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by

PATRICK J. O'DONNELL, CLERK

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LEGISLATURE

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17	John R. Murphy	So. Sioux City	Retired	Dakota, Dixon, Wayne*
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Dist.	Name	Address	Occupation	Counties
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20	Glenn A. Goodrich	Omaha	Electrical Contracting	Douglas*
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23	Loran Schmit	Bellwood	Farmer	Butler, Platte*, Polk*, Saunders*
24	Harold F. Sieck	Pleasant Dale	Farmer	Polk*, Seward, York
25	Jerome Warner	Waverly	Livestock, Farming	Cass*, Johnson*, Lancaster*, Otoe*, Saunders*
26	Don Wesely	Lincoln	Financial Advisor	Lancaster*
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31	Neil Simon	Omaha	Director, Simon Meats	Douglas*
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40	John DeCamp	Neligh	Businessman	Antelope, Boone*, Boyd, Holt
41	Don Wagner	Ord	Farmer	Custer*, Garfield, Greeley, Hall*, Howard, Loup Sherman, Valley, Wheeler
42	Myron Rumery	North Platte	Retired	Custer*, Lincoln
43	Howard A. Lamb	Anselmo	Rancher	Blaine, Brown, Cherry, Custer*, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
44	Rex S. Haberman	Imperial	Farm Manager	Arthur, Chase, Deuel, Dundy, Garden, Hayes*, Hitchcock, Keith, Perkins
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48	William E. Nichol	Scottsbluff	Businessman	Scotts Bluff*
49	Samuel K. Cullan	Hemingford	Farmer	Box Butte, Dawes, Sheridan, Sioux, Grant

Clerk

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

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RULE 1—OFFICERS AND EMPLOYEES

A. Election of Officers

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

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

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

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

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

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

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

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

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

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

B. Presiding Officer

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

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

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

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

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

Emergency Succession. RRS 50-503(7)

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

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

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

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

Const. Art. III, Sec. 10.

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

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

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

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

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

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

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

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

Const. Art. III, Sec. 10.

C. Speaker

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

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

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

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

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

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

D. Clerk of the Legislature

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

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

Preprinting of Bills. Rule 5, Sec. 3.

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

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

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

General Duties. RRS 50-114
Distribute material, when authorized. Rule 2, Sec. 3f.
Fiscal notes, attach to bills. Rule 5, Sec. 6d.
Lobby Registration. RRS 50-308 through 50-318.
File Administrative Rules. RRS 84-904.

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

For order. Rule 7, Sec. 1b.

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

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

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

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

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

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

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

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

RRS 50-310.
On Registration of lobbyists. RRS 50-308 through 50-318.

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

RRS 50-115.

E. Other Offices

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

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.

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

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

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

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

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

Const. Art. III, Sec. 10.

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

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

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

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

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

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

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

RULE 3—COMMITTEES

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

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

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

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

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

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

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

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

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

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

Reference Committee. Rule 3, Sec. 19.
Excuse from attendance. Rule 2, Sec. 4.

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

Reference of bill to committee. Rule 3, Sec. 20.
Withdrawal of bills before hearing. Rule 5, Sec. 11.

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

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

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

Reports on votes by a committee shall be as follows:

1. The vote of an individual senator on all motions may be reported.

2. The press may report the vote of individual senators by name on any motion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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 commitees, 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. 3a for selection of chairman.
See Rule 3, Sec. 3b 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.

RULE 3

Reference of resolutions. Rule 4, Sec. 8.

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

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

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

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

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

RRS 50-416

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

RULE 4—RESOLUTIONS

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

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

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

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

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

RRS 50-404

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

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

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

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

Const. Art. III, Sec. 14.

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

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

For public hearing. Rule 3, Sec. 5.

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

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

RULE 5—BILLS—GENERAL PROVISIONS

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

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

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

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

Const. Art. III, Sec. 13.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

RULE 5

Salaries of employees. Rule 1, Sec. 22.

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

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

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

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

RULE 6—BILLS—STAGES OF CONSIDERATION

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

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

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

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

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

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

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

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 concurrence of a majority of the elected members.

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

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

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

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

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

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

(e) A motion to postpone indefinitely.

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

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

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

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

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

SELECT FILE

		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.

RULE 6

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

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

Const. Art. III, Sec. 27.

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

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

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

Const. Art. IV, Sec. 15.

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

RRS 84-503.

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

In addition to such certificate the Clerk of the Legislature shall note on each line, when the legislature votes to override, a stamp reading "line item veto 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 item veto.

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

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

FINAL READING

		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**

RULE 6

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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Exception to words spoken	2	9
Expulsion of, procedure	2	6
Families, admitted to floor, when	2	3d
Final Reading, remain in seats	2	3g
Immunity for words spoken	2	9
Personal Privilege	2	11
Restriction on speaking	2	10
Signature on bills	5	4
Speaking on floor, limitation on length	2	10
Use of profanity prohibited	2	7b

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

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

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

FIRST DAY - JANUARY 3, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 3, 1979

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Sixth Legislature, First Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 A.M. on Wednesday, January 3, 1979, and was called to order by President Whelan.

PRAYER

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

> Eternal God, Who makes all things new, as we begin another new Session together, help us to leave old ideas behind while clinging to those traditions which remain of value, help us to seek new answers to our questions among the most sensible alternatives which confront us. We ask this day, and all the days throughout this Session, to guide and sustain each of these Senators, for You know them, their needs, their motives, their hopes and their fears. Put your strong arm around them and give them courage to speak the truth, and speak to their hearts that they may have a wisdom greater than their own. May they ever remember that You are concerned about what is said and done here, so they may ever be challenged to speak the truth in love.
>
> There are some familiar faces which are gone from this chamber, and we remember them; other new faces have come, and we welcome them; many familiar faces have returned; and we are gladdened by them.
>
> Give us what we need for the challenges which confront us, endurance for the trivia that clogs our calendars, and the wisdom to tell the difference between 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 this State this year, that together we may "do justly, love mercy, and walk humbly with our God" and with one another so that, when this Session ends, we may be greeted by Your benediction, "Well done, good and faithful servants." Amen.

ROLL CALL

The roll was called and the following members were present.

Beutler, Chris	Hefner, Elroy	Murphy, John Robert
Brennan, Bill	Hoagland, Peter	Newell, David
Burrows, George	Johnson, Vard	Nichol, William
Carsten, Calvin	Kahle, Martin	Pirsch, Carol
Chambers, Ernest	Kelly, Ralph	Rasmussen, Dennis
Clark, Robert	Kennedy, Thomas	Reutzel, Barry
Cope, Ron	Keyes, Orval	Rumery, Myron
Cullan, Samuel	Koch, Gerald	Schmit, Loran
DeCamp, John	Kremer, Maurice	Sieck, Harold
Duis, Herbert	Labedz, Bernice	Simon, Neil
Dworak, Donald	Lamb, Howard	Stoney, Larry
Fitzgerald, Tom	Landis, David	Venditte, Patrick
Fowler, Steve	Lewis, Frank	Vickers, Tom
George, Walter	Maresh, Richard	Warner, Jerome
Goodrich, Glenn	Marsh, Shirley	Wesely, Don
Haberman, Rex	Marvel, Richard	
Hasebroock, William	Merz, Nelson	

Presentation of Colors by the Nebraska National Guard Ceremonial Unit.

MOTION - Adopt Rules

Mr. Duis moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 3, 1979.

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

MOTION - Temporary Clerk and Sergeant at Arms

Mr. Hasebroock moved that we appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Ray Wilson as temporary Sergeant-at-Arms.

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

RESIGNATION

August 28, 1978

Mr. Patrick J. O'Donnell
Clerk
The Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska

Dear Pat:

This is to inform you that I have submitted my letter of resignation from the Nebraska State Legislature to Governor J. James Exon. The resignation is to be effective as of September 1, 1978.

I have enjoyed working with you, Pat, and wish you continued success in your work with the Legislature.

Sincerely,
(Signed) Jack D. Mills
State Senator

JDM:als

MESSAGE FROM THE SECRETARY OF STATE

January 3, 1979

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Shirley A. Parks as a Member of the Legislature from the Forty-fourth (44th) Legislative District for the unexpired term of Jack Mills, who resigned.

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

Enclosure

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Shirley A. Parks has been appointed as a Member of the Nebraska Unicameral Legislature from the Forty-fourth (44th) District for the unexpired term of Jack Mills, who resigned. The term beginning September 1, 1978 shall continue until January 3, 1979 or such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

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

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, J. James Exon Governor of the State of Nebraska, do hereby appoint SHIRLEY PARKS of 303 East 9th, Ogallala, Nebraska 69153 to the office of Member of Unicameral Legislature - District 44 to do and perform all the duties of said office for the term beginning September 1, 1978 for such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until January 3, 1979. Said appointee succeeds Jack Mills, resigned.

Done at Lincoln, Nebraska, this 24th day of August A.D. 1978.

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

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I Shirley Parks, 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. 44 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) Shirley A. Parks

Subscribed in my presence and sworn to before me this 5th day of September, 1978.

(Signed) Allen J. Beermann
Notary Public

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

MESSAGE FROM THE SECRETARY OF STATE

January 3, 1979

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Margaret E. Moylan as a Member of the Legislature from the Sixth (6th) Legislative District for the unexpired term of Harold Moylan, deceased.

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

Enclosure

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Margaret E. Moylan has been appointed as a Member of the Nebraska Unicameral Legislature from the Sixth (6th) District for the unexpired term of Harold Moylan, deceased. The term beginning November 22, 1978 shall continue until January 3, 1979 or such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

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

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, J. James Exon Governor of the State of Nebraska, do hereby appoint MARGARET E. MOYLAN of 3862 California, Omaha, Nebraska 68131 to the office of Member of Unicameral Legislature - District 6 to do and perform all the duties of said office for the term beginning November 22, 1978 for such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until January 3, 1979. Said appointee succeeds Senator Harold Moylan, deceased.

Done at Lincoln, Nebraska, this 22nd day of November A.D. 1978.

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

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I Margaret Moylan, 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. 6 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) Margaret E. Moylan

Subscribed in my presence and sworn to before me this 30th day of November, 1978.

(Signed) Allen J. Beermann
Notary Public

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

MOTION - Committee on Credentials

Mr. Marvel moved that we proceed to the election of 5 persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in General Election in November, 1978.

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

Mr. Rumery nominated Mrs. Moylan
Mr. Newell nominated Mrs. Marsh
Mr. Clark nominated Mr. Duis
Mr. Lewis nominated Mr. Fowler
Mr. Murphy nominated Mr. Kelly

Mr. Marvel moved the nominations be closed. The motion prevailed with 42 ayes, 1 nay, and 6 not voting.

The above nominees were elected with 41 ayes, 0 nays, and 8 not voting.

EASE

The Legislature was at ease from 10:16 a.m. until 10:19 a.m.

Mrs. Moylan reported on the Credentials Committee.

REPORT OF COMMITTEE ON CREDENTIALS

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected or appointed to serve in the Eighty-Sixth Legislature, First Session (Regular), 1979.

Further, I hereby certify that the Members so listed on the Official Roster attached hereto are the duly elected or appointed Members of the Unicameral Legislature in the State of Nebraska for the Eighty-Sixth Legislature, First Session (Regular), 1979.

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

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

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

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

DISTRICT	NAME	ELECTED
1	Nelson Merz	November 2, 1976
2	Calvin Carsten	November 7, 1978
3	Orval Keyes	November 2, 1976
4	Larry Stoney	November 7, 1978
5	Bernice Labedz	November 2, 1976
6	Peter Hoagland	November 7, 1978
7	Patrick Venditte	November 2, 1976
8	Vard Johnson	November 7, 1978
9	William Brennan	November 2, 1976

10	Carol McBride Pirsch	November 7, 1978
11	Ernest Chambers	November 2, 1976
12	Gerald Koch	November 7, 1978
13	David Newell	November 2, 1976
14	Tom Fitzgerald	November 7, 1978
15	Barry L. Reutzel	November 2, 1976
16	Walter George	November 7, 1978
17	John R. Murphy	November 2, 1976
18	William H. Hasebroock	November 7, 1978
19	Elroy M. Hefner	November 2, 1976
20	Glenn A. Goodrich	November 7, 1978
21	Thomas C. Kennedy	November 7, 1978 (2 yr. term)
22	Donald N. Dworak	November 7, 1978
23	Loran Schmit	November 2, 1976
24	Harold F. Sieck	November 7, 1978
25	Jerome Warner	November 2, 1976
26	Don Wesely	November 7, 1978
27	Steve Fowler	November 2, 1976
28	Chris Beutler	November 7, 1978
29	Shirley Marsh	November 2, 1976
30	George Bill Burrows	November 7, 1978
31	Neil Simon	November 2, 1976
32	Richard Maresh	November 7, 1978
33	Richard D. Marvel	November 2, 1976
34	Maurice A. Kremer	November 7, 1978
35	Ralph D. Kelly	November 2, 1976
36	Ron Cope	November 7, 1978
37	Martin F. Kahle	November 2, 1976
38	Tom Vickers	November 7, 1978
39	Herbert J. Duis	November 2, 1976
40	John DeCamp	November 7, 1978
41	Dennis L. Rasmussen	November 2, 1976
42	Myron G. A. Rumery	November 7, 1978
43	Howard Lamb	November 2, 1976
44	Rex Haberman	November 7, 1978
45	Frank Lewis	November 2, 1976
46	David M. Landis	November 7, 1978
47	Robert L. Clark	November 2, 1976
48	William E. Nichol	November 7, 1978
49	Samuel K. Cullan	November 2, 1976

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

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

MOTION - Escort Chief Justice

Mr. Clark moved that a Committee of 5 members be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the newly elected members of the Legislature.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Chair appointed Messrs. Kennedy, Rumery, Clark, Marvel, and F. Lewis to serve on said Committee.

EASE

The Legislature was at ease from 10:22 a.m. until 10:29 a.m.

The Committee escorted Chief Justice Norman Krivosha to the rostrum to administer the Oath of Office to the newly elected members.

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

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

Chris Beutler
George Burrows
Calvin F. Carsten
Ron Cope
John DeCamp
Donald N. Dworak
Tom Fitzgerald
Walter George
Glenn A. Goodrich
Rex Haberman
William H. Hasebroock
Peter Hoagland
Vard Johnson
Thomas Kennedy
Gerald Koch
Maurice A. Kremer
David Landis
Richard Maresh

William E. Nichol
Carol McBride Pirsch
Myron Rumery
Harold F. Sieck
Larry D. Stoney
Tom Vickers
Don Wesely

Subscribed in my presence and sworn to before me this third day of January, 1979.

(Signed) Norman Krivosha
Chief Justice

The members stood for a moment of silence in memory of Senator Harold T. Moylan.

The Committee escorted the Chief Justice from the Chamber.

EASE

The Legislature was at ease from 10:42 a.m. until 10:46 a.m.

MOTION - Election of Officers

Mr. DeCamp moved that the following officers elected by the Executive Board be approved for this Eighty-Sixth Legislature, First Session:

Clerk of the Legislature..... Patrick J. O'Donnell
Asst Clerk of the Legislature ..... Richard Brown
Sergeant at Arms ..... Ray Wilson

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

MOTION - Election of Speaker

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

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

Mr. Warner nominated Mr. Marvel.

Mr. Lewis moved the nominations close.

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

Mr. Marvel was duly elected Speaker with a vote of 49 ayes, and 0 nays.

MOTION - Escort Chief Justice

Mr. Keyes moved that a Committee of five members be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

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

The President appointed Messrs. Carsten, Kelly, Nichol, Goodrich, and Murphy to serve on said committee.

EASE

The Legislature was at ease from 10:57 a.m. until 11:01 a.m.

The Committee escorted the Chief Justice to the rostrum to administer the Oath of Office to the newly elected officers.

OFFICERS OATH OF OFFICE

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

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

Speaker	Richard D. Marvel
Clerk	Patrick J. O'Donnell
Assistant Clerk	Richard K. Brown
Sergeant-at-arms	Ray R. Wilson

The Committee escorted the Chief Justice from the Chamber.

MOTION - Committee on Committees Chairperson

Mr. Carsten moved we proceed to the election of the Chairperson of the Committee on Committees.

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

Mr. Carsten nominated Mrs. Marsh.

Mrs. Marsh was elected with a vote of 46 ayes, 0 nays, and 3 not voting.

The Chair declared Mrs. Marsh duly elected.

MOTION - Chairman of Executive Board

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

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

Mr. Rumery nominated Mr. Lewis.

Mr. Kelly nominated Mr. Stoney.

The Chair declared the nominations closed.

The Chair appointed Messrs. Kelly and Rumery as tellers.

Lewis	27
Stoney	22
	49

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

MOTION - Vice Chairman of Executive Board

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

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

Mr. Lamb nominated Mr. Hefner.

Mr. Reutzel nominated Mr. DeCamp.

The Chair declared the nominations closed.

The Chair appointed Messrs. Lamb and Reutzel as tellers.

Hefner	20
DeCamp	29
	49

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

MOTION - Executive Board Members

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

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

Messrs. Fowler and Schmit were nominated from District 1.

Messrs. Chambers and Brennan were nominated from District 2.

Messrs. Clark and Lamb were nominated from District 3.

Mr. Clark moved the report be accepted.

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

The Chair declared the nominees duly elected.

MOTION - Committee on Committees Members

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

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

District 1
Wesely
Burrows
Lewis

District 2
Labedz
Simon
Newell

District 3
Schmit
Hasebroock
Reutzel

District 4
Cope
Nichol
Cullan

Mr. Maresh moved the approval of the above nominees to the Committee on Committees.

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

The Chair declared the nominees duly elected.

MOTION - Committee Chairmen

Mr. Rasmussen moved we proceed to the election of the Committee Chairmen, by secret ballot, in accordance with Rule 3, Sec. 2.

The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

CHAIRMAN - Administrative Rules & Regulations

Mr. Cullan nominated Mr. Duis.

The Chair declared the nominations closed.

Mr. Duis was duly elected Chairman of the Administrative Rules and Regulations Committee with a vote of 42 ayes, 0 nays, and 7 not voting.

CHAIRMAN - Agriculture & Environment

Mr. Keyes nominated Mr. Schmit.

The Chair declared the nominations closed.

Mr. Schmit was duly elected Chairman of the Agriculture and Environment Committee with a vote of 40 ayes, 0 nays, and 9 not voting.

CHAIRMAN - Appropriations

Mr. Landis nominated Mr. Warner.

The Chair declared the nominations closed.

Mr. Warner was duly elected Chairman of the Appropriations Committee with a vote of 45 ayes, 0 nays, and 4 not voting.

CHAIRMAN - Banking, Commerce & Insurance

Mr. Lewis nominated Mr. DeCamp.

The Chair declared the nominations closed.

Mr. DeCamp was duly elected Chairman of the Banking, Commerce and Insurance Committee with a vote of 45 ayes, 0 nays, and 4 not voting.

CHAIRMAN - Business & Labor

Mr. Kelly nominated Mr. Maresh.

Mr. Merz nominated Mr. Burrows.

The Chair declared the nominations closed.

The Chair appointed Messrs. Merz and Kelly as tellers.

Maresh	28
Burrows	21
	49

The Chair declared Mr. Maresh duly elected Chairman of the Business and Labor Commitee.

CHAIRMAN - Constitutional Revision & Recreation

Mr. Kremer nominated Mr. Reutzel.

The Chair declared the nominations closed.

Mr. Reutzel was duly elected Chairman of the Constitutional Revision and Recreation Committee with a vote of 43 ayes, 0 nays, and 6 not voting.

CHAIRMAN - Education

Mr. Warner nominated Mr. Koch.

Mr. Venditte nominated Mr. Kahle.

The Chair declared the nominations closed.

The Chair appointed Messrs. Warner and Venditte as tellers.

Koch	25
Kahle	24
	49

The Chair declared Mr. Koch duly elected Chairman of the Education Committee.

CHAIRMAN - Government, Military & Veterans Affairs

Mrs. Marsh nominated Mr. Keyes.

The Chair declared the nominations closed.

Mr. Keyes was duly elected Chairman of the Government, Military and Veterans Affairs Committee with a vote of 37 ayes, 0 nays, and 12 not voting.

CHAIRMAN - Judiciary

Mr. Cullan nominated Mr. Chambers.

Mr. Rasmussen nominated Mr. Nichol.

The Chair declared the nominations closed.

The Chair appointed Messrs. Cullan and Rasmussen as tellers.

Chambers	21
Nichol	28
	49

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

CHAIRMAN - Miscellaneous Subjects

Mr. Dworak nominated Mr. Newell.

The Chair declared the nominations closed.

Mr. Newell was duly elected Chairman of the Miscellaneous Subjects Committee with a vote of 37 ayes, 0 nays, and 12 not voting.

CHAIRMAN - Public Health & Welfare

Mr. Kremer nominated Mr. Cullan.

Mr. DeCamp nominated Mr. Kahle.

The Chair declared the nominations closed.

The Chair appointed Messrs. Kremer and DeCamp as tellers.

Cullan	29
Kahle	20
	49

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

CHAIRMAN - Public Works

Mr. Burrows nominated Mr. Merz.

Mr. Hasebroock nominated Mr. Kremer.

The Chair declared the nominations closed.

The Chair appointed Messrs Burrows and Hasebroock as tellers.

Merz	18
Kremer	31
	49

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

CHAIRMAN - Revenue

Mr. Duis nominated Mr. Carsten.

The Chair declared the nominations closed.

Mr. Carsten was duly elected Chairman of the Revenue Committee with a vote of 41 ayes, 0 nays, and 8 not voting.

CHAIRMAN - Urban Affairs

Mr. Rumery nominated Mr. George.

The Chair declared the nominations closed.

Mr. George was duly elected Chairman of the Urban Affairs Committee by a vote of 38 ayes, 0 nays, and 11 not voting.

MOTION - Special and Select Committees

Mrs. Marsh moved we proceed to the election of the Chairperson of the Special and Select Committees.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

CHAIRMAN - Intergovernmental Cooperation

Mr. Stoney nominated Mr. Clark.

The Chair declared the nominations closed.

Mr. Clark was duly elected Chairman of the Intergovernmental Cooperation Committee by a vote of 40 ayes, 0 nays, and 9 not voting.

CHAIRMAN - E & R Committee

Mr. Cullan nominated Mr. Wesely.

The Chair declared the nominations closed.

Mr. Wesely was duly elected Chairman of the E & R Committee by a vote of 37 ayes, 0 nays, and 12 not voting.

CHAIRMAN - Rules Committee

Mr. Marvel nominated Mr. Fowler.

The Chair declared the nominations closed.

Mr. Fowler was duly elected Chairman of the Rules Committee by a vote of 42 ayes, 0 nays, and 7 not voting.

ANNOUNCEMENT

Speaker Marvel asked that members submit names to the Executive Board for nominations to the Political Accountability and Disclosure Commission.

MOTION - Election Returns

Mr. Cope moved a Committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of 1978.

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

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

EASE

The Legislature was at ease from 1:01 p.m. until 1:30 p.m.

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

REPORT OF SECRETARY OF STATE

January 3, 1979

Speaker of the Legislature
Eighty-Sixth Legislature,
First Session (Regular), 1979
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you,

under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 7, 1978, for the offices of Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Member of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education; which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-4110, R.S. 1943, Reissue of 1974 as submitted to me for delivery to the Honorable Speaker of the Legislature.

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

The original abstract sheets containing the tabulation of votes for these candidates for ninety-three counties, covering the General Election of November 7, 1978, which constitutes a part of the official record of the State Board of Canvassers, are submitted for your examination.

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

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

Enclosures

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Member of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, receiving the highest number of votes cast at the General Election in the state of Nebraska held on November 7, 1978.

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

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

(Signed) Allen J. Beermann
Secretary of State

STATE OFFICIALS ELECTED AT THE 1978 GENERAL ELECTION

Governor ..... Charles Thone
Lieutenant-Governor ..... Roland Luedtke
Secretary of State ..... Allen J. Beermann
Auditor of Public Accounts ..... Ray A. C. Johnson
State Treasurer ..... Frank Marsh
Attorney General ..... Paul Douglas

Public Service Commission ..... James F. Munnelly
(Second District)

Regent, University of Nebraska ..... Edward Schwartzkopf
(First District)
Regent, University of Nebraska ..... Kermit Hansen
(Second District)

State Board of Education ..... Dorothy Weyer Creigh
(Fifth District)
State Board of Education ..... Margaret Lockwood
(Sixth District)
State Board of Education ..... Arlene E. Hart
(Seventh District)
State Board of Education ..... William C. Ramsey
(Eighth District)

The Secretary of State was escorted from the Chamber.

Mr. Dworak moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

MOTION - Notify Governor

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

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Chair appointed Messrs. Marvel, Lewis, Carsten, Warner, and Hasebroock to serve on said Committee.

EASE

The Legislature was at ease from 1:35 p.m. until 1:41 p.m.

The Committee escorted Governor J. James Exon to the rostrum where he delivered the following message:

Welcome Message
Legislative Chamber
Lincoln, Nebraska
January 3, 1979
Governor J. James Exon

Mr. President, Mr. Speaker, Members of the Legislature, Guests, Ladies and Gentlemen: Thank you for your notification of the First Session of the 86th Nebraska Legislature duly convened and inviting me to your chambers for a brief State of the State message and my Farewell Address as Governor to you and the people of Nebraska, whom all here have the honor to serve in various capacities.

To the legislative veterans, welcome back, and I extend a special welcome to the newly elected senators who today begin their legislative service.

A moment ago I was escorted for the last time down the Great Hall, a journey that I have made many times during the past eight years as Nebraska's 33rd Governor. This is a special day for me, like that January day in 1971, when with somewhat of a quivering in the knees, I made that trek for the first time.

Today was not significantly different. I am always inspired when I walk the Great Hall, through the rotunda, and into the chambers to address your honorable body. It is a ceremony, yes, but not a meaningless one. It is an important visible display of a system at work, and work it does with its imperfections, real or imagined, for the benefit of all.

Today there is with us a new spirit of cooperation and understanding between the executive and legislative branches. Partially this is true because I stand here today in my new role as a lawmaker, in league with you, sharing your concerns, and simultaneously serving as Chief Executive of Nebraska. To put your minds at ease, these unusual circumstances will self-destruct in a very few hours.

In my mind, I do indeed understand the Legislative process, its uniqueness, and its distinction from the other branches of government. As your Governor, I fought hard to preserve the independence of and the encroachment upon the already limited constitutional and statutory powers of the office of Nebraska's

Governor. I maintain that our system of government best serves the people when the legislative, executive, and judicial branches are essentially co-equal, serving as checks and balances, one against the others. Adversaries, at times, yes, but out of legitimate differences of opinion generally comes the intelligent resolution of all issues. The latter is the real challenge of the future. Success or failure will be measured as always with the passing of time. A single vote, a veto, or a veto override, victory or defeat, at the moment, can often times be meaningless if not harmful over the long pull. If history has taught us anything, it is that the future becomes the past in a relentless fashion, quicker than most of us care to concede.

The news is definitely that the State of the State is good, growing, and with prudent management the future bodes well for continuation of the Good Life in Nebraska.

As the Exon-Whelan Administration takes leave of its responsibilities, the State is in a sound financial position with a realistic General Fund balance of approximately $61.2 million as of today, (January 3) taking into account all monies on hand and deposited.

In the last eight years, we have reduced the only state bonded debt by 54% down from 30.2 million to 14.8 million which was first issued in 1969 for highway construction.

During that same period, without bonded debt, we have accomplished record improvement in our state highway systems, with the expenditure of $113.1 million averaged annually in highway construction and improvement, including the record of being the first State in the Union to essentially complete its originally scheduled interstate system. There is room for further improvement, but I caution again against deficit financing for highway construction.

The Architectural wonder of this beautiful State Capitol building and its chief companion structure, the Executive Mansion, have been nutured and protected, and are both in their best physical condition since they first graced the landscape of the Capitol City.

General Economic indicators are positive, and are at least four-fold:

1. In the decade of the 70's we dramatically reversed the decline in population that amounted to a crippling deficit total of approximately 190,000 in out-migrations during the previous two decades. We have turned that negative figure completely around in the 70's to where we currently enjoy a net population of 10,000. A heartwarming reversal of the previous trend, and here again Nebraska excels among all the states in its region, showing all sections of the state having benefited as we create more and more jobs for more and more people in a sound and growing economy.

2. We have seen during the last eight years the greatest industrial expansion in Nebraska since the days when our state grew from territory. This has meant more jobs and more opportunities especially for our young people where our "brain drain" previously was a serious problem.

Our unemployment rate of 2.4% is among the lowest in the nation and 702,150 persons are now gainfully employed in Nebraska—which is a record number for November employment.

3. We have much going for us as we move soon from the 1970's to the 1980's. A recently released study authorized by the Minnesota Legislature reveals that among all the states, Nebraska rates first in the two broad categories for favorable business climate and quality of life.

No small part of this success, I suggest, is that Nebraska State Government has learned to live within its means. The sound business and personal climate we have nutured has been enhanced by the fact that Nebraska is in the bottom fifteen of all the states for State Govenment tax take per $1,000 of personal income. This is an accomplishment that needs protection. The power to tax still embodies the power to destroy, and must be used with prudence.

4. Tourism has blossomed as a major industry the last few years. Tourist expenditures have doubled from $300 million in 1972 to $600 million in 1978. 30,000 Nebraska jobs are supported by this newly discovered and exciting industry.

The general optimistic economic picture is even more dramatic when recognizing that this state's primary industry, agriculture, is not in a generally healthy state today. Our family farmers and ranchers are in need of our constant attention as economic factors over which they unfortunately have little control tend to restrict their fair participation in and contribution to Nebraska's bright economic future. Envision if you will how secure Nebraska's future would be and how well we will excel when our agriculture problems are resolved fairly.

A key emphasis of this administration has been a frontal attack on the tragedies of highway fatalities and injuries. We cannot rest on our laurels despite Nebraska's being cited as excelling in this fight. I want to thank again publicly the dedicated people who have furnished the lead in this area including the law enforcement personnel, and all our friends in the news media who have given of their time, talents, energy, and resources in this information and educational experience for the common good. These efforts must be carried on, hopefully with renewed vigor by those who now will occupy leadership positions.

Speaking of education, please allow me to emphasize again here today as I have frequently in the past, the key role that the state must rightfully play in the education of its citizens of all levels. Nebraska has historically excelled in its elementary and secondary educational levels and must do so in the future, with dramatically increased support for all education the past eight years, we can now appreciate that we have advanced into the elite class in higher education as measured in the state's per capita financial support for our fine university and state college systems. We have initiated the first state-wide effort in the comprehensive community technical college concept.

Working together, we can be proud of our significant improvements in approaches, programs, and needed construction in our corrections institutions. The only remaining question mark in this regard is the beleaguered proposed Omaha facility you have had my recommendations in this area for a long time.

Nebraska has become a recognized leader during the decade of the 70's in the development of mental health and mental retardation programs. In the latter area, this administration, with the valuable assistance of the Legislature, has simultaneously fostered dramatically increased community based programs in conjunction with the most significant improvement ever in programs and facilities at our good Beatrice complex. It is discouraging to see in the face of our significant overall progress, supposedly well-meaning groups and individuals using the federal courts and the nearly unlimited resources of the Federal Department of Justice in an attempt to run roughshod over the legitimate interest of Nebraska and its less fortunate citizens.

In making this final report of the Exon—Whelan Administration, I wish to thank the Legislature and the Judicial Branches for their cooperation and assistance.

We are proud of the team of expert business-like administrators we have attracted and want to acknowledge the tireless efforts and accomplishments of our key assistants and department heads and our most dedicated state employees who have faithfully and honestly carried out their duties in behalf of the citizens of this state. My gratitude for all their understanding, dedication, and help can never be adequately expressed.

It is important now that we press on to the greater achievements in the future and all that it holds for Nebraska and Nebraskans. I wish Godspeed and the best to all of you in the Legislature, the Judiciary, and to the career state employees who will continue to faithfully serve the new administration as the others who will follow. I wish only the best for incoming Governor Charles Thone and his administration as we are about to complete the smooth transition of authority.

Good Health, Good Luck, and may God be with you always in your individual and collective endeavors for the great people of the State of Nebraska.

The Committee escorted the Governor from the Chamber.

MOTION - Inaugural Ceremonies

Mr. George moved we arrange to hold the inaugural ceremonies for the newly elected State officials on Thursday, January 4, 1979 at 2:00 p.m.

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

MOTION - Bills and Journals

Speaker Marvel moved we provide weekly mailing of all bills and journals without cost to County Clerks and provide boxes to the State Agencies without cost.

The motion prevailed with 36 ayes, 1 nay, and 12 not voting.

ANNOUNCEMENT

Mrs. Marsh announced the Committee on Committees will meet in Room 1113 5 minutes after adjournment.

UNANIMOUS CONSENT - Print in Journal

Mr. Rasmussen asked unanimous consent to print the following in the Journal. No objections. So ordered.

The Nebraska Legislature gratefully acknowledges the contribution by the American Legion of the flags used in the color guard ceremony on the opening day of the 86th Legislature.

These flags will be displayed in the State Capitol Museum on the 14th Floor.

ANNOUNCEMENT

Mr. Marvel announced a meeting of the newly elected Chairpersons of all committees at 9:00 a.m. tomorrow in Room 2102.

VISITORS

Visitors to the Chamber were 85 junior and senior students and instructor from Millard High School; and 20 fourth, fifth, and sixth grade students and counselor from Jewish Community Center, Omaha, Nebraska.

ADJOURNMENT

At 2:04 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 10:00 a.m., Thursday, January 4, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 4, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 4, 1979

Pursuant to adjournment, the Legislature met at 10:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> "The earth is the Lord's and the fullness thereof; the world, and all who dwell therein.
>
> Lord our God, help us to understand this truth, and to live in its light, both in our relationship to You and in our relationship to one another.
>
> We pray for Your wisdom and your guidance for the members of this body, as they meet in this uncertain time to make the important decisions affecting this life of this State. Give them the highest motives, and the courage to propose that which will be worthy of Your blessing as a New Year begins.
>
> Forgive us, Lord, that we talk too much and think too little; forgive us that we worry so often and pray so seldom. Keep us from wasting the time You have given us, and let us not be so eagar for the approval of men that we forget that it is Your approval that brings us peace of mind and a clear conscience. You know what we are, wherever we are. Help us to be the best we can be, for Your sake and for those we represent here in this part of Your Kingdom. Hear our prayer, for the sake of the One who loved us and gave Himself for us. Amen.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

MOTION - Adopt Rules

Mr. DeCamp moved to adopt the Rules as now in our possession for today only. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

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 1978 interim Lobbyist registrations and changes.

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

Printz, Gordon E. - Lincoln (withdrawn 7-31-78), Lincoln Chamber of Commerce
Simmons, Harold O. - Lincoln, Lincoln Electric System
Tews and Radcliffe:
Radcliffe, Walter H. - Lincoln, Nebraska District Judges Association; Motion Picture Association of America, Inc.
Tews, David D. - Lincoln, Motion Picture Association of America, Inc.

MESSAGES FROM THE GOVERNOR

June 7, 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 Nebraska Coordinating Commission for Postsecondary Education (six year terms expiring June 3, 1984) requiring legislative confirmation:

George Miller, Editor, Papillion Times, 138 North Washington, Papillion 68046
Sam Jensen, Attorney at Law, 3535 Harney, Omaha 68131

I respectfully submit these reappointments for your consideration.

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

JJE:do
cc: George Miller
Sam Jensen
Committee on Committees
Nebraska Coordinating Commission
for Postsecondary Education

June 27, 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 Agricultural Products Industrial Utilization Committee requiring legislative confirmation:

Vic Haas, R.R. 1, Box 27, Hemingford 69348 - succeeds Ramey Whitney, term expiring July 1, 1981

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: Vic Haas
Committee on Committees
Agricultural Products Industrial
Utilization Committee

July 11, 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 Court of Industrial Relations requiring legislative confirmation:

John M. Gradwohl, 814 Lincoln Benefit Life Bldg., Lincoln—succeeds Richard DeBacker, term expiring June 9, 1979

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: John M. Gradwohl
Committee on Committees
Court of Industrial Relations

July 24, 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 State Board of Health requiring legislative confirmation:

Rex J. Kelly, Administrator, Phelps Memorial Health Center, 1220 Miller, Holdrege 68949 (addition to Board of Health of hospital administrator - LB 575 (1978)

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: Rex J. Kelly
Committee on Committees
Health Department

July 26, 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 requiring legislative confirmation:

Jon H. Oberg - Director of the Department of Administrative Services effective August 14, 1978, succeeding Stan Matzke, resigned

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: Jon H. Oberg
Committee on Committees
Department of Administrative Services

August 15, 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 State Personnel Board (five year term expiring August 4, 1983) requiring legislative confirmation:

Herman A. Brockmeier, National Bank of Commerce, Lincoln

I respectfully submit this reappointment for your consideration.

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

JJE:do
cc: Herman A. Brockmeier
Committee on Committees
Personnel Department

August 15, 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 Manufactured Housing Advisory Board, expiring July 29, 1980, and requiring legislative confirmation:

Bennard W. Preis, 14515 Industrial Rd., Omaha 68144
Clifford B. Dudley, 1819 Farnam St., Room 402, Omaha 68102
Ted Reeder, World Homes, 11414 W. Center Rd., Omaha 68144
J. E. Clemens, Clemens Mobile Homes, 1620 W. Overland Dr., Scottsbluff 69361

I respectfully submit these reappointments for your consideration.

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

JJE:do
cc: Bennard W. Preis
Clifford B. Dudley
Ted Reeder
J. E. Clemens
Committee on Committees
Health Department

August 16, 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 Advisory Committee to the Department of Economic Development requiring legislative confirmation:

Max E. Kiburz, General Manager, Loup Power District, P. O. Box 988, Columbus, NE 68601 - succeeding Calvin L. Hayes - term expires July 1, 1981

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: Max E. Kiburz
Committee on Committees
Department of Economic Development

August 16, 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 Board of Educational Lands and Funds requiring legislative confirmation:

Hans O. Jensen, Aurora 68818 - succeeding J. W. McBride, resigned, term expiring October 1, 1978

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: Hans O. Jensen
Committee on Committees
Board of Educational Lands
and Funds

August 24, 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 appointments to the Nebraska Safety Center Advisory Council requiring legislative confirmation:

Terms expiring August 24, 1979:

Duane Schmidt, Supervisor, Driver Education, Dept. of Education, Lincoln (402-471-2446) (rep. from State Dept. of Education)

Larry Morris, Chief of Administration, Game and Parks Commission, Lincoln (402-464-0641) (rep. from Game and Parks Commission)

Rollin D. Schnieder, Extension Safety Specialist, 101 Agricultural Engineering, U of N, Lincoln (402-472-3951) (rep. of University of Nebraska)

Jim Hedrick, Union Pacific Railroad, 2318 W. 1st, North Platte 69101 (308-532-2900, Ext. 324) (rep. area of transportation)

Jack Kidder, Administrator, City of York 68467 (402-362-4407) (rep. city government)

Ivan Abdouch, 902 Capitol Ave, Omaha 68102 (402-345-2422) (rep. of Nebraska Coordinating Commission on Postsecondary Education)

Sheriff Dan Schneiderheinz, Merrick Co., Central City 68826 (308-946-2345) (rep. county government)

Terms expiring August 24, 1980:

Sam Franco, Administrator, State Office of Highway Safety, Dept. of Motor Vehicles, Lincoln (402-471-2515) (rep. from Dept. of Motor Vehicles)

Gary Lund, President, Western Nebraska Technical College, Sidney 69162 (308-254-5450) (rep. technical community college area)

Ben Meckel, M.D., 280 N. 8th, Burwell 68823 (308-346-4000) (rep. medical profession)

Jay Kucera, Director, Safety Council of Nebraska, Suite 202, 411 So. 13th, Lincoln 68508 (402-432-5509) (rep. Safety Council of Nebraska, Inc.)

Bernard Sprague, District Judge, Courthouse, Red Cloud 68970 (402-746-2777) (rep. judiciary in the State of Nebraska)

Michael Booth, Chief, Division of Dairies and Foods, Department of Agriculture, Lincoln (402-471-2536) (rep. the area of agriculture)

Pat Nefzger, Director of Youth Services and Public Relations, Lancaster County Chapter, American Red Cross, Box 83267, Lincoln 68501 (402-432-5581) (rep. of Red Cross)

Terms expiring August 24, 1981:

Ken Sieckmeyer, Safety Manager, Department of Roads, Lincoln, (402-473-4645) (rep. from Department of Roads)

E. L. (Bud) Laird, Director of Safety, Department of Labor, Lincoln (402-475-8451) (rep. from Department of Labor)

John J. Peterson, Safety Supervisor, Northwestern Bell Telephone Company, 1030 Dodge Bldg., Omaha 68102 (402-422-2981) (rep. private business and industry)

Lt. Col. Elmer J. Kohmetscher, Assistant Supt., Nebraska State Patrol, Lincoln (402-477-3951) (rep. area of law enforcement in this state)

Dr. Kenneth Kimball, Medical Arts Bldg., Kearney 68847 (308-237-2284) (rep. of emergency medical services)

Lorraine Giles, Principal, Gilder Elementary School, 3705 Chandler Rd., Omaha 68147 (402-733-0652) (rep. local public school system)

William Lovejoy, Information Systems & Fiscal Officer, Board of Trustees of Nebraska State Colleges, Lincoln (402-471-2505) (rep. state colleges)

I respectfully submit these appointments for your consideration.

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

JJE:do
cc: All appointees
Committee on Committees
Board of Trustees of
Nebraska State Colleges
President, Kearney State College

September 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 Motor Vehicle Industry Licensing Board requiring legislative confirmation:

Hubert W. Monsky, 8405 Indian Hills Drive, Omaha - succeeding Walter R. Louis, resigned, term expiring May 18, 1979

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: Hubert W. Monsky
Committee on Committees
Director of Motor Vehicles

September 13, 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 Board of Parole, term expiring September 9, 1984, requiring legislative confirmation:

Robert J. Keller, 3310 Woodsshire Parkway, Lincoln 68501

I respectfully submit this reappointment for your consideration.

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

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

September 14, 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 Nebraska Arts Council for three year terms expiring September 2, 1981, requiring legislative confirmation:

Mrs. Joan Nelson, 1920 N St., Aurora
Mrs. Marian Andersen, 6545 Prairie Ave, Omaha
Jack Thompson, 2900 Sheridan, Lincoln
Loren G. Olsson, Box 276, Scottsbluff
Wallace Richardson, 714 Stuart Bldg., Lincoln

I respectfully submit these reappointments for your consideration.

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

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

September 18, 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:

E. A. Olson, P.E., 925 South 52nd, Lincoln 68510 - succeeds L. E. Donegan, resigned, term expiring June 22, 1979

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: E. A. Olson
Committee on Committees
Environmental Control Council

September 18, 1978

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

Dear Mr. President and Senators:

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

Ralph Crowl, 3412 South 81st, Omaha (journeyman elec.)
Norval Bowen, 16201 So. 75th, Omaha (prof. eng.)

for five year terms expiring September 13, 1983.

I respectfully submit these reappointments for your consideration.

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

JJE:do
cc: Ralph Crowl
Norval Bowen

Committee on Committees
State Electrical Board

September 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 reappointments to the State Board of Health, for three year terms, requiring legislative confirmation:

Dr. Richard M. Evans, 600 N. Cotner, Lincoln (podiatrist)
Dr. W. J. Higgins, 1619 Circle Dr., Lincoln (Optom.)
John E. Olsson, 2830 Bonacum Dr., Lincoln (civil eng.)
S. R. Chaulk, DVM, Humphrey 68642 (vet med.)

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 Health

September 27, 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 Safety Center Advisory Council requiring legislative confirmation:

Dennis Oelschlager, Administrator, State Office of Highway Safety, succeeding Sam Franco, resigned, term expiring August 24, 1980

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: Dennis Oelschlager
Committee on Committees
Board of Trustees
Kearney State College

October 4, 1978

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

Dear Mr. President and Senators:

On September 21, 1978, I requested legislative confirmation on the appointment of Dr. Richard M. Evans of Lincoln to the State Board of Health.

This is to inform your honorable body that I wish to withdraw that request and advise you that I have made the following appointment requiring legislative confirmation:

Daniel A. Rietz, D.P.M., 12115 Pacific Street, Omaha 68154, succeeds Dr. Richard M. Evans

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: Daniel A. Rietz, D.P.M.
Committee on Committees
Department of Health

October 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 Board of Public Roads Classifications and Standards requiring legislative confirmation:

Heasty W. Reesman, 2023 Barada, Falls City 68355 - succeeds Bruce C. Gillan, deceased, term expiring November 3, 1981

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: Heasty W. Reesman
Committee on Committees
Department of Roads

October 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 Investment Council requiring legislative confirmation:

Ann-Margaret Ulrich, Smith Barney, Harris Upham & Co., Service Life Bldg., 1904 Farnam St., Omaha 68102 - 5 year term expiring September 18, 1983, succeeding Arthur C. Johnson, term expired

I respectfully submit this appointment for your consideration.

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

JJE:do
cc: Ann-Margaret Ulrich
Nebraska Investment Council
Committee on Committees

November 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 Board of Educational Lands and Funds requiring legislative confirmation:

Hans O. Jensen, Aurora, Nebraska 68818 - term expiring October 1, 1983

I respectfully submit this reappointment for your consideration.

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

JJE:do
cc: Hans O. Jensen
Committee on Committees
Board of Educational Lands & Funds

ATTORNEY GENERAL'S OPINIONS

Opinion No. 272
August 2, 1978

Dear Senator Lewis:

In your letter of July 17, 1978, you state that there are two interim study resolutions (LR 278 and LR 279) dealing with the financing of technical community colleges in Nebraska. Apparently some proposals are being considered to increase the state's contribution to the financing of such colleges, perhaps to the point where the state's contribution amounts to more than half of the cost of their operation.

