203	A	633
71-206	A	633
71-208	A	633
71-208.07	A	633
71-209	A	633
71-210	A	633
71-212	A	633
71-216	A	633
71-218	A	633
71-219	A	633
71-219.02	A	633
71-222	A	633
71-222.01	A	633
71-222.01	A	653
71-223.01	A	633
71-223.04	A	633
71-225	A	633
71-226	R	633
71-227	A	633
71-229	R	633
71-232	A	633
71-233	R	633
71-605	A	605
71-634	A	671
71-649	A	748
71-1001	A	583
71-1333	A	573
71-1404	A	927
71-1503	A	159
71-1506	A	159
71-1509	A	159
71-1521 to 71-1523	A	159
71-1524	A	159
71-1526	A	159
71-1528	A	159
71-1530	A	159
71-1532	A	159
71-1535	A	159
71-1536	A	854
71-1542	A	159
71-1543	A	159

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71-1550	A	159
71-1611	A	42
71-1629.01	A	42
71-1630	A	580
71-1701	A	42
71-1901	A	372
71-2201	A	854
71-2202	A	854
71-2205	A	854
71-2207	A	854
71-2601	A	575
71-2611	A	653
71-2618	A	813
71-2622	A	814
71-2910	A	42
71-2913	A	42
71-2914	A	42
71-3102	A	813
71-3503	A	759
71-3505	A	794
71-3507	A	794
71-3508	A	794
71-3802	A	325
71-3808	A	653
71-3812	A	325
71-3812	A	740
71-3817	A	325
71-3817 to 71-3821	A	740
71-3818	A	325
71-3818	A	380
71-3819	A	325
71-3820	A	325
71-3821	A	325
71-3822	A	325
71-3822	A	740
71-3823	A	325
71-3823	A	380
71-3823	A	740
71-3824	A	325
71-3824	A	740
71-3829	A	325
71-3829	A	740
71-3829	A	380
71-4305	A	812
71-4410	A	685
71-4632	A	748
71-5122	A	748
72-204	A	435
72-205.03	A	435
72-224.03	A	448
72-232	A	435
72-232.02	A	460
72-233	A	435
72-233.01	A	435
72-234	A	435
72-234	A	460
72-240.08	A	460
72-240.09	A	460
72-902	A	802
72-1241	A	653
74-1306	A	42
75-105	A	449
75-106	A	449
75-107	A	449
75-302	A	942
75-303	A	942
75-361	A	748
76-216	A	668
76-402	A	130
76-411	A	130
76-413	A	130
76-501	A	657
76-504	A	657
76-512	A	657
76-515	A	657
76-519	A	657
76-521	A	657
76-711	A	917
76-719.01	A	917
76-902	A	815
76-1206	A	941
76-1208	A	941
76-1416	A	121
77-201	A	42
77-202.12	A	407
77-202.12	A	640
77-202.12	A	642
77-202.13	A	392
77-202.13	A	407
77-202.13	A	640
77-202.16	A	640
77-202.23	A	350
77-202.24	A	350
77-202.30	A	107
77-202.32	A	42
77-204	A	640
77-303.01	A	140
77-505	A	170
77-506	A	42
77-507	A	42
77-509	A	170
77-601	A	804
77-603	A	804
77-604	A	804
77-605	A	42
77-606	R	804
77-624	A	804
77-625	A	804
77-637 to 77-667	R	804
77-660	A	42
77-662	A	42
77-664	A	42
77-668	R	804
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77-907	A	651
77-908	A	28
77-909	A	28
77-910	A	655
77-912 to 77-914	A	655
77-1201	A	854
77-1209.02	A	42
77-1240	A	660
77-1241	A	660
77-1241.04	A	42