Your question is whether increasing the state's contribution to this extent would create a conflict with Article VIII, Section 1A of the Nebraska Constitution, which prohibits the state from levying a property tax for state purposes. Apparently some contention has been made that increasing the state's share of the cost to more than 50% would make the operation of the colleges a "state purpose," and would preclude financing the balance of the budgets with a property tax.

We do not reach that conclusion. In State ex rel. Western Nebraska Technical Community College Area v. Tallon, 192 Neb. 201, 219 N.W.2d 454 (1974), the court struck down a property tax to finance such colleges, as being in violation of Article VIII, Section 1A, saying:

> "Under the act with which we are concerned here, the State has assumed the direct control of major policy decisions which affect the operation of each of the seven community college areas, and the statute reflects a purpose to control the operation of all seven areas for the benefit of the residents of the state as a whole. The provisions requiring that the tuition in any technical community college area for any resident of the State of Nebraska shall be the same as for a resident of the particular area is a strong indication of the legislative purpose to benefit residents of the entire state as contrasted to residents of particular local areas. The direct control by the State over capital expenditures, the right to contract for acquisitions and additions, and to control and direct which facilities and training will be available in which area, together with the complete and direct control of the individual budget of each technical community college area, demonstrate the dominance of the State as opposed to the local areas in all major matters of control and operation of the statutory system. It is undoubtedly true that such direct control will result in a more efficient and coordinated operation and avoid expensive and uneconomical duplication of facilities and services. Those particular objectives in themselves reflect the dominance of a purpose to benefit the state as a whole.
>
> ". . . .
>
> "We hold that where the State assumes the control and the primary burden of financial support of a statewide system of technical community college areas under the provisions of the Technical Community College Area Act, the property tax levy provided for in section 79-2626, R.S.Supp., 1973, is for a state purpose within the meaning of Article VIII, section 1A, of the Nebraska Constitution."

You will note that the court spoke of the state's assuming control and the primary burden of financial support. There is no indication that providing most of the financial support alone would be sufficient to make it a state purpose as contemplated by the constitutional provision in question. Following the above decision, the Legislature in 1975 made extensive changes in the regulation of the colleges, repealing sections 79-2601 to 79-2635, and enacting sections 79-2636 to 79-2662 in their stead. The new sections gave much more local control to the colleges. Among other things, the Nebraska

Coordinating Commission for Technical Community Colleges was created by sections 79-2654 to 79-2661, which, pursuant to section 79-2655, had only advisory supervision over the colleges. In 1977, even this Commission was abolished by the repeal of sections 79-2654 to 79-2661.

In 1976, the Supreme Court again considered the financing of such colleges in State ex rel. Western Technical Community College Area v. Tallon, 196 Neb. 603, 244 N.W.2d 183 (1976). The court this time held that no violation of Article VIII, Section 1A was involved, pointing out that the Commission had only advisory powers, with little, if any, actual control over the technical community colleges. The court said:

> ". . .Yet, in every instance where schools are locally controlled and supported, no objection has been found to a provision for state aid. No constitutional objection thereto has been called to our attention and we know of none. The mere granting of state aid does not render a school operation a state function."

We do not believe that an increased proportion of state aid will operate to convert a local purpose to a state purpose, where there is local control and at least some local financial support. You obviously contemplate that there will continue to be some local support, as there would otherwise be no occasion to inquire about the effect of Article VIII, Section 1A. We therefore conclude that increasing the state aid to the colleges to more than 50% of their operating expenses would not make such operation a state purpose, as contemplated by Article VIII, Section 1A.

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

RHG:pjs
cc: Clerk of the Legislature

Opinion No. 274
August 7, 1978

Dear Senator DeCamp:

We are in receipt of your letter of July 21, 1978, in which you raise certain questions concerning the application of section 32-504(2)(a), 1977 Supp. For the sake of clarification, the pertinent language of this subsection is set out below:

"Each of the candidates for the office of Governor and Lieutenant Governor circulating or having petitions circulated in his or her behalf after the primary election and prior to the general election shall prior to the circulation of such petition or petitions select the person whom he or she wishes to be his or her team member for ballot purposes. Two thousand signatures on the petition or petitions carrying the names of the candidates for Governor and Lieutenant Governor shall be sufficient for the placing of both names jointly on the general election ballot. . . ."

You first ask whether or not a person is restricted from filing for just the office of Lieutenant Governor under this statute. Since one individual can only file for one office we assume you are asking whether or not an individual can file in this manner for the office of Lieutenant Governor without designating a person who will seek election on their "team" as Governor. We believe the statute clearly requires all candidates for Lieutenant Governor and Governor to designate prior to circulating petitions in an effort to be placed upon the ballot by petition, the name of a person the individual wishes to be their team member. Stated differently we believe this section prohibits a person from running for the office of Lieutenant Governor if he is not attached by preference to an individual seeking the office for Governor.

You also ask whether or not the individual's opportunity for the office of Lieutenant Governor would be contingent upon the completion of the petition of an individual running for Governor. If you mean by this would it be necessary for a candidate for the office of Lieutenant Governor to file a petition containing the requisite number of signatures on which appeared the name of a gubernatorial candidate we agree. We do hasten to point out however that only one petition needs to be circulated on behalf of both the person seeking the office of Lieutenant Governor and Governor.

You finally ask whether or not if, in fact, both persons must run as a team as in fact they must whether or not this unduly hinders the process of petition candidates from seeking the offices of Lieutenant Governor or Governor. We assume you are asking whether or not the fact that a candidate for Governor or Lieutenant Governor must run as a team hinders or unduly restricts the right of an individual to seek one of these elective offices.

It is difficult for us to respond to this inquiry in that you appear to be seeking our personal opinion rather than our informed conclusion as to this statute's constitutionality. You have asked if we believe clarification or additional legislation is needed. We believe the statutory language is clear and suggest that in the absence of a judicial

determination of unconstitutionality that you as a legislator are in an excellent position to form a conclusion as to the desirability of the retention of this language.

Should you care to propose legislation to either repeal this language or to amend it, we would be most happy to review the same and offer any legal observations concerning it you might desire.

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

TRS:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature
Allen J. Beermann, Secretary of State

Opinion No. 276
August 17, 1978

Dear Senator Warner:

RE: LB508

We have examined the provisions of the above bill in light of your suggestion that it violates the provisions of Article VIII, Sections 1, 2 and 11 of the Constitution. Our research would indicate that there is at least some authority to support the proposition that the payments which the bill requires public power districts, and others, to make to school districts would be considered an assessment and not a tax. In this light, we would call your attention to a provision in section 78-446.01 of the statutes which requires the Department of Aeronautics to make payments similar to those provided in LB 508. The validity of this provision seems to have never been challenged.

With regard to your question of the constitutional sufficiency of the title of 508, we can only say that our research would indicate that considering the fact that it would take five of the seven members of the Supreme Court to hold the title to be insufficient, the authorities are not such that we could say with any degree of certainty that the Supreme Court would hold the title of the bill to be constitutionally deficient.

If you have any specific amendments which you feel might be necessary to make the title conform, to your satisfaction, with the provisions of the bill, or vice versa, we would be happy to consider them in light of our overall research of the questions.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ejg
cc Senator Myron Rumery
Mr. Patrick J. O'Donnell
Acting Clerk of the Legislature

Opinion No. 278
August 31, 1978

Dear Senator George:

In your letter of August 17, 1978, you inform us that the Urban Affairs Committee, of which you are chairman, is studying the statutes dealing with sanitary and improvement districts, to determine whether further amendment of the applicable statutes is necessary.

You have asked us a number of questions about the present statutes. You asked first, "[a]re S.I.D.'s allowed, vis-a-vis the developer, to avoid the payment of taxes by acquiring large areas such as golf courses and lakes and thus, due to their political subdivision status, terminate the tax on such land?"

We are somewhat at a loss to understand the significance of the phrase, "vis-a-vis the developer," as used in your question. If the S.I.D. acquires such areas for purposes authorized by the statute, obviously title will be in the name of the S.I.D., and the "developer" will have nothing to do with it.

Section 31-727, 1977 Supp., authorizes the formation of a sanitary and improvement district for various purposes, including "to acquire, improve and operate public parks, play grounds and recreational facilities." Obviously a golf course would qualify as a recreational facility, and we presume that a lake would, also, assuming that it was used for recreational purposes. Article VIII, Section 2 of the Nebraska Constitution provides that the property of the state and its political subdivisions shall be exempt from taxation. We are therefore of the opinion that property zoned by a sanitary and improvement district would be exempt.

You next ask "who is the intended 'public?'" Again, we are somewhat unsure of what your exact question is, but we assume you are asking whether the use of the recreational facility is, or can be, restricted to residents of the sanitary and improvement district.

Some credence might be given to the argument that such facilities were for the exclusive use of residents of the district by the provision

in section 31-727 "for the joint acquisition of such facilities by two or more districts, for the joint use of the residents of the contracting districts." This language tends to create the impression that residents of the districts, as opposed to the public at large, have some superior rights in such facilities.

We do not reach that conclusion, however. We believe that the word "public" as used in the statute, modifies "playgrounds and recreational facilities," as well as "parks," and we question whether a facility whose use was restricted to a particular group could properly be described as "public." In 59 Am.Jur.2d 277, Parks, Squares, Etc., sec. 16, we find:

> ". . .Such public parks are held not for the sole use of the people of a particular municipality, but for the use of the general public which the legislature represents. The use of the park is in kind analogous to those confessedly public. It closely resembles roads and bridges. These are open to general public travel without reference to the residence of the traveler. The enjoyment of a public park hardly can be restricted to residents of a particular city or town. . . ."

You ask whether S.I.D.'s are allowed to retail aggregate sand or gravel accumulated in the development of a lake. An S.I.D. has only such powers as are given it by statute, and those incidental thereto. It could not go into the sand and gravel business. However, if it produces sand and gravel as an incident to the development of a recreational lake, it could, of course, sell it. Such sand and gravel would, while in the hands of the S.I.D., be free from taxation.

Your fourth question is: "Once the district is established and after a plat is filed by lots and legals on completed property and approved by the planning commission and County Commissioner, can an S.I.D. file further deeds which do not follow the legals as most recently filed?"

We are not at all confident that we understand your question. When you speak of filing "other deeds," this seems to imply acquisition of title by the S.I.D., which, of course, is not involved in an enlargement of the territory covered by the district. We think you mean to ask whether the S.I.D. can enlarge its territory. If so, the answer is that it can. Section 31-761 provides the procedure for doing so, either by a petition signed by all of the property owners to be annexed, approved by the trustees, or by petition signed by the majority of the property owners, and approved by the trustees after a public hearing.

You quote from section 31-736, as amended by LB 708, 1978 Session, which authorizes an S.I.D. to acquire by purchase, condemnation, or otherwise, real or personal property, right-of-way, and privileges, within or without its corporate limits, necessary for its

corporate purposes. You ask what are its corporate purposes, as used in the above provision, and what would be considered an unjust taking of private property.

We can only refer you to section 31-727, 1977 Supp., which provides that an S.I.D. may be formed for the purposes listed therein. This section also provides that the articles of association shall state which of those listed shall be the purposes of the corporation, or whether all of them shall be corporate purposes. Therefore, any of the purposes listed in section 31-727 which are included in the articles of association would be corporate purposes of the S.I.D. An unjust taking of private property would be a taking for a purpose not listed in the statute, or one not properly listed in the articles of incorporation.

You ask whether the initial corporate purpose is subject to change to allow for the replatting of lots for the creation of a lake or golf course within the S.I.D. We are not sure just what you mean by "replatting of lots," but the creation of a lake or golf course would be included as proper purposes, as recreational facilities. Section 31-727(3) provides in part:

> ". . .No corporation formed or hereafter formed shall perform any new functions, other than those for which the corporation was formed, without amending its articles of association to include the new function or functions."

This provision clearly contemplates that proper purposes not originally included in the articles of association may be brought in by amendment.

Your last question, "Can the S.I.D. own and develop all acres by deed within the boundaries of the district?" We cannot answer that question, because we don't understand it. It seems to suggest that an S.I.D. might hold title to all of the land in the district, but we don't believe that is what you meant. If you will clarify your question we will try to answer it for you.

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
State Capitol Building
Lincoln, Nebraska 68509

Opinion No. 283
September 15, 1978

Dear Senator DeCamp:

You have written for the select legislative committee studying the need for any possible legislative changes in the area of law enforcement procedures. You indicate in your letter that you would like our comments regarding changes in the legislation dealing with the county attorneys and coroner's juries. You did invite our representation at the hearing to be held on September 14th, but in view of the pending litigation involving the actions of your committee, we did not feel that it would be appropriate for us to do so. You expressly requested our comments in writing.

We are mindful that the determination of policy in this area is basically for the Legislature. Our responsibility is generally toward the legalities of legislation considered by your committee. However, as we interpret your letter, and pursuant to telephone discussions with the committee's counsel, it does appear that your letter does desire that we comment on the policy aspects of this proposed legislation so that the committee can arrive at a workable solution.

The provisions for a county coroner are found in Article 18 of Chapter 23 of the Nebraska statutes. The county attorney is made ex officio county coroner pursuant to the provisions of section 23-1210, R.R.S. 1943. The question of whether or not to call a coroner's jury is a matter placed within the county attorney's discretion. The authority to require the services of a physician is authorized under the provisions of section 23-1820. His duties are set forth in that section.

Under the proposed legislation, as presented to us, there is created an office of state coroner. This office would be located within the Bureau of Criminal Investigation as established by the bill. We note that the state coroner would be appointed by the Governor subject to the approval of the Legislature. Certain requirements are set forth for the state coroner. This includes the requirement that he be a pathologist and be appointed with due regard to his or her knowledge and experience in proper preservation, identification, and scientific analysis of evidence materials pertaining to the investigation of crimes. This is to be a full time office.

We note that section 25 of the proposed bill states that the state coroner shall be in charge of performing all autopsies requested by the county attorneys in cases when death by unlawful means is suspected. If he completes an autopsy then he is required to certify the cause of death or he may issue a warrant to the clerk of the district court requesting such clerk to summon a coroner's jury to appear before

him (state coroner) at a time and place named in the warrant. The coroner's jury is to consist of seven individuals as opposed to six which is required under the present law. The proposed act would require the judge of the district court to preside over the coroner's jury proceedings and would require him to assure that the testimony, proof, and other evidence would be factual and relevant at any subsequent criminal proceeding. The county attorney is required to conduct the coroner's jury in an informal manner and conduct same so as to eliminate unjustifiable expense and delay and to the extent possible, develop evidence that would be admissible in court.

While we have no statistics, we are aware that coroner's juries are seldom used under the present system. The law now states that the coroner shall hold an inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means. This is a matter committed to the coroner's discretion. If there clearly is a death by unlawful means it is not customary to call such a jury. Evidence is then developed in the normal investigative fashion. Usually, it is only in those cases where there is a question as to whether or not the death resulted from unlawful means that the coroner's jury is used at all. Thus, they are rarely used.

Under the proposed legislation, the provision is made that the state coroner shall be in charge of performing all autopsies requested by the county attorney in cases when death by unlawful means is suspected. The question of whether or not to call a coroner's jury then becomes a matter for the discretion of the state coroner rather than of the county attorney. However, the state coroner would only initiate the procedure to call the jury and the conduct of such would then be substantially different than the present. Section 29 of the proposed legislation provides that the judge of the district court shall preside over all coroner's juries proceedings. Presently, the county attorney presides and interrogates the witnesses which may be called.

We suspect, that a hearing before a district judge where he is charged with the duty to assure that the testimony, proof, and other evidence would be factual and relevant at any subsequent criminal proceeding would involve several considerations. Even though the same section directs that the county attorney shall conduct the inquisition in an informal manner, he would still be subject to the direction of the district judge in the presentation of proof. This would essentially be true because the judge is charged with the duty to assure that the evidence is factual and relevent and would properly be admissible at a subsequent criminal proceeding. This presents the danger that such a hearing would then cease to be an informal proceeding, but a part of a court proceeding which might well be subject to judicial rules of evidence. This is a matter which is

presently accomplished by the county attorneys who hold such hearings. Second, the availability of district judges might not always be such that they could expeditiously preside over such a hearing due to other commitments in connection with their regular duties. We suspect that this would have a tendency to eliminate even further coroner jury proceedings.

Another consideration is the fact that the state coroner is not authorized to delegate any of his duties but apparently it is contemplated that he would perform all such autopsies when requested by the county attorney. In that connection there is an inconsistency in the subpoena which states that the juror shall appear before the state coroner at the required time to hold the inquest. Then, apparently, he would then become a witness just to present the results of his autopsy. It would appear to us that this would then result in even fewer coroner's juries than are presently held.

There are other factors which are not made clear in the bill. In what county is the coroner's jury to be called? What district judge is to preside? How are simultaneous deaths in various parts of the state to be handled?

We have confined our comments to coroner's problems, and have set forth only some of the more obvious problems. We hope they will be of benefit to the committee in its study of this area.

Yours very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:pjs

cc: Patrick O'Donnell
Acting Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Opinion No. 284
September 27, 1978

Dear Senator Marvel:

You have requested our opinion on two questions relating to the records of the Conflicts of Interest Committee. Your first question is whether the materials that were filed under the former statute, which established the Conflicts of Interest Committee, are confidential.

That statute formerly appeared as sections 49-1101 to 49-1117, R.R.S. 1943. Those sections were repealed upon the adoption of the Political Accountability and Disclosure Act in LB 987, Eighty-fourth Legislature, Second Session, 1976. Those sections now appear as sections 49-1401 through 49-14,138. Under the repealed section 49-1106, R.R.S. 1943, legislators, constitutional officers, members of independent boards or commissions, natural resource districts, legislative council employees receiving a slary(sic) of $10,000 or more were required to disclose certain information to the Conflicts of Interest Committee established by section 40-1105. In subsection (6) of 49-1106 the following language appeared:

> "Each disclosure statement, amended statement, or notification that no admendment(sic) is required shall be public information and a copy of each shall be furnished each member of the Legislature and each nonlegislative member of the committee, at their request."

Under this language, it is our opinion that the conflicts of interest statements filed with the committee were public records and thus not confidential.

In your second question you ask: Who is the proper custodian of the Conflicts of Interest Committee records and to whom should request for disclosure be directed? As background information, you have informed us that these records are maintained in your office in three locked filing cabinets and that you have had these records since the committee was dissolved by repeal of the establishing sections. It is clear that you are not the proper custodian for these records. There is no statute authorizing you as a legislator or as a member or chairman of any committee of the Legislature to have possession or control of the Conflicts of Interest Committee records. Those records were the records of the committee and not of the Legislature or of individual members of the Legislature. As such, you have no authority over the records nor should you be in a position of either authorizing or denying access to such records.

Under the Records Management Act, in section 84-1213, R.R.S. 1943, the Legislature has provided that records made or received or under the custody, control or in the possession of public officials or agencies of any of the branches of government are public records and the property of government. They are not to be mutilated, destroyed, transferred, removed, damaged or otherwise disposed of in whole or in part except as provided by law. Further, that section, in part, provides:

> "Any person who shall willfully mutilate, destroy, transfer, remove, damage, or otherwise dispose of such records or any part of such records, except as provided by law, and any person

> who shall retain and continue to hold the possession of any such records, or parts thereof, belonging to the state government or to any local political subdivision, and shall refuse to deliver up such records, or parts thereof, to the proper official under whose authority such records belong, upon demand being made by such officer or, in cases of a defunct office, to the succeeding agency or to the state archives of the Nebraska State Historical Society, shall be guilty of a misdemeanor. . . ."

This is the only statute that gives us any guidance with respect to the disposition of such records.

The Conflicts of Interest Committee was dissolved by repeal of the enacting sections. The Legislature made no specific provision for a successor agency nor did the Legislature make any provisions for the disposition of committee records.

It might be argued that the Political Accountability and Disclosure Commission is a successor agency. Many of the functions previously performed by the Conflicts of Interest Committee are now performed by the Political Accountability and Disclosure Commission. However, there is no direct link between the two and the Political Accountability and Disclosure Commission acts in a much wider area than did the Conflicts of Interest Committee. You could offer to the Political Accountability and Disclosure Commission possesssion and control of these records. That agency could determine whether or not they are a successor agency.

Another option is open to you and that is to deliver the records to the Records Management Administrator. That administrator may then make the determination as to whether or not the records are such that they should be retained or are such that they could be destroyed. Under section 84-1214.01, the state archives has the authority to acquire, in total or in part, any document, record or material which has been submitted to the Records Board for disposal or transfer when such material is determined to be of archival or historical significance. This, of course, would be subject to action by the state archivist.

In our view, the best course for you to follow would be to notify the State Records Administrator of your possession of such records and your desire to deliver them to his office so that he may determine whether or not such records should be maintained or destroyed.

Either of the courses we have outlined above are appropriate. To reiterate, they are: (1) To deliver the records to the Political Accountability and Disclosure Commission as the sucessor(sic) agency, or (2) to deliver them to the State Records Administrator for disposition under the statutes governing his duties. In either case, the person then having possession of those records would be the proper individual to whom a request for disclosure should be directed.

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. 289
October 30, 1978

Dear Senator Lewis:

You ask whether the authority to name the new field house lies in the Board of Regents of the University of Nebraska, the Department of Administrative Services, State Building Commission, State Building Administrator or the Legislature.

It is our understanding that the Legislature authorized the University of Nebraska to construct a new field house on land at the State Fair Grounds. That building was constructed. Under the particular arrangement by which the building was financed, the University pursuant to section 85-1,100 the State Board of Agriculture has leased land to the State of Nebraska. Upon that land a field house has been constructed by a separate corporation. That corporation has leased the field house to the Board of Regents of the University of Nebraska pursuant to sections 85-401 and 85-402. Section 85-401 after spelling out the manner in which such buildings are to be paid for, provides in part:

> ". . . Said contract shall provide that when the cost of construction or establishment has been paid, together with interest thereon, the buildings and facilities so constructed or established shall become the property of the State of Nebraska."

This presents a situation unlike most others involving University property. Generally the Board of Regents has been established as a governmental corporation with the power to sell and purchase real estate. The Board of Regents has engaged in a number of real estate transactions and presently holds title to real estate in the name of the Board of Regents of the University of Nebraska. The particular statute under which this building was constructed does not result in the Board of Regents owning land upon which the building is situated. Rather, the University has a leasehold interest in the building for a term of years as provided for in the contract between the constructing agency and the University Board of Regents. The land itself remains

titled in the name of the State of Nebraska, with a leasehold interest in the land to the corporation on which the building is constructed in accordance with the term of the contract.

Generally, the Board of Regents has exercised their authority as the general governing body of the University of Nebraska to establish names for structures owned by the University. This procedure has not been followed under any specific grant of authority existing in the statutes but rather under the general authority of the Board of Regents to act as a corporation and to own and develop real estate. As the owner of the real estate in question they undoubtedly have the right to name the structures located thereon in any manner that they see fit.

The only statute that specifically deals with the naming of state buildings is section 81-1108.36. That section provides that the Administrator of the State Building Division shall review recommendations and propose names for sites or structures subject to approval by the Governor and the Legislature. In Board of Regents v. Exon, 199 Neb. 146, _ N.W. 2d _ (1977), the Supreme Court held that a number of sections in Chapter 81, Article 11 were unconstitutional if applied to the Board of Regents since the Board of Regents was a constitutional entity and not subject to having power vested therein delegated to state agencies. For that reason we believe that section 81-1108.36 has no application to any property interest held by the Board of Regents of the University of Nebraska.

It would be absolutely clear to us that if the land upon which the building sits were titled in the Board of Regents and the building were constructed at the behest of the Board of Regents they would undoubtedly have the power to name the building. The complicating factor in our present instance is that the Board of Regents' interest is leasehold in nature and not a fee interest. Section 81-1108.36 speaks in terms of ". . . nameing(sic) of state owned or leased sites or structures." Thus, the inquiry must be on the issue of whether or not the state ownership or any lease interest in the site would be such as to make the application of section 81-1108.36 mandatory with respect to the athletic facility. In that connection it is interesting to note that the state leases the site to a private nonstate agency who contracted with the Board of Regents to construct a building thereon and to lease the building to the Board of Regents of the University of Nebraska. The state, by virtue of section 85-1,100, does have a reversionary interest in the building under the terms of the statute. However, the building itself and all activities conducted therein are solely under the jurisdiction and control of the Board of Regents of the University of Nebraska. As such it is our conclusion that although there is a state interest in the building such that at the termination of the contract the State Building Administrator may well be empowered to name the

building, at the present time that power resides in the Board of Regents under their leasehold interest at least for the term of the leasehold.

We believe that this conclusion is necessary because of the broad governmental powers granted to the Board of Regents under the statutes, particularly Chapter 85, and furthermore as those statutes are construed by Board of Regents v. Exon, supra. To that extent the determination of the Board of Regents as to the name to be applied to the building during the term of the leasehold while the building is under the control of the Board of Regents would be, in our view, within their governmental prerogatives. The caveat necessary, however, is to recognize that at the termination of that leasehold interest and reversion of the property and the building thereon to the State of Nebraska, the State Building Administrator, assuming section 81-1108.36 is still in effect, may well have the right to select a name for the building.

Article III, Section 18 of the Constitution provides:

> "The Legislature shall not pass local or special laws in any of the following case, that is to say:
>
> ". . . .
>
> "Changing the names of persons or places."

Arguably, this provision of the Constitution can be read to say that once a place name has been adopted, for whatever reason it may have been adopted, the Legislature is not authorized to adopt a special or local law applying solely to that person or place. In this particular instance, should a name be adopted by the Board of Regents under their leasehold interest and their power as a corporation, it may well be that the Legislature at some future date will not be able to change that name. That is not to say, however, that the Legislature may not authorize a particular body to name state held property. This may well include the right to change the name heretofore existing on any particular place. We find no prohibition existing in the constitution which would otherwise preclude the Legislature from authorizing a particular name for a particular building or site not previously named. However, the Legislature has no interest as such in the fee interest to the athletic facility under consideration here. That reversionary interest that presently exists would only be subject to action by the person authorized by statute at that time. In the absence of such a statutory grant preclusion of legislative action is arguably affected by Article III, Section 18.

The other persons that you refer to in your question — the Department of Administrative Services, the State Building Advisory Commission — nor as far as we can discern any other person or entity has any statutory authority authorizing such entities to name an

athletic facility such as that here under discussion. It is therefore our opinion that the Board of Regents may lawfully adopt a name for the athletic facility under consideration under their general powers of government over the University of Nebraska to the extent that the name will be effective at least until the conclusion of the leasehold interest in the Board of Regents.

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. 294
December 5, 1978

Dear Senator Murphy:

You inform us that pursuant to a vote at the last general election, the composition of the Dakota County Board will be increased from three to five members; and you have requested our opinion as to what procedure should be followed in effecting the change — especially with reference to redistricting and the selection of the two additional board members. In your request letter you express an interest in offering legislation "to correct one or two of the vagueries that currently seem to exist." And it certainly is the case that there may arise some problem situations for which no clear answer can be found in the statutes as they now exist.

The same general question was the subject of an earlier Attorney General's opinion, dated January 8, 1959, appearing in Report of Attorney General, 1959-1960, page 22, a copy of which is enclosed for your convenience. The statutes insofar as pertinent, are essentially the same now as they were at that time. It was recognized at the time of the former opinion that the statutes are by no means free from ambiguity and fail to make adequate provision for certain contingencies, including such as those presented by your present situation. Certainly, there is room for some respectable disagreement with out conclusions. However, our 1959 opinion has been a matter of official record now for nearly 20 years, without judicial pronouncement to the contrary and without any legislative action to obviate or modify the conclusions which we there expressed. Accordingly, we see no reason that we should depart therefrom at this

time. Parenthetically, we might note that the Sarpy County election to change from three to five commissioners, which prompted our 1959 opinion, ultimately was involved in litigation reaching the Nebraska Supreme Court. See, Ludwig v. Board of County Commissioners, 170 Neb. 600 (1960). However, the opinion in that decision sheds no particular light upon the question here involved, except for the proposition that the creation of five commissioner districts appears to be mandatory.

Applying the reasoning adopted in our earlier opinion, we conclude that Dakota County must be divided into five commissioner districts at the first meeting of the board following the election at which the proposition was voted upon and that vacancies in the two additional commissioner offices automatically occur at that time. We further conclude that the two additional commissioners should be appointed, without unnecessary delay, under the provisions of section 32-1040 of the statutes.

Section 32-1040 is a general statute applying to the filling of vacancies in office, where no other method is expressly provided. Vacancies in a board of county commissioners are filled by a panel consisting of the county clerk, the county attorney and the county treasurer. Pursuant to Legislative Bill 632, section 7, enacted at the 1978 Session of the Legislature, section 32-1040 was amended so as to include a provision that all vacancies shall be filled within sixty (60) days, unless otherwise provided by law or unless good cause be shown that an undue burden would be imposed thereby.

Here again, in this connection there exists a situation for which there is no specific answer in the statutes. As a result of the past election, the composition of the vacancy selection panel as provided for in section 32-1040 will be different as of January 4, 1979, than it is at the present time. Insomuch as the sixty (60) day limitation prescribed by the 1978 amendment to 32-1040 is simply a maximum, presumably the two county commissioner vacancy appointments might be made either before or after January 4, 1979. In the final analysis, the question resolves into one of policy judgment. It appears that the selection panel, as now constituted, has the authority to make the vacancy appointments; but, on the other hand, that panel might choose to defer the matter for action after January 4, 1979, when the newly elected take office.

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

CCS:pjs

Patrick O'Donnell, Clerk of the Legislature
Enclosure

December 27, 1978

Senator Barry L. Reutzel
State Capitol Building
Lincoln, Nebraska 68509

Dear Senator:

In your recent correspondence to this office, you stated that you are preparing legislation which creates a source separation paper recovery system in state offices in the State Office and Capitol Buildings. According to your brief description, the system would require employees in those buildings to separate certain grades of paper from the office wastestream at their desks or work areas during the daily perfomance (sic) of their work. With regard to said proposed legislation, you ask whether the legislature has authority to require state agencies to comply with the program's guidelines or whether an Executive Order is necessary along with the legislation.

On the limited facts you have given us, we are unaware of any authority which would inhibit, via requirement of an Executive Order, the grant of power to the legislature found in Article III, Section 1 of the Constitution of the State of Nebraska.

Please be advised that our response herein is limited to the singular question posed. It is not meant and should not be taken to pass upon any other aspects of the legislation you are preparing. If we can be of further assistance, please don't hesitate to contact us.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Judy K. Hoffman
Assistant Attorney General

JKH;mjh

cc. Clerk of the Legislature

REPORTS

Received reports from the Nebraska Coordinating Commission for Postsecondary Education dated July 31, 1978 and August 16, 1978

regarding state plans for education information centers in compliance with LB958 (1978).

Received reports from the Board of Trustees of Nebraska State Colleges dated September 5, 1978 and September 29, 1978 in compliance with LB958 on salary distribution and general operating procedures; dated October 15, 1978 in compliance with LB543 on student fee schedules; dated November 15, 1978 in compliance with LB756 regarding academic transfer and preprofessional associate degree programs; dated December 1, 1978 in compliance with LB954 regarding transfer of instructional improvement funds to the State Colleges.

Received report from the Natural Resources Commission dated September 20, 1978 in compliance with LB975 regarding work accomplished by the Development Fund.

Received report from the Department of Health dated November 20, 1978 in compliance with LB957 regarding nursing home services for veterans.

Received letter from Department of Public Welfare dated December 14, 1978 in reference to analysis and estimate of fiscal impact on general fund in compliance with LB957.

Received report from the Department of Economic Development dated December 29, 1978 in compliance with directive in LB532 on the "Needs Assessment of the American Indians in Nebraska".

Received report from the Nebraska Commission on Rural Health Manpower dated December 27, 1978 in compliance with LB494.

Received report from the State Office of Planning and Programming dated December 28, 1978 entitled "The Impact of Federal Juvenile Justice and Delinquency Prevention Act of 1974 in Nebraska" in compliance with LB957.

Received report from the Department of Economic Development December 29, 1978 on the Strategic Air Command Museum in compliance with LB957.

COMMUNICATIONS

Received Resolution No. 943 passed by the Virgin Islands Legislature regarding the Equal Rights Amendment.

Received Resolution from the American Movers Conference regarding household goods weighing practices.

Received Joint Resolution of Congress (H.J. Res. 554) regarding amendment to the Constitution to provide representation of the District of Columbia in Congress.

ANNUAL REPORTS

Received annual reports from the Nebraska Commission on the Status of Women; Natural Resources Commission, State Water Planning and Review Process; Administrative Services Accounting Division; Nebraska Power Review Board; State Athletic Commissioner; Nebraska Accountability and Disclosure Commission; State Tax Commissioner (annual examination of Auditor of Public Accounts); and Department of Aeronautics.

Received Biennial report of the Secretary of State dated June 30, 1978.

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1978 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTY/LOBBYIST/PUB. REL.	FEE
Central Platte	James I. Shamberg	31,876.40
Lewis & Clark	Craig Monson	1,521.23
Lower Big Blue	Everson, Noble, Wullschleger Sutter & Fischer	1,766.32
Lower Loup	Atty fees	80.50
Lower Niobrara	None	
Middle Missouri Tribs	C. J. Galvin	3,702.03
	Golby C. Uhlir	2,781.75
Middle Niobrara	Warren Arganbright	100.00
	Robert Coupland	89.35
Middle Republican	Fred Schroeder, Jr.	1,940.75
	James Lane	7,394.62
North Platte	Holtorf, Hansen, Kovarik & Nuttleman, P.C.	2,362.09
Papio	Moore, Moore & Peters	10,004.00
	Taylor, Hornstein & Peters	23,800.00
South Platte	George P. Burke	5,795.79
Tri-Basin	Anderson, Storms & Strasburger	195.00

Twin Platte	Crosby & Nielsen Jess C. Nielsen	23,731.00
Upper Big Blue	Luebs, Dowding, Beltzer & Leininger	539.75
	Crosby, Guenzel, Davis, Kessner & Kuester	1,599.50
Upper Elkhorn	William Griffin	42.64
	State Association	3,100.00
	National Association	584.80
Upper Loup	None	
Upper Niobrara-White	Bump & Howland	35.00

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1. By Executive Board: Richard Marvel, 33rd District, Chairman.

A BILL FOR AN ACT to amend section 28-306, Revised Statutes Supplement, 1978, relating to crimes and punishment; to correct an erroneous internal reference; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 2. By Executive Board: Richard Marvel, 33rd District, Chairman.

A BILL FOR AN ACT to amend section 21-1950, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 3. By Executive Board: Richard Marvel, 33rd District, Chairman.

A BILL FOR AN ACT to amend section 24-329, Reissue Revised Statutes of Nebraska, 1943, relating to the Director of Administrative Services; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 4. By Executive Board: Richard Marvel, 33rd District, Chairman.

A BILL FOR AN ACT to amend section 71-162, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1978, LB 406, section 12 and LB 689, section 1; to correlate sections (1) 46-612.01, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws

1977, LB 40, section 267 and LB 421, section 1, (2) 48-511, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 40, section 288 and LB 162, section 9, (3) 48-513, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 40, section 289 and LB 162, section 11, (4) 48-1118, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 40, section 301 and LB 161, section 12, (5) 60-407, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 39, section 76 and LB 314, section 6, and (6) 77-3009, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 39, section 245 and LB 353, section 4; to harmonize provisions with the Nebraska Criminal Code; to repeal the original sections, and also Laws 1977, LB 305, section 8; and to declare an emergency.

LEGISLATIVE BILL 5. By Executive Board: Richard Marvel, 33rd District, Chairman.

A BILL FOR AN ACT to amend section 2-3216, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources; to correct an erroneous internal reference; and to repeal the original section.

LEGISLATIVE BILL 6. By Executive Board: Richard Marvel, 33rd District, Chairman.

A BILL FOR AN ACT to amend sections 77-202.14, 77-202.15, and 77-202.16, Reissue Revised Statutes of Nebraska, 1943, relating to homestead exemption; to harmonize provisions and internal references; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 7. By Executive Board: Richard Marvel, 33rd District, Chairman.

A BILL FOR AN ACT to amend section 49-509.01, Reissue Revised Statutes of Nebraska, 1943, relating to laws; to change provisions relating to the price of unbound session laws and daily journals as prescribed; to repeal the original section; and declare an emergency.

LEGISLATIVE BILL 8. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 77-505, 77-509, 77-629, 77-1241.09, 77-1250, 77-1301.06, 77-1331, and 77-1342, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide for centralized valuation and assessment of real property as prescribed; to provide duties and penalties; to provide severability; to

provide an operative date; to repeal the original sections, and also section 77-1301.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 9. By Clark, 47th District.

A BILL FOR AN ACT to amend sections 71-1,133 to 71-1,136, Reissue Revised Statutes ofNebraska, 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 10. By Reutzel, 15th District.

A BILL FOR AN ACT to amend section 37-212, Revised Statutes Supplement, 1978, relating to permits to hunt and fish; to provide an additional use for the State Game Fund; to provide refunds for certain permits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 11. By Reutzel, 15th District.

A BILL FOR AN ACT to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 37-432, Revised Statutes Supplement, 1978, relating to the protection of endangered species; to create a fund; to prescribe its name and purpose; to provide for contributions from tax refunds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 12. By Nichol, 48th 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 13. 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 14. By Nichol, 48th District.

A BILL FOR AN ACT to adopt the Nebraska Dry Bean Resources Act; and to declare an emergency.

LEGISLATIVE BILL 15. By Nichol, 48th District.

A BILL FOR AN ACT relating to state colleges; to provide for retirement of employees as prescribed.

LEGISLATIVE BILL 16. By Newell, 13th District.

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

LEGISLATIVE BILL 17. By Newell, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to require a report as prescribed; and to provide duties for the Department of Revenue and the Governor.

LEGISLATIVE BILL 18. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 48-812 and 48-818, Reissue Revised Statutes of Nebraska, 1943, and sections 48-804, 48-806, 48-838, and 84-901, Revised Statutes Supplement, 1978, relating to the Court of Industrial Relations; to provide a requirement for the presiding judge; to provide an annual salary for the presiding judge; to increase per diem expenses; to redefine a term; to provide procedures as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 19. By Newell, 13th District.

A BILL FOR AN ACT to adopt the Nebraska Child Custody Jurisdiction Act; and to provide severability.

LEGISLATIVE BILL 20. By Carsten, 2nd District.

A BILL FOR AN ACT to amend Laws 1978, LB 965, section 11, to clarify a biomass appropriation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 21. By Carsten, 2nd District.

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

LEGISLATIVE BILL 22. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 23-379, Reissue Revised Statutes of Nebraska, 1943, relating to garbage or waste disposal; to provide powers of the county as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 23. By Merz, 1st District.

A BILL FOR AN ACT to amend sections 60-401 and 60-501, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602, 39-666, and 60-301, Revised Statutes Supplement, 1978, 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.

LEGISLATIVE BILL 24. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 60-1308, Revised Statutes Supplement, 1978, relating to weighing stations; to require stopping at weighing stations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 25. By George, 16th District.

A BILL FOR AN ACT to repeal section 2-1401, Reissue Revised Statutes of Nebraska, 1943, relating to agricultural statistics.

LEGISLATIVE BILL 26. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 46-658, 46-663, 46-665, 46-666, and 46-673, Revised Statutes Supplement, 1978, relating to the Nebraska Ground Water Management Act; to change provisions and procedures for establishing or modification of control areas; to provide for dissolution; to increase an authorized mill levy; and to repeal the original sections.

LEGISLATIVE BILL 27. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 46-613, Reissue Revised Statutes of Nebraska, 1943, relating to ground water; to provide an exclusion from liability for interfering with the use of a domestic well; and to repeal the original seciton.

LEGISLATIVE BILL 28. By Clark, 47th District.

A BILL FOR AN ACT to amend section 75-109, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to allow radio common carriers to operate without regulation; to define a term; and to repeal the original section.

LEGISLATIVE BILL 29. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 77-2704, 77-2715, and 77-2715.01, Revised Statutes Supplement, 1978, relating to taxation; to exempt 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 30. By Koch, 12th 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, 1978, relating to the State Fire Marshal Act; to provide for appointment of the State Fire Marshal; 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 31. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 2-1502, Reissue Revised Statutes of Nebraska, 1943, relating to the Small Watersheds Flood Control Fund; to change conditions for state participation; and to repeal the original section.

LEGISLATIVE BILL 32. By Kahle, 37th District.

A BILL FOR AN ACT to amend section 79-518.04, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the recall of Class I school board members as prescribed; and to repeal the original section.

LEGISLATIVE BILL 33. By Kahle, 37th District.

A BILL FOR AN ACT to amend section 29-2204, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide for the commitment of persons under eighteen years of age to the Nebraska Penal and Correctional Complex; and to repeal the original section, and also section 83-465, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 34. 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; to repeal the original seciton; and to declare an emergency.

LEGISLATIVE BILL 35. By Johnson, 8th District.

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

LEGISLATIVE BILL 36. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 6-102, Uniform Commercial Code, relating to bulk transfers; to provide additional enterprises subject to the bulk transfers article; and to repeal the original section.

LEGISLATIVE BILL 37. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1978, relating to revenue and taxation; to provide a credit against taxes as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 38. By Labedz, 5th District.

A BILL FOR AN ACT to amend section 81-1108.43, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to change provisions relating to use of agency services and work forces; and to repeal the original section.

LEGISLATIVE BILL 39. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 71-604.01 and 71-604.03, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for screening of infants for metabolic disease as prescribed; to provide duties; to provide for fees and their use; to permit an agreement with other states for laboratory tests; to repeal the original sections, and also section 71-604.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 40. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1978, relating to revenue and taxation; to change income tax provisions relating to persons on active duty in the armed forces; and to repeal the original section.

LEGISLATIVE BILL 41. By Cullan, 49th 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 42. By Cullan, 49th District.

A BILL FOR AN ACT relating to railroad crossing safety; to create a division; to provide duties; to provide for payment of improvements as prescribed; to amend section 39-6,195, Revised Statutes Supplement, 1978; and to repeal the original section.

LEGISLATIVE BILL 43. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 23-1608 and 23-1609, Reissue Revised Statutes of Nebraska, 1943, relating to county audits; to provide for partial cost reimbusements as prescribed; to revise audit requirements; and to repeal the original sections.

LEGISLATIVE BILL 44. By Maresh, 32nd District.

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

LEGISLATIVE BILL 45. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 46-257, Revised Statutes Supplement, 1978, relating to irrigation; to change provisions relating to the construction of dams; and to repeal the original section.

LEGISLATIVE BILL 46. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 43-646.08, Revised Statutes Supplement, 1978, relating to care and education of handicapped children; to make participation in a plan of services discretionary; and to repeal the original section.

LEGISLATIVE BILL 47. By Hefner, 19th District.

A BILL FOR AN ACT relating to cities and villages; to require that duplicate building permits be filed with the county assessor as prescribed.

LEGISLATIVE BILL 48. By Warner, 25th District.

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

LEGISLATIVE BILL 49. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 60-330, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle registration; to provide a special registration fee for certain vehicles used by farmers and ranchers; to provide a penalty; and to repeal the original section.

EASE

The Legislature was at ease from 10:28 a.m. until 10:40 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 50. By Keyes, 3rd District.

A BILL FOR AN ACT to adopt the Tax Reform for School Financing Act; to provide a system of funding for schools; to provide for administration; to amend section 79-451, Revised Statutes Supplement, 1978; to repeal the original section, and also sections 79-4,160 and 79-1330 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 51. By Simon, 31st District; Johnson, 8th District.

A BILL FOR AN ACT relating to aliens; to define terms; to prohibit hiring of certain aliens as prescribed; to provide an exception; to provide penalties; and to provide for severability.

LEGISLATIVE BILL 52. By DeCamp, 40th District.

A BILL FOR AN ACT relating to insurance; to authorize legal service insurance corporations; to provide duties; to set standards for legal expense insurers; and to provide for severability.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1.

Introduced by Newell, 13th District.

WHEREAS, the State of Nebraska has produced, in its history, numerous political figures of local and national significance; and

WHEREAS, the historical political significance of these Nebraskans is worthy of recognition; and

WHEREAS, recognition of these people and their contributions would add to the historical perspective of all Nebraskans.

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

1. That the Executive Board of the Legislature create a subcommittee to recognize Nebraskans of historic political significance.

2. That the above-mentioned committee secure suggestions from the Nebraska State Historical Society concerning which historic political figures qualify for recognition.

3. That legislative hearing rooms, currently identified only by number, be named in honor of certain historic political figures. Plaques naming these hearing rooms should be placed on the doors to identify the rooms and commemerate the individuals.

4. That the Unicameral contract for the erection of statues of these distinguished Nebraska political figures, and that artists either currently residing in Nebraska or having Nebraska backgrounds be commissioned to design and sculpt the statues.

Laid over.

LEGISLATIVE RESOLUTION 2.

Introduced by Koch, 12th District.

WHEREAS, football is a favorite focus of attention for fans of college athletics in Nebraska; and

WHEREAS, the caliber of athletic and coaching excellence as reflected in the University of Nebraska football team has been of a consistantly high standard for many years; and

WHEREAS, the influence of coaching philosophy and techniques of the Nebraska head coach and his staff can be credited with influencing the development of fine, well-rounded young men as well as superb college sportsmen.

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

1. That the Members of the Legislature extend warmest congratulations to Coach Tom Osborne, his coaching staff, and all members of the University of Nebraska football team for a fine season effort and a valorous appearance at the 1978 Orange Bowl game.

2. That Coach Osborne, his staff, and athletes, be offered high praise for the credible influence they exert upon our collegiate athletes.

Laid over.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

EASE

The Legislature was at ease from 10:51 a.m. until 11:13 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 53. By Simon, 31st District.

A BILL FOR AN ACT relating to professional or labor organizations; to permit certain deductions from wages as prescribed; and to provide duties of school districts.

LEGISLATIVE BILL 54. By Cullan, 49th District.

A BILL FOR AN ACT to amend sections 49-14,105, 49-14,106, 49-14,110, 49-14,111, and 49-14,120, Revised Statutes Supplement, 1978, relating to the Nebraska Political Accountability and Disclosure Act; to terminate the existing commission; to establish a new

commission; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 55. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 31-727, Revised Statutes Supplement, 1978, relating to sanitary and improvement districts; to provide that the district court consider additional recommendations in certain situations; and to repeal the original section.

LEGISLATIVE BILL 56. By Clark, 47th District.

A BILL FOR AN ACT to amend section 57-905, Revised Statutes Supplement, 1978, relating to the Nebraska Oil and Gas Conservation Commission; to provide an additional power; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 57. By 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 restrict the acquisition of personal property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 58. By Koch, 12th District.

A BILL FOR AN ACT to amend section 53-124.03, Revised Statutes Supplement, 1978, relating to liquor; to provide an exemption relating to ownership of more than one license; and to repeal the original section.

LEGISLATIVE BILL 59. By Koch, 12th District.

A BILL FOR AN ACT to amend section 79-444, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require examination and immunization of students prior to entering certain grades of any school; to provide exceptions; and to repeal the original section.

LEGISLATIVE BILL 60. By Fowler, 27th District.

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

LEGISLATIVE BILL 61. By Marsh, 29th District.

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

VISITORS

Visitors to the Chamber were Will Moreland and 12 YWCA members from Lincoln.

RECESS

At 11:18 a.m., on a motion by Mr. Reutzel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Marvel presiding.

ROLL CALL

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

REFERENCE COMMITTEE REPORT

LB	Committee
1	General File
2	General File
3	General File
4	General File
5	General File
6	General File
7	General File
8	Revenue
9	Public Health & Welfare
10	Constitutional Revision & Recreation
11	Constitutional Revision & Recreation
12	Education
13	Urban Affairs
14	Agriculture & Environment
15	Education
16	Revenue
17	Revenue

18 Business & Labor
19 Judiciary
20 Appropriations
21 Public Health & Welfare
22 Government, Military & Veterans Affairs
23 Public Works
24 Public Works
25 Agriculture & Environment
26 Public Works
27 Public Works
28 Public Works
29 Revenue
30 Government, Military & Veterans Affairs
31 Public Works
32 Education
33 Judiciary
34 Public Health & Welfare
35 Public Health & Welfare
36 Banking, Commerce & Insurance
37 Revenue
38 Government, Military & Veterans Affairs
39 Public Health & Welfare
40 Revenue
41 Revenue
42 Public Works
43 Government, Military & Veterans Affairs
44 Revenue
45 Public Works
46 Education
47 Urban Affairs
48 Public Works
49 Public Works
50 Education
51 Business & Labor
52 Banking, Commerce & Insurance

(Signed) Frank Lewis, Chairman

SELECT COMMITTEE REPORTS
Committee on Committees

Agriculture and Environment — Schmit, Chairman

Burrows
DeCamp
Kahle
Lamb
Haberman
Maresh
Nichol

Appropriations — Warner, Chairman

Labedz	Hoagland
Hasebroock	Dworak
Cope	Rumery
Marsh	Fowler

Banking, Commerce & Insurance — DeCamp, Chairman

Murphy	Duis
Lewis	Merz
Fitzgerald	Brennan
Schmit	

Business & Labor — Maresh, Chairman

Fitzgerald	Brennan
Kahle	Simon
Landis	DeCamp

Constitutional Revision & Recreation — Reutzel, Chairman

Rasmussen	Pirsch
Carsten	Stoney
Koch	Hefner

Education — Koch, Chairman

George	Kremer
Lamb	Kahle
Beutler	Landis
Vickers	

Government, Military & Veterans Affairs — Keyes, Chairman

Chambers	Johnson
Duis	Merz
Landis	Kelly
George	

Judiciary — Nichol, Chairman

Stoney	Venditte
Chambers	Haberman
Reutzel	Pirsch
Rasmussen	

Miscellaneous Subjects — Newell, Chairman

Sieck
Brennan
Lewis
Fitzgerald
Murphy
Simon
Venditte

Public Health & Welfare — Cullan, Chairman

Wesely
Simon
Kennedy
Clark
Maresh
Goodrich

Public Works — Kremer, Chairman

Cullan
Wesely
Goodrich
Kennedy
Clark
Beutler
Vickers

Revenue — Carsten, Chairman

Johnson
Hefner
Sieck
Burrows
Newell
Kelly
Keyes

Urban Affairs — George, Chairman

Duis
Merz
Koch
Schmit
Lamb
Lewis
Murphy

Administrative Rules & Regulations Review — Duis, Chairman

Kelly
Fowler
Johnson
Koch
Haberman
Kennedy

Rules — Fowler, Chairman

Beutler
Newell
Murphy
Kahle

Intergovernmental Cooperation — Clark, Chairman

Landis	Hefner
Venditte	Rumery

(Signed) Shirley Marsh, Chairperson

MOTION - Rule Change

Mr. Newell offered the following rule change:

PROPOSED RULE CHANGE

1. Amend Rule 3, section 17 subsections (d), (e), and (f) as follows:

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

~~(e)~~ (d) 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)~~ (e) 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.".

2. Insert the following new section to Rule 3.

"Sec. 25. All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee, 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.".

Referred to the Rules Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 62. By Kremer, 34th District.

A BILL FOR AN ACT relating to soil classification; to create a board; to provide for membership; to provide duties; to create a fund; to require registration and certification as prescribed; and to provide a penalty.

LEGISLATIVE BILL 63. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 79-1270, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require health education instruction as prescribed; and to repeal the original section.

LEGISLATIVE BILL 64. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 2-3214, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources districts; to change the manner of nominating certain candidates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 65. By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Hefner, 19th District; Keyes, 3rd District; Kelly, 35th District; Burrows, 30th District; Johnson, 8th District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to recodify provisions relating to the homestead exemption; to amend section 14-554, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; to repeal the original section, and also sections 77-202.08 to 77-202.10, 77-202.14 to 77-202.19, 77-202.21, 77-202.22, 77-202.34, and 77-202.35, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202.12, 77-202.13, 77-202.20, 77-202.44, and 77-202.45, Revised Statutes Supplement, 1978.

COMMUNICATION

January 4, 1979

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

Dear Mr. O'Donnell:

Please advise the members of the Legislature that a surety bond for Allen J. Beermann, in the amount of $50,000 for the period January, 1979, to the first Thursday after the first Tuesday of January, 1981, Ohio Farmers Insurance Company, surety, was filed in this office on January 4, 1979.

Witness my hand and official seal this 4th day of January, 1979.

Yours truly,
(Signed) Donald S. Leuenberger
Acting Director
Administrative Services

DSL/ms
(SEAL)

MESSAGE FROM THE SECRETARY OF STATE

January 4, 1979

Speaker of the Legislature
Eighty-Sixth Legislature,
First Session (Regular), 1979
State Capitol
Lincoln, Nebraska

Honorable Speaker:

We are submitting to you a certificate stating that the bonds and oaths for the following elected officials, for the terms beginning the 4th day of January 1979, and ending the first Thursday after the first Tuesday in January, 1981, are on file in the office of the Secretary of State:

Governor Charles Thone
Lieutenant Governor Roland Luedtke
Auditor of Public Accounts Ray A. C. Johnson
State Treasurer Frank Marsh
Attorney General Paul Douglas

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

James F. Munnelly, Public Service Commissioner, District Two
Edward Schwartzkopf, Regent, University of Nebraska, District One
Kermit Hansen, Regent, University of Nebraska, District Two

Dorothy Weyer Creigh, Member State Board of Education, District Five
Margaret Lockwood, Member State Board of Education, District Six
Arlene E. Hart, Member State Board of Education, District Seven
William C. Ramsey, Member State Board of Education, District Eight
Donald Brodkey, Judge of the Supreme Court, District Two
Leslie Boslaugh, Judge of the Supreme Court, District Five
Theodore W. Vrana, Judge of the Workmen's Compensation Court
(By law his term began on January 1, 1979)

Respectfully submitted,
(Signed) Allen J. Beermann
Secretary of State

Enclosure

CERTIFICATE

STATE OF NEBRASKA
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that
Governor Charles Thone
Lieutenant Governor Roland Luedtke
Auditor of Public Accounts Ray A. C. Johnson
State Treasurer Frank Marsh
Attorney General Paul Douglas
have filed their bonds and oaths with the Secretary of State as required by law.

I further certify that the required oaths have been filed in the office of Secretary of State, as required by law by James F. Munnelly, Public Service Commissioner, Edward Schwartzkopf and Kermit Hansen, Regents of the University of Nebraska, Dorothy Weyer Creigh, Margaret Lockwood, Arlene E. Hart and William C. Ramsey, Members of the State Board of Education, Donald Brodkey and Leslie Boslaugh, Judges of the Supreme Court and Theodore W. Vrana, Judge of the Workmen's Compensation Court.

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-nine.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

INAUGURAL CEREMONIES

Presentation of Colors by the Nebraska National Guard.

MOTION - Escort Board of Education

Mr. Koch moved that a Committee of four be appointed to escort the members-elect of the Board of Education. The motion prevailed.

The Chair appointed Messrs. Koch, Kennedy, Merz and Venditte to escort members-elect Dorothy Creigh, Margaret Lockwood, Arlene Hart and William Ramsey of the Board of Education.

MOTION - Escort Board of Regents

Mr. Maresh moved that a Committee of two be appointed to escort the members-elect of the Board of Regents. The motion prevailed.

The Chair appointed Messrs. Maresh and Newell to escort member-elect Edward Schwartzkopf, Board of Regent.

MOTION - Escort Public Service Commissioner

Mrs. Labedz moved that a Committee of two be appointed to escort the member-elect of the Public Service Commission. The motion prevailed.

The Chair appointed Mrs. Labedz and Mr. Wesely to escort member-elect James F. Munnelly of the Public Service Commission.

MOTION - Escort Attorney General

Mr. Beutler moved that a Committee of three be appointed to escort the Attorney General-elect. The motion prevailed.

The Chair appointed Messrs. Beutler, Hoagland, and Landis to escort Attorney General-elect Paul L. Douglas.

MOTION - Escort State Treasurer

Mr. Kahle moved that a Committee of three be appointed to escort the State Treasurer-elect. The motion prevailed.

The Chair appointed Messrs. Kahle, Lamb, and Haberman to escort State Treasurer-elect Frank Marsh.

MOTION - Escort State Auditor

Mr. Kelly moved that a Committee of three be appointed to escort the State Auditor-elect. The motion prevailed.

The Chair appointed Messrs. Kelly, Hefner, and Mrs. Pirsch to escort State Auditor-elect Ray A. C. Johnson.

MOTION - Escort Secretary of State

Mr. Carsten moved that a Committee of three be appointed to escort the Secretary of State-elect. The motion prevailed.

The Chair appointed Messrs. Carsten, Cullan, and Sieck to escort Secretary of State-elect Allen J. Beermann.

MOTION - Escort Lt. Governor

Mr. Dworak moved that a Committee of three be appointed to escort the Lt. Governor-elect. The motion prevailed.

The Chair appointed Messrs. Dworak, Kremer, and Mrs. Marsh to escort Lt. Govenror-elect Roland A. Luedtke.

MOTION - Escort Workmen's Compensation Judge

Mr. Reutzel moved that a Committee of two be appointed to escort the Workmen's Compensation Judge-elect. The motion prevailed.

The Chair appointed Messrs. Reutzel and Vickers to escort Workmen's Compensation Judge-elect Theodore W. Vrana.

MOTION - Escort Supreme Court

Mr. Cope moved that a Committee of seven be appointed to escort the Chief Justice and Supreme Court Judges to the rostrum to administer the oath of office to the newly elected State Officials. The motion prevailed.

The Chair appointed Messrs. Cope, DeCamp, Fowler, George, Keyes, Maresh, and Schmit to escort Chief Justice Krivosha and his associates to the rostrum.

MOTION - Escort Governor

Mr. Clark moved that a Committee of five be appointed to escort the Governor-elect. The motion prevailed.

The Chair appointed Messrs. Clark, Duis, Hasebroock, Nichol, and Warner to escort Governor-elect Charles Thone.

Chief Justice Norman Krivosha administered the Oath of Office to the newly elected State officials.

Governor Thone delivered the following Inaugural Address:

Mr. Chief Justice, Senator Exon, all elected and appointed officials, friends all ...

Those of you who know me well, and I am pleased to see so may who do — will understand why it is difficult for me to find the words and the phrases suitable to this occasion.

I am proud to be your Governor. Proud indeed in this office. I am more grateful than I can express for the confidence reposed in me. But that gratitude is mixed with the realization that I must continue to call on you for your support and your encouragement, your counsel and your honest criticism.

The inauguration of a new Governor, the change of a state administration provides an uncommon opportunity for us to pause and to take stock. It is a time to reflect on our past and to ponder our future. It is a time to consider the old-fashioned virtues of thrift, honesty and hard work which served our pioneer forefathers. It is a time to search for the strengths which sustained them in a hostile environment and to apply those strengths to the problems which beset us today.

It is a time to identify more closely with the land on which we depend so heavily for our sustenance — land which has made us what we are, independent, self-reliant, physically vigorous, long lived. It is a time to assess our stewardship of our natural resources with which a bountiful nature has blessed us.

It is a time to recall the words in the preamble to Nebraska's constitution which I have just sworn to uphold:

"We, the people, grateful to almighty God for our freedom ..."

It was 112 years ago that this plain and simple territory, rich with good black soil, abundant water and nature's great open sky, became the 37th state in the union.

Since that time, 33 Governors have taken the oath I took today. Each of them faced the future with some trepidation and yet with confidence — confidence in the people, confidence in our form of government, confidence in Nebraska's ability to control its own destiny.

One hundred twelve years is not such a long time. A man born in 1867, the year Nebraska became a state, could have had a child in 1909 who would today be 70 years old, 20 years younger than my mother. Two or three lifetimes — that's all it takes to cover your entire history as a state.

It's true that during that period we have had our share of difficulties, some would say more than our share. I remember, as many of you do, the drouth and depression of the '30's. Many of us - I think I can say most of us - were poor. Oh, my, how I remember!

Life was hard on the farm near Hartington. We went nine straight years without a decent crop. My parents, both children of German immigrants, were hard pressed to feed and clothe and educate a family. But they knew how to make a little money go a long way. And, we had each other. Neighbor helped neighbor. My mother and father believed in decency and hard work and believed in the family. We stuck together. We worked together. We laughed together — a littlelove

It seems to me that we might find strength and inspiration from those who, like my grandparents, came to Nebraska to make a new life, to enjoy what we now properly call "The good life." Many came to escape religious or political persecution. Can we do less today than to uphold our heritage by continuing to battle against bigotry and discrimination? And, I knew some of that first-hand.

But, many came to claim a new independence. Is it not today our obligation to see that the freedom they sought remains untrammeled? In 1923, Willa Cather wrote of her beloved Nebraska:

"When I stop at one of the graveyards in my own county, and see on the headstones the names of fine old men I used to know: 'Eric Ericson, born Bergen Norway, die Nebraska,' 'Anton Pucelik, born Prague Bohemia, died Nebraska,' I have always the hope that something went into the ground with those pioneers that will one day come out again, something that will come out not only in sturdy traits of character, but in elasticity of mind, in an honest attitude toward the realities of life, in certain qualities of feeling and imagination. It is in that great cosmopolitan country known as the middle west that we may hope to see the hard molds of American provincialism broken up, that we may hope to find young talent which will challenge the pale proprieties, the insincere conventionalism of our art and thought."

It is for us to see that Willa Cather's hope reaches realitiy, that we are worthy of our pioneer ancestry, that we are deserving of our heritage. Those things which we enjoy today were not produced by us. We owe them to those who went before us — to our parents, our grandparents and our great-grandparents. They were brave, good, decent, hardworking people. We owe then a quiet thanks this day.

But, the pioneering days they began are not finished. This is still an unfinished country. We have much yet to do. Just as most of our grandparents left their homes in Germany, or England, or Sweden or Czechoslovakia, or even New England, just as they came to a new and strange land, under the special Nebraska sky, on our special prairies, enduring our special winters and our special summers — just as they were pioneers, so are we.

We, too, are leaving behind a familiar world. Government is not what it was even 40 years ago, let alone in 1909 or 1899. Costs aren't what they were, taxes aren't what they were. Services aren't what they were.

I invite you to remember with me what it was like in Nebraska and in the whole country in 1939, the year that I was a 15-year-old senior in high school. Forty years ago, there were rumblings about wastefulness when President Roosevelt proposed a federal budget of nine billion dollars. Today, the Department of Health, Education and Welfare spends that much in a week. In 1939, only one out of 33 Americans paid any income tax at all. Farmers were lucky to earn a thousand dollars in 1939. The average manufacturing worker made $23.86 a week. The average doctor in 1939 earned only $4,200 and lawyers on the average earned only $4,400. Most doctors and lawyers paid $25 or less on their income taxes. A new Ford sedan cost $685 and Sears was offering a cast-iron coal kitchen range for cooking. Forty percent of the people of the United States lacked running water.

Consider how staggering are the changes in four decadestoday. Will we do as well for our children? It is a task which requires careful thought. Our children have a chance at a better education than most of us. Perhaps we worry more about our children than our parents did. We have to. The world in which they are growing up is stranger and more dangerous than ours.

Probably no one in this chamber has a keener sense of what I am trying to convey than Jim Exon who served this state well for the past eight years. Jim, agree or disagree — you have superlative public class!

I want now to express my appreciation, not alone for that service, but for the splendid cooperation Governor Exon and his staff have provided to me during the transition period. No one could have asked for more.

In an interview with the World-Herald just before Christmas, Governor/Senator Exon looked back over his eight years as Governor and looked ahead to what he sees as the "challenges" of the new administration. Among those challenges are an equitable and workable solution to the problem of state aid to public schools, equalization of property tax valuations, state spending limitations, quality education, water resource management, growing welfare costs — the list is long.

It gets longer, Governor, as my budget briefings now continue. It will require courage and cooperation to seek solutions to those problems. A c ourage not unlike that shown by the pioneers and a cooperation with each other that helped them through troublous times, and — let's keep in mind that dollars and more laws don't solve all problems.

We have to be pioneers, too. With new spirit, we must find new ways to cope with the new problems our inventions and energy keep creating for us. Fortunately, given able, honest and compassionate leadership from the judiciary and the strong State House team, and with God's help, we can fulfill that role.

My pledge to you today is that I commit my heart, my mind and my energy to the task. And, believe me, I know how to work hard. I will, however, need the help of all the citizens of Nebraska, the citizens of all of Omaha, and Ogallala, of Lincoln and Lodgepole, of West Point and Weeping Water, of Ruthie's beloved Scottsbluff, and not to forget Blue Hill and Bow Valley.

I will especially need the help of the Legislature to which I today offer the firm hand of friendship and cooperation. The constitution of our state devides the powers of government into the legislative, executive and judicial branches and provides that "no person or collection of persons being of one of these departments shall exercise any power properly belonging to either of the others ..."

But, we can work together. We can settle any differences amicably and reasonably, so long as both branches are committed to the best interests of the people of our state. I believe I will have that cooperation. I again pledge mine.

Shortly after the election, I wrote to each member of the Legislature and asked for advice and suggestions. I was most gratified at the response, both from a substantive viewpoint, and from the expressions of good will and cooperation. I am not so naive as to believe that there will never be differences between the Governor and the Legislature. Sometimes verbal sparks will fly to be sure. But, I do have confidence that those differences can be resolved in a civil and dignified manner with each side giving the other the right to hold opposing views.

In personal meetings with a number of state Senators, I have expressed the hope that there would be fewer laws and that those that are passed should contain a sunset provision so that we can continually evaluate state programs. I shall always be conscious of the fact that every woman and man in this Legislature is here by the vote of his or her constituency, whose interests each of them is obliged to represent. That is our system and it has served us well. So, you bet, Senators Chambers, Hasebroock, Lewis, Schmit, Marsh, Wesely and Marvel, yes, and each and every member of our Unicameral.

It is my intention to offer the Legislature, for its consideration, a forward looking program which deals with our most pressing needs, among which is the attraction and expansion of new job-producing businesses in our state, with special emphasis on industries that would process food from Nebraska farm products.

We must continue to find sound and reasonable programs to protect and develop our water resources. And, above all, we must live within our means. That will require the adoption of a state budget and appropriations which require no tax increases. We often talk of Nebraska's land and water as our most valued resources. Yet we know that our most precious resource always will be our people — those people who come from diverse ethnic backgrounds and cultures but within whom, as Willa Cather wrote, still remains the spirit of pioneer hardiness and independence.

That human resource requires nurturing, just as do the corn, the wheat, the oats and the soybeans which cover our fields. We must give high priority to the education of our young. As Governor, I will give special attention to assuring that the dollars invested in education will provide the highest possible return. Together with the fine independent colleges in Nebraska, the institutions which are most responsible for the quality of life in our state today are our three systems of higher education — the University of Nebraska, the four state colleges and the community technical colleges. They have developed most of our community leaders, our professions, our businessmen and our teachers.

I personally, shall never be able to repay the debt I owe for the education which the people of this state made possible for me.

So, to all the citizens of Nebraska, and to their duly elected representatives, I assume the office of Chief Executive with humility, yet, with pride; with concern, yet with confidence. I earnestly solicit your help and your prayers.

I have pledged that this will be an open administration with frequent and extensive access to your Governor. I renew that commitment today. And, as we counsel together, I ask that we invoke the spirit of fortitude and determination which guided our pioneer forebearers.

It is well to recall the words of Theodore Roosevelt:

"Yet, after all, though the problems are new, though the tasks set before us differ from the task set before our fathers, the spirit in which these tasks must be undertaken and those problems faced, if our duty is to be well done, remains essentially unchanged."

That is the message your new Governor leaves with you today — that we resolve to be true to the memories of the men and women of the mighty past and to take from them the inspiration to meet the future.

My grateful thanks goes to each of you ... especially to you who have chosen, and been chosen, to serve a public trust.

May God bless us all and give us the strength and the wisdom to do justice, and to fulfill with honor the responsibilities which are ours today.

The Governor, Chief Justice, associate Justices, newly elected state officials, Congressional delegation and families were escorted from the Chamber.

NOTICE OF COMMITTEE HEARING
Rules

Friday, January 5, 1979 Upon Adjournment

(Signed) Steve Fowler, Chairman

ADJOURNMENT

At 3:04 p.m., on a motion by Mr. F. Lewis, the Legislature adjourned until 10:00 a.m., Friday, January 5, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 5, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 5, 1979

Pursuant to adjournment, the Legislature met at 10:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

"Blessed is the person who walks not by the counsel of the ungodly, who does not take the road that sinners tread, nor take his seat among the scornful; the law of the Lord is his delight, the law of his meditation night and day."

Be our light and our guide, Lord God, as a new legislative year begins and as new leaders assume heavy responsibilities in behalf of the people of this State. Look with favor, we pray, upon each member of the Nebraska Legislature, and bless each one according to his or her needs. May each be aware of a mandate higher than that of the ballot box - a mandate from You - to legislate honestly, wisely and well. Give them Your grace to take things as they are, and to resolve, with Your help, to make things what they ought to be. And always, apart from sectarian interests, to welcome and give credit for success; and always, even in the security of majority rule, to accept blame for failure.

Since we cannot always do what we like, grant that we may like what we must do; and as decisions are made that affect the life of this State, keep our leaders mindful that - either through them or in spite of them - Your truth is marching on. Hear our prayer, for the sake of Him who came among us, not to be served, but to serve. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland and Labedz who were excused; and Messrs. Burrows and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 71, line 6, correct spelling of "section".
Page 90, line 12, delete the letter "c" after second word.
Page 90, line 29, correct spelling of "divides".
The Journal for the Second Day was approved as corrected.

MOTION - Adopt Rules

Mr. DeCamp moved to adopt the Rules as now in our possession for today only.

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

NATURAL RESOURCES DISTRICT REPORTS

January 4, 1979

Mr. Pat O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. O'Donnell:

In accordance with section 2-3262, R.R.S., 1943, I am hereby reporting that during calendar year 1978 the Natural Resources Commission paid to Mr. Jack Merritt of Merritt Public Relations and Advertising the total sum of $10,449.09. No other fees were paid during 1978 to attorneys, lobbyists, or other public relations representatives.

Sincerely,

(Signed) Dayle E. Williamson
Executive Secretary

DEW:JRC:bjt

DISTRICT	ATTORNEYS	FEE
Little Blue	Don Baird	1,300.00
	Crosby, Guenzel, Davis, Kessner & Kuester	51,768.63
	Schwab & Brackle	682.85
Lower Elkhorn	Duetsch, Jewell, Otte, Gatz, Collins, Domina	1,900.00

BILLS ON FIRST READING

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

LEGISLATIVE BILL 66. By Clark, 47th District.

A BILL FOR AN ACT to amend sections 46-190 and 46-192, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to provide procedures for the distribution of funds remaining after the discontinuance of an irrigation district; to provide procedures for the dismissal or cancellation and annulment of certain water appropriations; and to repeal the original sections.

LEGISLATIVE BILL 67. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 48-1102, Revised Statutes Supplement, 1978, relating to the Nebraska Fair Employment Practice Act; to redefine a term; to provide for suits against the state; and to repeal the original section.

LEGISLATIVE BILL 68. By Duis, 39th District.

A BILL FOR AN ACT to amend section 81-885.01, Revised Statutes Supplement, 1978, relating to the State Real Estate Commission; to delete an erroneous interal reference; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 69. By DeCamp, 40th District.

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

LEGISLATIVE BILL 70. By Warner, 25th District.

A BILL FOR AN ACT relating to the legislative process; to provide duties for the Revisor of Statutes when the same section is passed in two or more bills without correlation; to provide the effect on a postponed or accelerated operative date on a repeal section; and to declare an emergency.

LEGISLATIVE BILL 71. By Warner, 25th District.

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

ANNOUNCEMENTS

Mr. DeCamp announced the Banking, Commerce and Insurance Committee elected Loran Schmit as Vice-Chairman.

Mrs. Marsh announced the Committee on Committees will meet in Room 1019 immediately upon adjournment.

Speaker Marvel announced the Executive Board will meet in Room 2102 at 1:30 p.m. today.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 72. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Merz, 1st District; Brennan, 9th District; Lewis, 45th District.

A BILL FOR AN ACT to amend sections 76-253 and 76-255, Reissue Revised Statutes of Nebraska, 1943, relating to real property; to provide duties of a mortgagee; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 73. By Beutler, 28th District.

A BILL FOR AN ACT relating to real property; to restrict the severance of joint tenancy property as prescribed.

LEGISLATIVE BILL 74. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District;

Nichol, 48th District; Haberman, 44th District; Maresh, 32nd District.

A BILL FOR AN ACT relating to gasohol; to require use of gasohol in certain vehicles as prescribed; to provide duties for the Department of Roads; and to define terms.

MOTION - Rule Change

Mr. Newell offered the following Rule change:

AMENDMENTS TO RULE 3 OF THE
RULES OF THE NEBRASKA UNICAMERAL

1. In Rule 3, amend subsection (a) of section 17 to read as follows:

"(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~~ four from District No. 1 consisting of legislative districts Nos. 1, 2, 15, 16, ~~through 3,~~ ~~25~~ 23 through 30, 32~~, 45,~~ through 35, and 46; ~~three~~ four from District No. 2 consisting of legislative districts Nos. 4 3 through 14, 20, 31, and ~~31~~ 45; ~~three~~ four from District No. 3 consisting of legislative districts ~~15~~ 17 through 19, 21, 22, 36 through 44, and 47 through 49. ~~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.~~"

Referred to the Rules Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 3.

Introduced by Carsten, 2nd District, at the request of the Oversight Committee, created by the adoption of LR 156 by the 85th Legislature, 2nd session.

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 eight 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, the Legislative Oversight Committee created by the adoption of LR 156 by the 1978 Legislature has examined the system of property assessment in Nebraska, and has concluded that the nature of the issue necessitates that the structure of the committee be retained; 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-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a special legislative "OVERSIGHT" Committee, consisting of the chairpersons of all of the standing committees of the Nebraska Legislature, and chaired by Senator Cal Carsten, be created by the 1979 Legislature, 1st session;

2. That this Committee be staffed by the Executive Board with whatever aid and assistance and legislative authority is LEGAL AND REASONABLY NECESSARY 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.

3. That this special committee should begin work immediately and should conclude and report back to the Legislature its findings on a continuing basis.

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.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 75. By Nichol, 48th District.

A BILL FOR AN ACT relating to the Nebraska Veteran's Home; to provide for the sale of certain lands as prescribed; and to provide for the proceeds of such sales.

LEGISLATIVE BILL 76. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 60-1603, 77-202.14, 77-202.15, and 77-202.16, Reissue Revised Statutes of Nebraska, 1943, and sections 60-1602, 60-1605, 77-202.12, and 77-1240.05, Revised Statutes Supplement, 1978, relating to taxation; to change the date for obtaining a permit and paying a tax; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 77. By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Pirsch, 10th District; Carsten, 2nd District; Koch, 12th District, Hefner, 19th District.

A BILL FOR AN ACT to amend section 37-204.01, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to provide for a duplicate habitat stamp; and to repeal the original section.

LEGISLATIVE BILL 78. By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Pirsch, 10th District; Carsten, 2nd District; Koch, 12th District; Hefner, 19th District.

A BILL FOR AN ACT to amend section 37-204, Revised Statutes Supplement, 1978, relating to permits to hunt and fish; to change provisions relating to nonresident fishing permits; and to repeal the original section.

LEGISLATIVE BILL 79. By Marsh, 29th District.

A BILL FOR AN ACT relating to motor vehicles; to require the use of a passenger restraint system as prescribed; and to provide a penalty.

LEGISLATIVE BILL 80. By Marsh, 29th District.

A BILL FOR AN ACT relating to sex discrimination; to amend sections 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, 23-1801, 23-1802, 23-1804, 23-1806, 23-1808, 23-1809, 23-1811, 23-1812, 23-1815 to 23-1817, 23-1819, 23-1820, 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, 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 35-201, 35-203, 35-203.01, 35-206, 35-211, 35-212, 48-152, 48-512, 48-1117, 48-1119, 60-452.01, and 60-452.02, Revised Statutes Supplement, 1978; to change terms; to make certain acts unlawful; to eliminate a preference based on sex for listing personal property; to provide duties; to change unlawful employment practice findings as prescribed; to repeal the original sections, and also sections 23-123 and 77-1604, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 81. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 60-311.10, Revised Statutes Supplement, 1978, relating to motor vehicles; to provide prestige license plates for motorcycles; and to repeal the original section.

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

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

LEGISLATIVE BILL 83. By Johnson, 8th District.

A BILL FOR AN ACT to repeal section 39-6,191, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 84. By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Hefner, 19th District; Sieck, 24th District; Johnson, 8th District.

A BILL FOR AN ACT to amend sections 77-207, 77-1901, 77-1903, 77-1904, and 77-1917, Reissue Revised Statutes of Nebraska, 1943, relating to taxes; to change tax sale procedures; to change interest rates; and to repeal the original sections.

LEGISLATIVE BILL 85. By Reutzel, 15th District.

A BILL FOR AN ACT to amend section 33-120, Reissue Revised Statutes of Nebraska, 1943, relating to fees; to provide that an additional officer may require advance payment for certain services; and to repeal the original section.

ANNOUNCEMENTS

Mr. Koch announced the Education Committee will meet in executive session to elect a Vice-Chairman on January 8, 1979, immediately following adjournment, in the new south hearing room 1515.

Mr. Nichol announced the Judiciary Committee will have its organizational meeting at its first regular meeting Monday, January 8, 1979.

EASE

The Legislature was at ease from 10:49 a.m. until 11:22 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 86. 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 87. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Merz, 1st District; Fitzgerald, 14th District; Lewis, 45th District; Murphy, 17th District.

A BILL FOR AN ACT to amend sections 45-114, 45-117, 45-137, 45-138, and 45-155, Reissue Revised Statutes of Nebraska, 1943, relating to loans; to change interest rates; to define terms; to provide for open-end loans as prescribed; to provide a penalty; and to repeal the original sections.

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

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

ANNOUNCEMENTS

Mr. Clark announced the Intergovernmental Cooperation Committee has elected Pat Venditte as Vice-Chairman.

Mrs. Marsh announced the Committee on Committees has elected Neil Simon as Vice-Chairperson.

Mr. Carsten announced the Revenue Committee has elected Elroy Hefner as Vice-Chairman.

Mr. George announced the Urban Affairs Committee has elected Gerald Koch as Vice-Chairman.

Mr. Keyes announced the Government, Military and Veterans Affairs Committee has elected Nelson Merz as Vice-Chairman.

Mr. Maresh announced the Business and Labor Committee has elected Tom Fitzgerald as Vice-Chairman.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 89. By Burrows, 30th District.

A BILL FOR AN ACT relating to taxation; to declare intent; to define terms; to impose a tax for support of schools on adjusted gross income of individuals, corporations, trusts, and estates; to provide for determination of the tax rate; to prescribe tax rate formulae; to provide for administration; to provide penalties; to provide

severability; to provide an operative date; to repeal section 79-1335, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 90. By Clark, 47th District.

A BILL FOR AN ACT to amend section 57-904, Reissue Revised Statutes of Nebraska, 1943, relating to oil and gas conservation; to raise the compensation for members of the Nebraska Oil and Gas Conservation Commission; and to repeal the original section.

LEGISLATIVE BILL 91. By Schmit, 23rd District.

A BILL FOR AN ACT tp (sic) amend section 25-1267.19, Reissue Revised Statutes of Nebraska, 1943, relating to evidence; to change provisions relating to testimony taken by deposition; and to repeal the original section.

LEGISLATIVE BILL 92. By Business and Labor Committee: Maresh, 32nd District, Chairman; Fitzgerald, 14th District; Landis, 46th District; Brennan, 9th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 48-115 and 48-126.01, Revised Statutes Supplement, 1978, relating to workmen's compensation; to extend coverage to certain volunteer workers; and to repeal the original sections.

LEGISLATIVE BILL 93. By Nichol, 48th District.

A BILL FOR AN ACT relating to utility rates; to provide reduced rates as prescribed; to amend sections 70-408 and 70-655, Reissue Revised Statutes of Nebraska, 1943; to define terms; and to repeal the original section.

MOTION - Adopt Report

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on page 78 on committee selections.

Mrs. Marsh offered the following amendment to the report:

To amend the Committee on Committees Report by striking Senator Rasmussen from the Constitutional Revision and Recreation Committee and inserting Senator George; and by striking Senator George from the Government, Military and Veterans Affairs Committee and inserting Senator Rasmussen.

The amendment was adopted with 27 ayes, 0 nays, and 22 not voting.

The report, as amended, was adopted with 27 ayes, 2 nays, and 20 not voting.

ANNOUNCEMENTS

Mr. Cullan announced the Public Health and Welfare Committee has elected Tom Kennedy as Vice-Chairman.

Mr. Schmit announced the Agriculture and Environment Committee has elected Howard Lamb as Vice-Chairman.

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 95. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Clark, 47th District; Maresh, 32nd District; Goodrich, 20th District; Wesely, 26th District; Kennedy, 21st District; Simon, 31st District.

A BILL FOR AN ACT to amend sections 71-147 and 71-148, Reissue Revised Statutes of Nebraska, 1943, relating to professional licenses; to change provisions relating to the suspension and revocation of such licenses; and to repeal the original sections.

LEGISLATIVE BILL 96. by Public Health and Welfare Committee: Cullan, 49th District, Chairman; Clark, 47th District; Maresh, 32nd

District; Goodrich, 20th District; Kennedy, 21st District; Simon, 31st District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 81-194, Revised Statutes Supplement, 1978, relating to the Board of Examiners in Veterinary Medicine; to provide for continuation of the board; to provide its purpose; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 97. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Clark, 47th District; Maresh, 32nd District; Goodrich, 20th District; Kennedy, 21st District; Simon, 31st District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 81-194, Revised Statutes Supplement, 1978, relating to the Board of Examiners in Physical Therapy; to provide for continuation of the board; to provide its purpose; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 98. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Clark, 47th District; Maresh, 32nd District; Goodrich, 20th District; Kennedy, 21st District; Wesely, 26th District; Simon, 31st District.

A BILL FOR AN ACT to amend sections 71-1001 and 81-194, Revised Statutes Supplement, 1978, relating to the State Anatomical Board; to change membership on the board; to provide for continuation of the board; to provide its purpose; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 99. By Constitutional Revision and Recreation: Reutzel, 15th District, Chairman; Pirsch, 10th District; Stoney, 4th District; George, 16th 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 create a Compensation Review Commission; to provide duties; to provide that salaries for constitutional officers, the judiciary, and the Legislature shall be adjusted as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

VISITORS

Visitors to the Chambers were Mr. and Mrs. Leonard Starr from Mullen, Nebraska and Mrs. Mabel Jones from Valentine, Nebraska.

ADJOURNMENT

At 11:40 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 10:00 a.m., Monday, January 8, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 8, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 8, 1979

Pursuant to adjournment, the Legislature met at 10:03 a.m., President Luedtke presiding.

PRAYER

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

> O God, Creator of all things, as we look out upon a land of white this morning, we realize it is composed of billions of individual grains. So we know that You, Who look on the billions of Your children all over the earth, are as concerned about each of us here as if we were an only child. You understand how hard it is for these servants who serve this state to keep in mind the thousands of their fellow citizens for whom they must legislate. You know the clamor of voices in their ears, the constant tugging at their sleeves, forever trying to influence them; the small voices of little people without money or names; the blattant voices of aggressive pressure groups; the big voices of selfish people and those working for personal gain; even the whispering inner voices of personal ambition those insinuating voices holding out the lure of unmerited reward. Amid all the din of voices, give these your servants the willingness to take time to listen to Your voice, knowing that if they follow the still small voice within, all your people will be served fairly, and all groups obtain what they deserve. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly and Merz who were excused; and Messrs. Goodrich and Venditte who were excused until they arrive.

MOTION - Adopt Rules

Mr. Fowler moved that we adopt the Rules as now in our possession for today only.

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

CORRECTIONS FOR THE JOURNAL

Page 95, line 26, correct spelling of "internal".
The Journal for the Third Day was approved as corrected.

RESIGNATION

December 13, 1978

Governor Elect Charles Thone
120 North 12th
Lincoln, Nebraska 68500

Dear Governor Elect Thone:

I wish to confirm our informal conversation of my intentions to resign from the Nebraska Legislature.

It is my intention to tenure my resignation effective at 12:00 noon on January 5, 1979. This will give ample time for selection of a new legislator from the 41st District, and enable the new Senator to be sworn into office on the same day, so that the duties of the newly appointed Senator may be resumed immediately.

Sincerely
(Signed) Dennis L. Rasmussen
Senator, District 41

DLR:tll

cc: Patrick O'Donnell, Clerk of the Legislature

MESSAGE FROM THE SECRETARY OF STATE

January 8, 1979

Patrick J. O'Donnell
Clerk of the Legislature
State Captiol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Donald L. Wagner as a member of the Legislature from the Forty-first (41st) Legislative District for the unexpired term of Dennis L. Rasmussen, resigned.

Sincerely,
(Signed) Allen J. Beerman
Secretary of State

Enclosure

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Charles Thone Governor of the State of Nebraska, do hereby appoint Donald L. Wagner of Ord, Nebraska 68862 to the office of Member of the Unicameral Legislature, Forty-first Legislative District to do and perform all the duties of said office for the term beginning January 5, 1979 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until January 7, 1981. Said appointee succeeds Dennis L. Rasmussen, resigned.

Done at Lincoln, Nebraska, this fifth day of January A.D. 1979

(Signed) Charles Thone
Governor, State of Nebraska

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I DONALD L. WAGNER, 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. 41 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) Donald L. Wagner

Subscribed in my presence and sworn to before me this 5th day of January, 1979.

(Signed) Allen J. Beerman
Notary Public

(SEAL)

Succeeds Dennis L. Rasmussen, Resigned
*Constitution of the State of Nebraska, Article XV, Section One.

CERTIFICATE

I, Allen J. Beerman, Secretary of State of the State of Nebraska do hereby certify that Donald L. Wagner has been appointed as a Member of the Nebraska Unicameral Legislature from the Forty-first (41st) District for the unexpired term of Dennis L. Rasmussen, resigned. The term beginning January 5, 1979 shall continue until January 7, 1981 or 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 Charles Thone under the authority granted by the Constitution and by section 32-1042 of the Revised Statutes of Nebraska.

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

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 53 through 55 and 57 through 85 for the approval of the Nebraska State Legislature.

LB	Committee
53	Labor
54	Government, Military & Veterans Affairs
55	Urban Affairs
56	Held
57	Education
58	Miscellaneous Subjects
59	Education
60	Appropriations
61	Urban Affairs
62	Agriculture & Environment
63	Education
64	Government, Military & Veterans Affairs
65	Revenue
66	Public Works
67	Business & Labor
68	General File
69	Banking, Commerce & Insurance
70	General File
71	Revenue
72	Banking, Commerce & Insurance
73	Banking, Commerce & Insurance
74	Public Works
75	Government, Military & Veterans Affairs
76	Revenue
77	Constitutional Revision & Recreation
78	Constitutional Revision & Recreation
79	Public Health & Welfare
80	Judiciary
81	Public Works
82	Constitutional Revision & Recreation
83	Judiciary
84	Revenue
85	Government, Military & Veterans Affairs

(Signed) Frank Lewis, Chairman
Executive Board

REPORT OF EXECUTIVE BOARD

January 8, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
Clerk's Office
State Capitol

Lincoln, NE 68509

Dear Mr. O'Donnell:

This is to inform you that the Executive Board at its meeting on January 5, 1979 voted to retain Dr. Robert Palmer as Chaplain of the 86th Legislature.

Conditions of the appointment are to be the same as what were in effect for the 85th Legislature as to this position.

Sincerely,
(Signed) Frank Lewis, Chairman

FL/en

January 8, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Captiol
Lincoln, NE 68509

Dear Mr. O'Donnell:

The following members were appointed to the Nebraska Transportation Advisory Committee by the Legislative Council Executive Board at their meeting of January 5, 1979:

Senator Tom Fitzgerald
Senator Orval Keyes
Senator Elroy Hefner
Senator Maurice Kremer
Senator Calvin Carsten

The following members were appointed to the Telecommunications Committee by the Legislative Council Executive Board at their meeting of January 5, 1979:

Senator Robert Clark (Chairman)
Senator William Brennan
Senator Steve Fowler
Senator George Burrows
Senator Walter George
Senator Glenn Goodrich
Senator Herb Duis
Senator Peter Hoagland

The following members were appointed to the Education Commission of the States by the Legislative Council Executive Board at their meeting of January 5, 1979:

Senator Gerald Koch
Senator Jerome Warner
Senator Frank Lewis
Senator Howard Lamb

The following members were appointed to the Committee on Building Maintenance by the Legislative Council Executive Board at their meeting of January 5, 1979:

Senator Ralph Kelly (Chairman)
Senator Bernice Labedz
Senator Bill Brennan
Senator Ron Cope

The following members were appointed to the Law Enforcement and Justice Advisory Committee by the Legislative Council Executive Board at their meeting of January 5, 1979:

Senator William Nichol
Senator Larry Stoney
Senator Ernest Chambers
Senator Barry Reutzel
Senator Dennis Rasmussen
Senator Patrick Venditte
Senator Rex Haberman
Senator Carol Pirsch

Sincerely,
(Signed) Frank Lewis, Chairman
Legislative Council Executive Board

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 5, 1978. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Ackerman, James N. - Lincoln, Insurance Federation of Nebraska
Adams, Donald D. - Omaha, Omaha National Corporation
Agee, Wallace B. - Lincoln, Northwestern Bell Telephone Company
Allan, Marilyn J. - Lincoln, James E. Ryan
Allan, Tamas - Lincoln, Tews and Radcliffe
Andersen, Robert C. - Lincoln, Nebraska Cooperative Council
Andersen, Ferd E., Jr. - Omaha, American Consulting Engineers Council of Nebraska; Professional Engineers of Nebraska;
Anderson, Robert L. - Lincoln, Association Services, Inc.
Andrews, Dr. Donald - Omaha, Omaha Board of Education
Ballard, Al J. - Lincoln, Nebraska Rural Electric Association
Barry, LeRoy - Omaha, Mid-West Retail Farm Equipment Association
Bartmess, Janet L. - Lincoln, Nebraska Council of School Administrators
Barton, David A. - Omaha, United Benefit Life Insurance Company
Bauer, Rosemary - Lincoln, Omaha Public Power
Belz, Paul - Lincoln, Nebraska State Education Association
Berkebile, Philip A. - Lincoln, Nebraska Press Advertising Service
Blake, William G. - Lincoln, City of Lincoln
Bloomingdale, A. Lee - Omaha, Mutual Protective Insurance
Boswell, Hobart - Lincoln, Lincoln Firefighters Association, Local No. 644
Bosworth, Donald A. - Omaha, Blue Cross and Blue Shield of Nebraska
Botsch, Barbara A. - Omaha, Greater Omaha Chamber of Commerce
Brakenhoff, Loren - Lincoln, Nebraska Council of School Administrators
Brandt, William B. - Lincoln, Nebraska Bankers Association
Brasher, David E. - Des Moines, Iowa, National Federation of Independent Business
Brown, Vincent D. - Lincoln, American Petroleum Institute
Clark, Robert L. - Lincoln, Lancaster County Board of Commissioners
Collins, Richard E. - Omaha, Pro-Law Association of Nebraska
Corkle, Margaret A. - Omaha, Millard Public Schools
Cromer, Dr. C. A. - Lincoln, Nebraska Advisory Council for Vocational Education
Crosier, Donald A. - Lincoln, American Petroleum Institute
Cunningham, James R. - Lincoln, Nebraska Catholic Conference
Danielson, J. Arthur - Lincoln, Finance Committee for Christian Science
Demke, Neldon George - Omaha, Omaha Police Union Local No. 1

Dirrim, Delbert E. - Omaha, Omaha Public Power District
Eickhoff, Donald H. - Lincoln, Veterans of Foreign Wars, Department of Nebraska
Eldien, Paul V. - Lincoln, United States Brewers Association, Inc.
Elrod, Carol Nuss - Omaha, Nebraska Wing Civil Air Patrol
Finigan, Edwin J. - Lincoln, Nebraska Telephone Association
Ford, M. Jane - Lincoln, Southeast Nebraska Health Systems Agency
Frandsen, Gary G. - Dallas, Texas, Associates Corporation of North America (A Texas Corporation)
Garey, Robert W. - Hastings, Nebraska Funeral Directors Association; Nebraska Optometric Association; Nebraska Veterinary Medical Association
Ginsburg, Rosenburg, Ginsburg, Kirvosha
James Gordon - Lincoln, Nebraska & Omaha Food Retailer's Association, Inc.
Gooding, Richard D. - Ithaca, Nebraska Farm Bureau Federation
Graham, M. J. - Lincoln, Retail Merchants Association of Nebraska
Haessler, John - Lincoln, Woodmen Accident and Life Company
Hansen, Christian C. - Omaha, ConAgra, Inc.
Harris, Robert E. - Lincoln, Nebraska Bankers Association
Hood, William R. - Bellevue, Omaha Suburban Education Association
Hopkins, Julian H. - Lincoln, Bankers Life Insurance Company of Nebraska
Huff, Charles P. - Lincoln, Great Western Sugar Company; National Association of Theatre Owners of Nebraska; Nebraska Cable Communications Association; Nebraska State Association of Life Underwriters; Nebraska Lodging Association; Pearle Optical of Nebraska, Inc.
Huff, Martin B. - Lincoln, Nebraska Manufactured Housing Insitutute, Inc.
Humpal, John E. - Omaha, Blue Cross and Blue Shield of Nebraska
Jensen, Hans O. - Aurora, Farmers Union of Nebraska
Jensen, Martin - Omaha, Brotherhood of Railway & Airline Clerks
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, Cental States Health & Life Co. of Omaha
Kenny, Philip T. - Omaha, Nebraska Railroad Association
Knudsen, Berheimer, Endacott & Beam:
Ruth, Larry L. - Lincoln, National Bank of Commerce Trust & Savings Association; National Confectioners Association; Nebraska Aviation Trades Association; Nebraska Pest Control

Association; Nebraska State Bar Association; Nebraska State Home Builders Association; Nebraska Wholesale Suppliers Association; Tobacco Tax Council, Inc.