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77-1241.06	A	42
77-1242.02	A	42
77-1250	A	42
77-1259	A	360
77-1303	A	42
77-1311	A	42
77-1315	A	42
77-1315	A	677
77-1318	A	699
77-1318.02	A	748
77-1327	A	42
77-1338	A	42
77-1355	A	899
77-1356	A	899
77-1406	A	42
77-1504	A	42
77-1506.01	A	42
77-1506.05	A	42
77-1506.07	A	42
77-1506.08	A	42
77-1510	A	42
77-1514	A	170
77-1603	A	42
77-1604	A	42
77-1604	R	854
77-1605	A	42
77-1605	A	854
77-1605.01	A	42
77-1615	A	42
77-1627	A	42
77-1725	A	42
77-2003	A	650
77-2010	A	650
77-2037	A	650
77-2101.01	A	650
77-2102	A	650
77-2305	A	599
77-2417	A	922
77-2601	A	748
77-2602	A	735
77-2612	A	748
77-2703	A	99
77-2704	A	620
77-2704	A	627
77-2704	A	842
77-2715	A	620
77-2715	A	627
77-2715	A	635
77-2715	A	905
77-2715.01	A	99
77-2715.01	A	327
77-2715.01	A	620
77-2715.01	A	627
77-27,132	A	557
77-27,132	A	663
77-27,142	A	394
77-27,142	A	902
77-27,150	A	244
79-201	A	873
79-320.01	A	42
79-328	A	442
79-328	A	904
79-408.02	A	42
79-408.02	A	403
79-408.03	A	42
79-415	A	42
79-417	A	42
79-420	A	42
79-422	A	42
79-429	A	748
79-432	A	42
79-433	A	42
79-436	A	42
79-444	A	440
79-451	A	42
79-451	A	874
79-458	A	806
79-458	A	874
79-471	A	42
79-480	A	42
79-481	A	42
79-490	A	888
79-4,154	A	846
79-4,157	A	875
79-4,170 to 79-4,205	R	589
79-501	A	874
79-506.03	A	42
79-533	A	42
79-536	A	42
79-548.01	A	42
79-549	A	596
79-701	A	872
79-903	A	42
79-904	A	42
79-1007	A	42
79-1007.02	A	42
79-1036	A	42
79-1052	A	42
79-1103.02	A	42
79-1103.03	A	42
79-1103.05	A	876
79-1248	A	446
79-1254	A	188
79-1254.02	A	908
79-1254.04	A	428
79-1303	A	42
79-1333	A	874
79-1335	A	42
79-1422	A	846
79-1429	A	846
79-1510	A	341
79-1522	A	102
79-1701	A	378
79-1702	R	378
79-1703	R	378
79-1705	R	378
79-1705	R	441
79-1706	R	378
79-1707	R	378
79-2201.01	A	445
79-2210	A	42
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79-2302	A	42
79-2313	A	42
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79-2407	A	741

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79-2637	R	793
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79-2643	R	793
79-2644	R	793
79-2644	A	846
79-2645	R	793
79-2646	R	793
79-2646.01	R	793
79-2647	R	793
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79-2649	R	339
79-2650	A	42
79-2650	A	339
79-2651	R	793
79-2652	R	793
79-2653	R	793
79-2662	R	793
80-102	A	42
80-301	A	607
80-301	A	854
80-302	A	607
80-304	A	607
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80-310	R	607
80-401	A	733
80-401	A	934
80-401.01	A	571
80-401.02	A	653
80-403	A	854
80-411	A	854
81-111	A	653
81-117	A	822
81-117.01	A	822
81-125	A	526
81-137	A	413
81-151	A	653
81-165	A	799
81-166	A	961
81-193	A	568
81-193	A	569
81-193	A	722
81-193	A	723
81-193	A	724
81-193	A	725
81-2,162.02	A	911
81-2,162.05	A	911
81-501.01	R	563
81-502	A	563
81-502.02	A	563
81-502.03	A	563
81-504	A	563
81-505	A	563
81-523	A	563
81-530	A	563
81-538	A	563
81-542	A	563
81-572	A	912
81-575	A	906
81-584	A	912
81-589	A	833
81-592	A	912
81-5,105	A	833
81-811	A	653
81-814.01	A	613
81-815.01	R	21
to 81-815.05		
81-815.06	R	21
81-815.07	R	21
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81-815.22	A	613
81-815.23	A	613
81-815.32	A	613
81-815.34	A	42
81-855	A	420
81-885.01	A	361
81-885.06	A	361
81-885.07	A	361
81-885.11	A	361
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81-885.16	R	361
81-885.21	A	361
81-885.22	A	361
81-885.24	A	361
81-885.32	R	361
81-885.34	A	361
81-885.45	A	361
81-8,128	A	653
81-8,220	A	448
81-8,276	A	917
81-8,279	A	659
81-8,280	A	659
81-8,281	R	659
81-8,282	A	659
81-1108.14	A	653
81-1108.36	A	955
81-1108.43	A	792
81-1113	A	413
81-1204.01	R	825
81-1204.02	R	825
81-1330	A	946
81-1332	A	946
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81-1401	A	913
to 81-1405		
81-1410	A	913
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81-1423	A	713
81-1427	A	913
81-1429	A	913
81-1439	A	913
81-1503	A	864
81-1504	A	189
81-1505	A	189
81-1506	A	189
81-1509	A	189
81-1518	A	189
81-1528	A	189
82-118	A	628
83-101.02	A	653
83-120	A	748
83-128	A	653
83-170	A	950
83-172	A	916
83-173	A	916
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83-184	A	841