Krane, Robert A. - Omaha, United States National Bank of Omaha

Kratz, Dean G. - Omaha, Nebraska Building Chapter, Associated General Contractors; Nerbaska League of Savings & Loan Associations

Kruger, E. C. - Fairbury, Nebraska Consumer Credit Association

Kunz, David N. - Hastings, Garey Management Organization, Inc.

LaShelle, Charles S. - Omaha, Mutual Protective Insurance Company and its wholly owned subsidiary, Medico Life Insurance Company

Licht, Alice L. - Lincoln, Nebraska Fertilizer Institute, Inc.; Nebraska Grain & Feed Dealers Association

Lombardi, Richard A. - Lincoln, Association of Nebraska Community Action Agencies; Nebraska Chapter of Sierra Club; Pegasus of Omaha, Inc.

Long, Donald P. - Holdrege, The Central Nebraska Public Power and Irrigation

Lynch, John - Lincoln, Nebraska State Education Association

Mastny, Johnny F. - Schuyler, Nebraska Rural Letter Carriers' Association

McEniry, Glenn J. - Lincoln, Nebraska Association of Commerce & Industry

McNally, Timothy J. - Omaha, Nebraska Association of Homes For The Aging

McNeil, Martin J. - Omaha, United Transportation Union

Melvin, Bill - Omaha, Nebraska State Council No. 32, AFSCME, AFL-CIO

Merwick, Michael L. - Lincoln, City of Lincoln

Meyers, Victor G. - Omaha, Nebraska State AFL-CIO

Miesbach, Neal L. - Omaha, Professional Insurance Agents of Nebraska

Mihovk, Donald J. - Lincoln, Lincoln Chamber of Commerce

Millard, Herbert C. - Omaha, Mechanical Contractors Association of Omaha, Inc.

Mills, Jack D. - Lincoln, Nebraska Association of County Officials

Morgan, James J. - Lincoln, Disabled American Veterans, Department of Nebraska

Moylan, James H. - Omaha, Douglas County; Nebraska Association of County Officials; Nebraska Association of Trial Attorneys; Nebraska Independent Bankers Association; Nebraska Licensed Beverage Association

Neff, Kenneth - Lincoln, Nebraska Medical Association

Nicholas, William J. - Lincoln, Nebraska Rural Electric Association
Nielson, Edwin J. - Denver, Colo. - United Airlines & Air Transport Association
Ninegar, Louis C. - Kearney, Board of Trustees, State Colleges
Noren & Burns:
Noren, Charles F. - Lincoln, Independent Insurance Agents of Nebraska; Lincoln Firefighters Association, Local No. 644; Masek's Rocky Mountain Kawasaki, Ltd.; Nebraska Association of Community College Trustees; Nebraska Motorcycle Dealers Association; Nebraska State Association of Firefighters
Odgaard, John E. - Lincoln, Nebraska Water Resources Association
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 - Lincoln, Nebraska Water Resources Association
Payne, Dale L. - Papillion, Sarpy County Board of Commissioners
Peterson, Alan E. - Lincoln, Media of Nebraska
Pierson, David C. - Lincoln, Insurance Federation of Nebraska; Nebraska Dental Association; Nebraska Realtors Association
Polk, Patrick D. - Lincoln, Veterans of Foreign Wars, Department of Nebraska
Prabulos, William - Lincoln, Lincoln Firefighters Association, Local No. 644
Preston, James N. - Lincoln, Nebraska Motor Carriers Association, Inc.
Prettyman, Keith A. - Lincoln, Woodmen Accident and Life Company
Printz, Gordon E. - Lincoln, Nebraska Association of Commerce & Industry
Quackenbush, J. M. - Beatrice, General Agricultural Services, Ltd.
Rader, Glenn - Lincoln, Nebraska Farm Bureau Federation
Ragsdale, John D. - Lincoln, Woodmen Accident and Life Company
Rall, Frank - Lincoln, Nebraska Public Power District
Rasmussen, Ross H. - Lincoln, Nebraska State School Boards Association
Rednour, Hubert E. - Lincoln, Disabled American Veterans, Department of Nebraska
Richardson, Wallace A. - Lincoln, Nebraska Railroad Association
Rochester, L. L. - Lincoln, Nebraska Association of Public Employees

Rowson, Joseph P. - Lincoln, Lincoln Public Schools (District No. 1, Lancaster)
Ryan, James E. - Lincoln, Association for Better Financial Services in Nebraska, Inc.; Coin Operated Industries of Nebraska; Nebraska Association of Tobacco Distributors; Nebraska Beer Wholesalers Association; Nebraska Liquor Wholesalers Association; Nebraska Motor Carriers Association; Nebraska Optometric Association, Inc.
Schimek, Herbert H. - Lincoln, Nebraska State Education Association
Schmidt, Kenneth E. - Lincoln, Nebraska Cooperative Council
Siffring, Raymond - Lincoln, Raymond Siffring Company
Simmons, Harold O. - Lincoln, Lincoln Electric System
Smith, Dwayne G. - Columbus, Loup River Public Power District
Snodgrass, Delbert O. - Lincoln, Nebraska Association of Commerce & Industry
Spears, James Herbert - Grand Island, Greater Nebraska Health Systems Agency
Stone, Fred R. - Lincoln, Retail Merchants Association of Nebraska
Stuve, Gregory K. - Omaha, City of Omaha
Sullivan, John L. - Nebraska New Car & Truck Dealers Association
Tews and Radcliffe:
  Radcliffe, Walter H. - Lincoln, Lincoln Telephone and Telegraph Company; Media of Nebraska; Motion Picture Association of America, Inc.; Nebraska Academy of Ophthalmology; Nebraska Consumer Credit Association; Nebraska Mortgage Association; Nebraska Pyrotechnics Association; Nebraska Securities Industries Association; Nebraska Sheriffs' and Peace Officers' Association; Nebraska Society of Certified Public Accountants; Omaha Public Power District
  Tews, David D. - Lincoln, Lincoln Telephone and Telegraph Company; Media of Nebraska; Motion Picture Association of America, Inc.; Nebraska Academy of Ophthalmology; Nebraska Consumer Credit Association; Nebraska Mortgage Association; Nebraska Pyrotechnics Association; Nebraska Securities Industries Association; Nebraska Sheriffs' and Peace Officers' Association; Nebraska Society of Certified Public Accountants; Omaha Public Power District
Todd, A. Loy, Jr. - Lincoln, Nebraska Consumer Credit Association
Watters, George L. - Lincoln, Nebraska Petroleum Marketers, Inc.
Wells, Stanley A. - Lincoln, Cooperative Service Company
Welsch, Ernest - Milford, Nebraska NFO
Wheeler, Calvin W. - Omaha, Mutual of Omaha Insurance Company

Wheeler, Stuart L. - Hastings, Kansas-Nebraska Natural Gas Company, Inc.
Whetstone, Michael J. - Lincoln, Nebraska County Attorneys Association
Wilson, Anne (Mrs. E.) - Lincoln, The League of Women Voters
Wilson, Franklin L. - Omaha, Brotherhood of Maintenance of Way Employees
Wilson, William A. - Lincoln, Midwest Life Nebraska
Wrehe, Harold E. - Omaha, Western Capital Corporation
Wruck, George T. - Omaha, Retail Merchants of Greater Omaha, Inc.
Wunderlich, LaRue - Roca, Nebraskans for Public Radio, Inc.
Yost, Kurt T. - Lincoln, Mid-America Lumbermens Association
Young, Malcolm D. - Omaha, Eastern Nebraska Heavy Contractors Association
Zdan, Brian - Omaha, Western Capital Corporation

ATTORNEY GENERAL'S OPINION

Opinion No. 3
January 5, 1979

Dear Senator Newell:

This is in response to your request for an opinion concerning the constitutionality of a bill draft which you stated "deals with the criminal conviction of an elected official." We note that the bill draft attached to your correspondence by its terms appears to encompass both elected and appointed officers of the state or a political subdivision. However, we assume from your inquiry that your concern is directed to the constitutionality of the bill draft as applied to elected officers, therefore we will likewise focus our discussion on that issue.

The bill draft essentially provides that if a state officer or officer of a political subdivision is convicted of a crime, he or she shall be temporarily suspended from office pending completion of an appeal. An acting officer shall be appointed by the appointing authority. If exonerated on appeal, the accused officer shall be reinstated with back wages. The bill draft does not by its terms describe the occurences if the conviction is affirmed on appeal. However, the provisions appear to us to imply that the temporary suspension would thereby become permanent.

Initially, we note that the word "crime" is commonly interpreted in a broad and general sense to encompass all infractions of criminal law, including felonies and misdemeanors. However, the word "crime" has occasionally been construed to designate only more

serious offenses. Violations of traffic offenses and ordinances have been held not to constitute "crimes." 22 C.J.S., Criminal Law section 1, p. 3.

In our opinion, the constitutional issue raised by this bill draft concerns whether the legislature has the power to enact statutes which provide additional grounds and modes of suspension and removal of officers. It is undisputed that the legislature has plenary legislative authority, except as limited by the state and federal constitutions. Orleans Education Association v. School District of Orleans, 193 Neb. 675, 229 N.W.2d 172 (1975). The issue presented herein concerns whether there exists such a constitutional limitation.

The language, "state officer or officer of a political subdivision," employed in the bill draft encompasses both constitutional offices and offices created by statute. Our analysis and resolution of the issue presented herein differs based on the type of office considered.

Generally, where a state office is created by statute, the legislature may provide for the grounds and modes of suspension or removal from office. 81A C.J.S. States section 96, p. 488, section 98, p. 494. See, Fitzgerald v. Kuppinger, 163 Neb. 286, 79 N.W.2d 547 (1956). Similarly, the legislature generally has plenary power to provide for the grounds and modes of removal or suspension of statutory officers of political subdivisions of the state. See, 20 C.J.S., Counties, section 108, p. 908.

The more difficult question presented is whether the Nebraska Constitution restricts the legislature's power to prescribe grounds and modes of suspension or removal of constitutional officers. In Conroy V. Hallowell, 94 Neb. 794, 144 N.W. 895 (1913), the court declared unconstitutional a statute which provided the grounds and manner of removal of county officers, including county judges. Upon concluding that county judges were constitutional officers, the court stated:

> " . . . Having provided, fully, by section 20, art. III, and section 5, art. V, the grounds upon which a constitutional office may become vacant, we do not think it is within the power of the legislature to add any other or additional grounds; and, having provided the manner in which the office shall be declared vacant, viz., by impeachment of its incumbent, it is not within the power of the legislature to provide for any other or different method of removal. If this be not so, then the legislature may by statutory enactment provide that the governor, or any other state officer, may be put upon trial upon the accusation of any individual elector, upon some ground other than contemplated by the constitution, and before the district court, and compel him to defend his right to his office upon such complaint, based,

it may be, upon prejudice, or prompted by a desire for revenge, instead of giving the official, who has been elected by the people, the right to hold his office until the legislature in joint convention assembled has, deliberately decided, by a majority vote of all the members elected, that he should be put upon his trial, and that when so put upon trial it should be in the supreme court. That there are a few cases inferentially holding that way, we concede; but the weight of authority and the better reasoning are to the contrary." Id. at 800-801.

The issue was again considered by the Nebraska Supreme Court in Laverty v. Cochran, 132 Neb. 118, 271 N.W. 354 (1936). In this case the court declared unconstitutional an act which provided for the removal of constitutional officers upon a finding by the state bonding board that the misconduct of the officer jeopardized the bonding fund. The court stated that:

" . . . It is beyond the power of the legislature to provide for the removal or suspension of a constitutional officer where the Constitution creates the office, fixes its terms, and the grounds and manner of removal." Id. at 125.

Most recently, this rule was followed in Fitzgerald v. Kuppinger, 163 Neb. 286, 79 N.W.2d 547 (1956). The act declared unconstitutional in this case provided that a vacancy in office occurred if the incumbent filed nomination papers for election to another office. Upon reiterating with approval the above-quoted pronouncements in Conroy, supra, and Laverty, supra, the court noted that:

"Article III, section 20, of the Constitution of 1875 is the same as the present Article III, section 23. As is already apparent this section defines the grounds for vacation of a constitutional office. Article V, section 5, of the Constitution of 1875 is the same as the present Article IV, section 5. It prescribes the method whereby the holder of a constitutional office may be removed. As pointed out therein the removal shall be by impeachment." Id. at 292.

We point out that a county attorney, a statutory officer, was the plaintiff who challenged the statute in Fitzgerald, supra. The plaintiff's contention was that with the striking down of the act as to constitutional officers no valid and complete act remained, thus the statute was unconstitutional and void as to statutory officers. The court essentially agreed with the plaintiff upon concluding that the unconstitutional portion of the act was not severable.

We note that Article III, section 23 of the Constitution of Nebraska was repealed in 1972. However, Article IV, section 5 of the Nebraska Constitution, which provides that the method of removal shall be by impeachment, remains unchanged.

In conclusion, it is our opinion that the bill draft is constitutionally suspect for the reason that it is beyond the power of the legislature to provide for the suspension or removal of constitutional officers in a manner other than by impeachment. If the bill draft, by its terms, is limited to officers created by statute, in our opinion, it could probably then withstand constitutional challenge.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Rae Fritz
Assistant Attorney General

LRF:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1978 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEY	FEE
Upper Republican	Terry E. Savage	1,492.00

INTRODUCTION

The President introduced newly appointed Senator Donald Wagner to the members.

ANNOUNCEMENT

Miscellaneous Subjects Committee announced that Mr. Brennan has been elected as Vice-Chairman.

Rules Committee announced that Mr. Kahle has been elected as Vice-Chairman.

MOTION - Election of Chaplain

Mr. Lewis moved we proceed to the election of the Chaplain of the Legislature.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

The Lewis motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Mr. Lewis moved Dr. Robert Palmer be elected Chaplain of the Legislature.

Mr. Chambers offered the following amendment ot the Lewis motion:
Amend motion to substitute Ernie Chambers for Palmer.

Mr. Duis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Chambers withdrew his amendment.

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

Voting in the affirmative, 34:

Beutler	Duis	Kennedy	Lewis	Schmit
Brennan	Fitzgerald	Keyes	Maresh	Simon
Carsten	George	Koch	Marvel	Stoney
Clark	Haberman	Kremer	Murphy	Vickers
Cope	Hasebroock	Labedz	Nichol	Wagner
Cullan	Hefner	Lamb	Pirsch	Warner
DeCamp	Kahle	Landis	Rumery	

Voting in the negative, 1:

Chambers

Present and not voting, 11:

Burrows	Goodrich	Marsh	Sieck
Dworak	Hoagland	Newell	Wesely
Fowler	Johnson	Reutzel	

Excused and not voting, 3:

Kelly
Merz
Venditte

The motion prevailed with 34 ayes, 1 nay, 11 present and not voting, and 3 excused and not voting.

Dr. Palmer was elected Chaplain.

SPEAKERS ORDER

Speaker Marvel announced that the Legislature will not meet on Friday, January 12, 1979.

ANNOUNCEMENTS

Speaker Marvel announced the members of the Nebraska Retirement Systems are Hasebroock, Chairman, Lewis, Fowler, Goodrich, Cullan, and Warner (ex officio.)

Mr. Reutzel announced there will be an organizational meeting of the Constitutional Revision and Recreation Committee in room 1019 at 2:00 p.m. today.

Mr. Fowler announced there will be a meeting of the Rules Committee to go over proposed rule change found on page 97 of the Journal, Tuesday, January 9, 1979 at 9:30 a.m.

Mr. Nichol announced an organizational meeting of the Judiciary Committee January 8, 1979 at 1:30 p.m. in room 1113.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Cope asked unanimous consent to add his name to LB 21. No objections. So ordered.

BILLS ON FIRST READING

LEGISLATIVE BILL 100. By Lamb, 43rd District.

A BILL FOR AN ACT to repeal Chapter 37, article 11, Revised Statutes Supplement, 1978, relating to park entry permits; and to provide an operative date.

LEGISLATIVE BILL 101. By Labedz, 5th District.

A BILL FOR AN ACT to create the Commission for the Deaf; to provide membership; to provide powers and duties; and to create a fund.

LEGISLATIVE BILL 102. By Labedz, 5th District.

A BILL FOR AN ACT to amend section 21-608, Reissue Revised Statutes of Nebraska, 1943, relating to charitable and fraternal societies; to make an additional designation as a corporation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 103. By Cullan, 49th District; Newell, 13th District.

A BILL FOR AN ACT to amend sections 77-602 to 77-604, 77-606, and 77-621, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change provisions relating to the taxation of railroad property as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 104. By Cullan, 49th District.

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

LEGISLATIVE BILL 105. By Cullan, 49th District.

A BILL FOR AN ACT to amend sections 77-601 to 77-603, 77-606, 77-609 to 77-611, 77-614, 77-618 to 77-626, 77-636, 77-637, 77-640, 77-646, 77-651, 77-656, and 77-660, Reissue Revised Statutes of Nebraska, 1943, and section 77-605, Revised Statutes Supplement, 1978, relating to taxation and revenue; to change duties of the State Board of Equalization and Assessment; to change provisions relating to the assessment of railroad property; and to repeal the original sections.

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

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

LEGISLATIVE BILL 107. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 29-813, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to place limitations on the issuance of a search warrant as prescribed; to repeal the original section; and to declare an emergency.

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

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

LEGISLATIVE BILL 109. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 17-203.01, 23-343.25, 32-505, 32-506, 32-530, 79-426.19, and 79-706, Reissue Revised Statutes of Nebraska, 1943, and sections 79-701 and 79-2203, Revised Statutes Supplement, 1978, relating to elections; to provide for independent voters voting a partisan ballot at primary elections; to provide for extension of certain terms as prescribed; and to repeal the original sections, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 110. By Clark, 47th District.

A BILL FOR AN ACT to amend section 84-304, Revised Statutes Supplement, 1978, relating to the Auditor of Public Accounts; to provide for reports to a standing committee of the Legislature; and to repeal the original section.

LEGISLATIVE BILL 111. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 29-2412, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to increase the rate per day a prisoner shall be credited on a fine and costs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 112. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 39-6,179, Revised Statutes Supplement, 1978, relating to rules of the road; to change maximum length provisions as prescribed; to provide a weight provision; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 113. By Brennan, 9th District.

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

LEGISLATIVE BILL 114. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1978, relating to workmen's compensation; to increase weekly benefits; and to repeal the original sections.

LEGISLATIVE BILL 115. By Haberman, 44th District.

A BILL FOR AN ACT to amend sections 23-1901.01 and 32-308, Reissue Revised Statutes of Nebraska, 1943, relating to county surveyors; to change provisions relating to the appointment and election surveyors as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 116. By Fowler, 27th District.

A BILL FOR AN ACT to adopt the Nebraska Art Bank Act; to provide duties; and to create a fund.

ANNOUNCEMENTS

Mr. Cullan announced the Public Health and Welfare Committee will meet in room 1019 Tuesday, January 9, 1979 at 2:00 p.m.

Mr. Warner announced the Appropriations Committee will meet at 2:00 p.m. in room 1003 on Monday, January 8, 1979.

MOTION - Withdraw LB 55

Mr. Stoney moved to withdraw LB 55.

Motion pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 117. By Johnson, 8th District; Beutler, 28th District.

A BILL FOR AN ACT to amend section 24-524, Reissue Revised Statutes of Nebraska, 1943, and section 24-522, Revised Statutes Supplement, 1978, relating to the Small Claims Court; to increase the jurisdiction of the court; and to repeal the original sections.

EASE

The Legislature was at ease from 11:13 a.m. until 11:29 a.m.

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 119. By Warner, 25th District; Wesely, 26th District; Fowler, 27th 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 as prescribed; and to repeal the original section.

LEGISLATIVE BILL 120. By DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Nebraska Litter Reduction and Recycling Act; to define terms; to provide duties; to provide for the expiration of the act; to create a fund; and to provide severability.

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

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

SELECT COMMITTEE REPORT
Committee on Committees

January 8, 1979

The Committee on Committees has this day taken action to appoint Senator Don Wagner to serve on Government, Military and Veterans Affairs Committee as well as the Judiciary Committee.

(Signed) Shirley Marsh
Chair, Committee on Committees

ANNOUNCEMENT

Speaker Marvel announced a meeting of all Committee Chairmen for Tuesday, January 9, 1979 at 9:00 a.m. in room 2102.

ADJOURNMENT

At 11:31 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 10:00 a.m., Tuesday, January 9, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 9, 1979

LEGISLATIVE JOURNAL

FIFTH DAY - JANUARY 9, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 9, 1979

Pursuant to adjournment, the Legislature met at 10:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God, we hear that "prayer changes things," but that really isn't true. Prayer doesn't move mountains, but it can move us to move mountains. Prayers won't endorse our blank checks, nor pass the right bills, nor pass the correct legislation, but it can move us to do these things. Prayer doesn't so much need discussion as it needs doing. Prayer isn't a motion to be tabled, it is a mood to be expressed. So as and if we take this moment for prayer, teach us as our spirits reach out to you, that while You may not do all things for us, You can help us do the things when left to ourselves. Prayer doesn't offer escape, it gives encouragement, enlightenment, and can enable us to be better than otherwise we could. May that be our experience today. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Merz who was excused; and Mr. Venditte who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourth Day was approved.

MOTION - Adopt Rules

Mr. DeCamp moved to adopt the Rules as now in our possession for this day only.

The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

OATH OF OFFICE

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of my respective office to the best of my ability, so help me God.

(Signed) Robert E. Palmer
Chaplain

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 21	Monday, January 15, 1979	2:00 p.m.
LB 34	Monday, January 15, 1979	2:00 p.m.
LB 39	Tuesday, January 16, 1979	2:00 p.m.
LB 9	Tuesday, January 16, 1979	2:00 p.m.

(Signed) Samuel K. Cullan, Chairman

REPORT

Received a report from the State Department of Personnel dated January 1, 1979, in accordance with Section 81-1329, revisions to the July 1, 1978, edition of the June 1, 1972, State of Nebraska Classification and Pay Plan.

NATURAL RESOURCE DISTRICTS REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1978 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEYS	FEE
Lower Platte North	George E. Svoboda	25,818.90
	James Egr	378.60

ANNOUNCEMENTS

The Appropriations Committee announced that Mr. Rumery has been elected Vice-Chairman.

The Education Committee announced that Mr. Kahle has been elected Vice-Chairman.

The Judiciary Committee anounced that Mr. Stoney has been elected as Vice-Chairman.

The Public Works Committee announced that Mr. Clark has been elected Vice-Chairman.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 23	Wednesday, January 17, 1979	2:00 p.m.
LB 42	Wednesday, January 17, 1979	2:00 p.m.
LB 26	Thursday, January 18, 1979	2:00 p.m.
LB 27	Thursday, January 18, 1979	2:00 p.m.
LB 31	Thursday, January 18, 1979	2:00 p.m.
LB 24	Friday, January 19, 1979	2:00 p.m.
LB 49	Friday, January 19, 1979	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Sieck asked unanimous consent to add his name to LB 89 as co-introducer. No objections. So ordered.

BIRTHDAY

President Luedtke announced that last Saturday was the 85th Birthday of Walt Robinson, Assistant Sergeant of Arms.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 122. By Sieck, 24th District.

A BILL FOR AN ACT to amend sections 9-403, 9-404, 9-405, and 9-406, Uniform Commercial Code, and sections 33-109 and 33-120, Reissue Revised Statutes of Nebraska, 1943, relating to fees; to change fees as prescribed; to allow the county clerk to require certain fees to be paid in advance; and to repeal the original sections, and also section 33-112, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 123. By Hefner, 19th District.

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

LEGISLATIVE BILL 124. By Education Committee: Koch, 12th District, Chairman; Kremer, 34th District; Lamb, 3rd District; Beutler, 28th District; Vickers, 38th District; Landis, 46th District; George, 16th District.

A BILL FOR AN ACT to amend section 83-210.02, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Public Institutions; to allow contracting for additional services for blind persons as prescribed; and to repeal the original section.

LEGISLATIVE BILL 125. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Vickers, 38th District; Beutler, 28th District; Kahle, 37th District; Landis, 46th District; Lamb, 43rd District; Kremer, 34th District.

A BILL FOR AN ACT to amend section 79-518.04, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide procedures to recall Class I, IV, and V school board or board of education members; and to repeal the original section.

LEGISLATIVE BILL 126. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Vickers, 38th District; Kahle, 37th District; Landis, 46th District; Kremer, 34th District; Beutler, 28th District; Lamb, 43rd District.

A BILL FOR AN ACT to amend section 79-1247.07, Revised Statutes Supplement, 1978, relating to teachers; to provide when a certificate

or permit may be issued without a fee; and to repeal the original section.

LEGISLATIVE BILL 127. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Vickers, 38th District; Kremer, 34th District; Kahle, 37th District; Lamb, 43rd District; Beutler, 28th District; Landis, 46th District.

A BILL FOR AN ACT to amend section 39-6,148, Reissue Revised Statutes of Nebraska, 1943, relating to equipment of vehicles; to permit the use of flashing white lights by school transportation vehicles under certain conditions; and to repeal the original section.

LEGISLATIVE BILL 128. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Vickers, 38th District; Kahle, 37th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District.

A BILL FOR AN ACT to amend section 79-445, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the payment of tuition by the state for certain nonresident pupils as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 129. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Vickers, 38th District; Kahle, 37th District; Beutler, 28th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District.

A BILL FOR AN ACT to amend section 79-601, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change when the terms of members of the school board in certain districts of Class I begin; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 130. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Vickers, 38th District; Kahle, 37th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District.

A BILL FOR AN ACT relating to schools; to provide when bids shall be advertised for public school construction as prescribed.

LEGISLATIVE BILL 131. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Vickers, 38th District; Kremer, 34th District; Kahle, 37th District; Lamb, 43rd District; Landis, 46th District; Beutler, 28th District.

A BILL FOR AN ACT to amend section 79-488.05, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify a penalty; to harmonize provisions with the Nebraska Criminal Code; and to repeal the original sections.

LEGISLATIVE BILL 132. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Vickers, 38th District; Kahle, 37th District; Beutler, 28th District; Kremer, 34th District; Landis, 46th District.

A BILL FOR AN ACT to amend section 79-2645, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to transfer the Fire Service and Safety Training Program as prescribed; and to repeal the original section.

LEGISLATIVE BILL 133. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Kahle, 37th District; Kremer, 34th District; Landis, 46th 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 134. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Vickers, 38th District; Kahle, 37th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District.

A BILL FOR AN ACT to amend sections 79-446, 79-447, and 79-448, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to exemptions from tuition and tuition claims; and to repeal the original sections.

LEGISLATIVE BILL 135. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Vickers, 38th District; Kahle, 37th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District.

A BILL FOR AN ACT to amend section 79-1034, Reissue Revised Statutes of Nebraska, 1943, relating to Class V school districts; to specify membership on the board of trustees of the retirement system; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 136. By Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 16-617, 17-149, and 17-509, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide for certain improvements beyond the corporate limits; and to repeal the original sections.

LEGISLATIVE BILL 137. By Duis, 39th District.

A BILL FOR AN ACT to amend section 84-912, Reissue Revised Statutes of Nebraska, 1943, relating to administrative procedures; to provide for appeal of rulings; and to repeal the original section.

LEGISLATIVE BILL 138. By Kahle, 37th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 68-1022, Reissue Revised Statutes of Nebraska, 1943, relating to medical assistance; to change provisions relating to the amount of medical assistance paid by a county as prescribed; and to repeal the original section.

LEGISLATIVE BILL 139. By Rumery, 42nd District.

A BILL FOR AN ACT relating to sheriffs; to change the liability of cities of the first class for boarding prisoners as prescribed; to increase a mileage allowance; to amend section 16-252, Reissue Revised Statutes of Nebraska, 1943, and section 33-117, Revised Statutes Supplement, 1978; and to repeal the original sections.

LEGISLATIVE BILL 140. 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 141. By Education Committee: Koch, 12th District, Chairman; George 16th District; Kremer, 34th District; Lamb, 43rd District; Kahle, 37th District.

A BILL 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, 1978; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 142. By Burrows, 30th District.

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

LEGISLATIVE BILL 143. By Simon, 31st District.

A BILL FOR AN ACT relating to public utilities; to provide procedures for discontinuance of service for certain subscribers; to provide for notice and hearings; to amend section 18-416, Reissue Revised Statutes of Nebraska, 1943; to provide for severability; and to repeal the original section.

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

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

LEGISLATIVE BILL 145. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 15-840, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to remove a publication requirement; and to repeal the original section.

LEGISLATIVE BILL 146. By Wesely, 26th District.

A BILL FOR AN ACT to amend sections 18-1736 to 18-1742, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide for identification for vehicles used by the handicapped; to redefine a term; to provide for applications for a permit as prescribed; to change the permit term; to provide for additional penalties; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 147. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 32-226 and 32-438, Revised Statutes Supplement, 1978, relating to elections; to change provisions relating to access by voters with physical mobility limitations to polling places and booths; and to repeal the original sections.

LEGISLATIVE BILL 148. By Judiciary Committee: Nichol, 48th District, Chairman; Wagner, 41st District; Pirsch, 10th District; Reutzel, 15th District; Stoney, 4th District.

A BILL FOR AN ACT to amend section 25-2301, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide an exception as prescribed; and to repeal the original section.

LEGISLATIVE BILL 149. By Judiciary Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Pirsch, 10th District; Stoney, 4th District; Wagner, 41st District; Chambers, 11th District; Haberman, 44th District.

A BILL FOR AN ACT to amend section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 196, section 1, relating to operating a motor vehicle to avoid arrest; to harmonize provisions with the Nebraska Criminal Code; to repeal the original section, and also section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 39, section 82, and section 69-1324, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 305, section 8; and to declare an emergency.

LEGISLATIVE BILL 150. By Pirsch, 10th District.

A BILL FOR AN ACT to amend section 77-1701, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that certain counties include special assessment information as prescribed; and to repeal the original section.

LEGISLATIVE BILL 151. By Duis, 39th District.

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

LEGISLATIVE BILL 152. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 28-1101, 28-1102, 28-1103, 28-1107, 28-1108, 28-1109, 28-1111, and 28-1115, Revised Statutes Supplement, 1978, relating to crimes and punishments; to define terms; to change certain crimes and penalties as prescribed; to change

provisions relating to procedures and evidence; to limit gift enterprises as prescribed; to prohibit entry upon certain parking lots as prescribed; to provide a penalty; to repeal the original sections and also sections 28-1104, 28-1105, 28-1106, and 28-1112, Revised Statutes Supplement, 1978.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 51	Wednesday, January 17, 1979	2:00 p.m.
LB 53	Wednesday, January 17, 1979	2:00 p.m.
LB 67	Wednesday, January 17, 1979	2:00 p.m.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT - Print in Journal

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

I move that the salary, heretofore, paid to the Chaplain be discontinued immediately.

(Signed) Ernie Chambers

RESOLUTIONS

LEGISLATIVE RESOLUTION 1. Read and Considered.

SPEAKER MARVEL PRESIDING

Mr. Newell offered the following amendment:

Strike paragraph 4 from LR 1 located on pp. 74 of the Journal and to replace it with

4. That the Unicameral may contract for portraits of these distinguished Nebraska political figures, and that artists either currently residing in Nebraska or with Nebraska backgrounds be commissioned to paint these portraits.

5. That the author of this resolution serve on said sub-committee.

The amendment was adopted with 28 ayes, 4 nays, and 17 not voting.

Mr. Maresh offered the following amendment:

Amend section 1 of LR 1 by adding "who are deceased".

The amendment lost with 16 ayes, 18 nays, and 15 not voting.

LR 1 was adopted with 25 ayes, 9 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 2. Read and Considered.

Mr. Stoney offered the following amendment:

Strike "1978" and insert "1979".

The amendment was adopted with 29 ayes, 0 nays, and 20 not voting.

LR 2 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 3. Read and Considered.

LR 3 was adopted with 25 ayes, 12 nays, and 12 not voting.

MOTION - Withdraw LB 55

Mr. Stoney renewed his pending motion found in the Journal on page 127 to withdraw LB 55.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

ANNOUNCEMENTS

Mr. Hasebroock announced the Nebraska Retirement Systems Advisory Committee has elected Frank Lewis as Vice-Chairman.

Mr. Reutzel announced the Constitutional Revision and Recreation Committee has elected Calvin Carsten as Vice-Chairman. The Committee also voted to set hearings for 1:30 p.m. on Thursdays and Fridays.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 13	Wednesday, January 17, 1979	2:00 p.m.
LB 47	Wednesday, January 17, 1979	2:00 p.m.
LB 61	Wednesday, January 17, 1979	2:00 p.m.

(Signed) Walter George, Chairman

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 154. By Koch, 12th District.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1978, 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 155. By Reutzel, 15th District.

A BILL FOR AN ACT to amend section 55-160, Reissue Revised Statutes of Nebraska, 1943, relating to the militia; to change certain pay provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 156. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 33-117, Revised Statutes Supplement, 1978, relating to fees and salaries; to change certain fees paid to sheriffs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 157. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 79-518.04, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for recall of Class IV and V school board members as prescribed; and to repeal the original section.

LEGISLATIVE BILL 158. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 18-2103, 18-2107, 18-2118, 18-2124, 18-2125, 18-2127, 18-2138, and 18-2144, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to change provisions relating to community development; to authorize certain uses for ad valorem real property taxes; to provide duties; to authorize the Revisor of Statutes to change a term as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 159. By Oversight Committee: Carsten, 2nd District, Chairman; Schmit, 23rd District; Warner, 25th District; Kremer, 34th District; Nichol, 48th District; Maresh, 32nd District; Lewis, 45th District; Koch, 12th District; George, 16th District.

A BILL FOR AN ACT to amend section 77-1330, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to make the use of local assessors guides mandatory; and to repeal the original section.

LEGISLATIVE BILL 160. By Kahle, 37th District.

A BILL FOR AN ACT to amend sections 77-202.31 and 77-202.32, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202.30 and 77-202.42, Revised Statutes Supplement, 1978, relating to revenue and taxation; to change provisions relating to the Personal Property Tax Relief Fund as prescribed; to change certain citations; and to repeal the original sections.

LEGISLATIVE BILL 161. By Newell, 13th District; Wesely, 26th District.

A BILL FOR AN ACT relating to older Nebraskans; to adopt the Older Nebraskans Act; to create the Administrative Advisory Committee for Older Nebraskans; to provide for membership; to provide duties; to amend sections 48-1003 and 84-1317, Reissue Revised Statutes of Nebraska, 1943; to change the retirement age; and to repeal the original sections.

LEGISLATIVE BILL 162. By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Simon, 31st District; Fitzgerald, 14th District; Murphy, 17th District; Sieck, 24th District.

A BILL FOR AN ACT to amend sections 49-1434, 49-1480, 49-1483, and 49-1489 to 49-1491, Revised Statutes Supplement, 1978, relating to the Nebraska Political Accountability and Disclosure Act; to redefine a term; to change filing requirements as prescribed; and to repeal the original sections and also section 49-1487, Revised Statutes Supplement, 1978.

LEGISLATIVE BILL 163. By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Simon, 31st District; Fitzgerald, 14th District; Murphy, 17th District; Sieck, 24th District.

A BILL FOR AN ACT to amend sections 49-1408 to 49-1410, 49-1420, 49-1427, 49-1430, 49-1445, 49-1449 to 49-1451, 49-1454,

49-1459 to 49-1462, 49-1464, 49-1472, 49-1496, 49-14,105, 49-14,106, 49-14,111, 49-14,112, 49-14,115, 49-14,121 to 49-14,127, 49-14,129, 49-14,131, and 48-14,133 to 49-14,138, Revised Statutes Supplement, 1978, relating to the Nebraska Political Accountability and Disclosure Commission; to redefine terms; to change membership of the commission as prescribed; to change appointment procedures; to change filing requirements as prescribed; to provide certain requirements for political funds; to harmonize provisions; and to repeal the original sections, and also sections 49-1413, 49-1452, 49-1458, 49-1466, 49-1469, and 49-14,132, Revised Statutes Supplement, 1978.

LEGISLATIVE BILL 164. By Johnson, 8th District.

A BILL FOR AN ACT to amend sections 9-136, 9-139, 9-144, 9-145, 9-146, 9-148, 9-152, 9-153, 9-160, 9-163, 9-165, 9-172, 9-173, and 28-1113, Revised Statutes Supplement, 1978, relating to bingo; to redefine terms; to change provisions relating to the number of bingo occasions and the location and manner such occasions are conducted; to allow compensation for security services; to provide provisions relating to nonalcoholic beverages and food; to change provisions relating to standing to sue; to harmonize provisions; and to repeal the original sections.

ADJOURNMENT

At 11:26 a.m., on a motion by Mr. Lewis, the Legislature adjourned until 10:00 a.m., Wednesday, January 10, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 10, 1979

LEGISLATIVE JOURNAL

SIXTH DAY - JANUARY 10, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 10, 1979

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear Lord and Father of mankind, forgive our foolish ways; reclothe us in our rightful mind. In purer lives Thy service find, in deeper reverence praise. Take from our souls the strain and stress and let our ordered lives confess the beauty of Thy peace. Deliver us, O Lord, from the foolishness of impatience. Let us not be in such a hurry as to run on without Thee. We know that it takes a lifetime to make a tree; we know that fruit does not ripen in an afternoon and Thou Thyself didst take a week to make the universe. May we remember that it takes time to build the State that can truly be called God's own country. It takes time to find out what we should do; what is right and what is best. Slow us down, O Lord, that we may take time to think, time to pray, and time to find out Thy will. Then give us the sense and the courage to do it, for the good of our State and the glory of Thy name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Lewis, Newell, Pirsch, and Stoney who were excused until they arrive.

Motion - Adopt Rules

Mr. Fowler moved to adopt the Rules now in our possession for today only.

The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 56, and 86 through 95 inclusive, and 99 through 121 inclusive, for the approval of the Nebraska State Legislature.

LB	Committee
56	Public Works
86	Administrative Rules & Regulations
87	Banking, Commerce & Insurance
88	Government, Military & Veterans Affairs
89	Revenue
90	Public Works
91	Judiciary
92	Business & Labor
93	Public Works
94	Public Health & Welfare
95	Public Health & Welfare
96	Held
97	Held
98	Held
99	Constitutional Revision & Recreation
100	Constitutional Revision & Recreation
101	Government, Military & Veterans Affairs
102	Miscellaneous Subjects
103	Revenue
104	Education
105	Revenue
106	Agriculture & Environment
107	Judiciary
108	Business & Labor
109	Government, Military & Veterans Affairs
110	Government, Military & Veterans Affairs
111	Judiciary
112	Public Works
113	Business & Labor
114	Business & Labor
115	Government, Military & Veterans Affairs

116 Appropriations
117 Judiciary
118 Nebraska Retirement Systems
119 Public Works
120 Agriculture & Environment
121 Appropriations

(Signed) Frank Lewis, Chairman
Executive Board

REPORT OF THE EXECUTIVE BOARD

January 10, 1979

Report to the Members of the Eighty-Sixth Legislature

A Committee Chairmen meeting was held on January 9, 1979, at which time the following 90-day Legislative Calendar was unanimously agreed upon:

Days Legislature will NOT BE IN SESSION

January 12, 1979

February 16, 1979
February 19, 1979

March 1, 1979
March 2, 1979
March 23, 1979

April 13, 1979
April 16, 1979
April 23, 1979

May 17, 1979
May 18, 1979
May 28, 1979

Motion was made by Senator Warner and seconded by Senator Koch to hold Legislative Sessions from 9:00 - 10:15 A.M. beginning January 22, 1979 through February 9, 1979, and hearings could begin at 10:30 A.M. for the balance of the day. Motion passed with 15 ayes and 4 nays.

(Signed) Richard D. Marvel, Speaker

ANNOUNCEMENT

Mr. Koch announced the Education Committee will meet in Executive Session on Monday, January 15, 1979, in Room 1515 at 2:00 p.m.

NOTICE OF COMMITTEE HEARINGS
Education

LB 12	Tuesday, January 16, 1979	1:30 p.m.
LB 57	Tuesday, January 16, 1979	1:30 p.m.
LB 124	Tuesday, January 16, 1979	1:30 p.m.

(Signed) Gerald Koch, Chairman

Government, Military and Veterans Affairs

LB 38	Thursday, January 18, 1979	2:00 p.m.
LB 54	Thursday, January 18, 1979	2:00 p.m.
LB 64	Thursday, January 18, 1979	2:00 p.m.
LB 75	Thursday, January 18, 1979	2:00 p.m.
LB 85	Thursday, January 18, 1979	2:00 p.m.

(Signed) Orval A. Keyes, Chairman

Judiciary

LB 33	Tuesday, January 23, 1979	10:30 a.m.
LB 80	Monday, January 15, 1979	1:30 p.m.
LB 83	Monday, January 15, 1979	2:00 p.m.

(Signed) William E. Nichol, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 1, LR 2, and LR 3.

MOTION - Rule Changes

Mr. Haberman offered the following rule change:

I move that Rule 2, Section 3, (b) (iii) be amended to read as follows:

Reporters of regularly accredited newpapers and broadcasting stations but only to that space under the balcony on either side adjacent to the floor of the Legislative Chamber where the Senators are actually seated.

Referred to the Rules Committee.

ANNOUNCEMENTS

Mr. DeCamp announced the Banking, Commerce and and Insurance Committee will meet in Executive Session at twelve noon, Thursday, January 11, 1979, in Room 2230.

Speaker Marvel announced that all new bill requests must be submitted to the Bill Drafter by 12:00 noon, Monday, January 15, 1979.

In addition, please try and have all bills, now in your possession, introduced prior to adjournment, Thursday, January 11, 1979, so that they may be referenced, and subsequently printed over the weekend.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Kelly asked unanimous consent to add his name to LB 114. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 165. By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Lewis, 45th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 53-177, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to provide additional restrictions on issuance or transfer of licenses as prescribed; and to repeal the original section.

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

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

LEGISLATIVE BILL 167. By Merz, 1st District.

A BILL FOR AN ACT to amend section 39-669.07, Revised Statutes Supplement, 1978, relating to driving under the influence of alcoholic liquor or drug; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 168. By Merz, 1st District.

A BILL FOR AN ACT to amend sections 46-663, 46-666, and 46-667, Revised Statutes Supplement, 1978, relating to ground water; to require a hearing as prescribed; to provide for notice; to require the use of meters on wells in certain cases; to provide for appeals; and to repeal the original sections.

LEGISLATIVE BILL 169. By Merz, 1st District.

A BILL FOR AN ACT to amend section 46-658, Revised Statutes Supplement, 1978, relating to ground water; to require a hearing to designate a control area in certain cases; to provide for monitoring of water levels; to require record keeping; and to repeal the original section.

LEGISLATIVE BILL 170. By Merz, 1st District.

A BILL FOR AN ACT to amend section 25-1152, Reissue Revised Statutes of Nebraska, 1943, relating to civil liability; to permit the protective custody of dangerous persons as prescribed; to repeal the original section; and to declare an emergency.

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

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

LEGISLATIVE BILL 172. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Kennedy, 21st District; Wesely, 26th District; Maresh, 32nd District; Simon, 31st District; Clark, 47th District; Goodrich, 20th 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 173. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Wesely, 26th District; Clark, 47th District; Kennedy, 21st District; Maresh, 32nd District; Simon, 31st District.

A BILL FOR AN ACT relating to retirement communities and subdivisions; to require annual reports to lessees as prescribed.

LEGISLATIVE BILL 174. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Wesely, 26th District; Kennedy, 21st District; Maresh, 32nd District; Simon, 31st District; Clark, 47th District.

A BILL FOR AN ACT to amend sections 71-1104, 71-1108, 71-1109, and 71-1112, Reissue Revised Statutes of Nebraska, 1943, and section 71-1114, Revised Statutes Supplement, 1978, relating to public health; to change the manner of the sale and distribution of prophylactics as prescribed; to change certain licensing provisions; to change a penalty; to repeal the original sections; and declare an emergency.

LEGISLATIVE BILL 175. By Simon, 31st District.

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

LEGISLATIVE BILL 176. By Maresh, 32nd District.

A BILL FOR AN ACT to amend sections 17-510 and 17-511, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide for petition for and objection to street improvements by record title owners; and to repeal the original sections.

LEGISLATIVE BILL 177. By Kahle, 37th District.

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

79-1334, 79-1336 to 79-1338, 79-1343, Revised Statutes Supplement, 1978; and declare an emergency.

LEGISLATIVE BILL 178. By Vickers, 38th District.

A BILL FOR AN ACT to amend section 23-927, Reissue Revised Statutes of Nebraska, 1943, and section 77-2210, Revised Statutes Supplement, 1978, relating to budgets; to change the date for filing a budget statement; to provide for filing an amended budget statement and levy certification for educational service units; and to repeal the original sections.

LEGISLATIVE BILL 179. By Landis, 46th District.

A BILL FOR AN ACT to amend section 23-1207, Reissue Revised Statutes of Nebraska, 1943, relating to county attorneys; to change provisions relating to duplicate receipts; to provide for depositing of money received and safekeeping of personal property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 180. By Simon, 31st District.

A BILL FOR AN ACT relating to business; to provide controls for the selling of seller-assisted marketing plans; to prescribe duties; to define terms; to provide a penalty; and to provide severability.

LEGISLATIVE BILL 181. By Brennan, 9th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to authorize such cities to own and operate off-street parking facilities; to provide for funds as prescribed; and to declare an emergency.

LEGISLATIVE BILL 182. By Rumery, 42nd District.

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

LEGISLATIVE BILL 183. By Brennan, 9th District.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1978, relating to labor; to provide an increased maximum benefit amount; to change a date; and to repeal the original sections.

MOTION - Suspend Rules

Mr. Fitzgerald moved to suspend the rules, Rule 5, Sec. 4, to allow 4 signatures on Req. No. 444.

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 184. By Venditte, 7th District; Nichol, 48th District; Labedz, 5th District; Fitzgerald, 14th District.

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

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 6. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

MRS. MARSH PRESIDING

LEGISLATIVE BILL 7. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 65	Monday, January 15, 1979	1:30 p.m.
LB 76	Monday, January 15, 1979	1:30 p.m.
LB 37	Tuesday, January 16, 1979	2:00 p.m.
LB 40	Tuesday, January 16, 1979	2:00 p.m.
LB 41	Tuesday, January 16, 1979	2:00 p.m.
LB 16	Wednesday, January 17, 1979	2:00 p.m.
LB 29	Wednesday, January 17, 1979	2:00 p.m.
LB 44	Wednesday, January 17, 1979	2:00 p.m.

(Signed) Calvin Carsten, Chairman

ANNOUNCEMENT

Mr. Duis announced the Administrative Rules and Regulations Committee has elected Mr. Kelly as Vice-Chairman.

BILLS ON FIRST READING

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

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

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

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

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

LEGISLATIVE BILL 187. By Warner, 25th District.

A BILL FOR AN ACT relating to property taxation; to restate the method of levying taxes; to provide an operative date; 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, 3-504, 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, 39-1621, 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, 77-1303, 77-1311, 77-1315, 77-1327, 77-1338, 77-1406, 77-1504, 77-1506.01, 77-1510, 77-1603, 77-1604, 77-1605, 77-1615, 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, 80-102, 81-815.34, 83-1,142, 86-402, and 86-405, Reissue Revised Statutes of Nebraska, 1943, and sections 3-155, 31-727.01, 31-727.03, 31-739, 31-740, 31-755, 35-508, 35-509, 39-1619, 46-673, 77-605, 77-1605.01, 77-1725, 79-451, 79-2210, and 79-2650, Revised Statutes Supplement, 1978; to repeal the original sections; and to declare an emergency.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend rules, Rule 5, Section 4, to allow more than 3 signatures on Req. No. 413.

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 188. By Decamp, 40th District; Venditte, 7th District; George, 16th District; Kahle, 37th District; Nichol, 48th District; Hasebroock, 18th District; Schmit, 23th District; Wagner, 41st District; Maresh, 32nd District; Kremer, 34th District; Merz, 1st District.

A BILL FOR AN ACT relating to taxation; to provide a maximum limitation on any ad valorem tax on real property; to provide for changes in the actual value as prescribed; to provide for changes in state taxes by a vote of the Legislature as prescribed; and to provide that special taxes may be imposed.

LEGISLATIVE BILL 189. By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Koch, 12th District; Hefner, 19th District; Carsten, 2nd District; George, 16th District.

A BILL FOR AN ACT relating to dogs; to provide for the capture or killing of dogs harming game animals or birds as prescribed.

LEGISLATIVE BILL 190. By Burrows, 30th District.

A BILL FOR AN ACT relating to agriculture; to declare intent; to define terms; to provide that no corporation shall engage in farming operations except as authorized; to require reports of farming operations as prescribed; and to provide penalties.

LEGISLATIVE BILL 191. By Burrows, 30th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XII of the Constitution of Nebraska, relating to miscellaneous corporations by adding thereto a new section 8; to require the Legislature to restrict the ownership of land used for agricultural purposes; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

EASE

The Legislature was at ease from 10:47 a.m. until 11:00 a.m.

SPEAKER MARVEL PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 192. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Marsh, 29th District; Rumery, 42nd District; Dworak, 22nd District; Labedz, 5th District; Hasebroock 18th District; Fowler, 27th District; Hoagland, 6th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1978, relating to the sales and use tax; to change provisions relating to exemptions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 193. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Marsh, 29th District; Labedz, 5th District; Hasebroock, 18th District; Rumery, 42nd District; Dworak, 22nd District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 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 section; and to declare an emergency.

LEGISLATIVE BILL 194. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Dworak, 22nd District; Marsh, 29th District; Rumery, 42nd District; Fowler, 27th District; Hasebroock, 18th District.

A BILL FOR AN ACT to amend sections 77-2417 and 85-131, Reissue Revised Statutes of Nebraska, 1943, relating to appropriations; 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 195. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Marsh, 29th District; Rumery, 42nd District; Dworak, 22nd District; Labedz, 5th District; Hasebroock, 18th District; Fowler, 27th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to termination of agencies, boards, and commissions; to provide for changes in review as prescribed; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 196. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Marsh, 29th District; Rumery, 42nd District; Dworak, 22nd District; Labedz, 5th District; Hasebroock, 18th District; Fowler, 27th District; Hoagland, 6th District.

A BILL FOR AN ACT to amend section 44-319.10, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to create a trust fund; and to repeal the original section.

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

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

LEGISLATIVE BILL 198. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 71-1630.02, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to change qualifications of certain city-county health department directors; and to repeal the original section.

LEGISLATIVE BILL 199. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 60-311.02, Reissue Revised Statutes of Nebraska, 1943, and sections 60-310 and 60-311, Revised Statutes Supplement, 1978, relating to motor vehicles; to provide for only one license plate on all motor vehicles; to provide for display of such plate; and to repeal the original sections.

MOTION - Rule Change

Mr. Beutler offered the following rule change:

Amend Rule 5, Section 5, to read as follows:

(d) In regular odd-numbered year sessions, each member shall be limited, as an introducer or co-introducer, to a total of ten (10) bills for the period of introduction of bills by individual members, and in regular even-numbered year sessions, each member shall be limited, as an introducer or co-introducer, to a total of six (6) bills for the period of introduction of bills by individual members. Any bill withdrawn by a member, during the introduction period, shall be counted in the limitation of ten (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 the individual members. Bills introduced under Rule 5, Section 3a will not be included in this limitation.

Referred to the Rules Committee.

ANNOUNCEMENT

Mr. Hasebroock announced the Nebraska Retirement Systems Advisory Committee will meet in room 2102 at 9:00 a.m., Thursday, January 11, 1979.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 200. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 38-1004, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Gifts to Minors Act; to change provisions relating to beneficiaries of a policy or contract on the life of a minor as prescribed; and to repeal the original section.

VISITORS

Visitors to the Chamber were 14 senior high school students and teacher from Johnson-Brock School.

ADJOURNMENT

At 11:06 a.m., on a motion by Mr. Lewis, the Legislature adjourned until 10:00 a.m., Thursday, January 11, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 11, 1979

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 11, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 11, 1979

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father in Heaven, be gracious unto They servants, the legislators of this state. Give them strength for the tasks of this day and guide them in their labors. When they are tempted to wonder whether their high goals are possible of attainment, remind them that Thou art not senile, or asleep, or defeated. "A different world cannot be built by indifferent people." Let us never give up hope of the possibility of change. When we feel the pressure of crisis, remind us that Thou hast plenty of time. We have to remember that Thou art never in a hurry and wilt not be rushed by the deadlines of impatient men or by the pressures of the selfish. So give us the determination to seek and do Thy will. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Murphy, who was excused; and Mr. Sieck who was excused until he arrives.

MOTION - Adopt Rules

Mr. Fowler moved to adopt the Rules as now in our possession for the Eighty-Sixth Legislature, First Session.

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

UNANIMOUS CONSENT - Members Excused

Messrs. Lewis, Reutzel and Mrs. Labedz asked uananimous consent to be excused Monday and Tuesday, January 15 and 16. Mr. Warner asked unanimous consent to be excused Monday, January 15. 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 January 10, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Bauer, Cindy K. - Omaha, Western Capital Corporation
Binning, John H. - Lincoln, First Greatwest Corporation
Cavanaugh, Thomas F. - Lincoln, O'Hara & Associates
Chambers, David L. - Lincoln, League of Nebraska Municipalities
Frazier, Lawrence A. - Lincoln, Farmers Mutual Insurance Company of Nebraska
Ivey, Priscilla - Ralston, Omaha Suburban Area Council of Schools
Jacobsen, Ford K. - Omaha, Metropolitan Utilities District
Leitner, Ronald E. - McCook, Brotherhood of Locomotive Engineers
Murphy, Lawrence E. - Lincoln, Nebraska Chiropractic Physicians Association
O'Hara, Paul V. - Lincoln, Associates Corporation of North America (A Texas Corporation); Louis Finocchiaro, Inc.; Northern Natural Gas Company; Vickers Petroleum Corporation
Pace, Jack M. - Lincoln, Farmers Mutual Insurance Company of Nebraska
Pierson, Darwin R. - Columbus, Nebraska Independent Oil & Gas Association
Piester, David L. - Lincoln, Legal Services of Southeast Nebraska
Rasmussen, Dennis - Lincoln, Nebraska Medical Association
Rex, L. Lynn - Lincoln, League of Nebraska Municipalities
Robinson, Jr., C. N. - Omaha, Westside Community Schools

Ryan, James E. - Lincoln, Personal Property Tax Relief Committee
Shafer, Patricia N. - Omaha, Omaha Education Association
Sutej, John M. - Omaha, Local Union 1974, I.B.E.W.
Tews and Radcliffe:
Radcliffe, Walter H. - Lincoln, Friends of Higher Education; Nebraska District Judges Association
Tews, David D. - Lincoln, Friends of Higher Education; Nebraska District Judges Association
Wylie, William M. - Elgin, Nebraska Insurance Information Service
Young, Harry - Beatrice, Norris Public Power District

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 112	Friday, January 19, 1979	2:00 p.m.
LB 45	Wednesday, January 24, 1979	10:30 a.m.
LB 48	Wednesday, January 24, 1979	10:30 a.m.
LB 56	Wednesday, January 24, 1979	2:00 p.m.
LB 90	Wednesday, January 24, 1979	2:00 p.m.
LB 28	Thursday, January 25, 1979	10:30 a.m.

(Signed) Maurice A. Kremer, Chairman

Miscellaneous Subjects

LB 58	Thursday, January 18, 1979	2:00 p.m.

(Signed) Dave Newell, Chairman

COMMUNICATIONS

Received letter from the Natural Resources Commission informing the Legislature of the Commission's approval of the "Report to the Legislature and the Governor on the Nebraska State Water Planning and Review Process" which was filed in November, 1978.

Acknowledged receipt of House Conccurrent Resolution No. 771 from Michigan regarding Space Exploration Week.

January 10, 1979

The Speaker
and Members of the Legislature
Unicameral Legislature
State Capitol

Lincoln, Nebraska 68509

Dear Mr. Speaker and Senators:

We the undersigned Constitutional Officers serving in the Executive Branch express our deep gratitude to each of you for the invitation into your Legislative Chambers and courtesy shown us during the festivities and "swearing in" on Inauguration Day. Indeed, this was a most kind gesture on your part.

We are also grateful to your officers, clerk and staff for the extraordinary cooperation and assistance in the planning and special arrangements surrounding an Inaugural.

While the separation of powers is unique and important in our system of Government, courtesy, cooperation and mutual respect are special ingredients in the system's formula as we jointly seek to serve those who gave us all the privilege of saying publicly "I do" before the Chief Justice.

Each of us hereunder signed, pledge our support, assistance and cooperation.

Gratefully acknowledged

(Signed) Charles Thone, Governor
Roland Luedtke, Lt. Governor
Allen J. Beermann, Sec. of State
Frank Marsh, State Treasurer
Ray A. C. Johnson, Auditor
Paul Douglas, Attorney General

ANNOUNCEMENT

Mr. Fitzgerald announced that Senator Elroy Hefner has been chosen Vice Chairman of the Transportation Advisory Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 201. By Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Clark, 47th District; Kennedy, 21st District; Vickers, 38th 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 202. By Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Clark, 47th District; Kennedy, 21st District; Vickers, 38th 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 203. By Public Works Committee: Kremer, 34th District, Chairman; Wesely, 26th District; Cullan, 49th District; Clark, 47th District; Kennedy, 21st District; Vickers, 38th District.

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

LEGISLATIVE BILL 204. By Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Clark, 47th District; Kennedy, 21st District; Vickers, 38th District.

A BILL FOR AN ACT to amend sections 46-230, Reissue Revised Statutes of Nebraska, 1943, and section 46-602, Revised Statutes Supplement, 1978, relating to irrigation; to provide for notification of ownership of appropriations and wells; and to repeal the original sections.

LEGISLATIVE BILL 205. By Public Works Committee: Kremer, 34th District, Chairman; Wesely, 26th District; Cullan, 49th District; Clark, 47th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 60-403.06 and 60-403.07, Revised Statutes Supplement, 1978, relating to motor vehicles; to provide for class C and class CC learner's permits as prescribed; to provide duties; to provide for fees; and to repeal the original sections.

LEGISLATIVE BILL 206. By Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Clark, 47th District; Goodrich, 20th District; Kennedy, 21st District; Vickers, 38th District.

A BILL FOR AN ACT to amend sections 46-636 and 46-637, Reissue Revised Statutes of Nebraska, 1943, relating to ground water; to change provisions relating to such water; to change provisions relating to permits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 207. By Public Works Committee: Kremer, 34th District, Chairman; Beutler, 28th District; Vickers, 38th District; Wesely, 26th District; Cullan, 49th District; Clark, 47th District; Goodrich, 20th District; Kennedy, 21st District.

A BILL FOR AN ACT relating to public power; to declare public policy; and to provide procedures for arbitration of disputes between suppliers and purchasers of electrical services as prescribed.

LEGISLATIVE BILL 208. By Administrative Rules and Regulations Review Committee: Duis, 39th District, Chairman; Kelly, 35th District; Fowler, 27th District; Johnson, 8th District; Koch, 12th District; Haberman, 44th District.

A BILL FOR AN ACT to repeal section 84-906.04, Reissue Revised Statutes of Nebraska, 1943, relating to the standing advisory committee on the form and indexing of state agency rules and regulations.

LEGISLATIVE BILL 209. By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Hefner, 19th District; Sieck, 24th District; Johnson, 8th 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 210. By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Hefner, 19th District; Sieck, 24th District; Burrows, 30th District; Johnson, 8th District.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1978, relating to taxation; to change the increments for setting tax rates; and to repeal the original section.

LEGISLATIVE BILL 211. By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Keyes, 3rd District; Hefner, 19th District; Sieck, 24th District; Burrows, 30th District; Johnson, 8th District.

A BILL FOR AN ACT to amend section 23-1601, Revised Statutes Supplement, 1978, relating to county treasurers; to impose duties on county treasurers when paying funds to political subdivisions as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 212. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Fowler, 27th District; Labedz, 5th District; Hasebroock, 18th District; Cope, 36th District; Marsh, 29th District; Hoagland, 6th District.

A BILL FOR AN ACT to amend section 81-523, Reissue Revised Statutes of Nebraska, 1943, to provide a tax be deposited in the General Fund; and to repeal the original section.

LEGISLATIVE BILL 213. By Maresh, 32nd District.

A BILL FOR AN ACT relating to roads; to provide for construction of dams in lieu of bridges in certain instances; to provide duties for the Department of Roads and the natural resources districts; and to provide for studies.

LEGISLATIVE BILL 214. By Vickers, 38th District; Lamb, 43rd District; Haberman, 44th District.

A BILL FOR AN ACT relating to the state budget; to place a limit on appropriation increases; to provide exceptions; to provide duties of state agencies; to prohibit transfers of program costs; and to declare an emergency.

LEGISLATIVE BILL 215. By Business and Labor Committee: Maresh, 32nd District, Chairman; DeCamp, 40th District; Landis, 46th District; Brennan, 9th District; Simon, 31st District; Fitzgerald, 14th District; Kahle, 37th District.

A BILL FOR AN ACT to amend section 48-120, Revised Statutes Supplement, 1978, relating to workmen's compensation; to provide power for the court to order payment or reimbursement as prescribed; to provide who may not be party to actions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 216. By Reutzel, 15th District.

A BILL FOR AN ACT to amend section 8-1401, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to provide for the payment of costs of disclosing certain information; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 217. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 19-2501, 19-2501.01, and 19-2503 to 19-2507, Reissue revised Statutes of Nebraska, 1943,

relating to industrial areas; to define terms; to harmonize provisions; to provide review procedures; and to repeal the original sections, and also section 19-2508, Reissue Revised Statutes of Nebraska, 1943.

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

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

LEGISLATIVE BILL 219. By Kelly, 35th District.

A BILL FOR AN ACT to repeal section 77-1605.01, Revised Statutes Supplement, 1978, relating to taxation.

LEGISLATIVE BILL 220. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 8-152, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to change the manner of computing aggregate indebtedness; and to repeal the original section.

LEGISLATIVE BILL 221. By Kelly, 35th District.

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

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

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

LEGISLATIVE BILL 223. By Cullan, 49th District; Lewis, 45th District.

A BILL FOR AN ACT to amend sections 70-1008, 70-1009, and 70-1010, Reissue Revised Statutes of Nebraska, 1943, relating to power districts and corporations; to establish certified service areas; to change rights with respects to service of customers and areas as prescribed; to provide for acquistion of and payment for facilities and customers; and to repeal the original sections.

LEGISLATIVE BILL 224. By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Simon, 31st District; Lewis, 45th District, Fitzgerald, 14th District; Venditte, 7th District.

A BILL FOR AN ACT to amend sections 53-142, 53-164.01, and 53-176, Reissue Revised Statutes of Nebraska, 1943, and section 53-135.01, Revised Statutes Supplememt, 1978, relating to alcoholic liquors; to change requirements for certain applications; to change provisions relating to renewal of retail liquor licenses; to increase a bond; to authorize suspension of certain licenses; and to repeal the original sections.

LEGISLATIVE BILL 225. By Lamb, 43rd District; Kahle, 37th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, sections 7 and 9, of the Constitution of Nebraska, relating to education; to permit the use of funds from unsold school lands for purposes other than the support of the common schools; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 226. By Lamb, 43rd District.

A BILL FOR AN ACT to amend sections 43-646.01 to 43-646.04 and 43-646.06 to 43-646.08, Revised Statutes Supplement, 1978, relating to handicapped children; to change certain age requirements as prescribed; to change requirements for school district plans; and to repeal the original sections.

LEGISLATIVE BILL 227. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 60-305.09 and 60-315, Revised Statutes Supplement, 1978, relating to motor vehicle registration; to provide for cancellation of registration and refund of a portion of unused fees for certain disabled vehicles; to provide for reregistration; to change audit requirements; to provide for unladen-weight registration; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 228. By Fowler, 27th District.

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

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

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

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

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

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

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

LEGISLATIVE BILL 232. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Fowler, 27th District; Hoagland, 6th District; Marsh, 29th District, Dworak, 22nd District; Cope, 36th District; Hasebroock, 18th District; Labedz, 5th District.

A BILL FOR AN ACT relating to appropriations; to provide what constitutes a valid appropriation; and to declare an emergency.

LEGISLATIVE BILL 233. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Hoagland, 6th District, Fowler, 27th District; Marsh, 29th District; Labedz, 5th District; Cope, 36th District; Dworak, 22nd District; Hasebroock, 18th District.

A BILL FOR AN ACT relating to state budgets; to define encumbrance; to provide what constitutes a valid encumbrance; to provide when an encumbrance shall be paid and when it shall be lapsed; and to declare an emergency.

LEGISLATIVE BILL 234. By Judiciary Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Pirsch, 10th District; Venditte, 7th District; Wagner, 41st District.

A BILL FOR AN ACT to amend sections 25-1601, 25-1603, 25-1609 25-1611, 25-1625, 25-1627.01, 25-1628, 25-1631.03, and 25-1637, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1627 and 25-1629, Revised Statutes Supplement, 1978, relating to juries; to provide legislative intent; to change procedures relating to the selection of jurors; to change a penalty; to provide duties; and to repeal the original sections, and also sections 25-1631.01, 25-1631.02, 25-1633.02, 25-1633.03, and 25-1638, Reissue Revised Statutes of Nebraska, 1943, and section 25-1631, Revised Statutes Supplement, 1978.

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

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

LEGISLATIVE BILL 236. By Judiciary Committee: Nichol, 48th District, Chairman; Pirsch, 10th District; Stoney, 4th District; Wagner, 41st District; Venditte, 7th District, Reutzel, 15th District.

A BILL FOR AN ACT to amend section 83-1,105, Reissue Revised Statutes of Nebraska, 1943, relating to criminal sentencing; to change what constitutes a minimum term; and to repeal the original section.

LEGISLATIVE BILL 237. By Judiciary Committee: By Nichol, 48th District, Chairman; Pirsch, 10th District; Reutzel, 15th District; Stoney, 4th District; Venditte, 7th District.

A BILL FOR AN ACT to amend sections 24-202, 24-301, 26-103, and 43-233, Reissue Revised Statutes of Nebraska, 1943, and section 48-153, Revised Statutes Supplement, 1978, relating to judicial qualifications; to provide qualifications as prescribed; and to repeal the original sections, and also section 24-505, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 238. By Judiciary Committee: Nichol, 48th District, Chairman; Pirsch, 10th District; Reutzel, 15th District; Haberman, 44th District; Wagner, 41st District; Stoney, 4th District; Venditte, 7th District.

A BILL FOR AN ACT to amend sections 76-701, 76-703, 76-704, 76-706; 76-707, 76-716, 76-717, and 76-725, Reissue Revised Statutes of Nebraska, 1943, and section 76-719.01, Revised Statutes Supplement, 1978, relating to eminent domain; to define a term; to provide procedures for entry upon real property; to provide provisions relating to negotiations, appraisals, and damages as prescribed; to provide duties of the courts; to change appeal provisions; and to repeal the original sections, and also section 76-702, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 239. By Judiciary Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Stoney, 4th District; Venditte, 7th District; Pirsch, 10th District; Wagner, 41st District; Reutzel, 15th District; Haberman, 44th District.

A BILL FOR AN ACT to amend sections 24-808 and 24-810, Reissue Revised Statutes of Nebraska, 1943, relating to judicial nominating commissions; to provide for filling of vacancies on judicial nominating commissions; to provide additional procedures for filling judicial vacancies; and to repeal the original sections.

LEGISLATIVE BILL 240. By Judiciary Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Venditte, 7th District; Wagner, 41st District; Pirsch, 10th District; Stoney, 4th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend section 24-733, Reissue Revised Statutes of Nebraska, 1943, and section 24-729, Revised Statutes Supplement, 1978, relating to courts; to provide for assignment of certain retired judges; to provide for compensation; and to repeal the original sections.

LEGISLATIVE BILL 241. By Judiciary Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Pirsch, 10th District; Venditte, 7th District; Wagner, 41st District; Stoney, 4th District; Reutzel, 15th District; Haberman, 44th District.

A BILL FOR AN ACT to amend sections 29-1804.04, 29-1804.07, 29-1804.08, 29-1804.12, and 29-1804.13, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to define terms; to provide for the appointment of counsel for indigent defendants in criminal matters as prescribed; to provide for the payment of counsel; to repeal the original sections, and also section 29-1804.06, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 242. By Revenue Committee: Carsten, 2nd District, Chairman; Hefner, 19th district; Kelly, 35th District; Keyes, 3rd District; Newell, 13th District; Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to provide that the State Board of Equalization and Assessment fix separate and distinct tax levies and equalize assessments of property among counties as prescribed.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Keyes asked unanimous consent to add his name to LB 188. No objections. So ordered.

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 244. By Haberman, 44th District.

A BILL FOR AN ACT to amend section 39-6,181, Revised Statutes Supplement, 1978, relating to highways; to provide greater availability for certain special permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 245. By Wagner, 41st 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 246. By Kremer, 34th District.

A BILL FOR AN ACT relating to sales tax; to change a definition; to define terms; to change provisions relating to mobile homes and manufactured housing units as prescribed; to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

SELECT COMMITTEE REPORT
Rules

The Rules Committee met Friday, January 5, 1979, and acted favorably on the proposed rule change submitted by Senator Dave Newell found on page 81 of the Legislative Journal.

(Signed) Steve Fowler, Chairman

EASE

The Legislature was at ease from 10:43 a.m. until 10:57 a.m.

PRESIDENT LUEDTKE PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 247. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 51-220, Reissue Revised Statutes of Nebraska, 1943, relating to libraries; to mandate that county boards provide a suitable law library; and to repeal the original section.

LEGISLATIVE BILL 248. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 85-125, Reissue Revised Statutes of Nebraska, 1943, relating to the University of Nebraska; to change provisions relating to the use of the University Cash Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 249. By Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Merz, 1st District; Schmit, 23rd District; Lewis, 45th District.

A BILL FOR AN ACT to amend section 12-402, Reissue Revised Statutes of Nebraska, 1943, relating to cemeteries; to change a mill levy; and to repeal the original section.

LEGISLATIVE BILL 250. By Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Schmit, 23rd District; Lewis, 45th District; Duis, 39th 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 251. By Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Lewis, 45th District; Duis, 39th District; Schmit, 23rd District.

A BILL FOR AN ACT to adopt the Downtown Improvement District Act; and to repeal sections 19-3401 to 19-3420 and 19-4001 to 19-4014, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 252. By Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Duis, 39th District; Lamb, 43rd District; Lewis, 45th District.

A BILL FOR AN ACT to amend section 31-748, Reissue Revised Statutes of Nebraska, 1943, and sections 31-727.03, 31-734, 31-735, and 31-749, Revised Statutes Supplement, 1978, relating to sanitary and improvement districts; to change certain procedures; to change election procedures; to provide a bond amount; and to repeal the original section.

LEGISLATIVE BILL 253. By Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Lamb, 43rd District; Schmit, 23rd District; Lewis, 45th District.

A BILL FOR AN ACT to amend sections 17-104, 19-623, and 19-3007.01, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide a term of office for councilmen; to provide for elections as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 254. By Venditte, 7th District.

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

LEGISLATIVE BILL 255. By Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Clark, 47th District; Goodrich, 20th District; Vickers, 38th District; Kennedy, 21st District.

A BILL FOR AN ACT to repeal sections 75-406, 75-407, and 75-408, Reissue Revised Statutes of Nebraska, 1943, relating to rail carriers.

LEGISLATIVE BILL 256. By Wesely, 26th District.

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

RESOLUTION

LEGISLATIVE RESOLUTION 4.

Introduced by Venditte, 7th District; Pirsch, 10th District; Johnson, 8th District; Newell, 13th District.

WHEREAS, the Legislature wishes to recognize the dedication and service to Nebraska by Carl P. Kelley; and

WHEREAS, the Legislature recognizes his contribution for the last 21 years as Amateur Softball Association (ASA) Commissioner of the metro area including Douglas and Sarpy Counties in Nebraska, and Pottowatamie County in Iowa; and

WHEREAS, Carl P. Kelley has been involved in the organization of softball in eastern Nebraska for the past 28 years; and

WHEREAS, Carl Kelley created the Omaha Softball Association (OSA) which now provides much enjoyment for over 30,000 softball players and their families; and

WHEREAS, the Legislature recognizes Commissioner Kelley's softball program to be the largest anywhere in the world, regardless of population.

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

1. That the Legislature acknowledges the dedicated service and achievements of Carl P. Kelley.

2. That a copy of this resolution be sent to Carl P. Kelley and his wife, Lola.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 4
January 10, 1979

Dear Senator Goodrich:

You have requested, in anticipation of introducing legislation, our opinion with respect to the following question:

> "Does the Scottsbluff Campus of the University have sufficient legal base when the only legislative action to authorize and create this facility was a resolution which was passed three or four sessions back? Does this campus need statutory authorization to be either created or to be legally continued?"

We have carefully reviewed the exact status of the activities of the University of Nebraska in Scottsbluff. Our understanding at the current time is that the University owns certain lands on what was once the campus of Hiram Scott College. In addition the University owns the Elliot Building on the former college campus.

The Elliot Building is utilized primarily for nonteaching activities. A number of experimental labs exist within the facility which are utilized by a variety of state and University agencies requiring lab facilities. A second portion of the building contains classroom and office facilities which are utilized on a lease basis by a number of state agencies, such as the Mexican-American Commission and other agencies. A part of the building is utilized by the University Extension Division. A portion of that use is by the State University of Nebraska which is a continuing education system established by the University of Nebraska in cooperation with several other state university systems in the immediate geographic area of our state. It is our understanding that as such, no campus exists in the Scottsbluff vicinity. No classroom activities are carried on in that locality.

Whether or not the Scottsbluff facility could be accurately described as the Scottsbluff campus under this state of facts is questionable.

The action of the Legislature to which you refer occurred during the Eighty-Third Legislature, First Session, 1973. During that session, LB 179 was introduced and passed by the Legislature, which was an act to provide for the acquisition and acceptance of properties belonging to Hiram Scott College, Scottsbluff, Nebraska by the Board of Regents of the University of Nebraska. That bill was vetoed and an override attempt failed. Subsequently a motion was passed by the Legislature in the following form.

> "Mr. Carpenter moved that we accept the gift of Hiram Scott, it being understood that such properties be free and clear of all encumberances (sic) and I further move that such properties be assigned to the Board of Regents of the University for the purpose of administration with the stipulation that unless otherwise authorized by the Legislature, no degree granting course of instruction shall be offered at such property." (Legislative Journal, page 1949.)

Clearly, assuming the state of facts outlined above exists, the present operation of the property owned by the University of Nebraska in Scottsbluff comports with the motion adopted by the Legislature, June 1, 1973.

Historically, it appears that the Legislature has generally established, by legislation, the right of the University to commence and operate campuses throughout the state. For example, see section 85-102.01, which establishes the Lincoln, Omaha and Medical Institutions as separate units. Section 85-145 et seq., relating to agricultural experiment stations; the provisions of section 85-180 and section 85-181, relating to establishment of a veterinary school; and section 85-183 et seq., involving the University of Nebraska.

In particular, section 85-102.01 provides:

> "The University of Nebraska shall be composed of a chief governing administrative unit and three universities, the University of Nebraska-Lincoln, University of Nebraska at Omaha, University of Nebraska Medical Center, and such other institutions and units as may be designated by the Legislature."

In addition, section 85-106, R.R.S. 1943, provides in part:

> "The Board of Regents shall have power . . .(7) to provide, through the University Extension Division, for the holding of classes at various localities throughout the state avoiding unnecessary duplication of courses offered by other educational institutions in such localities; . . ."

And finally, section 85-133, R.R.S. 1943 grants the Board of Regents the power of eminent domain. It would appear that under the present operational procedures as we understand them, the Scottsbluff operation of the University of Nebraska would be within the authority granted generally to the University.

In Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977), the Supreme Court found several statutory schemes relating to the University of Nebraska to be unconstitutional as an improper delegation of authority constitutionally granted to the Regents to some other entity. In this regard, the Supreme Court pointed out that:

> ". . .Thus, although the Legislature may add to or subtract from the powers and duties of the Regents, the general government of the University must remain vested in the Board of Regents and powers or duties that should remain in the Regents cannot be delegated to other officers or agencies."

Thus, under the current status of the operations of the University of Nebraska in Scottsbluff it would appear that no further legislative action is required. We of course caution that should an expansion of these activities be contemplated, the exact expansion would require some scrutiny to determine whether or not legislative authorization should be secured.

Sincerely,
Paul L. Douglas
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:pjs

cc: Patrick O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 79	Monday, January 22, 1979	10:30 a.m.
LB 94	Monday, January 22, 1979	2:00 p.m.
LB 95	Monday, January 22, 1979	2:00 p.m.

(Signed) Samuel K. Cullan, Chairman

MESSAGES FROM THE GOVERNOR

January 9, 1979

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

Dear Mr. President and Senators:

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

Brent R. Stevenson, 2647 Winthrop Road, Lincoln, Nebraska - Director, Department of Administrative Services, succeeding Jon Oberg for a term as prescribed by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Brent R. Stevenson
Committee on Committees
Accountability and Disclosure Commission
Department of Administrative Services

January 9, 1979

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

Dear Mr. President and Senators:

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

Wayne C. Andersen, Box 82088, Lincoln, Nebraska - Director, Department of Aeronautics, succeeding Rudolf Peralez, for a term as prescribed by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Wayne C. Andersen
Committee on Committees
Accountability and Disclosure Commission
Department of Aeronautics

January 9, 1979

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

Dear Mr. President and Senators:

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

Mickey Stewart, 524 Emerson, Alliance, Nebraska - Director, Department of Agriculture, succeeding Roger Sandman for a term as prescribed by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Mickey Stewart
Committee on Committees
Accountability and Disclosure Commission
Department of Agriculture

January 9, 1979

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

Dear Mr. President and Senators:

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

Paul Amen, 2770 Woodscrest, Lincoln, Nebraska - Director, Department of Banking and Finance, succeeding William H. Riley for a term as prescribed by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Paul Amen
Committee on Committees
Accountability and Disclosure Commission
Department of Banking and Finance

January 9, 1979

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

Dear Mr. President and Senators:

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

Harry W. Peterson, 2621 South 40th, Lincoln, Nebraska - Director, Department of Motor Vehicles, succeeding R. James Pearson for term as prescribd by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Harry W. Peterson
Committee on Committees
Accountability and Disclosure Commission
Department of Motor Vehicles

January 9, 1979

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

Dear Mr. President and Senators:

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

Dr. Janet L. Pieper, 2445 Park, Lincoln, Nebraska - Director, Department of Personnel succeeding Roy E. Gardner for a term as prescribed by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Dr. Janet L. Pieper
Committee on Committees
Accountability and Disclosure Commission
Department of Personnel

January 10, 1979

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

Dear Mr. President and Senators:

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

Dan T. Drain, 1940 Oakdale, Lincoln, Nebraska - Director, Department of Environmental Control for a term as prescribed by law.

I respectfully submit this reappointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

cc: Dan T. Drain
Committee on Committees
Accountability and Disclosure Commission
Department of Environmental Control

January 9, 1979

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

Dear Mr. President and Senators:

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

John Neuberger, 507 Rockhurst, Lincoln, Nebraska - Director, Department of Water Resources for a term as prescribed by law.

I respectfully submit this reappointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: John Neuberger
Committee on Committees
Accountability and Disclosure Commission
Department of Water Resources

January 10, 1979

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

Dear Mr. President and Senators:

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

Wallace Barnett, 6201 Francis, Lincoln, Nebraska - State Fire Marshal for a term as prescribed by law.

I respectfully submit this reappointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Wallace Barnett
Committee on Committees
Accountability and Disclosure Commission
Office of State Fire Marshal

SELECT COMMITTEE REPORT
Committee on Committees

The Committee on Committees will meet at 12:00 noon, Wednesday, January 17, 1979, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor Charles Thone as follows:

Brent R. Stevenson, Director - Department of Administrative Services
Wayne C. Anderson, Director - Department of Aeronautics
Mickey Stewart, Director - Department of Agriculture
Paul Amen, Director - Department of Banking and Finance
Harry W. Peterson, Director - Department of Motor Vehicles
Dr. Janet L. Pieper, Director - Department of Personnel
Dan T. Drain, Director - Department of Environmental Control
John Neuberger, Director - Department of Water Resources
Wally Barnett - State Fire Marshall

(Signed) Shirley Marsh, Chairperson
Committee on Committees

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 96, 97, 98, and 122 through 130 inclusive, and 132 through 139 inclusive, and 141 through 151 inclusive, and 153 through 155 inclusive, and 187, for the approval of the Nebraska State Legislature.

LB	Committee
96	Public Health and Welfare
97	Public Health and Welfare
98	Public Health and Welfare
122	Government, Military and Veterans Affairs
123	Banking, Commerce and Insurance
124	Education
125	Education
126	Education
127	Education
128	Education
129	Education

130 Education
131 Held
132 Education
133 Education
134 Education
135 Education
136 Urban Affairs
137 Administrative Agency Rules and Regulations
138 Public Health and Welfare
139 Government, Military and Veterans Affairs
140 Held
141 Education
142 Revenue
143 Public Works
144 Revenue
145 Urban Affairs
146 Urban Affairs
147 Government, Military and Veterans Affairs
148 Judiciary
149 Judiciary
150 Revenue
151 Constitutional Revision and Recreation
152 Held
153 Urban Affairs
154 Banking, Commerce and Insurance
155 Government, Military and Veterans Affairs
187 Revenue

(Signed) Frank Lewis, Chairman
Executive Board

VISITORS

Visitors to the Chamber were 10 students and instructor from Ralston High School, Ralston, Nebraska; 26 fourth grade students and teacher from Calvert School, Lincoln; and Miss Elsie Mueller and Mr. and Mrs. Paul Rose (Elsie Mueller and Mrs. Rose are daughters of Fred A. Mueller, State Senator in the fifties).

ADJOURNMENT

At 11:03 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 10:00 a.m., Monday, January 15, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 15, 1979

LEGISLATIVE JOURNAL

EIGHTH DAY - JANUARY 15, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 15, 1979

Pursuant to adjournment, the Legislature met at 10:01 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, our heavenly Father, as we resume our duties, restore our faith in the ultimate triumph of Thy plan for the world Thou hast made. In spite of present difficulties, our disappointments and our fears, reassure us that Thou art still in control; and though we become frustrated and give up, remind us that Thou art still holding things together, waiting and working and watching. When we make mistakes, help us to remember that Thou dost not give up on us. Forbid it, Lord, that we should give up on Thee and forget that all things work together for good to them that love Thee. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Schmit, Lewis, Labedz, Warner and Reutzel who were excused; and Messrs. Newell, Johnson, George, Maresh and Burrows who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

ANNOUNCEMENT

Mr. Carsten announced that he has brought apples from Nebraska City for the members.

REPORT OF THE EXECUTIVE BOARD

January 11, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This is to report that the Legislative Council Executive Board, at its meeting of January 11, 1979 voted to submit to the Legislature the entire list of names that it received as nominees to the Political Accountability and Disclosure Commission. It is necessary for the Legislature to give final approval to this recommendation before it is submitted to the Governor.

Attached, you will find a list of those names.

Sincerely,
(Signed) Frank Lewis

FL:lsl
Enclosure

Nominations for Political Accountability and Disclosure Commission

Name Occupation Party Affiliation

1. Vincent Dowding, Grand Island, Attorney, Republican
2. Mary Winifred Boyce, Fremont, Faculty member, Mid-Lutheran College (part-time), Democrat
3. Mimi Waldbaum, Omaha, Housewife, present Chairman of Commission, Democrat
4. Mrs. Fern Shamberg, Fairbury, Housewife, Republican
5. Jay Kriz, North Platte, Banking, disabled, not sure if able to serve, Democrat
6. William R. Majors, North Platte, Retired, Republican
7. Blair Richendifer, Walthill, Lobbyist, Freelance, Democrat
8. Lee Hallstead, Chadron, Manager, KCFR Radio, (on-air name is Lee Hall), Democrat
9. Ronald Volkmer, Omaha, Professor of Law at Creighton University, Democrat
10. Michael Gooch, Omaha, Attorney and teaches part-time at UNO, Democrat

11. Forrest Lee, Brownlee, retired rancher, (Cherry Co.), Republican
12. Dan Baird, Clay Center, Attorney, Republican
13. Jacquelyn Herman, Lincoln, Presently serves on Lincoln-Lancaster Mental Health Advisory Committee, Republican
14. Mrs. Maralee Jansen, Omaha, Part-time secretary at Psychiatric Institute in Omaha, Not Available
15. Lloyd Pospshil, Schuyler, Attorney, Democrat
16. L. S. Schaefer, Omaha, Compact Distributing Company, Democrat
17. Mrs. Blaine (Lynette) McCulloh, Omaha, Homemaker, Republican
18. Rodney Wilmoth, Lincoln, Minister, Republican
19. Joanie Ochsner, Madison, Housewife, Republican
20. Bill Mountford, Red Cloud, Insurance and Real Estate Broker

UNANIMOUS CONSENT - Withdraw Rule Change

Mr. Haberman asked unanimous consent to withdraw his proposed rule change found in the Journal on pages 147-148. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 257. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 87-302, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Deceptive Trade Practices Act; to define an additional deceptive trade practice; and to repeal the original section.

LEGISLATIVE BILL 258. By Warner, 25th District.

A BILL FOR AN ACT relating to horse racing; to provide the order horse-race meetings will be conducted; and to provide for the maximum duration of race meets.

MOTION - Chaplain Salary

Mr. Chambers renewed his pending motion found in the Journal on page 139 to discontinue the salary of the Chaplain of the Legislature.

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

Mr. Chambers moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 23 not voting.

Voting in the affirmative, 16:

Chambers	Fowler	Marvel	Simon
Cullan	Haberman	Nichol	Stoney
DeCamp	Hefner	Pirsch	Vickers
Dworak	Landis	Sieck	Wesely

Voting in the negative, 22:

Brennan	Fitzgerald	Kelly	Lamb	Venditte
Carsten	Goodrich	Kennedy	Marsh	Wagner
Clark	Hasebroock	Keyes	Merz	
Cope	Hoagland	Koch	Murphy	
Duis	Kahle	Kremer	Rumery	

Excused and not voting, 10:

Burrows	Johnson	Lewis	Newell	Schmit
George	Labedz	Maresh	Reutzel	Warner

Absent and not voting, 1:

Beutler

The motion lost with 16 ayes, 22 nays, 10 excused and not voting, and 1 absent and not voting.

Mr. Chambers moved to reduce salary of Chaplain to 30 silver dollars.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a record vote on his motion.

Voting in the affirmative, 7:

Chambers	Keyes	Pirsch	Vickers
Kelly	Kremer	Simon	

Voting in the negative, 27:

Beutler	Duis	Kennedy	Merz	Venditte
Brennan	Fitzgerald	Koch	Murphy	Wagner
Carsten	Goodrich	Lamb	Nichol	Wesely
Clark	Haberman	Landis	Rumery	
Cope	Hasebroock	Marsh	Sieck	
Cullan	Kahle	Marvel	Stoney	

Excused and not voting, 10:

Burrows	Johson	Lewis	Newell	Schmit
George	Labedz	Maresh	Reutzel	Warner

Present and not voting, 5:

DeCamp	Dworak	Fowler	Hefner	Hoagland

The motion lost with 7 ayes, 27 nays, 10 excused and not voting, and 5 present and not voting.

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 260. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Kennedy, 21st District; Simon, 31st District; Wesely, 26th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 71-5002, 71-5003, 71-5006, 71-5009, 71-5014, and 83-161 to 83-164, Reissue Revised Statutes of Nebraska, 1943, and sections 39-684, and 53-160, 71-5031 to 71-5034, 71-5036, and 71-5037, Revised Statutes Supplement, 1978, relating to alcoholic liquors; to change membership on the Nebraska Commission on Alcoholism; to terminate the State Alcoholism Advisory Committee; to provide duties of the Division of Alcoholism

of the Department of Public Institutions; to change taxes on alcoholic liquors as prescribed; to provide an operative date; to repeal the original sections, and also sections 71-5016 to 71-5031 and 71-5038 to 71-5040, Revised Statutes Supplement, 1978; and to declare an emergency.

LEGISLATIVE BILL 261. By Hoagland, 6th District.

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

LEGISLATIVE BILL 262. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 24-342, 28-105, and 28-303, Revised Statutes Supplement, 1978, relating to crimes and punishments; to eliminate the death penalty; to repeal sections relating to special procedures in cases of homicide; to provide when this act shall apply; and to repeal the original sections, and also sections 29-2521, 29-2523, and 29-2525 to 29-2546, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2519, 29-2520, 29-2521.01 to 29-2521.04, 29-2522, 29-2524, 29-2524.02, and 29-2524.02, Revised Statutes Supplement, 1978.

LEGISLATIVE BILL 263. By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1978, relating to taxation; to provide that the sales and use tax rate shall not be increased for certain contracts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 264. By Kahle, 37th District.