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83-1,107.01	A	850
83-1,133	A	748
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83-1,142	A	42
83-1,143.03	R	898
83-1,143.06	A	762
83-1,143.07	R	762
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83-1,146	R	762
83-1,147	A	762
83-302	A	854
83-337	A	691
83-424	A	691
83-482	A	854
83-912	A	748
83-939	A	850
83-945	A	622
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83-945	A	212
83-947	R	212
83-948	A	212
83-949	R	212
83-950	A	212
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83-953	A	622
83-1019	A	501
83-1020	A	501
83-1021	A	501
83-1023	A	501
83-1030	A	501
83-1034	A	501
83-1038	A	501
83-1045	A	501
84-106	A	653
84-151	A	434
84-152	A	186
84-152	A	434
84-153	A	434
84-154	A	434
84-156	R	434
84-157	R	434
84-158	R	434
84-159	R	434
84-160	R	434
84-201.01	A	541
84-206	A	653
84-306.01	A	798
84-306.01	A	869
84-306.03	A	869
84-712	A	686
84-712.01	A	686
84-721	A	541
84-801	A	653
84-901	A	44
84-902	A	44
84-904	A	44
84-907	A	585
84-908	A	44
84-908	A	777
84-908.01	A	777
84-908.01	A	44
84-1204	A	448
84-1307	A	348
84-1308	A	348
84-1312	A	348
84-1317	A	348
84-1317	A	592
84-1413	A	609
85-106	A	664
85-111.01	R	922
85-131	A	922
85-194	A	846
85-195	A	846
85-304	A	664
85-308	A	846
85-505	A	564
85-506	A	564
85-910	A	741
86-304	A	748
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LB 531	10	A	924
LB 532	10	A	896
LB 532	3, 6, 9, 10, 11, 15, 26, 29, 39, 45	A	924
LB 532	12	A	755
LB 532	12	A	797
LB 532	34	A	825
LB 532	45	A	638
LB 532	45	A	757
LB 533	5, 7	A	924
LB 539	16	A	756
LB 539	16	A	765
LB 546	2	A	735
LB 546	2	A	924
LB 546	5, 16, 17,	A	937
LB 548	10	A	924
LB 549	12, 16	A	924
LB 549	38,42,43,44,47	A	937

1978 Legislative Bills Amended or Repealed
(SECOND Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 930	1	A	541A

CONSTITUTIONAL AMENDMENTS

ARTICLE	SECTION	REPEAL OR AMEND	BILL
I	9	A	553
III	7	A	105
III	7	A	153
III	10,14	A	734
III	18	A	322
III	19	A	739
III	24	A	824
IV	28	A	644
V	2, 5	A	282
V	30	A	408
VII	10	A	295
VII	13	R	295
VIII	1	A	76
VIII	1	A	234
VIII	2	A	323
VIII	11	A	914
VIII	12NEW	A	469
VIII	2	A	886
XIII	2	A	851

UNIFORM COMMERCIAL CODE

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
9-401	A	600	9-504	A	600