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

LEGISLATIVE BILL 265. By Sieck, 24th District.

A BILL FOR AN ACT relating to roads; to permit the inundation of certain roads by floodwaters as prescribed; to limit liability; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 266. By Merz, 1st District.

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

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the Chambers motion found on page 139, of the Journal.

(Signed) Chris Beutler

ANNOUNCEMENT

Mr. Fitzgerald announced that the Nebraska Transportation Advisory Committee will meet tomorrow, January 16, at 1:30 p.m. in Room 2022.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 36	Monday, January 22, 1979	10:30 a.m.
LB 72	Monday, January 22, 1979	1:30 p.m.
LB 73	Monday, January 22, 1979	2:00 p.m.
LB 123	Tuesday, January 23, 1979	10:30 a.m.
LB 52	Tuesday, January 23, 1979	2:00 p.m.
LB 154	Tuesday, January 23, 1979	3:00 p.m.
LB 87	Tuesday, January 30, 1979	1:30 p.m.

(Signed) John DeCamp, Chairman

EASE

The Legislature was at ease from 10:39 a.m. until 10:52 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 267. By Newell, 13th District.

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

LEGISLATIVE BILL 268. By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Simon, 31st District; Fitzgerald, 14th District; Brennan, 9th District; Venditte, 7th District.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to provide for the issuance of medical information cards as prescribed.

LEGISLATIVE BILL 269. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 8-153, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to specify markings on checks; and to repeal the original section.

LEGISLATIVE BILL 270. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 57-1101, 57-1103, and 75-501, Reissue Revised Statutes of Nebraska, 1943, relating to matters of commerce and commercial ventures within the borders of the State of Nebraska; to provide for limited types of eminent domain for certain commercial entities; to expand provisions for easements for coal or products thereof; to require a permit; to protect Nebraska's natural resources and water; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 271. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 80-305, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Veterans' Home; to change membership on the Board of Inquiry and Review as prescribed; and to repeal the original section.

LEGISLATIVE BILL 272. By Cullan, 49th District; Marvel, 33rd District.

A BILL FOR AN ACT relating to technical community colleges; to provide intent; to define terms; to create the Nebraska Technical Community College Coordinating Council and the position of executive director as prescribed; to provide for powers and duties of such council and director; to change provisions relating to area boards; to provide for state funding; to amend sections 79-2637 and 79-2644, Revised Statutes Supplement, 1978; to provide an operative date; to provide for severability; and to repeal the original sections, and also sections 79-2636, 79-2649, and 79-2662, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2650, 79-2650.01 to

79-2650.06, 79-2651, 79-2651.01, and 79-2652, Revised Statutes Supplement, 1978.

LEGISLATIVE BILL 273. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 77-202.23, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to redefine terms; and to repeal the original section.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.
LEGISLATIVE BILL 3. Placed on Select File.
LEGISLATIVE BILL 4. Placed on Select File.
LEGISLATIVE BILL 5. Placed on Select File.
LEGISLATIVE BILL 6. Placed on Select File.

LEGISLATIVE BILL 7. Placed on Select File as amended.
E & R amendment to LB 7:
1. On page 2, line 8, strike "at"; and in line 14 strike the comma and show stricken.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following in the Journal. No objections. So ordered.

Senator Keyes has scheduled a meeting with Major General Edward C. Binder of the Nebraska National Guard and the members of the Government, Military and Veterans Affairs Committee at 12:30 noon, Thursday, January 18, 1979 in Room 1113 of the State Capitol, prior to the Government Committee Hearing held at 2:00 P.M.

The purpose of the meeting is to review the program of the National Guard and to evaluate their effectiveness in relation to that of other states.

Members of the Legislature are welcome.

RESOLUTION

LEGISLATIVE RESOLUTION 5.

Introduced by Murphy, 17th District.

A Resolution to propose an amendment to Article IV, section 11, of the Constitution of Nebraska.

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

Section 1. That at the general election in November, 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IV, section 11, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 11. If any elected state office created by this Constitution, except offices provided for in Article V of this Constitution ~~or the office of Lieutenant Governor,~~ shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment, and the appointee shall hold the office until his successor shall be elected and qualififed in such manner as may be provided by law."

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 the Governor to fill a vacancy in the office of Lieutenant Governor.

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.

EASE

The Legislature was at ease from 10:58 a.m. until 11:12 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 274. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Brennan, 9th District; Merz, 1st District; Schmit, 23rd District; Lewis, 45th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 84-301, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to provide an additional qualification for the Auditor of Public Accounts; and to repeal the original section.

LEGISLATIVE BILL 275. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Fitzgerald, 14th District; Lewis, 45th District.

A BILL FOR AN ACT to amend sections 1-107 and 84-301, Reissue Revised Statutes of Nebraska, 1943, relating to the Auditor of Public Accounts; to remove the Auditor of Public Accounts from a board; to require that the Auditor of Public Accounts be a certified public accountant; and to repeal the original sections.

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

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

LEGISLATIVE BILL 277. By Banking, Commerce and Insurance Committee: DeCamp, 40th District; Fitzgerald, 14th District; Schmit, 23rd District; Merz, 1st District; Lewis, 45th District.

A BILL FOR AN ACT to amend section 1-107, Reissue Revised Statutes of Nebraska, 1943, relating to accountants; to change membership on a board as prescribed; and to repeal the original section.

LEGISLATIVE BILL 278. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Lewis, 45th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend sections 1-119, 1-120, 1-124, and 1-136, Reissue Revised Statutes of Nebraska, 1943, relating to accountants; to change provisions relating to fees as prescribed; and to repeal the original sections.

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

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

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

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

LEGISLATIVE BILL 281. By Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 19-404, 19-408, 19-414, and 19-415, Reissue Revised Statutes of Nebraska, 1943, relating to cities having the commission form of government; to increase the number of commissioners; to provide terms as prescribed; to provide additional department; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 282. By Wagner, 41st District.

A BILL FOR AN ACT to amend section 46-154, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation districts; to provide compensation and expenses as prescribed; and to repeal the original section.

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

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

LEGISLATIVE BILL 284. By Stoney, 4th District.

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

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 131, 140, 152, and 156, and 158 through 185, and 188 through 220 inclusive, for the approval of the Nebraska State Legislature. The Executive Board also reports that legislative bill 74 has been re-referred to the Agriculture & Environment Committee and legislative bill 143 has been re-referred to the Miscellaneous Subjects Committee.

LB	Committee
131	Judiciary
140	Agriculture & Environment
152	Miscellaneous Subjects
156	Government, Military & Veterans Affairs
157	Held
158	Urban Affairs
159	Revenue
160	Revenue
161	Public Health & Welfare
162	Miscellaneous Subjects
163	Miscellaneous Subjects
164	Miscellaneous Subjects
165	Miscellaneous Subjects
166	Miscellaneous Subjects
167	Judiciary
168	Public Works
169	Public Works
170	Judiciary
171	Public Health & Welfare
172	Public Health & Welfare
173	Public Health & Welfare
174	Public Health & Welfare
175	Constitutional Revision & Recreation
176	Urban Affairs
177	Education
178	Revenue
179	Government, Military & Veterans Affairs
180	Banking, Commerce & Insurance
181	Urban Affairs
182	Nebraska Retirement Systems
183	Business & Labor
184	Government, Military & Veterans Affairs
185	Miscellaneous Subjects
186	Held

188 Revenue
189 Constitutional Revision & Recreation
190 Agriculture & Environment
191 Constitutional Revision & Recreation
192 Revenue
193 Appropriations
194 Appropriations
195 Government, Military & Veterans Affairs
196 Banking, Commerce & Insurance
197 Business & Labor
198 Public Health & Welfare
199 Public Works
200 Banking, Commerce & Insurance
201 Public Works
202 Public Works
203 Public Works
204 Public Works
205 Public Works
206 Public Works
207 Public Works
208 Administrative Rules & Regulations Review
209 Revenue
210 Revenue
211 Revenue
212 Appropriations
213 Public Works
214 Appropriations
215 Business & Labor
216 Banking, Commerce & Insurance
217 Urban Affairs
218 Nebraska Retirement Systems
219 Revenue
220 Banking, Commerce and Insurance

(Signed) John DeCamp, Vice Chairman
Executive Board

VISITORS

Visitors to the Chamber were 55 seniors and sponsor from Northeast High School, Lincoln; 25 junior and senior students and sponsor from East High School, Lincoln.

ADJOURNMENT

At 11:19 a.m., on a motion by Mr. Maresh, the Legislature adjourned until 10:00 a.m., Tuesday, January 16, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 16, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 16, 1979

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

O Lord our God, before Whom one day we shall all have to give account; give us Your help, that this day's work may be pleasing to You. We come to You now in prayer. Keep this moment from being merely a gesture to custom and tradition, and make it a real experience for each one of us in this place, as we call upon You for guidance and help. Make us now to feel Your nearness in the business of this day's vote through the members of the Legislature, that what they say and what they do may be in accordance with Your will for this Nebraska that we love so much.

You have said, "When you stand praying, forgive, if you have anything against anyone." Give us the grace to lay aside all bitterness or any resentment we may be nursing in our hearts, lest their acid eat into our peace and corrode our spirits.

You have said, "It is more blessed to give than to receive." Give us the grace today to think, not of what we can get, but of what we can give, that a new spirit may come into our work here, with a new vision and a new purpose, that all will be worthy of Your blessing.

Give us Your blessing in all that is right, and correct us in all that is wrong. We pray in the Name of the One Who is the Master Teacher in the art of living, Jesus the Christ. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Lewis, Reutzel, and Venditte who were excused; and Messrs. Fowler, Maresh, Newell, Simon and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 195, line 33, insert: "Referred to the Reference Committee."

The Journal for the Eighth Day was approved as corrected.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 19	Monday, January 22, 1979	10:30 a.m.
LB 91	Monday, January 22, 1979	1:30 p.m.
LB 111	Monday, January 22, 1979	1:30 p.m.
LB 117	Monday, January 22, 1979	1:30 p.m.
LB 107	Wednesday, January 24, 1979	10:30 a.m.

(Signed) William E. Nichol, Chairman

REPORT

Received report from the Department of Roads under date of January 12, 1979 on Advertising Control Program for 1978 pursuant to Section 39-1320.01, (.02), (.03).

RESOLUTION

LEGISLATIVE RESOLUTION 6.

Introduced by Senator Gerald Koch, 12th District.

WHEREAS, the 1979 Legislature is again being faced with the problems of property tax assessment and equalization; and

WHEREAS, this state relies upon the property tax for 52 percent of the total state and local revenue; and

WHEREAS, the burden of the property tax is a matter of continuing discussion; and

WHEREAS, this state has not undertaken a comprehensive examination of the property tax system since the publication of State and Local Finance in 1963; and

WHEREAS, the tax structure of this state has undergone considerable change since that time; and

WHEREAS, it is incumbent upon the legislature to provide for a fair and progressive tax structure.

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

1. That the Revenue Committee of the Eighty-Sixth Legislature be directed to:

a. Conduct a study of the tax incidence of the federal, state, and local tax structure upon the citizens of the State of Nebraska.

b. Require that this study examine the burden of federal, state, and local taxes upon individual, household, and business incomes in appropriate geographic districts throughout the state.

c. Require that the study include an analysis of the direct and indirect allocation and distribution of the tax burden within the state.

2. That the Executive Board be authorized to expend the funds necessary to conduct such a tax incidence study.

3. That the Revenue Committee publish the results of the study and submit its findings and recommendations to the Eighty-Sixth Legislature, Second Session.

Referred to the Executive Board.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 285. By Revenue Committee: Carsten, 2nd District, Chairman; Hefner, 19th District; Sieck, 24th District; Newell, 13th District; Kelly, 35th District.

A BILL FOR AN ACT to amend section 77-1355, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, relating to revenue and taxation; to change provisions relating to political subdivisions budget adjustments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 286. By Maresh, 32nd District; Kremer, 34th District.

A BILL FOR AN ACT to amend section 77-2602, Revised Statutes Supplement, 1978, relating to revenue and taxation; to provide funds for use in the development of water storage projects as prescribed; and to repeal the original section.

LEGISLATIVE BILL 287. By Warner, 25th District.

A BILL FOR AN ACT to amend section 39-6,182, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,181 and 60-331, Revised Statutes Supplement, 1978, relating to motor vehicles; to provide that a vehicle being operated under a special permit shall not be required to be reregistered; to provide for weighing at an alternate scale; to provide for a review of rules and regulations as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 288. By Venditte, 7th District.

A BILL FOR AN ACT relating to indemnification agreements; to provide that certain provisions for indemnity in certain contracts are against public policy, void, and unenforceable.

LEGISLATIVE BILL 289. By Education Committee: Koch, 12th District, Chairman; Kahle, 37th District; Kremer, 34th District; Beutler, 28th District; Landis, 46th District; Lamb, 43rd District; Vickers, 38th District.

A BILL FOR AN ACT to amend section 79-332, Reissue Revised Statutes of Nebraska, 1943, relating to the Commissioner of Education; to change provisions relating to the commissioner's office; and to repeal the original section.

LEGISLATIVE BILL 290. By Education Committee: Koch, 12th District, Chairman; Kremer, 34th District, Lamb, 43rd District; Landis, 46th District; Vickers, 38th District.

A BILL FOR AN ACT to amend sections 79-1239 and 79-1250, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to teacher's or administrator's certificates and contracts of employment as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 291. By Education Committee: Koch, 12th District, Chairman; Kahle, 37th District; Kremer, 34th District; Landis, 46th District; Vickers, 38th District.

A BILL FOR AN ACT to enter into the Midwestern Education Compact.

LEGISLATIVE BILL 292. By Clark, 47th District.

A BILL FOR AN ACT to amend section 29-2262, Revised Statutes Supplement, 1978, relating to criminal procedure; to provide an additional probation condition; and to repeal the original section.

LEGISLATIVE BILL 293. By Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 18-1901, 18-1904, 18-1906, 18-1907, 18-1910, and 18-1911, Reissue Revised Statutes of Nebraska, 1943, relating to plumbing inspections; to change provisions relating to bonds; to change provisions relating to meetings; to expand licencing jurisdiction; to permit property owners to do plumbing as prescribed; to change provisions relating to fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 294. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 77-349 and 77-350, Reissue Revised Statutes of Nebraska, 1943, relating to the Ad Valorem Advisory Committee; to change the duties of the board; to provide for selection of a chairperson; to specify meeting times; and to repeal the original sections, and also sections 77-347 and 77-348, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 295. By Government, Military, and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Landis, 46th District; Johnson, 8th District; Wagner, 41st District; Merz, 1st District; Kelly, 35th District.

A BILL FOR AN ACT relating to auditors; to provide for minimum standards for the employment of auditors by any agency of state government.

LEGISLATIVE BILL 296. By Government, Military, and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Johnson, 8th District; Landis, 46th District; Wagner, 41st District; Merz, 1st District; Kelly, 35th District.

A BILL FOR AN ACT to amend section 79-546, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require the filing of audit reports with the Auditor of Public Accounts; and to repeal the original section.

LEGISLATIVE BILL 297. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Kennedy, 21st District; Maresh, 32nd District; Wesely, 26th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 71-115, Reissue Revised Statutes of Nebraska, 1943, and sections 71-113 and 71-116, Revised Statutes Supplement, 1978, relating to the Board of Examiners in Dentistry; to increase the membership of the board by adding a dental hygienist member; to prescribe the voting rights of such dental hygienist; and to repeal the original sections.

LEGISLATIVE BILL 298. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Kennedy, 21st District; Maresh, 32nd District; Goodrich, 20th District; Clark, 47th District; Simon, 31st District.

A BILL FOR AN ACT to amend sections 71-5502, 71-5503, 71-5508, 71-5509, 71-5510, 71-5511, 71-5512, 71-5513, 71-5514, 71-5515, 71-5516, and 71-5517, Revised Statutes Supplement, 1978, relating to public health and welfare; to amend the Emergency Medical Technician-Paramedic Act; to provide for certification of physician's certified trained mobile intravenous therapy techicians, airway management technicians, and intensive care paramedics; to provide definitions; to provide for rules and regulations; to repeal the original sections; and to declare an emergency.

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

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

LEGISLATIVE BILL 300. By Kahle, 37th District.

A BILL FOR AN ACT relating to wastewater treatment facilities; to provide for the certification of operators of such facilities as prescribed; to provide duties; to make certain acts unlawful; and to provide penalties.

LEGISLATIVE BILL 301. By Murphy, 17th District.

A BILL FOR AN ACT to adopt the Arson Reporting Immunity Act; and to provide penalties.

LEGISLATIVE BILL 302. By Revenue Committee: Carsten, 2nd District, Chairman; Kelly, 35th District; Sieck, 24th District; Hefner, 19th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 77-27,119, Reissue Revised Statutes of Nebraska, 1943, relating to income tax; to mandate completion of certain information on the tax return; to require that certain information be compiled; and to repeal the original section.

LEGISLATIVE BILL 303. By Johnson, 8th District.

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

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

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

LEGISLATIVE BILL 305. By Education Committee: Koch, 12th District, Chairman; George, 16th District; Kremer, 34th District; Beutler, 28th District; Landis, 46th District.

A BILL FOR AN ACT to amend section 79-902.01, Revised Statutes Supplement, 1978, relating to schools; to provide for review of school board district boundaries as prescribed; and to repeal the original section.

LEGISLATIVE BILL 306. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 30-2707, Reissue Revised Statutes of Nebraska, 1943, relating to the transfer of property on the death of a joint owner; to define types of property subject to limitations on such transfer; to define duties of the personal representative of the deceased person's estate; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 307. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 21-17,120.01, Revised Statutes Supplement, 1978, relating to credit unions; to change a date; and to repeal the original section.

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

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

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

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

LEGISLATIVE BILL 310. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Merz, 1st District; Schmit, 23rd District; Lewis, 45th District.

A BILL FOR AN ACT to adopt the Loan Broker Licensing Act; to provide a penalty; to provide severability; and to provide an operative date.

LEGISLATIVE BILL 311. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Brennan, 9th District; Merz, 1st District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to depository institution guaranty corporations; to prohibit certain acts; and to provide a penalty.

LEGISLATIVE BILL 312. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 44-321, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change provisions relating to authorization of certain bank deposits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 313. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Murphy, 17th District; Schmit, 23rd District; Merz, 1st District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 44-309, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to authorize investments in share or deposit certificates of savings and loan associations or building and loan associations organized under the federal or state laws; to change the earnings test of the party liable for a lease which is required as security for a corporate indebtedness; to authorize investments in short term corporate notes; to authorize investments in equipment which is financed and leased; to repeal the original section; and to declare an emergency.

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

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

LEGISLATIVE BILL 315. By Landis, 46th District.

A BILL FOR AN ACT relating to jails; to redefine terms; to provide where certain sentences may be served; to amend sections 15-259 and 47-409, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 316. By DeCamp, 40th District; Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 28-326, 28-327, 28-329 to 28-331, 28-342, and 28-343, Revised Statutes Supplement, 1978, relating to crimes and punishment; to define terms; to change provisions as to when an abortion may be performed as prescribed; to change provisions relating to abortion procedures; to change penalties; to provide for confidentiality of abortion forms as prescribed; to provide a penalty; to provide for severability; to repeal the original sections; and to declare an emergency.

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

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

LEGISLATIVE BILL 318. By Burrows, 30th District.

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

LEGISLATIVE BILL 319. By Schmit, 23rd District.

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

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 131	Tuesday, January 23, 1979	1:30 p.m.
LB 148	Tuesday, January 23, 1979	1:30 p.m.
LB 149	Tuesday, January 23, 1979	1:30 p.m.
LB 167	Wednesday, January 24, 1979	1:30 p.m.
LB 170	Wednesday, January 24, 1979	1:30 p.m.

(Signed) William E. Nichol, Chairman

ANNOUNCEMENT

Speaker Marvel announced a meeting of all committee heads on Wednesday, January 17, 1979 at 9:30 a.m. in room 2102.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 320. By Constitutional Revision and Recreation Committee: Carsten, 2nd District, Vice-Chairman; Stoney, 4th District; Pirsch, 10th District; Hefner, 19th District; George, 16th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, section 28, of the Constitution of Nebraska, relating to the judiciary: to change the name of the Nebraska Workmen's Compensation Court; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 321. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Kahle, 37th District; Haberman, 44th District; Burrows, 30th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 19-2107, 23-379, 81-1503, 81-1509, 81-1518, 81-1528, and 81-1533, Reissue Revised Statutes of Nebraska, 1943, relating to disposal of waste; to change notice, hearing, and licensing requirements pertaining to solid waste disposal systems; to provide for counties to contract for the operation of solid waste disposal areas; to change appeal procedures as prescribed; to prohibit pollution by solid waste disposal systems; to provide for state allocations concurrent with federal grants as prescribed; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 68. 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.

SELECT FILE

LEGISLATIVE BILL 1. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 2. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 3. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 4. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 5. Mr. Koch requested a machine vote to advance LB 5.

Advanced to E & R for Engrossment with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 6. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 7. E & R amendments found in the Journal on page 194 for the Eighth 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 322. By Appropriations Committee: Warner, 25th District, Chairman; Hasebroock, 18th District; Fowler, 27th District; Rumery, 42nd District; Dworak, 22nd District; Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 2-2316.01, 2-3262, 2-3265, 19-3905, 23-2313, 24-704, 24-705, 35-702, 39-1111, 43-656, 44-113, 44-130, 48-606, 49-904, 50-422, 55-130, 60-450, 66-468 66-469, 68-618, 68-1104, 71-1,107.22, 71-2026, 72-240.26, 72-718.04, 72-1256, 79-1508, 81-106, 81-122, 81-8,140, 81-8,226, 81-8,251, 81-8,261, 81-1108.15, 81-1108.16, 81-1108.19, 81-1120.15, 81-1125.01, 81-1219, 81-1318, 81-1533, 83-109, 83-112, 83-163, 83-173, 83-192, 83-1,127, 83-1,149, 83-4,105, 83-907, 83-909, 84-156, 84-311, 84-702, 84-1315, and 85-911, Reissue Revised Statutes of Nebraska, 1943, and sections 28-429, 29-2252, 39-1520.01,48-1,104, 48-1117, 48-1307, 50-429, 76-1650, 77-202.44, 77-333.01, 79-328, 81-178, 81-1,101, 81-1244, 81-1335, 81-1337, 81-1423, 81-1604, 81-1833, 84-908.01, 85-972, and 85-9,100, Revised Statutes Supplement, 1978, relating to reports to the Legislature; to change reporting procedures as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 323. By Haberman, 44th District.

A BILL FOR AN ACT to amend section 53-118, Revised Statutes Supplement, 1978, relating to alcoholic liquors; to provide for the bottling and labeling of beer, wine and spirits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 324. By Hefner, 19th District.

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

LEGISLATIVE BILL 325. By Keyes, 3rd District.

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

LEGISLATIVE BILL 326. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Kahle, 37th District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 2-1579, Revised Statutes Supplement, 1978, relating to the Nebraska Water Conservation Act of 1977; to change conditions for receiving cost-share funds; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 173	Tuesday, January 23, 1979	10:30 a.m.
LB 96	Tuesday, January 23, 1979	2:00 p.m.
LB 97	Tuesday, January 23, 1979	2:00 p.m.
LB 98	Tuesday, January 23, 1979	2:00 p.m.

(Signed) Samuel K. Cullan, Chairman

EASE

The Legislature was at ease from 10:40 a.m. until 11:02 a.m.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 157, 186, and 221 through 273 inclusive, for the approval of the Nebraska State Legislature. The Executive Board also reports that legislative bill 197 has been re-referred to the Banking, Commerce and Insurance Committee. Legislative bills 86, 137 and 208 have been re-referred to the Government, Military and Veterans Affairs Committee.

LB	Committee
157	Government, Military & Veterans Affairs
186	Miscellaneous Subjects
221	Miscellaneous Subjects
222	Judiciary
223	Public Works
224	Miscellaneous Subjects
225	Constitutional Revision & Recreation
226	Education
227	Public Works
228	Nebraska Retirement Systems
229	Nebraska Retirement Systems
230	Nebraska Retirement Systems
231	Nebraska Retirement Systems
232	Appropriations
233	Appropriations
234	Judiciary
235	Judiciary
236	Judiciary
237	Judiciary
238	Judiciary
239	Judiciary
240	Judiciary
241	Judiciary
242	Revenue
243	Public Works
244	Public Works
245	Public Works
246	Revenue
247	Judiciary
248	Education
249	Urban Affairs
250	Urban Affairs
251	Urban Affairs
252	Urban Affairs

253 Government, Military & Veterans Affairs
254 Public Works
255 Public Works
256 Public Health & Welfare
257 Miscellaneous Subjects
258 Miscellaneous Subjects
259 Public Health and Welfare
260 Public Health and Welfare
261 Constitutional Revision & Recreation
262 Judiciary
263 Revenue
264 Education
265 Public Works
266 Public Works
267 Government, Military & Veterans Affairs
268 Public Health and Welfare
269 Banking, Commerce & Insurance
270 Public Works
271 Government, Military & Veterans Affairs
272 Education
273 Government, Military & Veterans Affairs

(Signed) John DeCamp, Vice-Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 193	Thursday, January 25, 1979	10:30 a.m.
LB 194	Thursday, January 25, 1979	10:30 a.m.
LB 212	Thursday, January 25, 1979	10:30 a.m.
LB 232	Thursday, January 25, 1979	10:30 a.m.
LB 233	Thursday, January 25, 1979	10:30 a.m.
LB 214	Thursday, January 25, 1979	1:30 p.m.

(Signed) Myron Rumery, Vice-Chairman

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 328. 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 329. By Chambers, 11th District.

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

LEGISLATIVE BILL 330. By Chambers, 11th District.

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

LEGISLATIVE BILL 331. By Murphy, 17th District.

A BILL FOR AN ACT to amend sections 5-108, 23-148, 23-204, 23-207, 23-297, and 32-4,111, Reissue Revised Statutes of Nebraska, 1943, and sections 23-151 and 32-1040, Revised Statutes Supplement, 1978, relating to elections; to change provisions relating to city, village, county, or school district elections at large or by districts; to provide procedures for counties to appoint three or five commissioners; to provide that the county attorney perform certain duties previously performed by the county judge; to change provisions relating to vacancies in office as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 332. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Murphy, 17th District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to insurance; to provide certain requirements for all lines insurers; to define terms; and to repeal section 44-201.01, Reissue Revised Statutes of Nebraska, 1943.

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

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

LEGISLATIVE BILL 334. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Brennan, 9th District; Fitzgerald, 14th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-410, Revised Statutes Supplement, 1978, relating to banks and banking; to change provisions relating to payment of certificates of indebtedness before maturity as prescribed; to provide duties; and to repeal the original section.

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

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

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

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

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

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

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

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

LEGISLATIVE BILL 339. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Lewis, 45th District; Fitzgerald, 14th District; Merz, 1st District; Brennan, 9th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 21-1316.01, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to permit a county treasurer to deposit money as prescribed; and to repeal the original section.

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

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

LEGISLATIVE BILL 341. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Brennan, 9th District; Merz, 1st District; Schmit, 23rd District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 21-1326.01, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to change bonding requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 342. By George, 16th District.

A BILL FOR AN ACT to amend sections 81-1504, 81-1505, and 81-1508, Reissue Revised Statutes of Nebraska, 1943, relating to the Environmental Protection Act; to provide powers and duties; to provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 343. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 46-541, Reissue Revised Statutes of Nebraska, 1943, relating to reclamation districts; to add provisions relating to the continuance of corporate existence as prescribed; and to repeal the original section.

LEGISLATIVE BILL 344. By Stoney, 4th District.

A BILL FOR AN ACT to adopt the Nebraska Clean Indoor Air Act; to provide for severability; to provide an operative date; and to repeal sections 28-1327 and 28-1328, Revised Statutes Supplement, 1978.

LEGISLATIVE BILL 345. By Newell, 13th District; Johnson, 8th District; Brennan, 9th District.

A BILL FOR AN ACT to amend section 23-151, Revised Statutes Supplement, 1978, relating to county government; to provide for district election of county commissioners as prescribed; and to repeal the original section.

LEGISLATIVE BILL 346. By Murphy, 17th District.

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

LEGISLATIVE BILL 347. By Keyes, 3rd District.

A BILL FOR AN ACT relating to public power districts; to require a payment to the county treasurer; to create a fund; and to provide for disbursement.

LEGISLATIVE BILL 348. By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Sieck, 24th District; Simon, 31st District; Brennan, 9th District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to private parking lots; to provide for the towing of certain vehicles; to provide for posting of signs; to provide for notice to a law enforcement agency; and to provide for a lien.

LEGISLATIVE BILL 349. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 53-170.02, 53-170.03, and 53-170.04, Revised Statutes Supplement, 1978, relating to liquors; to remove an exception from pricing provisions for the sale of alcoholic liquor; and to repeal the original sections.

LEGISLATIVE BILL 350. By Kelly, 35th District.

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

LEGISLATIVE BILL 351. By Kelly, 35th District; 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 352. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 51-401, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Library Commission; to provide for membership as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 353. By Hoagland, 6th District; Rumery, 42nd District; Cope, 36th District.

A BILL FOR AN ACT relating to solar energy; to declare policy; to define terms; to provide for the creation of a solar easement; to provide zoning powers; and to provide for severability.

LEGISLATIVE BILL 354. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Fitzgerald, 14th District; Brennan, 9th District; Merz, 1st District.

A BILL FOR AN ACT to amend sections 44-403, 44-404, 44-407, 44-407.08, and 44-407.09, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to establish standards of valuation, interest rates, and reserves as prescribed; to change the Standard Nonforfeiture Law for Life Insurance; to enact the Standard Nonforfeiture Law for Individidual Deferred Annuities; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Education

LB 129	Monday, January 22, 1979	10:30 a.m.
LB 130	Monday, January 22, 1979	10:30 a.m.
LB 59	Monday, January 22, 1979	1:30 p.m.
LB 63	Monday, January 22, 1979	1:30 p.m.
LB 132	Monday, January 22, 1979	1:30 p.m.
LB 128	Tuesday, January 23, 1979	10:30 a.m.
LB 134	Tuesday, January 23, 1979	10:30 a.m.
LB 32	Tuesday, January 23, 1979	1:30 p.m.
LB 125	Tuesday, January 23, 1979	1:30 p.m.
LB 157	Tuesday, January 23, 1979	1:30 p.m.

(Signed) Gerald Koch, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 5
January 15, 1979

Dear Senator Murphy:

In you letter dated January 8, 1979, you call our attention to a proposed amendment to Article IV, section 11, Constitution of Nebraska. You point out that under our State Constitution, the Office of Lieutenant Governor is now a full-time position, Article IV, section 16. You invite our comments on your proposed amendment.

Presently Article IV, section 11 reads as follows:

"If any elected state office created by this Constitution, except offices provided for in Article V of this Constitution or

the office of Lieutenant Governor, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment, and the appointee shall hold the office until his successor shall be elected and qualified in such manner as may be provided by law."

You propose to amend this section by striking the words "or the office of Lieutenant Governor." This proposed amendment, in our opinion, would authorize the Governor to fill the Office of Lieutenant Governor by appointment should a vacancy occur. Presently, the Governor does have the authority to fill vacancies in elected state offices under this provision of the Constitution with the Lieutenant Governor and judges being excepted by its terms.

Yours very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

BILLS ON FIRST READING

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

LEGISLATIVE BILL 355. By Clark, 47th District.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to provide when a physical therapist assistant may render services; to provide for the certification of programs and physical therapist assistants; to set fees; and to provide penalties.

LEGISLATIVE BILL 356. By Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Lamb, 43rd District; Schmit, 23rd District; Murphy, 17th 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 exclude certain contracts from the requirements of an engineer's cost estimate; and to repeal the original sections.

LEGISLATIVE BILL 357. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Nichol, 48th District; Burrows, 30th Disrict; Kahle, 37th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to the University of Nebraska; to provide for a regional veterinary school; and to provide an operative date.

LEGISLATIVE BILL 358. By Brennan, 9th District.

A BILL FOR AN ACT to amend section 48-121, Revised Statutes Supplement, 1978, relating to workmen's compensation; to change the schedule of benefits for specific member disabilities; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 359. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Kahle, 37th District; Haberman, 44th District; DeCamp, 40th District.

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

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 203	Thursday, January 25, 1979	10:30 a.m.
LB 93	Thursday, January 25, 1979	2:00 p.m.
LB 213	Thursday, January 25, 1979	2:00 p.m.
LB 81	Friday, January 26, 1979	10:30 a.m.
LB 199	Friday, January 26, 1979	10:30 a.m.
LB 205	Friday, January 26, 1979	2:00 p.m.
LB 223	Wednesday, January 31, 1979	10:30 a.m.
LB 119	Wednesday, January 31, 1979	2:00 p.m.
LB 207	Wednesday, January 31, 1979	2:00 p.m.
LB 168	Thursday, February 1, 1979	10:30 a.m.
LB 169	Thursday, February 1, 1979	10:30 a.m.
LB 66	Thursday, February 1, 1979	2:00 p.m.
LB 206	Friday, February 2, 1979	10:30 a.m.

LB 201	Friday, February 2, 1979	2:00 p.m.
LB 202	Friday, February 2, 1979	2:00 p.m.
LB 204	Friday, February 2, 1979	2:00 p.m.

(Signed) Maurice Kremer, Chairman

VISITORS

Visitors to the Chamber were 13 6th and 7th grade students and one teacher from Goodrich Senior High School, Lincoln, Nebraska; and Dr. John Ashley from North Platte, Nebraska.

ADJOURNMENT

At 11:22 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 10:00 a.m., Wednesday, January 17, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 17, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 17, 1979

Pursuant to adjournment, the Legislature met at 10:01 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God, our Father, in this brief moment the members of the Legislature of the State of Nebraska, representing all our people, ask for Your help and guidance. And if any of us ever feel we have no need for You, then remind us in unmistakable ways of Your great love for us. Make this a moment full of meaning--a moment when these men and women are aware of their need of You--a moment when answers come and guidance is given.
>
> Sometimes we pray for that which is already ours, neglected and unused. Sometimes we pray for that which can never be ours, and sometimes we pray for that which we must do for ourselves.
>
> Sometimes we never pray at all, relying on our own strength, and then we work and worry ourselves to death to gain something that is ours for the asking.
>
> Help us each one this day, O God, to understand that faith without works is dead, and that works without faith can never live for very long. In that spirit bless our work today, which we offer to You for the good of all. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Kahle, Lewis, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 22	Thursday, January 25, 1979	10:30 a.m.
LB 30	Thursday, January 25, 1979	10:30 a.m.
LB 43	Thursday, January 25, 1979	1:30 p.m.
LB 115	Thursday, January 25, 1979	1:30 p.m.
LB 101	Friday, January 26, 1979	10:30 a.m.

(Signed) Orval Keyes, Chairman

Constitutional Revision and Recreation

LB 10	Thursday, January 25, 1979	1:30 p.m.
LB 77	Thursday, January 25, 1979	1:30 p.m.
LB 100	Friday, January 26, 1979	1:30 p.m.
LB 78	Friday, January 26, 1979	1:30 p.m.

(Signed) Barry Reutzel, Chairman

MESSAGES FROM THE GOVERNOR

January 16, 1979

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

Dear Mr. President and Senators:

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

David O. Coolidge, 4010 South 17, Apt. 13, Lincoln, Nebraska - Director, Department of Roads for a term as prescribed by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: David O. Coolidge
Committee on Committees
Accountability and Disclosure Commission
Department of Roads

January 16, 1979

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

Dear Mr. President and Senators:

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

Col. C. P. Karthauser, 5414 Hartley, Lincoln, Nebraska - Superintendent, State Patrol for a term as prescribed by law.

I respectfully submit this reappointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Col. C. P. Karthauser
Committee on Committees
Accountability and Disclosure Commission
Nebraska State Patrol

January 16, 1979

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

Dear Mr. President and Senators:

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

John Hanlon, 2336 South 62nd, Lincoln, Nebraska - Commissioner of Labor succeeding Gerald E. Chizek for a term as prescribed by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: John Hanlon
Committee on Committees
Accountability and Disclosure Commission
Department of Labor

January 16, 1979

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

Dear Mr. President and Senators:

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

A. T. Hinds, Lincoln, Verne Moore, Jr., Omaha and Marilyn Bath, Auburn, Nebraska to the Crime Victims Reparation Commission for terms as prescribed by law.

I respectfully submit these appointments for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: A. T. Hinds
Verne Moore, Jr.
Marilyn Bath
Committee on Committees
Accountability and Disclosure Commission
Crime Victims Reparation Commission

January 16, 1979

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

Dear Mr. President and Senators:

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

Don Stenberg, 1935 Harrison, Lincoln, Nebraska - Director, Office of Planning and Programming succeeding Jon H. Oberg for a term as prescribed by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Don Stenberg
Committee on Committees
Accountability and Disclosure Commission
Office of Planning and Programming

January 16, 1979

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

Dear Mr. President and Senators:

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

Edward C. Binder, MG, 6001 Kenwood Circle, Lincoln, Nebraska, Adjutant General of the Military Department for a term as prescribed by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Edward C. Binder, MG
Committee on Committees
Accountability and Disclosure Commission
Military Department

COMMUNICATION

January 16, 1979

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

Dear Mr. President and Senators:

Section 84-602 lists some of the duties of the State Treasurer and requires under Subsection (6) that the Treasurer..."report to the Legislature as soon as practicable, but within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and its operations for the preceding fiscal year."

Enclosed for your official records is my Biennial Report covering the fiscal period July 1, 1976, to June 30, 1978. This Report, of course, contains a fine tuned statement of the condition of the treasury and our operations for the preceding fiscal year. In addition, I have placed on each Member's desk the November and latest available monthly statement regarding the condition of the treasury. The end of the calendar year compilations have delayed our December 31 statement. This is expected soon and will be distributed to the Members.

Hopefully, the Legislature will find this information adequate for the discharge of my obligation under Section 84-602, Subsection (6).

Sincerely yours,
(Signed) Frank Marsh
State Treasurer

Enclosure
(on file in Clerk's office)

BILLS ON FIRST READING

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

LEGISLATIVE BILL 360. By Nebraska Transportation Advisory Committee: Fitzgerald, 14th District, Chairman; Hefner, 19th District; Keyes, 3rd District; Carsten, 2nd District; Kremer, 34th District.

A BILL FOR AN ACT to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1978, relating to sales and income tax; to change the sales and use tax rate on motor vehicles; to create a fund; to provide for the disposition of funds as prescribed; to provide duties; and to repeal the original sections.

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

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

LEGISLATIVE BILL 362. By Nebraska Transportation Advisory Committee: Fitzgerald, 14th District, Chairman; Keyes, 3rd District; Carsten, 2nd District; Hefner, 19th District; Kremer, 34th District.

A BILL FOR AN ACT to amend sections 60-305.08, 60-328, 60-328.04, 60-329, 60-330, 60-330.01, 60-331.03, 60-331.04, 60-336, and 60-338, Reissue Revised Statutes of Nebraska, 1943, and section 60-305.09, 60-311.12, 60-311.16, 60-320, 60-331, 60-332, 60-333, and 60-337, Revised Statutes Supplement, 1978, relating to motor vehicle registration; to increase certain fees as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 363. By Education Committee: Koch, 12th District, Chairman; Vickers, 38th District; Kremer, 34th District; Kahle, 37th District; Lamb, 43rd District.

A BILL FOR AN ACT to amend sections 79-2637, 79-2644, 79-2648, 79-2650, 79-2650.03, and 79-2651, Revised Statutes Supplement, 1978, and section 77-1355, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 1, Eighty-fifth Legislature, First

Special Session, 1978, relating to the technical community colleges; to define terms; to change provisions relating to levies and the distributions of state funds; to create the Nebraska Technical Community College Council and the position of executive secretary as prescribed; to provide for power and duties of such council and secretary; to change provisions relating to budget; to provide for severability; to repeal the original sections, and also sections 79-2650.01, 79-2650.02, 79-2650.04, 79-2650.05, 79-2650.06, 79-2651.01, and 79-2652, Revised Statutes Supplement, 1978; and to declare an emergency.

LEGISLATIVE BILL 364. By Wesely, 26th District.

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

LEGISLATIVE BILL 365. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 77-27,142, Revised Statutes Supplement, 1978, relating to taxation; to extend an expiration date; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 366. By Dworak, 22nd District.

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

LEGISLATIVE BILL 367. By Johnson, 8th District.

A BILL FOR AN ACT relating to the state colleges; to define terms; to provide for tenure of faculty members as prescribed; to provide procedures; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 368. By Haberman, 44th District.

A BILL FOR AN ACT to amend sections 20-106, 20-112 to 20-120, and 48-1121, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1007, 48-1102, 48-1118 to 48-1120, and 48-1123, Revised Statutes Supplement, 1978, relating to equal rights; to create the Commission on Minority Affairs; to prescribe duties; to define terms; to provide procedures as prescribed; to provide an operative date; and to repeal

the original sections, and also sections 48-1116, 48-1117, 68-1101 to 68-1106, 81-8,255 to 81-8,271, 81-1214, 81-1216, 81-1218, 81-1219, and 81-1219.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 369. By Burrows, 30th District.

A BILL FOR AN ACT to amend section 48-217, Reissue Revised Statutes of Nebraska, 1943, relating to labor organizations; to permit a service fee as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 370. By Burrows, 30th District.

A BILL FOR AN ACT relating to the Department of Public Welfare; to require such department to adopt rules or regulations relating to the distribution of food stamps as prescribed.

LEGISLATIVE BILL 371. By Stoney, 4th District.

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

LEGISLATIVE BILL 372. By Judiciary Committee: Nichol, 48th District, Chairman; Pirsch, 10th District; Stoney, 4th District; Wagner, 41st District; Haberman, 44th District.

A BILL FOR AN ACT to amend sections 30-2420 and 30-2427, Reissue Revised Statutes of Nebraska, 1943, and section 30-2483, Revised Statutes Supplement, 1978, relating to decedents' estates; to change responsibility for publishing notice as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 373. By Judiciary Committee: Nichol, 48th District, Chairman; Pirsch, 10th District; Stoney, 4th District; Wagner, 41st District; Haberman, 44th District.

A BILL FOR AN ACT to amend section 43-239, Reisuue Revised Statutes of Nebraska, 1943, and sections 24-517, 43-229, and 43-234, Revised Statutes Supplement, 1978, relating to courts; to harmonize provisions relating to county and juvenile courts; and to repeal the original sections, and also section 43-233.02, Reissue Revised Statutes of Nebraska, 1943.

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

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

LEGISLATIVE BILL 375. By Judiciary Committee: Nichol, 48th District, Chairman; Wagner, 41st District; Pirsch, 10th District; Stoney, 4th District; Haberman, 44th District.

A BILL FOR AN ACT to amend sections 25-1267.37 and 25-1267.41, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to change certain time limits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 376. By Judiciary Committee: Nichol, 48th District, Chairman; Wagner, 41st District; Stoney, 4th District; Pirsch, 10th District; Haberman, 44th District.

A BILL FOR AN ACT relating to public health and safety; to provide for taking certain intoxicated or incapacitated persons from public property as prescribed; to amend section 39-684, Revised Statutes Supplement, 1978; to change provisions relating to removal of dead or injured persons from any roadway; and to repeal the original section.

LEGISLATIVE BILL 377. By Judiciary Committee: Nichol, 48th District, Chairman; Stoney, 4th District; Pirsch, 10th District; Wagner, 41st District; Haberman, 44th District.

A BILL FOR AN ACT to amend section 24-209, Revised Statutes Supplement, 1978, relating to Supreme Court Reports; to change the distribution of such reports; to provide that the Supreme court prescribe the price for such reports; and to repeal the original section.

LEGISLATIVE BILL 378. By Judiciary Committee: Nichol, 48th District, Chairman; Haberman, 44th District; Stoney, 4th District; Wagner, 41st District; Reutzel, 15th District.

A BILL FOR AN ACT relating to sexual sociopaths; to repeal provisions relating to the examination, commitment, and release of sexual sociopaths; to amend section 28-805, Revised Statutes Supplement, 1978; to repeal the original section, and also Chapter 29, article 29, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 379. By Judiciary Committee: Nichol, 48th District, Chairman; Pirsch, 10th District; Stoney, 4th District; Wagner, 41st District; Reutzel, 15th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, section 8, of the Constitution of Nebraska, relating to the judiciary; to provide for appointment by the Supreme Court of librarian and other necessary officers and employees; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 380. By Reutzel, 15th District.

A BILL FOR AN ACT relating to state government; to provide legislative intent; to provide for a paper recycling program as prescribed; to provide duties; and to provide for expiration of this act.

LEGISLATIVE BILL 381. By Duis, 39th District.

A BILL FOR AN ACT to amend section 72-274.03, Reissue Revised Statutes of Nebraska, 1943, relating to school lands and funds; to change membership on a board of appraisers; to provide for compensation; and to repeal the original section.

LEGISLATIVE BILL 382. By Venditte, 7th District.

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

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

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

LEGISLATIVE BILL 384. By Judiciary Committee: Nichol, 48th District, Chairman; Stoney, 4th District; Wagner, 41st District; Venditte, 7th District; Pirsch, 10th District.

A BILL FOR AN ACT to amend section 26-112, Reissue Revised Statutes of Nebraska, 1943, relating to municipal courts; to increase fees charged by the clerks of certain municipal courts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 385. By Lewis, 45th District; Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to restore the Temple Building facility and construct a theatre facility for the Department of Theatre Arts; to provide for payment; and to declare an emergency.

LEGISLATIVE BILL 386. By Fowler, 27th District; Hoagland, 6th District.

A BILL FOR AN ACT to amend section 75-101, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to provide a qualification for eligibility to the office; to provide for enforcement; and to repeal the original section.

LEGISLATIVE BILL 387. By Carsten, 2nd District.

A BILL FOR AN ACT relating to cities; to provide recall procedures for councilmen of certain cities; and to declare an emergency.

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

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

LEGISLATIVE BILL 389. By Nichol, 48th District.

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

LEGISLATIVE BILL 390. By Duis, 39th District.

A BILL FOR AN ACT to amend section 45-101.03, Revised Statutes Supplement, 1978, relating to loans; to change provisions relating to interest rates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 391. By Duis, 39th 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 change the age of mandatory retirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 392. By Keyes, 3rd District.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1978, LB 965, sections 2 and 3, with items reduced by line item veto; to change the authorized purposes; to permit contracts with another political subdivision; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 393. By Landis, 46th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XV of the Constitution of Nebraska, by adding thereto a new section 19, relating to miscellaneous provisions; to provide for the awarding of damages in excess of compensatory or actual damages as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 394. By Landis, 46th District.

A BILL FOR AN ACT relating to civil procedure; to establish rights of privacy as prescribed.

LEGISLATIVE BILL 395. By Landis, 46th District.

A BILL FOR AN ACT to amend section 39-642, Reissue Revised Statutes of Nebraska, 1943, relating to the rules of the road; to require that a driver of a vehicle yield to a pedestrian as prescribed; to provide for reduced speed areas; and to repeal the original section.

LEGISLATIVE BILL 396. By Landis, 46th District.

A BILL FOR AN ACT to amend sections 23-2801, 23-2802, 23-2803, 23-2805, and 23-2806, Reissue Revised Statutes of Nebraska, 1943, relating to county jails; to change population criteria applicable to certain county jails; to provide duties of the county board; to provide for transfer of certain employees; to provide for rights of employees; and to repeal the original sections.

LEGISLATIVE BILL 397. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 54-201, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to provide a lien for the furnishing of certain products and services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 398. By Judiciary Committee: Nichol, 48th District, Chairman; Pirsch, 10th District; Venditte, 7th District; Stoney, 4th District; Wagner, 41st District.

A BILL FOR AN ACT to amend sections 24-201.01, 24-301.01, 24-513, 26-106, and 48-159, Revised Statutes Supplement, 1978, relating to salaries; to provide for an increase in salaries as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 399. By Merz, 1st District.

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

LEGISLATIVE BILL 400. By Merz, 1st District.

A BILL FOR AN ACT to amend sections 16-901, 17-1001, and 70-1008, Reissue Revised Statutes of Nebraska, 1943, relating to suburban development; to remove limitations over zoning areas of first and second-class cities and villages; to provide for utility service in zoning areas; and to repeal the original sections.

LEGISLATIVE BILL 401. By Rumery, 42nd 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 402. By Rumery, 42nd District.

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

LEGISLATIVE BILL 403. 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 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, 1978.

LEGISLATIVE BILL 404. By Public Works Committee: Kremer, 34th District, Chairman; Wesely, 26th District; Cullan, 49th District; Clark, 47th District; Goodrich, 20th District; Beutler, 28th District; Vickers, 38th District; Kennedy, 21st District.

A BILL FOR AN ACT to amend section 60-326.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle registration; to increase the amount of the fee retained by county treasurers; and to repeal the original section.

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

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

LEGISLATIVE BILL 406. By Hoagland, 6th District.

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

LEGISLATIVE BILL 407. By Merz, 1st District.

A BILL FOR AN ACT relating to vital statistics; to adopt the Delayed Birth Registration Act; to provide a fee; and to repeal sections 71-617 to 71-625, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 408. By Johnson, 8th District.

A BILL FOR AN ACT relating to employers; to prohibit certain actions by employers or their officers or agents as prescribed; to define terms; and to provide a penalty.

LEGISLATIVE BILL 409. By Johnson, 8th District.

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

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

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

LEGISLATIVE BILL 411. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Cullan, 49th District; Lewis, 45th District; Fowler, 27th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to the deferred compensation plan for state employees; to provide an alternative method for disbursing of payments or benefits as prescribed; to amend section 84-1506, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 412. By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Merz, 1st District; Duis, 39th District; Landis, 46th District; Wagner, 41st District.

A BILL FOR AN ACT to amend sections 2-1581, 2-3268, 23-343.82, 23-343.97, 43-658, 81-1133, and 81-1134, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3277, 76-1607, 76-1621, 81-1423, and 85-975, Revised Statutes Supplement, 1978, relating to the State Office of Planning and Programming; to provide that certain functions be assumed by other agencies as prescribed; to eliminate functions as prescribed; and to repeal the original sections, and also sections 23-343.81, 23-343.96, 84-131 to 84-135, 84-136, 84-137, 84-139 to 84-141, 84-151, 84-153, 84-154, and 84-156 to 84-160, Reissue Revised Statutes of Nebraska, 1943, and sections 84-152 and 84-161, Revised Statutes Supplement, 1978.

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

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

LEGISLATIVE BILL 414. By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Merz, 1st District; Landis, 46th District; Wagner, 41st District; Duis, 39th District.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 1-107 and 81-1117.02, Reissue Revised Statutes of Nebraska, 1943; 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.

LEGISLATIVE BILL 415. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Lewis, 45th District; Merz, 1st District.

A BILL FOR AN ACT to adopt the Nebraska Life, Sickness and Accident Insurance Policy Readability Act; to establish minimum standards for readability of language used in policies of life insurance, sickness and accident insurance, credit life insurance, and credit accident and health insurance; to provide for procedures to measure readability; and to provide operative dates.

LEGISLATIVE BILL 416. By Lewis, 45th 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 as prescribed; to revise requirements for lump sum settlements; and to repeal the original sections.

LEGISLATIVE BILL 417. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 44-386, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change a restriction on unincorporated mutual associations; to provide how certain payments are to be construed; and to repeal the original section.

LEGISLATIVE BILL 418. By Kelly, 35th District.

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

LEGISLATIVE BILL 419. By Urban Affairs Committee: George, 16th District, Chairman; Lewis, 45th District; Koch, 12th District; Lamb, 43rd District; Merz, 1st District.

A BILL FOR AN ACT relating to cities and villages; to authorize such cities and villages to require repairs on sewers and drains as prescribed.

LEGISLATIVE BILL 420. By Sieck, 24th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to irrigation; to require a permit; to provide a right as prescribed; and to restrict installation of new wells as prescribed.

LEGISLATIVE BILL 421. By Pirsch, 10th District.

A BILL FOR AN ACT to amend section 32-210.01, Revised Statutes Supplement, 1978, relating to elections; to change the rates of compensation for certain election officials; and to repeal the original section.

LEGISLATIVE BILL 422. By Goodrich, 20th District.

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

LEGISLATIVE BILL 423. By Goodrich, 20th District.

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

MRS. MARSH PRESIDING

LEGISLATIVE BILL 424. By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Landis, 46th District; Johnson, 8th District; Kelly, 35th District; Wagner, 41st District.

A BILL FOR AN ACT to amend sections 81-1601, 81-1602, and 81-1603, Revised Statutes Supplement, 1978, relating to the State Energy Office; to change the status of the State Energy Office as prescribed; to change duties and powers of the office; to create an advisory committee; to provide for members; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 425. By Education Committee: Koch, 12th District, Chairman; Landis, 46th District; Lamb, 43rd District; Beutler, 28th District; George, 16th District.

A BILL FOR AN ACT to amend section 79-490, Revised Statutes Supplement, 1978, relating to schools; to remove an exception; and to repeal the original section.

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

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

LEGISLATIVE BILL 427. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Kennedy, 21st District; Maresh, 32nd District; Clark, 47th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 71-108, 71-109, 71-111, 71-117 to 71-119, 71-123, 71-124.01, 71-125, 71-128, 71-131 to 71-134, and 71-146, Reissue Revised Statutes of Nebraska, 1943, and sections 71-102, 71-110, 71-112 to 71-114, 71-121, 71-122, and 71-138, Revised Statutes Supplement, 1978, relating to professional and occupational licenses; to change the name of a board; to provide for lay board members as prescribed; to change provisions relating to examining boards; to provide duties; to change provisions relating to examinations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 428. By Public Health and Welfare Committee: Cullan, 49th District, Chairman; Clark, 47th District; Maresh, 32nd District; Goodrich, 20th District; Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 71-110 and 71-116, Revised Statutes Supplement, 1978, and section 71-162, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1978, LB 406, section 12 and LB 689, section 1, relating to public health and welfare; to authorize biennial licenses; to provide for expiration as prescribed; to change fees; to change terms for the board of examiners; to provide for additional fees; and to repeal the original sections.

LEGISLATIVE BILL 429. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 81-1323, Reissue Revised Statutes of Nebraska, 1943, relating to state employees; to remove a limitation on the amount of sick leave a state employee may accumulate; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 4. Read. Considered.

LR 4 was adopted with 26 ayes, 0 nays, and 23 not voting.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 76. Placed on General File.

(Signed) Calvin F. Carsten, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 430. By Lewis, 45th District.

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

LEGISLATIVE BILL 431. 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 432. By Urban Affairs Committee: George, 16th District, Chairman; Lewis, 45th District; Koch, 12th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to cities and villages; to permit such cities and villages to require driveway approach repairs as prescribed.

LEGISLATIVE BILL 433. By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Hefner, 19th District; Koch, 12th District; Pirsch, 10th District; Stoney, 4th District; George, 16th 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 and emergency.

LEGISLATIVE BILL 434. By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Carsten, 2nd District; Pirsch, 10th District; Hefner, 19th District; Koch, 12th District; Stoney, 4th District; George, 16th District.

A BILL FOR AN ACT to amend section 37-214.03, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to restrict an exemption as prescribed; and to repeal the original section.

LEGISLATIVE BILL 435. By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Carsten, 2nd District; Koch, 12th District; Hefner, 19th District; Pirsch, 10th District; Stoney, 4th District; George, 16th District.

A BILL FOR AN ACT to amend section 37-213, Revised Statutes Supplement, 1978, relating to game and parks; to make an additional act unlawful; and to repeal the original section.

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

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

LEGISLATIVE BILL 437. By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Carsten, 2nd District; Koch, 12th District; Pirsch, 10th District; Hefner, 19th District; Stoney, 4th District; George, 16th District.

A BILL FOR AN ACT to amend section 37-215, Revised Statutes Supplement, 1978, relating to game and parks; to change a requirement for hunting deer or antelope as prescribed; and to repeal the original section.

LEGISLATIVE BILL 438. By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Simon, 31st District; Sieck, 24th District; Fitzgerald, 14th District; Lewis, 45th District.

A BILL FOR AN ACT to amend section 20-113, Reissue Revised Statutes of Nebraska, 1943, relating to civil rights; to provide powers of certain county and city agencies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 439. By Hoagland, 6th District.

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

LEGISLATIVE BILL 440. By Hoagland, 6th District.

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

LEGISLATIVE BILL 441. By Lewis, 45th District.

A BILL FOR AN ACT to amend section 23-343.120, Reissue Revised Statutes of Nebraska, 1943, relating to hospital authorities; to provide an additional power to engage in hospital financing as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 442. By Goodrich, 20th District.

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

LEGISLATIVE BILL 443. By Beutler, 28th District.

A BILL FOR AN ACT to amend sections 21-17,134, 21-17,135, and 21-17,139, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to provide for limitation of membership in a depository institution guaranty corporation; to provide for computation of reserve requirements; to provide powers of the board of directors as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 444. By Brennan, 9th District.

A BILL FOR AN ACT to amend sections 48-812 and 48-816, Reissue Revised Statutes of Nebraska, 1943, and sections 48-804 and 48-806, Revised Statutes Supplement, 1978, relating to the Court of Industrial Relations; to provide requirements for the presiding judge; to provide an annual salary for the presiding judge; to increase per diem expenses; to provide authority for the court to order good faith bargaining, mediation, or fact-finding; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 445. By Lamb, 43rd District.

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

LEGISLATIVE BILL 446. By Lamb, 43rd District.

A BILL FOR AN ACT to amend sections 60-2009, 60-2009.01, and 60-2013, Revised Statutes Supplement, 1978, relating to snowmobiles; to change location of operation as prescribed; to change disposition of registration fees; to provide for use of registration fees by natural resources districts; and to repeal the original sections.

LEGISLATIVE BILL 447. By Landis, 46th District.

A BILL FOR AN ACT to amend section 48-120, Revised Statutes Supplement, 1978, relating to labor; to provide for custodial care as prescribed; and to repeal the original section.

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

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

LEGISLATIVE BILL 449. By Judiciary Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Pirsch, 10th District; Stoney, 4th District; Reutzel, 15th District.

A BILL FOR AN ACT relating to criminal procedure; to define terms; to provide for expungement of conviction records as prescribed; to provide for procedure; to provide for information of the expungement privilege; and to provide for the effect of such expungement.

LEGISLATIVE BILL 450. By Judiciary Committee: Stoney, 4th District, Vice-Chairman; Chambers, 11th District; Pirsch, 10th District; Reutzel, 15th District; Haberman, 44th District.

A BILL FOR AN ACT relating to criminal procedure; to define terms; and to provide for expungement of arrest records as prescribed.

LEGISLATIVE BILL 451. By Judiciary Committee: Stoney, 4th District, Vice-Chairman; Chambers, 11th District; Pirsch, 10th District; Reutzel, 15th District; Haberman, 44th District.

A BILL FOR AN ACT relating to labor; to prohibit certain discrimination of persons arrested, charged, or convicted of criminal conduct; to provide factors for determining what constitutes unlawful discrimination; to provide duties of the Equal Opportunity Commission; and to provide for construction of this act with respect to attorneys.

LEGISLATIVE BILL 452. By LR161 Study Committee: Simon, 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Rumery, 42nd District; Cullan, 49th District.

A BILL FOR AN ACT relating to power districts and corporations; to repeal sections 70-651.03 to 70-651.05, 70-653.01, and 70-653.02, Reissue Revised Statutes of Nebraska, 1943.

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

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

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

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

LEGISLATIVE BILL 455. By LR161 Study Committee: Simon 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Rumery, 42nd District; Newell, 13th District; Cullan, 49th District.

A BILL FOR AN ACT relating to cities and villages; to prohibit certain provisions in wholesale power contracts.

LEGISLATIVE BILL 456. By LR161 Study Committee: Simon, 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Newell, 13th District; Rumery, 42nd District; Cullan, 49th District.

A BILL FOR AN ACT to amend sections 16-691.02 and 17-609, Reissue Revised Statutes of Nebraska, 1943, relating to cities; to remove the authorization to transfer surplus utility funds to the general fund; and to repeal the original sections.

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

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

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

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

LEGISLATIVE BILL 459. By LR161 Study Committee: By Simon, 31st District; Fowler, 27th District; Burrows, 30th District; Merz, 1st District; Keyes, 3rd District; Rumery, 42nd District.

A BILL FOR AN ACT relating to private gas utilities; to restrict certain expenditures for advertising as prescribed.

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

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

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

A BILL FOR AN ACT to amend section 70-1014, Reissue Revised Statutes of Nebraska, 1943, relating to power districts and corporations; to provide that certain findings be made before certain electric generation facilities and lines are constructed; and to repeal the original section.

SPEAKER MARVEL PRESIDING

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

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

LEGISLATIVE BILL 463. By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Landis, 46th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1978, relating to labor; to provide an increased maximum benefit amount; to change a date; and to repeal the original sections.

LEGISLATIVE BILL 464. By Burrows, 30th 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 465. By Burrows, 30th District.

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

LEGISLATIVE BILL 466. By Lewis, 45th District.

A BILL FOR AN ACT to amend section 23-1901, Reissue Revised Statutes of Nebraska, 1943, relating to the county surveyor; to redefine the counties to which certain duties and qualifications for county surveyors apply; and to repeal the original section.

LEGISLATIVE BILL 467. By Business and Labor Committee: Maresh, 32nd District, Chairman; Landis, 46th District; Brennan, 9th District; Simon, 31st District; Kahle, 37th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 48-414, Revised Statutes Supplement, 1978, relating to labor; to make certain statutes applicable to public power and irrigation districts as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 468. By Business and Labor Committee: Maresh, 32nd District, Chairman; Landis, 46th District; Simon, 31st District; Kahle, 37th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to state agencies; to provide procedures for legal action against certain businesses; to provide for appeals; and to provide for payment of costs.

LEGISLATIVE BILL 469. By Schmit, 23rd District.

A BILL FOR AN ACT relating to motor vehicle fuels; to require sales by retail dealers as prescribed; to prohibit sales by self-service retail outlets; to define terms; and to provide a minimum wholesale price difference as prescribed.

LEGISLATIVE BILL 470. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 28-416, Revised Statutes Supplement, 1978, relating to drugs and narcotics; to change penalties for certain prohibited acts; and to repeal the original section.

LEGISLATIVE BILL 471. By Venditte, 7th District.

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

LEGISLATIVE BILL 472. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to eliminate the authorization to impose a sales and use tax; to provide an operative date; and to repeal sections 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, and sections 77-27,142 and 77-27,142.01 to 77-27,142.05, Revised Statutes Supplement, 1978.

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

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

LEGISLATIVE BILL 474. By Venditte, 7th District.

A BILL FOR AN ACT to amend section 53-168.03, Reissue Revised Statutes of Nebraska, 1943, relating to liquor; to change a provision relating to price discounts; and to repeal the original section.

LEGISLATIVE BILL 475. By Kremer, 34th District.

A BILL FOR AN ACT to adopt an official state soil.

LEGISLATIVE BILL 476. By Public Works Committee: Kremer, 34th District, Chairman; Beutler, 28th District; Wesely, 26th District; Vickers, 38th District; Kennedy, 21st District; Cullan, 49th District; Clark, 47th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 28-1240, Revised Statutes Supplement, 1978, relating to transportation of anhydrous ammonia; to change requirements of a tank vehicle; and to repeal the original section.

LEGISLATIVE BILL 477. By Public Works Committee: Kremer, 34th District, Chairman; Beutler, 28th District; Cullan, 49th District; Vickers, 38th District; Clark, 47th District; Goodrich, 20th District; Wesely, 26th District; Kennedy, 21st District.

A BILL FOR AN ACT relating to explosive materials; to allow a permit holder to bring explosive material into the state as prescribed.

LEGISLATIVE BILL 478. By Murphy, 17th District.

A BILL FOR AN ACT to amend sections 45-341 and 45-342, Reissue Revised Statutes of Nebraska, 1943, and section 45-338, Revised Statutes Supplement, 1978, relating to interest; to allow computation of a time price differential as prescribed; to change provisions relating to a delinquency charge and prepayment; and to repeal the original sections.

LEGISLATIVE BILL 479. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 77-1704 and 77-2730, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide for additional income, franchise, and sales tax credits for personal property taxes paid; to provide for duplicate receipts; to provide for taxation of certain agricultural products and livestock as prescribed; to provide for severability; to provide an operative date; and to repeal the original sections, and also sections 77-202.25 to

77-202.29 and 77-202.31 to 77-202.35, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202.30 and 77-202.36 to 77-202.43, Revised Statutes Supplement, 1978.

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

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

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 17	Monday, January 22, 1979	10:30 a.m.
LB 187	Monday, January 22, 1979	2:00 p.m.
LB 192	Monday, January 22, 1979	2:00 p.m.
LB 150	Tuesday, January 23, 1979	10:30 a.m.
LB 84	Tuesday, January 23, 1979	2:00 p.m.
LB 178	Tuesday, January 23, 1979	2:00 p.m.
LB 159	Wednesday, January 24, 1979	10:30 a.m.

(Signed) Calvin F. Carsten, Chairman

Business and Labor

LB 108	Wednesday, January 24, 1979	10:30 a.m.
LB 92	Wednesday, January 24, 1979	2:00 p.m.
LB 215	Wednesday, January 24, 1979	2:00 p.m.

(Signed) Richard Maresh, Chairman

VISITORS

Visitors to the Chamber were 25 seventh grade students and one teacher from Robin Mickle Junior High School, Lincoln, Nebraska.

RECESS

At 11:48 a.m., on a motion by Mr. DeCamp, the Legislature recessed until 4:00 p.m.

AFTER RECESS

The Legislature reconvened at 4:02 p.m., President Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, who was excused; and Messrs. Lewis and Venditte, who were excused until they arrive.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 107	Wednesday, January 24, 1979(Postponed)	10:30 a.m.
LB 107	Monday, January 29, 1979(Rescheduled)	10:30 a.m.

(Signed) William E. Nichol, Chairman

Public Health and Welfare

LB 35	Monday, January 29, 1979	10:30 a.m.
LB 259	Monday, January 29, 1979	2:00 p.m.
LB 260	Monday, January 29, 1979	2:00 p.m.
LB 174	Tuesday, January 30, 1979	10:30 a.m.
LB 172	Tuesday, January 30, 1979	2:00 p.m.

(Signed) Samuel Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 4.

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 482. By Lamb, 43rd District.

A BILL FOR AN ACT to amend section 39-1904, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to change provisions relating to the county road tax; and to repeal the original section.

LEGISLATIVE BILL 483. By Newell, 13th District.

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

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

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

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

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

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

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

LEGISLATIVE BILL 487. By Schmit, 23rd District.

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

LEGISLATIVE BILL 488. By Newell, 13th District; Brennan, 9th District; Simon, 31st District; Sieck, 24th District; Fitzgerald, 14th District.

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

LEGISLATIVE BILL 489. By Brennan, 9th District.

A BILL FOR AN ACT to amend section 48-626, Reissue Revised Statutes of Nebraska, 1943, and section 48-628, Revised Statutes Supplement, 1978, relating to employment security; to change provisions relating to benefits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 490. By Hoagland, 6th District.

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

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

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

LEGISLATIVE BILL 492. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Duis, 39th District; Merz, 1st District; Lewis, 45th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 45-338, Revised Statutes Supplement, 1978, relating to interest; to provide an exception to the maximum interest rates in certain installment contracts; and to repeal the original section.

LEGISLATIVE BILL 493. By Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Koch, 12th District; Pirsch, 10th District; Carsten, 2nd District; Stoney, 4th District; George, 16th District.

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

LEGISLATIVE BILL 494. By Vickers, 38th District.

A BILL FOR AN ACT to amend sections 79-1331, 79-1332, 79-1342, and 79-1344, Reissue Revised Statutes of Nebraska, 1943, and sections 79-451, 79-490, 79-1333, 79-1333.02, and 79-1334, Revised Statutes Supplement, 1978, relating to schools; to change foundation funding; to eliminate equalization funding; to change the name of a fund; to provide procedures; to change eligibility requirements; to provide an operative date; and to repeal the original sections, and also sections 79-133.01, 79-1335, 79-1339, 79-1340, and 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,160, 79-1336 to 79-1338, and 79-1343, Revised Statutes Supplement, 1978.

LEGISLATIVE BILL 495. By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Fitzgerald, 14th District; Simon, 31st District; Venditte, 7th District; Brennan, 9th District.

A BILL FOR AN ACT to amend section 18-2202, Reissue Revised Statutes of Nebraska, 1943, relating to community antenna television service; to permit the grant of a franchise without an election; to repeal the original section; and to declare an emergency.

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

A BILL FOR AN ACT to amend section 8-1101, Revised Statutes Supplement, 1978, relating to securities; to provide additional

exclusions; to repeal the original section, and also Laws 1978, LB 760, section 3; and to declare an emergency.

LEGISLATIVE BILL 497. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Kahle, 37th District; Lamb, 3rd District; DeCamp, 40th District.

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

LEGISLATIVE BILL 498. By Judiciary Committee: Nichol, 48th District, Chairman; Venditte, 17th District; Reutzel, 15th District; Wagner, 41st District; Stoney, 4th District.

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

LEGISLATIVE BILL 499. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Lewis, 45th District; Brennan, 9th District; Merz, 1st District; Schmit, 27th District.

A BILL FOR AN ACT to adopt the Nebraska Tourism and Economic Development Act; to impose a sales tax on lodging; to define terms; to provide for the collection of such tax to prescribe the use of the proceeds; and to provide procedures.

LEGISLATIVE BILL 500. By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Johnson, 8th District; Wagner, 41st District; Landis, 46th District; Chambers, 11th District; Kelly, 35th District.

A BILL FOR AN ACT relating to state employees; to provide for equal employment opportunities; to create an office; to define terms; to provide penalties; to provide reporting procedures; and to declare an emergency.

LEGISLATIVE BILL 501. By Warner, 25th District.

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

LEGISLATIVE BILL 502. By Warner, 25th District.

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

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

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

LEGISLATIVE BILL 504. By Fowler, 27th District.

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

LEGISLATIVE BILL 505. By Simon, 31st District.

A BILL FOR AN ACT to adopt the Child Protection Act of 1979; to define terms; to provide duties; to provide a penalty; to amend sections 28-710, 28-711, 28-713, and 28-715, Revised Statutes Supplement, 1978; to harmonize provisions; to provide severability; to provide an operative date; and to repeal sections 28-707 and 28-710 to 28-717, Revised Statutes Supplement, 1978.

LEGISLATIVE BILL 506. By Maresh, 32nd District.

A BILL FOR AN ACT to amend sections 71-5613, 71-5615, 71-5621, 71-5625, 71-5627, 71-5628, 71-5630 to 71-5633, 71-5640, 71-5642 and 71-5643, Revised Statutes Supplement, 1978, relating to the Nebraska Medical Student Assistance Act; to change provisions relating to medical student loans as prescribed; to provide for loan repayment; to provide for interest rates; to change criteria for receiving a loan; to

provide for severability; to repeal the original sections, and also sections 71-5624, 71-5637, and 71-5638, Revised Statutes Supplement, 1978; and to declare an emergency.

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

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

LEGISLATIVE BILL 508. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Kahle, 37th District; Burrows, 30th District; Lamb, 43rd District.

A BILL FOR AN ACT to create a Railroad Branch Line Improvement Fund; to provide for its administration; and to provide for assistance agreements.

LEGISLATIVE BILL 509. By Hoagland, 6th District.

A BILL FOR AN ACT relating to public power districts; to provide a duty with respect to ornamental or decorative street lighting systems.

LEGISLATIVE BILL 510. By Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 25-217 and 25-501, Reissue Revised Statutes of Nebraska, 1943, relating to commencement of actions; to provide when an action shall be deemed commenced; to change procedures; and to repeal the original sections.

LEGISLATIVE BILL 511. By Hoagland, 6th District.

A BILL FOR AN ACT to amend section 25-1151, Revised Statutes Supplement, 1978, relating to the courts; to change provisions relating to comparative negligence as prescribed; and to repeal the original section.

LEGISLATIVE BILL 512. By Goodrich, 20th District.

A BILL FOR AN ACT relating to agriculture; to regulate the ownership of agricultural lands by corporations as prescribed; to define terms; to provide conditions of corporate ownership; to provide for filing reports; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 513. By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Fitzgerald, 14th District; Landis, 46th District; Simon, 31st District; Brennan, 9th 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.

LEGISLATIVE BILL 514. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 53-179, Revised Statutes Supplement, 1978, relating to liquors; to change provisions relating to the sale of alcoholic liquors on Sunday; and to repeal the original section.

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

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

LEGISLATIVE BILL 516. By Duis, 39th District.

A BILL FOR AN ACT relating to revenue and taxation; to provide for equalization for classes and subclasses of property; to provide for apportionment for any taxing district which lies in two or more counties; to provide for notice and hearings; and to provide an operative date.

LEGISLATIVE BILL 517. By Judiciary Committee: Nichol, 48th District, Chairman; Stoney, 4th District; Wagner, 41st District; Pirsch, 10th District; Reutzel, 15th District.

A BILL FOR AN ACT relating to divorce and alimony; to provide the manner marital property shall be divided and alimony determined as prescribed; to amend sections 42-366, 42-367, and 42-368, Reissue Revised Statutes of Nebraska, 1943, and section 42-365, Revised Statutes Supplement, 1978; and to repeal the original sections.

LEGISLATIVE BILL 518. By Judiciary Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Pirsch, 10th District; Stoney, 4th District; Wagner, 41st District.

A BILL FOR AN ACT relating to occupational licenses; to state intent; to define terms; to prohibit licensing authorities from suspending, revoking, or denying licenses to persons convicted of a crime as prescribed; to provide for review; and to provide duties.

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

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

LEGISLATIVE BILL 520. By Judiciary Committee: Nichol, 48th District, Chairman; Stoney, 4th District; Wagner, 41st District; Pirsch, 10th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend section 42-366, Reissue Revised Stautes(sic) of Nebraska, 1943, relating to dissolution of marriage; to provide for division of a marital estate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 521. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 42-368, Reissue Revised Statutes of Nebraska, 1943, relating to divorce and alimony; to allow court costs and attorney's fees in certain proceedings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 522. By Schmit, 23rd District.

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

LEGISLATIVE BILL 523. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1978, relating to assistance for delinquent, dependent, and crippled children; to allow benefits during a transition period to permanent employment; and to repeal the original section.

LEGISLATIVE BILL 524. By Chambers, 11th District.

A BILL FOR AN ACT relating to grand juries; to change provisions relating to the change to the jury, reporters, and subpoenas; to

provide rights and procedures related to witnesses; to add provisions dealing with the indictment; to amend sections 29-1406, 29-1407, 29-1409, 29-1411, 29-1412, 29-1416, and 29-1418, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 525. By Sieck, 24th District.

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

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

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

LEGISLATIVE BILL 527. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 72-1101 and 72-1102, Reissue Revised Statutes of Nebraska, 1943, relating to standards for public buildings; to provide that programs and activities be made accessible to handicapped persons; to provide an exception from standards and specifications; and to repeal the original sections.

LEGISLATIVE BILL 528. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 69-1301, 69-1305 to 69-1308, 69-1313, 69-1314, 69-1316, 69-1318, and 69-1321, Reissue Revised Statutes of Nebraska, 1943, and sections 69-1302 to 69-1304, 69-1310 to 69-1312, 39-1317, and 69-1324, Revised Statutes Supplement, 1978, relating to the Uniform Disposition of Unclaimed Property Act; to change certain presumptions relating to abandoned property; to change procedures as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 69-1309 and 69-1319, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 529. By Chambers, 11th District.

A BILL FOR AN ACT to adopt the Nebraska Press Protection Act of 1979; to prohibit certain acts; to provide for damages; and to provide a penalty.

LEGISLATIVE BILL 530. By Marsh, 29th District.

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

LEGISLATIVE BILL 531. By Sieck, 24th District.

A BILL FOR AN ACT relating to the aged, blind, and disabled; to provide the criteria considered for establishing eligibility for medical assistance.

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

January 17, 1979

The Committee on Committees will meet at 12:10 p.m., Wednesday, January 24, 1979, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor Charles Thone as follows:

Marilyn Bath, Member - Crime Victims Reparation Commission
David O. Coolidge, Director - Department of Roads
Dan T. Drain, Director - Department of Environmental Control
John Hanlon, Commissioner - Department of Labor
A. T. Hinds, Member - Crime Victims Reparation Commission
Verne Moore, Jr., Chairperson - Crime Victims Reparation Commission
Don Stenberg, Director - Office of Planning and Programming
Mickey Stewart, Director - Department of Agriculture

(Signed) Shirley Marsh, Chairperson

Miscellaneous Subjects

LB 102	Thursday, January 25, 1979	2:00 p.m
LB 165	Friday, January 26, 1979	10:00 a.m.
LB 224	Friday, January 26, 1979	10:00 a.m.
LB 164	Friday, January 26, 1979	2:00 p.m.

(Signed) Dave Newell, Chairman

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 40. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

EASE

The Legislature was at ease from 4:27 p.m. until 4:40 p.m.

GENERAL FILE

LEGISLATIVE BILL 76. Title read. Considered.

Mr. Dworak asked unanimous consent to expedite LB 76. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 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 532. By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Sieck, 24th District; Johnson, 8th District; Burrows, 30th District; Hefner, 19th District.

A BILL FOR AN ACT relating to appeals from administrative decisions; to create the Nursing Home Appeals Board; and to provide for appeals to such board.

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

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

LEGISLATIVE BILL 534. By Keyes, 3rd District.

A BILL FOR AN ACT relating to infractions; to change a definition; to provide penalties; to provide procedures for recordkeeping; to

provide for a nonjury trial; to amend section 24-536, Reissue Revised Statutes of Nebraska, 1943, and section 29-431, Revised Statutes Supplement, 1978; and to repeal the original sections.

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

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

ADJOURNMENT

At 4:45 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 10:00 a.m., Thursday, January 18, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 18, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 18, 1979

Pursuant to adjournment, the Legislature met at 10:01 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> O God, our heavenly Father, keep us from a worship of the lips while our hearts are far away.
>
> When we think of the great people out of the past who, by their trust in Thee, helped to give our Nation and this community a glorious heritage, remind us that we honor them best when we follow their good example.
>
> May this moment of prayer find each of us, in his or her own way, reaching out for Thy guidance and help.
>
> We ask not for tasks more suited to our strength, but for strength more suited to our tasks.
>
> Give us faith to look with fearless eyes beyond the chaos and uncertainty of our world and time, believing that out of our efforts, ineffectual as they seem, shall come, with Thy help, the time of peace with justice . . . the time of true brotherhood and sisterhood.
>
> By Thy grace give us the will to work together, and may Thy purpose for Nebraska and for the Nation be fulfilled in some small way by that which we do today. To Thy Name, O God, be the glory. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. Beutler, George, Koch, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 251, line 23, correct spelling of "registration".
Page 252, line 20, correct spelling of "prescribed".
Page 257, correct line 7 to read:
"**LEGISLATIVE BILL 488.** By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Brennan, 9th".
The Journal for the Tenth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

January 18, 1979

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

Dear Mr. President and Senators:

Through a clerical error the names of Colonel C. P. Karthauser and Edward C. Binder, M.G. were included in a letter of January 16, 1979 from the Governor, asking for your consideration of his appointments.

Legislative confirmation of the Superintendent of the State Patrol and of the Adjutant General of the Department of the Military are clearly unnecessary. The names of Colonel Karthauser and General Binder should be removed from that record.

We regret any inconvenience to you.

Sincerely,
(Signed) Marilyn Hasselbalch,
Secretary

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 20	Wednesday, February 7, 1979	10:30 a.m.
LB 60	Friday, February 9, 1979	1:30 p.m.
LB 116	Monday, February 5, 1979	1:30 p.m.
LB 121	Friday, February 2, 1979	1:30 p.m.

See following schedule for 1979-80 agency request Appropriations public hearings.

Notice of Appropriations Committee Public Hearing
Schedule for 1979-80 State Agency Appropriations

WEDNESDAY, JANUARY 24, 1979

10:30 A.M.
State Racing Commission
State Real Estate Commisison
Political Accountability and Disclosure Commission

1:30 P.M.
District Courts
Board of Pardons
Nebraska Commission on Law Enforcement and Criminal Justice
Supreme Court

THURSDAY, JANUARY 25, 1979

10:30 A.M.
LB 193
LB 194
LB 212
LB 232
LB 233

1:30 P.M.
LB 214

FRIDAY, JANUARY 26, 1979

10:30 A.M.
Attorney General
Board of Barber Examiners
Board of Examiners of Psychologists

1:30 P.M.
Department of Health

MONDAY, JANUARY 29, 1979

10:30 A.M.
State Claims Board
Workmen's Compensation Court

Nebraska Motor Vehicle Industry Licensing Board

1:30 P.M.
Board of Examiners for Professional Engineers and Architects
Abstractors Board of Examiners
Board of Landscape Architects
Department of Roads Capital Construction
Department of Roads Operations

TUESDAY, JANUARY 30, 1979

10:30 A.M.
State Board of Nursing
State Athletic Commissioner
Department of Veterans' Affairs

1:30 P.M.
Nebraska Commission on Aging
Nebraska Commisison on the Status of Women
Mexican-American Commission
Indian Commission
Equal Opportunity Commission

WEDNESDAY, JANUARY 31, 1979

10:30 A.M.
Public Employees Retirement Board
Court of Industrial Relations
State Treasurer

1:30 P.M.
Nebraska Investment Council
Auditor of Public Accounts
State Board of Public Accountancy
State Historical Society Capital Construction
State Historical Society Operations

THURSDAY, FEBRUARY 1, 1979

10:30 A.M.
Secretary of State
Nebraska Brand Commission
Oil and Gas Conservation Commission
Department of Aeronautics

1:30 P.M.
Game and Parks Commission Capital Construction
Game and Parks Commission Operations

FRIDAY, FEBRUARY 2, 1979

10:30 A.M.
Nebraska Commission on Drugs
State Board of Agriculture Capital Construction
State Board of Agriculture Operations
Agricultural Activities

1:30 P.M.
Agricultural Products Industrial Utilization Committee
LB 121

MONDAY, FEBRUARY 5, 1979

1:30 P.M.
LB 116
Nebraska Arts Council
Nebraska Library Commission
Board of Educational Lands and Funds
Board of Examiners for Land Surveyors

TUESDAY, FEBRUARY 6, 1979

10:30 A.M.
State Department of Education Operations

1:30 P.M.
Educational Television Commission

WEDNESDAY, FEBRUARY 7, 1979

10:30 A.M.
LB 20
University of Nebraska Capital Construction

1:30 P.M.
University of Nebraska Operations

THURSDAY, FEBRUARY 8, 1979

10:30 A.M.
Board of Trustees for the Nebraska State Colleges
State College Capital Construction

1:30 P.M.
State College Operations

FRIDAY, FEBRUARY 9, 1979

10:30 A.M.
Technical Community Colleges
Coordinating Commission for Postsecondary Education

1:30 P.M.
LB 60

MONDAY, FEBRUARY 12, 1979

1:30 P.M.
Department of Water Resources
Nebraska Natural Resources Commission
Department of Environmental Control

TUESDAY, FEBRUARY 13, 1979

1:30 P.M.
Military Department Capital Construction
Military Department Operations
Nebraska Liquor Control Commission
State Fire Marshal
Public Service Commission

WEDNESDAY, FEBRUARY 14, 1979

1:30 P.M.
Department of Labor
Department of Personnel
Department of Banking and Finance
Department of Insurance
Nebraska State Patrol

THURSDAY, FEBRUARY 15, 1979

1:30 P.M.
Department of Agriculture
Department of Revenue
Department of Motor Vehicles

TUESDAY, FEBRUARY 20, 1979

1:30 P.M.

Department of Economic Development Capital Construction
Department of Economic Development Operations
Department of Administrative Services Capital Construction
Department of Administrative Services Operations
State Office of Planning and Programming

WEDNESDAY, FEBRUARY 21, 1979

1:30 P.M.

Crime Victims' Reparation Board
Department of Correctional Services Capital Construction
Department of Correctional Services Operations
Jail Standards Board

THURSDAY, FEBRUARY 22, 1979

1:30 P.M.

Department of Public Welfare Capital Construction
Department of Public Welfare Operations

FRIDAY, FEBRUARY 23, 1979

1:30 P.M.

Department of Public Institutions Capital Construction
Department of Public Institutions Operations

MONDAY, FEBRUARY 26, 1979

1:30 P.M.

Deferred Maintenance Capital Construction Request
(LB 309, 1977)
Legislative Council
Governor
Lt. Governor

(Signed) Jerome Warner, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 7.

Introduced by Marsh, 29th District.

WHEREAS, a significant number of aged, disabled, and incompetent adults are in need of protection from abuse, neglect, exploitation, or physical danger; and

WHEREAS, the plight of these individuals is not understood by the general public; and

WHEREAS, there has been no recent concerted effort to study these matters; and

WHEREAS, this is a state and national concern.

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

1. That the Executive Board of the Legislative Council appoint a special interim study committee to study the need for aged, disabled, and incompetent adults to be protected from abuse, neglect, exploitation, or physical danger.

2. That the committee determine:

(a) The particular problems of such adults; and

(b) Which problems can be addressed by legislation.

3. That the committee is also directed to study current provision of Adult Protective Services within the state.

4. That the committee in its study shall seek the input of appropriate state agencies and the citizenry through statewide public hearings and solicited public testimony.

5. That the committee compile a report of its findings and report them at the next regular session of the Legislature.

6. That the committee recommend legislation appropriate to its findings at the next regular Legislative session.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 70. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 209	Wednesday, January 24, 1979	2:00 p.m.
LB 210	Wednesday, January 24, 1979	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 68. Placed on Select File.

LEGISLATIVE BILL 76. Placed on Select File as amended.
E & R amendments to LB 76:

1. On page 5, line 6, strike the comma.

2. For correlation purposes, on page 9, line 17, insert ", as amended by section 2, Legislative Bill 6, Eighty-sixth Legislature, First Session, 1979" after "1943"; on page 10, line 22, strike "veteran" and insert "claimant"; and on page 11, strike beginning with "subdivision" in line 2 through line 4.

3. For correlation purposes, on page 14, line 16, and in the title, line 3, strike "77-202.15,"; on page 14, line 17, and in the title, line 4, strike "and"; and on page 14, line 19, and in the title, line 6, insert ", and section 77-202.15, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 6, Eighty-sixth Legislature, First Session, 1979" after "1978".

(Signed) Don Wesely, Chairman

BIRTHDAY

Speaker Marvel announced that today is Frank Lewis' birthday.

MOTION - Adopt Report

Mr. Lewis moved the approval of the Executive Board report found in the Journal on page 187 on the recommendation of the Political Accountability and Disclosure Commission members.

The report was approved with 33 ayes, 0 nays, and 16 not voting.

MOTION - Rule Change

Mr. Fowler moved the adoption of the Rules Committee report printed in the Journal on page 173, on the proposed rule change of Mr. Newell printed in the Journal on page 81.

Mr. Newell offered the following amendment to his proposed rule change:

Amend the Rule to state:

This Rule shall become effective December 31, 1980.

Mr. Newell moved for a Call of the House. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Beutler	Cullan	George	Landis	Schmit
Brennan	DeCamp	Hoagland	Lewis	Sieck
Burrows	Dworak	Koch	Marvel	Vickers
Carsten	Fitzgerald	Labedz	Newell	Warner
Chambers	Fowler	Lamb	Reutzel	Wesely

Voting in the negative, 22:

Clark	Hefner	Keyes	Murphy	Stoney
Cope	Johnson	Kremer	Nichol	Wagner
Duis	Kahle	Maresh	Pirsch	
Haberman	Kelly	Marsh	Rumery	
Hasebroock	Kennedy	Merz	Simon	

Excused and not voting, 1:

Venditte

Absent and not voting, 1:

Goodrich

The Newell amendment to his rule change was adopted with 25 ayes, 22 nays, 1 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Koch offered the following amendment to the proposed Newell rule change:

Strike language in Sec. 25 and insert the following: The Committiee on Committees shall meet as a standing committee on Wednesday, effective January 1981.

The Koch amendment lost with 19 ayes, 21 nays, and 9 not voting.

Mr. Fowler 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. Newell moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Newell rule change, as amended, was adopted with 31 ayes, 13 nays, and 5 not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 34. Placed on General File.

(Signed) Samuel K. Cullan, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1, 2, 3, 4, 5, 6, and 7.

(Signed) Don Wesely, Chairman

MOTION - Committee Hearings

Mr. Duis moved that the Legislature authorize the Standing Committees to meet at 10:30 a.m., 1:30 p.m., and 2:00 p.m. for the weeks of January 22-26, January 29-February 2, and February 5-9.

The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

EASE

The Legislature was at ease from 11:42 a.m. until 11:55 a.m.

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

The Committee on Committees confirmation hearing for the reappointment by Governor Charles Thone of Dan T. Drain, Director, Department of Environmental Control, and the appointment by Governor Charles Thone of Mickey Stewart, Director, Department of Agriculture, had previously been scheduled for January 17, 1979.

Due to scheduling conflicts, the new hearing date for confirmation of the above mentioned appointments will be held January 24, 1979 at 12:10 p.m. in Room 2102, State Capitol.

(Signed) Shirley Marsh, Chairperson
Committee on Committees

SELECT COMMITTEE REPORT
Committee on Committees

January 18, 1979

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor Charles Thone. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Brent R. Stevenson, Director - Dept. of Administrative Services
Wayne C. Anderson, Director - Dept. of Aeronautics
Paul Amen, Director - Dept. of Banking and Finance
Harry W. Peterson, Director - Dept. of Motor Vehicles
John Neuberger, Director - Dept. of Water Resources
Wally Barnett - State Fire Marshal

Vote: For: Marsh, Simon, Burrows, Cope, Cullan, Hasebroock, Lewis, Newell, Nichol, Reutzel, Wesely (11). Against: None. Not Voting: None. Absent: None. Excused: Labedz, Schmit.

(Signed) Shirley Marsh, Chairperson
Committee on Committees

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 274 through 285 inclusive, and 287 through 293 inclusive, and 295 through 315 inclusive, and 317 through 326 inclusive, and 328 through 356 inclusive, and 358, and 360, 361, and 363 through 373 inclusive, for the approval of the Nebraska State Legislature.
The attached Legislative Resolution No. 5 is hereby referred to the Committee on Constitutional Revision and Recreation.

LR Committee

5	Constitutional Revision & Recreation
6	Held

LB	Committee
274	Government, Military & Veterans Affairs
275	Government, Military & Veterans Affairs
276	Banking, Commerce & Insurance
277	Government, Military & Veterans Affairs
278	Banking, Commerce & Insurance
279	Banking, Commerce & Insurance
280	Banking, Commerce & Insurance
281	Urban Affairs
282	Public Works
283	Nebraska Retirement Systems
284	Public Works
285	Revenue
286	Held
287	Public Works
288	Banking, Commerce & Insurance
289	General File
290	Educaton
291	Educaton
292	Judiciary
293	Urban Affairs
294	Held
295	Government, Military & Veterans Affairs
296	Government, Military & Veterans Affairs
297	Public Health & Welfare
298	Public Health & Welfare
299	Public Health & Welfare
300	Agriculture & Environment
301	Banking, Commerce & Insurance
302	Revenue
303	Urban Affairs
304	Education
305	Education
306	Judiciary
307	Banking, Commerce & Insurance
308	Banking, Commerce & Insurance
309	Banking, Commerce & Insurance
310	Banking, Commerce & Insurance
311	Banking, Commerce & Insurance
312	Banking, Commerce & Insurance
313	Banking, Commerce & Insurance

314 Banking, Commerce & Insurance
315 Judiciary
316 Held
317 Revenue
318 Business & Labor
319 Judiciary
320 Constitutional Revision & Recreation
321 Agriculture & Environment
322 Appropriations
323 Miscellaneous Subjects
324 Constitutional Revision & Recreation
325 Revenue
326 Agriculture & Environment
327 Held
328 Business & Labor
329 Government, Military & Veterans Affairs
330 Public Works
331 Government, Military & Veterans Affairs
332 Banking, Commerce & Insurance
333 Banking, Commerce & Insurance
334 Banking, Commerce & Insurance
335 Banking, Commerce & Insurance
336 Banking, Commerce & Insurance
337 Banking, Commerce & Insurance
338 Banking, Commerce & Insurance
339 Government, Military & Veterans Affairs
340 Banking, Commerce & Insurance
341 Banking, Commerce & Insurance
342 Agriculture & Environment
343 Government, Military & Veterans Affairs
344 Public Health & Welfare
345 Government, Military & Veterans Affairs
346 Banking, Commerce & Insurance
347 Public Works
348 Miscellaneous Subjects
349 Miscellaneous Subjects
350 Constitutional Revision & Recreation
351 Business & Labor
352 Miscellaneous Subjects
353 Agriculture & Environment
354 Banking, Commerce & Insurance
355 Public Health & Welfare
356 Urban Affairs
357 Held
358 Business and Labor

359 Held
360 Revenue
361 Revenue
362 Held
363 Education
364 Nebraska Retirement Systems
365 Revenue
366 Constitutional Revision & Recreation
367 Education
368 Miscellaneous Subjects
369 Business & Labor
370 Public Health & Welfare
371 Judiciary
372 Judiciary
373 Judiciary

(Signed) Frank Lewis, Chairman
Executive Board

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Labedz asked unanimous consent to add her name to LB 316. No objections. So ordered.

VISITORS

Visitors to the Chamber were H. E. Abdikassim, of the Somali Democratic Republic, Minister of Youth and Sports; Farah Adan Ismail, Assistant to the Minister; Suleiman Ahmed Goulaid, Professor of Psychology and Education, University of Somali; Mohamud Abdi Ali, Lecturer at Sidam, Law, Somali Institute of Development, Administration and Management; Mal Whitfield, Escort-Interpreter, U.S. State Department; Walter Peffer, Omaha, Nebraska; and Ron Milner, Manager of the Upper Republican Resources District.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Lewis, the Legislature adjourned until 10:00 a.m., Friday, January 19, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 19, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 19, 1979

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal Father of our souls, grant to the members and officers of this body a sacred moment of quiet ere they take up the duties of the day. Turn their thoughts to Thee, and open their hearts to Thy Spirit, that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes, and mercy in their judgments. Let them not think, when this prayer is said, that their dependence upon Thee is over, and forget Thy counsels for the rest of the day. Rather, from these moments of heart searching may there come such a sweetness of disposition that all may know Thou art in this place. From this holy interlude may there flow light and joy and power that will remain with them until night shall bring Thy whispered benediction: "Well done, good and faithful servant." So help us all this day. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows, George, Goodrich, Kennedy, Lewis, Schmit, and Mrs. Marsh who were excused until they arrive; and Messrs. Hoagland, Keyes, Murphy, Venditte, Simon, Mesdames. Labedz, and Pirsch who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh 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 18, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Bailey, Jim D. - Lincoln, Nebraska Alcoholism Foundation
Brown, Jim L. - Lincoln, Nebraska Health Care Association
Clarence, Richard E. - Lincoln, Nebraska State Utility Workers
Childe, James H. - Lincoln, Nebraska Industrial Developers Association
Critchfield, James - Lincoln, Nebraska Chapter Association of General Contractors
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
- Davis, Donn E. - Lincoln, Energy Transportation Systems, Inc.; The Tobacco Institute, Inc.
- Dunn, Donald L. - Lincoln, The Tobacco Institute, Inc.
- Kessner, Theodore L. - Lincoln, Police Officers Association of Nebraska
- Seglin, Steven G. - Lincoln, Police Officers Association of Nebraska

Crosby, Robert B. - Lincoln, First Federal Savings & Loan Association of Lincoln
Dickinson, James - Omaha, Nebraska Livestock Feeder's Association; Nebraskan's For Progressive Agriculture
Edwards, Joseph R. - Lincoln, Lancaster County Board of Commissioners
Fehringer, James - Lincoln, Farmers Union of Nebraska
Fiedler, Donald B. - Omaha, Nebraska Association of Criminal Defense Attorneys; National Organization for the Reform of Marijuana Laws (NORML)

Fraizer, T. J. - Lincoln, American Insurance Association; American Reciprocal Insurance Association; Mutual of Omaha Insurance Company; United Benefit Life Insurance Company
Gauger, Janet - Lincoln, Lancaster County Board of Commissioners
Gottschalk, Frederic A. - Lincoln, Security Mutual Life Insurance Company
Howard, Robert N. - Omaha, Omaha-Council Bluffs Sheet Metal Contractors Association
Huff, Walt Jr. - Lincoln, Nebraska Chapter Association of General Contractors
Johnson, Joseph E. - Anselmo, Common Cause/Nebraska; Nebraska Conservation Officers Association
Maronde, Alfred - Lincoln, Farmers Union of Nebraska
Moulton, William S. - Omaha, Nebraska & Omaha Food Retailers Association, Inc.
Oxton, Neil - Lincoln, Farmers Union of Nebraska
Pierce, Gail J. - Lincoln, Farmers Union of Nebraska
Remington, S. June - Lincoln, Nebraska Congress of Parents and Teachers
Sherbert, Norman R. - Denver, Colorado, General Motors Corporation
Tews and Radcliffe:
Radcliffe, Walter H. - Lincoln, Can Manufacturers Institute; Nebraska Independent Oil and Gas Association; Nebraska Restaurant Employers
Tews, David D. - Lincoln, Can Manufacturers Institute; Nebraska Independent Oil and Gas Association; Nebraska Restaurant Employers
Whelan, Gerald T. - Lincoln, Nebraska Restaurant Employers

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 322	Thursday, January 25, 1979	1:30 p.m.

(Signed) Jerome Warner, Chairman

Judiciary

LB 235	Wednesday, January 24, 1979	10:30 a.m.
LB 247	Wednesday, January 24, 1979	10:30 a.m.
LB 237	Monday, January 29, 1979	1:30 p.m.
LB 239	Monday, January 29, 1979	1:30 p.m.
LB 240	Monday, January 29, 1979	1:30 p.m.

LB 236	Tuesday, January 30, 1979	10:30 a.m.
LB 241	Tuesday, January 30, 1979	10:30 a.m.
LB 238	Wednesday, January 31, 1979	10:30 a.m.

(Signed) William E. Nichol, Chairman

Revenue

LB 89	Monday, January 29, 1979	2:00 p.m.
LB 8	Wednesday, January 31, 1979	1:30 p.m.

(Signed) Calvin F. Carsten, Chairman

SELECT FILE

LEGISLATIVE BILL 76. E & R amendments found in the Journal on page 276 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 68. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 34. Title read. 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.

Advanced to E & R for Review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 82	Thursday, January 25, 1979	1:30 p.m.
LB 189	Friday, January 26, 1979	1:30 p.m.

(Signed) Barry Reutzel, Chairman

Agriculture and Environment

LB 14	Thursday, January 25, 1979	1:30 p.m.
LB 25	Thursday, January 25, 1979	1:30 p.m.
LB 106	Thursday, January 25, 1979	1:30 p.m.
LB 140	Thursday, January 25, 1979	1:30 p.m.

(Signed) Loran Schmit, Chairman

Government, Military and Veterans Affairs

LB 101	Friday, January 26, 1979(Canceled)	10:30 a.m.
LB 147	Friday, January 26, 1979	10:30 a.m.

(Signed) Orval Keyes, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Kahle asked unanimous consent to be excused all day Monday, January 22, 1979. No objections. So ordered.

UNANIMOUS CONSENT - Re-refer LB 157

Mr. Koch asked unanimous consent to re-refer LB 157 from Government, Military and Veterans Affairs Committee to the Education Committee, pursuant to Rule 3, Sec. 20. No objections. So ordered.

MOTION - Approve Appointments

Mrs. Marsh moved the confirmation of the Governor appointments of Brent R. Stevenson, Wayne C. Anderson, Paul Amen, Harry W. Peterson, John Neuberger, and Wally Barnett found in the Journal on page 279 in one record vote.

Voting in the affirmative, 28:

Cope	Haberman	Lamb	Nichol	Vickers
Cullan	Hasebroock	Landis	Reutzel	Wagner
Dworak	Hefner	Maresh	Rumery	Warner
Fitzgerald	Johnson	Marsh	Schmit	Wesely
Fowler	Kahle	Marvel	Sieck	
George	Koch	Merz	Stoney	

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Carsten	Clark	Duis	Kremer
Brennan	Chambers	DeCamp	Kelly	Newell

Excused and not voting, 11:

Burrows	Kennedy	Lewis	Simon
Goodrich	Keyes	Murphy	Venditte
Hoagland	Labedz	Pirsch	

The appointments were confirmed with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

EASE

The Legislature was at ease from 10:37 a.m. until 10:42 a.m.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 124. Placed on General File as amended.
Standing Committee amendment to LB 124:

1. On page 2, lines 23 and 25, after "blind" insert "and physically handicapped".

LEGISLATIVE BILL 12. Indefinitely postponed.

(Signed) Gerald Koch, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 8
January 18, 1979

Dear Senator Simon:

You have requested our advice as to possible constitutional impediments to the enactment of legislation "prohibiting utilities from good will advertising and advertising designed to encourage greater consumption."

Advertising is a legitimate activity and, although subject to some reasonable regulation, it may not be arbitrarily prohibitied.

Furthermore, the constitutional right to engage in any lawful private business or enterprise carries with it the right to promote that business through otherwise lawful forms of advertising. See 3 Am.Jur.2d, Advertising, section 4, p. 357. It is those principles which would present a legal obstacle to the imposition of any prohibition against otherwise lawful advertising on behalf of a privately owned public utility.

As for a publicly owned utility, such as a city electric system, for example, the situation is quite different; as the matter of expenditure of public funds would be involved. In 56 Am.Jur.2d, Municipal Corporations, section 205, at p. 263, it is stated: "In accordance with the general rule that municipal funds cannot be expended for private or nonpublic uses, it is held that a municipality has no power to make expenditures for advertising or other forms of publicity, in the absence of legislative authority either in the charter or by statute. . . ." Moreover even where there is an express legislative enactment purporting to authorize a governmental subdivision to spend public money for a specific activity or use, the legislation is void if that activity or use does not in fact serve a legitimate public purpose. Chase v. County of Douglas, infra.

There has long been in existence a statute expressly authorizing municipalities and counties to expend public funds "to conduct and carry on a publicity campaign. . .for the purpose of acquiring. . .a municipal electrical distribution system" and for the purpose of subsequent "exploiting and advertising. . .resources, including utility services, of the city, village, or county." See section 18-1401, R.R.S. 1943 (Reissue 1977). The constitutionality of that statute was under review by the Supreme Court in Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334. The statute had been attacked on the grounds that it constituted an invalid attempt by the Legislature to authorize the expenditure of public funds for advertising and other promotion of the utility services of the City of Omaha, among other things. However, the court found that there was sufficient basis for the Legislature to determine that such advertising and publicity served a public purpose such as to justify the expenditure of public funds therefor. The test which the court applied in reaching that conclusion is reflected in the following excerpt from the opinion:

> "The first proposition is that it is for the Legislature to decide in the first instance what is and what is not a public purpose, but its determination is not conclusive on the courts. However, to justify a court in declaring a tax invalid because it is not for a public purpose, the absence of public purpose must be so clear and palpable as to be immediately perceptible to the reasonable mind. . . ."

While Chase v. County of Douglas did not specifically involve the question of advertising by or on behalf of a publicly owned utility, we are inclined to think that such a practice would come within the purview of the court's ruling and that the statutory authority is valid as applied to good will and promotional advertising by a publicly owned utility. This being the case, in order to effect a prohibition against such advertising practices a repeal, pro tanto at least, of section 18-1401 would appear necessary. The mere fact of enactment of section 18-1401, in itself, is some indication of a legislative sense that in the absence of express legislative approval there would be no authority to expend public funds for such advertising and promotion on behalf of utilities. Accordingly, it would appear there may be no real need for any express legislative prohibition. Nonetheless, of course, enactment of a specific legislative ban would eliminate any possible contention that such authority existed by necessary implication from other more general powers.

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

CCS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 136	Wednesday, January 24, 1979	10:30 a.m.
LB 145	Wednesday, January 24, 1979	2:00 p.m.
LB 146	Wednesday, January 24, 1979	2:00 p.m.
LB 153	Wednesday, January 31, 1979	1:30 p.m.
LB 158	Wednesday, January 31, 1979	10:30 a.m.
LB 176	Wednesday, January 31, 1979	1:30 p.m.
LB 181	Wednesday, January 31, 1979	1:30 p.m.
LB 217	Wednesday, February 7, 1979	10:30 a.m.
LB 249	Wednesday, February 7, 1979	1:30 p.m.
LB 250	Wednesday, February 7, 1979	1:30 p.m.
LB 251	Wednesday, February 7, 1979	1:30 p.m.

LB 252 Wednesday, February 7, 1979 1:30 p.m.

(Signed) Walter George, Chairman

VISITORS

Visitors to the Chamber were 16 2nd grade students and teachers from Arnold Elementary School, Lincoln.

ADJOURNMENT

At 10:43 a.m., on a motion by Mr. Carsten, the Legislature adjourned until 9:00 a.m., Monday, January 22, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 22, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 22, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God, Who knows everything far better than we, we have a difficult time in our discussions and debates deciding in the various issues which side is telling the truth and which one is not. At times we feel that one side is right and the other is wrong, on the other hand we feel that the opposite side is right and this side is wrong. Perhaps the truth of the matter is that each side is telling half of the truth, and half of it is not true. Help us, in the days which lie ahead, to put the right two halves together, that we may know, and speak, and do the whole truth and nothing but the truth. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Johnson, Burrows, Lewis, Newell, George, Stoney, and Venditte who were excused until they arrive; and Messrs. Kahle and Hefner who were excused.

CORRECTIONS FOR THE JOURNAL

Page 288, last line, correct spelling of "prohibited".
The Journal for the Twelfth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 70. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 68 and 76.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 9. Placed on General File as amended.
Standing Committee amendments to LB 9:

1. Insert a new section 4 as follows:

"Sec. 4. For the purposes of this act, unless the context otherwise requires, pharmaceutical agents shall mean anesthetics, antiseptics, cycloplegics, mydriatics, and miotics.".

2. Renumber the remaining sections accordingly.

(Signed) Samuel K. Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 332	Monday, January 29, 1979	10:30 a.m.
LB 311	Monday, January 29, 1979	2:00 p.m.
LB 314	Monday, January 29, 1979	3:00 p.m.
LB 310	Tuesday, January 30, 1979	10:30 a.m.
LB 197	Tuesday, January 30, 1979	3:00 p.m.
LB 307	Tuesday, January 30, 1979	3:45 p.m.
LB 333	Monday, February 5, 1979	10:30 a.m.
LB 334	Monday, February 5, 1979	10:30 a.m.
LB 335	Monday, February 5, 1979	10:30 a.m.
LB 336	Monday, February 5, 1979	10:30 a.m.
LB 337	Monday, February 5, 1979	10:30 a.m.
LB 338	Monday, February 5, 1979	10:30 a.m.
LB 340	Monday, February 5, 1979	10:30 a.m.
LB 341	Monday, February 5, 1979	10:30 a.m.

LB 180	Monday, February 5, 1979	1:30 p.m.
LB 269	Tuesday, February 6, 1979	10:30 a.m.
LB 276	Tuesday, February 6, 1979	11:15 a.m.
LB 278	Tuesday, February 6, 1979	11:15 a.m.
LB 279	Tuesday, February 6, 1979	11:15 a.m.
LB 280	Tuesday, February 6, 1979	11:15 a.m.
LB 196	Tuesday, February 6, 1979	1:30 p.m.
LB 216	Tuesday, February 6, 1979	2:15 p.m.
LB 220	Tuesday, February 6, 1979	3:45 p.m.
LB 288	Monday, February 12, 1979	1:30 p.m.
LB 308	Monday, February 12, 1979	2:15 p.m.
LB 309	Monday, February 12, 1979	3:00 p.m.
LB 301	Monday, February 12, 1979	3:45 p.m.
LB 346	Tuesday, February 13, 1979	1:30 p.m.
LB 354	Tuesday, February 13, 1979	2:15 p.m.
LB 312	Tuesday, February 13, 1979	2:45 p.m.
LB 313	Tuesday, February 13, 1979	3:15 p.m.

(Signed) John W. DeCamp, Chairman

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 6, to take up Final Reading bills set for tomorrow, LB 1 through LB 7.

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 1. With Emergency.

A BILL FOR AN ACT to amend section 28-306, Revised Statutes Supplement, 1978, relating to crimes and punishment; to correct an erroneous internal reference; 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:

Beutler	Dworak	Keyes	Marsh	Schmit
Brennan	Fitzgerald	Koch	Marvel	Sieck
Carsten	Goodrich	Kremer	Murphy	Simon
Clark	Haberman	Labedz	Nichol	Vickers
Cope	Hasebroock	Lamb	Pirsch	Wagner
Cullan	Kelly	Landis	Reutzel	Warner
Duis	Kennedy	Maresh	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Absent and not voting, 4:

Chambers	Fowler	Hoagland	Merz

Excused and not voting, 9:

Burrows	Hefner	Kahle	Newell	Venditte
George	Johnson	Lewis	Stoney	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 2.

A BILL FOR AN ACT to amend section 21-1950, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; 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, 36:

Beutler	Dworak	Koch	Murphy	Vickers
Brennan	Fitzgerald	Kremer	Nichol	Wagner
Carsten	Goodrich	Labedz	Pirsch	Warner
Clark	Haberman	Lamb	Reutzel	Wesely
Cope	Hasebroock	Landis	Rumery	
Cullan	Kelly	Maresh	Schmit	
DeCamp	Kennedy	Marsh	Sieck	
Duis	Keyes	Marvel	Simon	

Voting in the negative, 0.

Absent and not voting, 4:

Chambers	Fowler	Hoagland	Merz

Excused and not voting, 9:

Burrows	Hefner	Kahle	Newell	Venditte
George	Johnson	Lewis	Stoney	

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

LEGISLATIVE BILL 3. With Emergency.

A BILL FOR AN ACT to amend section 24-329, Reissue Revised Statutes of Nebraska, 1943, relating to the Director of Administrative Services; to harmonize provisions; 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:

Beutler	Dworak	Koch	Murphy	Vickers
Brennan	Fitzgerald	Kremer	Nichol	Wagner
Carsten	Goodrich	Labedz	Pirsch	Warner
Clark	Haberman	Lamb	Reutzel	Wesely
Cope	Hasebroock	Landis	Rumery	
Cullan	Kelly	Maresh	Schmit	
DeCamp	Kennedy	Marsh	Sieck	
Duis	Keyes	Marvel	Simon	

Voting in the negative, 0.

Absent and not voting, 4:

Chambers	Fowler	Hoagland	Merz

Excused and not voting, 9:

Burrows	Hefner	Kahle	Newell	Venditte
George	Johnson	Lewis	Stoney	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 4. With Emergency.

A BILL FOR AN ACT to amend section 71-162, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1978, LB 406, section 12 and LB 689, section 1; to correlate sections (1) 46-612.01, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 40, section 267 and LB 421, section 1, (2) 48-511, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 40, section 288 and LB 162, section 9, (3) 48-513, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 40, section 289 and LB 162, section 11, (4) 48-1118, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 40, section 301 and LB 161, section 12, (5) 60-407, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 39, section 76 and LB 314, section 6, and (6) 77-3009, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 39, section 245 and LB 353, section 4; to harmonize provisions with the Nebraska Criminal Code; to repeal the original sections, and also Laws 1977, LB 305, section 8; and to declare an emergency.

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

Voting in the affirmative, 41:

Beutler	Cullan	Goodrich	Keyes	Maresh
Brennan	DeCamp	Hasebroock	Koch	Marsh
Carsten	Duis	Hoagland	Kremer	Marvel
Chambers	Dworak	Johnson	Labedz	Murphy
Clark	Fitzgerald	Kelly	Lamb	Newell
Cope	Fowler	Kennedy	Landis	Nichol

Pirsch	Schmit	Stoney	Warner
Reutzel	Sieck	Vickers	Wesely
Rumery	Simon	Wagner	

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Absent and not voting, 1:

Merz

Excused and not voting, 6:

Burrows	Hefner	Lewis
George	Kahle	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 5.

A BILL FOR AN ACT to amend section 2-3216, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources; to correct an erroneous internal reference; and to repeal the original section.

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

Voting in the affirmative, 40:

Beutler	Dworak	Kennedy	Marsh	Schmit
Brennan	Fitzgerald	Keyes	Marvel	Sieck
Chambers	Fowler	Koch	Murphy	Simon
Clark	Goodrich	Kremer	Newell	Stoney
Cope	Hasebroock	Labedz	Nichol	Vickers
Cullan	Hoagland	Lamb	Pirsch	Wagner
DeCamp	Johnson	Landis	Reutzel	Warner
Duis	Kelly	Maresh	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Carsten Haberman

Absent and not voting, 1:

Merz

Excused and not voting, 6:

Burrows	Hefner	Lewis
George	Kahle	Venditte

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

LEGISLATIVE BILL 6. With Emergency.

A BILL FOR AN ACT to amend sections 77-202.14, 77-202.15, and 77-202.16, Reissue Revised Statutes of Nebraska, 1943, relating to homestead exemption; to harmonize provisions and internal 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, 41:

Beutler	Fitzgerald	Keyes	Murphy	Stoney
Brennan	Fowler	Koch	Newell	Vickers
Chambers	Goodrich	Kremer	Nichol	Wagner
Clark	Haberman	Labedz	Pirsch	Warner
Cope	Hasebroock	Lamb	Reutzel	Wesely
Cullan	Hoagland	Landis	Rumery	
DeCamp	Johnson	Maresh	Schmit	
Duis	Kelly	Marsh	Sieck	
Dworak	Kennedy	Marvel	Simon	

Voting in the negative, 0.

Present and not voting, 1:

Carsten

Absent and not voting, 1:

Merz

Excused and not voting, 6:

Burrows	Hefner	Lewis
George	Kahle	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 7. With Emergency.

A BILL FOR AN ACT to amend section 49-509.01, Reissue Revised Statutes of Nebraska, 1943, relating to laws; to change provisions relating to the price of unbound session laws and daily journals as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 40:

Beutler	Dworak	Kelly	Maresh	Rumery
Brennan	Fitzgerald	Kennedy	Marsh	Schmit
Chambers	Fowler	Keyes	Marvel	Sieck
Clark	Goodrich	Koch	Murphy	Simon
Cope	Haberman	Kremer	Newell	Stoney
Cullan	Hasebroock	Labedz	Nichol	Vickers
DeCamp	Hoagland	Lamb	Pirsch	Wagner
Duis	Johnson	Landis	Reutzel	Wesely

Voting in the negative, 1:

Warner

Present and not voting, 1:

Carsten

Absent and not voting, 1:

Merz

Excused and not voting, 6:

Burrows	Hefner	Lewis
George	Kahle	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.

RESOLUTION

LEGISLATIVE RESOLUTION 8.

Introduced by Newell, 13th District.

WHEREAS, the efficient and effective delivery of human services is of vital importance to the people of the state of Nebraska; and

WHEREAS, the Department of Health, the Department of Public Welfare, and certain functions of the Department of Public Institutions may have common goals, responsibilities and functions; and

WHEREAS, a consolidation of the Department of Health and the Department of Public Welfare and certain functions of the Department of Public Institutions may result in a more efficient and effective delivery of human services to the people of Nebraska; and

WHEREAS, such a consolidation could result in more effective coordination and cooperation with less duplication of administrative functions, resulting in increased economy in service delivery.

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

1. That the Public Health and Welfare Committee conduct an interim study of the feasibility of consolidating the Department of Health, the Department of Public Welfare, and certain functions of the Department of Public Institutions into a new agency.

2. That the committee make a report of its findings and recommendations 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 1, LB 2, and LB 3.

(Signed) Larry Stoney

GENERAL FILE

LEGISLATIVE BILL 124. Title read. Considered.

Standing Committee amendment found in the Journal on page 288 for the Twelfth Day was adopted with 26 ayes, 0 nays, 16 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 7 nays, 11 present and not voting, 1 absent and not voting, and 4 excused and not voting.

MOTION - Return LB 76 to Select File

Mr. Dworak moved to return LB 76 to Select File for the following specific amendment:

1. On page 7, line 8 strike "this" and after "subdivision" insert "(4) of section 77-202.13, Revised Statutes Supplement, 1978,".

The motion prevailed with 30 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 76. The Dworak specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 15 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Murphy asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

To amend LB 124, to strike "additional services for the blind to include but not be limited to".

ATTORNEY GENERAL'S OPINION

Opinion No. 9
January 19, 1979

Dear Senator Wesely:

We are in receipt of your letter of January 17, 1979, inquiring about the qualifications for the position of Director of Personnel for the State of Nebraska and seeking our opinion as to whether or not Mrs. Janet Pieper meets these qualifications.

The qualifications for this position are set forth in section 81-1304, R.R.S. 1943, as follows:

> "Any person who is a graduate of an accredited four-year college or university and who has at least five years of progressively responsible experience in development and administration of a public or private personnel program, including responsibility for development and administration of company or agency policies, supervision of staff or programs, negotiations of personnel matters with other agencies or organizations and a demonstrated knowledge of public personnel administration, testing, classification, wage and salary administration, recruiting, certification, and modern office procedures may be appointed as Director of Personnel; Provided, that not more than two years' experience as a full-time paid faculty member with primary responsibilities for teaching in public or business administration, industrial engineering, sociology or psychology may be substituted for two of the five years' experience required; and provided further, that not more than one year of graduate training in one of the foregoing fields may be substituted for one year of experience."

From the information furnished, it appears that Mrs. Pieper is a graduate of an accredited four-year college or university having earned her Bachelor of Science degree in mathematics from the University of Nebraska, 1954, her Masters in English from the University of Nebraska in 1969 and her PhD in English from the University of Nebraska in 1976.

She served for a period of three years six months as the Director of the Study Commission on Undergraduate Education and for the eighteen months prior to her appointment, served as administrative assistant to the Dean of the College of Arts and Sciences at the University of Nebraska at Lincoln.

We personnally interviewed Mrs. Pieper and reviewed the affidavits presented by her and Dr. Paul Olsen, Director of the Center for Great Plains Studies. We are of the opinion that her qualifications, as

presented to us, meet the statutory requirements as to time, nature of duties, and the progressive responsibility required. Therefore, we are of the opinion that Mrs. Pieper is legally qualified for appointment to the position of Director of Personnel of the State of Nebraska.

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

TRS:ds
cc: Pat O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Bracket LB 9

Mr. Newell asked unanimous consent to bracket LB 9 until March 16, 1979.

Mr. Marvel objected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 374 through 525, with the exception of legislative bills 381, 386, 387, 389, 398, 404, 423, 429, 433, 438, 448, 455, 457, 460, 462, 468, 471, 483, 499, 504, 509, and 525 which were held, for the approval of the Nebraska State Legislature.

LB	Committee
374	Judiciary
375	Judiciary
376	Public Health and Welfare
377	Judiciary
378	Judiciary
379	Constitutional Revision and Recreation
380	Agriculture and Environment
381	Held
382	Public Health and Welfare
383	Constitutional Revision and Recreation
384	Judiciary
385	Appropriations
386	Held
387	Held
388	Judiciary

389 Held
390 Banking, Commerce and Insurance
391 Nebraska Retirement Systems
392 Appropriations
393 Constitutional Revision and Recreation
394 Judiciary
395 Public Works
396 Judiciary
397 Agriculture and Environment
398 Held
399 Agriculture and Environment
400 Public Works
401 Constitutional Revision and Recreation
402 Banking, Commerce and Insurance
403 Education
404 Held
405 Banking, Commerce and Insurance
406 Judiciary
407 Public Health and Welfare
408 Business and Labor
409 Judiciary
410 Nebraska Retirement Systems
411 Nebraska Retirement Systems
412 Government, Military and Veterans Affairs
413 Banking, Commerce and Insurance
414 Government, Military and Veterans Affairs
415 Banking, Commerce and Insurance
416 Nebraska Retirement Systems
417 Banking, Commerce and Insurance
418 Public Health and Welfare
419 Urban Affairs
420 Public Works
421 Government, Military and Veterans Affairs
422 Banking, Commerce and Insurance
423 Held
424 Government, Military and Veterans Affairs
425 Education
426 Education
427 Public Health and Welfare
428 Public Health and Welfare
429 Held
430 Public Works
431 Public Works
432 Urban Affairs
433 Held

434 Constitutional Revision and Recreation
435 Constitutional Revision and Recreation
436 Constitutional Revision and Recreation
437 Constitutional Revision and Recreation
438 Held
439 Banking, Commerce and Insurance
440 Banking, Commerce and Insurance
441 Miscellaneous Subjects
442 Education
443 Banking, Commerce and Insurance
444 Business and Labor
445 Constitutional Revision and Recreation
446 Constitutional Revision and Recreation
447 Business and Labor
448 Held
449 Judiciary
450 Judiciary
451 Judiciary
452 Revenue
453 Constitutional Revision and Recreation
454 Government, Military and Veterans Affairs
455 Held
456 Urban Affairs
457 Held
458 Public Works
459 Public Works
460 Held
461 Public Works
462 Held
463 Business and Labor
464 Education
465 Government, Military and Veterans Affairs
466 Government, Military and Veterans Affairs
467 Business and Labor
468 Held
469 Public Works
470 Judiciary
471 Held
472 Revenue
473 Public Works
474 Miscellaneous Subjects
475 Miscellaneous Subjects
476 Public Works
477 Public Works
478 Banking, Commerce and Insurance

479	Revenue
480	Banking, Commerce and Insurance
481	Banking, Commerce and Insurance
482	Public Works
483	Held
484	Miscellaneous Subjects
485	Miscellaneous Subjects
486	Education
487	Revenue
488	Miscellaneous Subjects
489	Business and Labor
490	Judiciary
491	Banking, Commerce and Insurance
492	Banking, Commerce and Insurance
493	Constitutional Revision and Recreation
494	Education
495	Urban Affairs
496	Banking, Commerce and Insurance
497	Agriculture and Environment
498	Judiciary
499	Held
500	Government, Military and Veterans Affairs
501	Agriculture and Environment
502	Public Works
503	Public Health and Welfare
504	Held
505	Public Health and Welfare
506	Public Health and Welfare
507	Public Works
508	Public Works
509	Held
510	Judiciary
511	Judiciary
512	Agriculture and Environment
513	Business and Labor
514	Miscellaneous Subjects
515	Agriculture and Environment
516	Revenue
517	Judiciary
518	Judiciary
519	Judiciary
520	Judiciary
521	Judiciary
522	Education
523	Public Health and Welfare

524 Judiciary
525 Held

(Signed) John DeCamp, Vice-Chairman
Executive Board

VISITORS

Visitors to the Chamber were Jane Holland from Lincoln and Mr. Walter Sucher from Germany.

ADJOURNMENT

At 10:16 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Tuesday, January 23, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 23, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> We are glad, our Father, that troubles are like cannibals — the big ones eat up the little ones. But may it not be so with our duties and responsibilities. Help our senators to keep a sane perspective, lest the big issues overshadow the lesser ones, and they fail to do Thy will with them. In all things, big and little, reveal to us Thy wisdom and Thy love. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Goodrich, Hoagland, Lamb, Lewis, Newell, and Warner who were excused until they arrive; and Messrs. Cullan and George who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 34. Placed on Select File as amended.
E & R amendment to LB 34:
1. On page 2, line 24, strike the comma.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 76.

Correctly Enrolled

The following bills were correctly enrolled: 1, 2, 3, 4, 5, 6, and 7.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1, 2, 3, 4, 5, 6, and 7.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 27. Placed on General File.

LEGISLATIVE BILL 49. Placed on General File as amended.
Standing Committee amendments to LB 49:

1. On page 3 strike beginning with "and" in line 22 through the underscored period in line 24 and insert: ", shall be required to register such vehicle as a commercial truck-tractor and semitrailer combination for the entire registration year in which the violation occurred, and shall be ineligible to register any vehicle pursuant to section 2 of this act for the year following the expiration of the registration year in which the violation occured.".
2. Renumber remaining sections accordingly.

(Signed) Maurice Kremer, Chairman

Revenue

LEGISLATIVE BILL 187. Placed on General File

(Signed) Calvin F. Carsten, Chairman

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 245	Thursday, February 1, 1979	2:00 p.m.

LB 507	Wednesday, February 7, 1979	10:30 a.m.
LB 508	Wednesday, February 7, 1979	10:30 a.m.
LB 227	Wednesday, February 7, 1979	2:00 p.m.
LB 244	Wednesday, February 7, 1979	2:00 p.m.
LB 265	Wednesday, February 7, 1979	2:00 p.m.
LB 476	Thursday, February 8, 1979	10:30 a.m.
LB 477	Thursday, February 8, 1979	10:30 a.m.
LB 482	Thursday, February 8, 1979	2:00 p.m.
LB 266	Friday, February 9, 1979	10:30 a.m.
LB 400	Friday, February 9, 1979	10:30 a.m.

(Signed) Maurice A. Kremer, Chairman

Banking, Commerce and Insurance

LB 200	Tuesday, February 6, 1979	2:15 p.m.
LB 69	Tuesday, February 20, 1979	1:30 p.m.

(Signed) John W. DeCamp, Chairman

Government, Military and Veterans Affairs

LB 122	Thursday, February 1, 1979	10:30 a.m.
LB 139	Thursday, February 1, 1979	10:30 a.m.
LB 155	Thursday, February 1, 1979	1:30 p.m.
LB 156	Thursday, February 1, 1979	1:30 p.m.
LB 109	Friday, February 2, 1979	10:30 a.m.

(Signed) Orval A. Keyes, Chairman

MOTION - Withdraw LB 300

Mr. Kahle moved to withdraw LB 300.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 289. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 70. Advanced to E & R for Engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 124A. By Koch, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 124, Eighty-sixth Legislature, First Session, 1979.

MOTION - Rule Change

Mr. DeCamp offered the following rule change:

PROPOSED RULE CHANGE

I move to amend Rule 7, Sec. 3 as follows:

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 suspend the rules
f. To amend
g. 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 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.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

Amend LB 124 to add the Emergency Clause

VISITORS

Visitor to the Chamber was J. W. "Pat" O'Meara, Executive Vice President, National Water Resources Association, Washington, D.C.

ADJOURNMENT

At 9:16 a.m., on a motion by Mr. Marvel, the Legislature adjourned until 9:00 a.m., Wednesday, January 24, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 24, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 24, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, show us the way to go that we cannot find alone. Help us to see how our colleagues and constituents look to Thee, and put out of our mind how they may see to us at times. Keep us on the right track; let us never feel so sorry for ourselves that we lose our way. We want more than anything to keep our relationship with people direct, warm, and steady. We know that we cannot always do this; we know we have not always done it. But help us this day to know what is right, give us the spirit of love for those with whom we work and for whom we are responsible, and then give us the power to do the right as we see it by Thy Spirit. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, George, Hoagland, Koch, Newell, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

TENTH DAY, page 237, correct line 24 to read:
"**LEGISLATIVE BILL 395.** By Landis, 46th District; Fowler, 27th District."
The Journal for the Tenth Day was approved as corrected.
The Journal for the Fourteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 124. Placed on Select File as amended.
E & R amendment to LB 124:
1. In the title, insert "and physically handicapped" at the end of line 5.

Correctly Engrossed

The following bill was correctly engrossed: 70.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 24, 1979 at 8:20 a.m., were the following bills: 1, 2, 3, 4, 5, 6, and 7.

(Signed) Hazel Kaltenberger, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 288	Monday, February 12(Cancelled)	1:30 p.m.
LB 288	Monday, February 19(Reset)	1:30 p.m.
LB 415	Monday, February 12, 1979	1:30 p.m.

(Signed) John W. DeCamp, Chairman

Education

LB 127	Monday, January 29, 1979	10:30 a.m.
LB 425	Monday, January 29, 1979	10:30 a.m.
LB 264	Monday, January 29, 1979	1:30 p.m.
LB 305	Monday, January 29, 1979	1:30 p.m.
LB 141	Monday, January 29, 1979	1:30 p.m.
LB 426	Tuesday, January 30, 1979	10:30 a.m.
LB 464	Tuesday, January 30, 1979	10:30 a.m.
LB 526	Tuesday, January 30, 1979	1:30 p.m.
LB 248	Tuesday, January 30, 1979	1:30 p.m.

LB 15	Monday, February 5, 1979	10:30 a.m.
LB 135	Monday, February 5, 1979	10:30 a.m.
LB 126	Monday, February 5, 1979	1:30 p.m.
LB 133	Monday, February 5, 1979	1:30 p.m.
LB 290	Monday, February 5, 1979	1:30 p.m.
LB 522	Tuesday, February 6, 1979	10:30 a.m.
LB 46	Tuesday, February 6, 1979	1:30 p.m.
LB 226	Tuesday, February 6, 1979	1:30 p.m.

(Signed) Jerry Koch, Chairman

Miscellaneous Subjects

LB 323	Thursday, February 1, 1979	10:30 a.m.
LB 349	Thursday, February 1, 1979	10:30 a.m.
LB 474	Thursday, February 1, 1979	10:30 a.m.
LB 514	Thursday, February 1, 1979	1:30 p.m.
LB 484	Thursday, February 1, 1979	1:30 p.m.
LB 348	Friday, February 2, 1979	10:30 a.m.
LB 441	Friday, February 2, 1979	10:30 a.m.
LB 257	Friday, February 2, 1979	1:30 p.m.

(Signed) Dave Newell, Chairman

Nebraska Retirement Systems

LB 231	Tuesday, January 30, 1979	12:00 noon
LB 391	Tuesday, January 30, 1979	12:00 noon
LB 411	Tuesday, January 30, 1979	12:00 noon

(Signed) William H. Hasebroock, Chairman

EXPLANATION OF VOTE

Had I been present on January 22, 1979, I would have voted "aye" on LB 1 through LB 7.

(Signed) Elroy Hefner

MOTION - Suspend Rules

Mr. Marvel moved to suspend the rules, Rule 6, Section 6 (b), to take up LB 68 on Final Reading.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 68. With Emergency.

A BILL FOR AN ACT to amend section 81-885.01, Revised Statutes Supplement, 1978, relating to the State Real Estate Commission; to delete an erroneous interal(sic) reference; 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:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Burrows	Fowler	Keyes	Merz	Stoney
Carsten	Goodrich	Kremer	Murphy	Vickers
Chambers	Haberman	Labedz	Nichol	Wagner
Clark	Hasebroock	Lamb	Pirsch	Warner
Cope	Hefner	Landis	Reutzel	Wesely
Cullan	Johnson	Lewis	Rumery	
Duis	Kahle	Maresh	Schmit	
Dworak	Kelly	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Excused and not voting, 6:

Brennan	Hoagland	Newell
George	Koch	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 FILE

LEGISLATIVE BILL 34. E & R amendment found in the Journal on page 309 for the Fourteenth Day was adopted.

Advanced to E & R for Engrossment.

Mr. Kelly asked unanimous consent to be excused until 10:30. No objections. So ordered.

MOTION - Withdraw LB 300

Mr. Kahle renewed his pending motion found in the Journal on page 311 for the Fourteenth Day to withdraw LB 300.

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

GENERAL FILE

LEGISLATIVE BILL 187. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 11 present and not voting, 5 excused and not voting.

Mr. Cope asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 27. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 3 nays, 12 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 68.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 68.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 150. Placed on General File.

LEGISLATIVE BILL 192. Placed on General File as amended.
Standing Committee amendments to LB 192:

1. On page 6, strike beginning with "an" in line 7 through "to" in line 9.
2. On page 7, line 15 after the underscored period insert "If a sales tax refund is received by any state agency, board, or commission, such refund shall be credited to the fund from which payment was originally made."; and in line 16 after "Nebraska" insert "and".

LEGISLATIVE BILL 37. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 288	Monday, February 19, 1979(Cancelled)	1:30 p.m.

(Signed) John W. DeCamp, Chairman

Business and Labor

LB 351	Wednesday, January 31, 1979	10:30 a.m.
LB 18	Wednesday, January 31, 1979	1:30 p.m.
LB 444	Wednesday, January 31, 1979	1:30 p.m.
LB 358	Wednesday, February 7, 1979	10:30 a.m.
LB 113	Wednesday, February 7, 1979	1:30 p.m.
LB 114	Wednesday, February 7, 1979	1:30 p.m.

(Signed) Richard Maresh, Chairman

Judiciary

LB 306	Monday, January 29, 1979	10:30 a.m.
LB 292	Tuesday, January 30, 1979	1:30 p.m.
LB 315	Tuesday, January 30, 1979	1:30 p.m.
LB 319	Tuesday, January 30, 1979	1:30 p.m.
LB 373	Wednesday, January 31, 1979	10:30 a.m.
LB 234	Wednesday, January 31, 1979	1:30 p.m.
LB 374	Wednesday, January 31, 1979	1:30 p.m.
LB 372	Wednesday, January 31, 1979	1:30 p.m.
LB 375	Wednesday, January 31, 1979	1:30 p.m.
LB 316	Wednesday, January 31, 1979	1:30 p.m.
LB 372	Wednesday, January 31, 1979(Cancelled)	1:30 p.m.
LB 374	Wednesday, January 31, 1979(Cancelled)	1:30 p.m.
LB 375	Wednesday, January 31, 1979(Cancelled)	1:30 p.m.

(Signed) William E. Nichol, Chairman

Public Health and Welfare

LB 407	Tuesday, January 30, 1979	10:30 a.m.
LB 198	Tuesday, January 30, 1979	2:00 p.m.

(Signed) Samuel K. Cullan

Revenue

LB 211	Monday, January 29, 1979	10:30 a.m.
LB 263	Tuesday, January 30, 1979	10:30 a.m.
LB 246	Tuesday, January 30, 1979	2:00 p.m.
LB 302	Wednesday, January 31, 1979	10:30 a.m.

(Signed) Calvin F. Carsten, Chairman

MOTION - Rule Change

Mr. Fowler offered the following rule change:

1. Amend Rule 5, section 5 (b) as follows:
"(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.~~ After the tenth legislative day, any motion by a standing committee or a special committee to introduce a bill must receive a vote of three-fifths of the elected members of the Legislature for such bill to be introduced.".

Referred to Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

On line 24 page 2 strike language "but not be limited to".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 286, 294, 316, 327, 357, 359, 362, 381, 386, 387, 389, 398, 404, 423, 429, 433, 438, 448, 455, 457, 460, 462, 468, 471, 483, 499, 504, 509, and 525 through 535 inclusive, for the approval of the Nebraska State Legislature.

The Executive Board also reports that legislative bill 454 has been re-referred to the Miscellaneous Subjects Committee, and legislative bill 473 has been re-referred to the Agriculture and Environment Committee.

The attached Legislative Resolutions No. 6, 7, and 8 have been referred to the Executive Board.

LB	Committee
286	Appropriations
294	Revenue
316	Judiciary
327	Agriculture and Environment
357	Education
359	Agriculture and Environment
362	Revenue
381	Government, Military and Veterans Affairs
386	Miscellaneous Subjects
387	Government, Military and Veterans Affairs

389 Miscellaneous Subjects
398 Judiciary
404 Revenue
423 Miscellaneous Subjects
429 Government, Military and Veterans Affairs
433 Appropriations
438 Judiciary
448 Banking, Commerce and Insurance
468 Government, Military and Veterans Affairs
471 Judiciary
483 Judiciary
499 Banking, Commerce and Insurance
504 Miscellaneous Subjects
509 Miscellaneous Subjects
525 Public Health and Welfare
526 Education
527 Government, Military and Veterans Affairs
528 Banking, Commerce and Insurance
529 Judiciary
530 Public Health and Welfare
531 Public Health and Welfare
532 Public Health and Welfare
533 Nebraska Retirement Systems
534 Judiciary
535 Miscellaneous Subjects
455 Revenue
457 Miscellaneous Subjects
460 Miscellaneous Subjects
462 Miscellaneous Subjects
454 Re-referred to Miscellaneous Subjects
from Government, Military and Veterans Affairs
473 Re-referred to Agriculture and Environment
from Public Works

(Signed) Frank Lewis, Chairman
Executive Board

MOTION - Withdraw LB 459

Mr. Simon moved to withdraw LB 459.

Motion pending.

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Thursday and Friday, January 25 and 26. No objections. So ordered.

ADJOURNMENT

At 10:15 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Thursday, January 25, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 25, 1979

LEGISLATIVE JOURNAL

SIXTEENTH DAY - JANUARY 25, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 25, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father in heaven, we pray for the members of this body in their several responsibilities. Help them in their offices, in committees, and above all as they meet here in legislative session.
>
> May they never forget that what is said and done here is not done in a corner, but always under Thy scrutiny. May they feel the weight of their responsibilities before Thee, and remember the influence of a good example, that all who come to this place may have a stronger faith in government of the people, by the people, for the people.
>
> May the senators so speak and so act that all who wait upon them may be inspired, rather than disillusioned by what they see and hear and are asked to do. O Lord, make Thyself real to these men and women that each may feel Thee sitting beside him, and hear Thy voice, and win Thine approval in all things. So help them, God. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler, Hoagland, Johnson, Lewis, and Stoney who were excused until they arrive; and Messrs. Brennan and Koch who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 289. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: 34.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 24, 1979, at 10:30 a.m., was the following bill: 68.

(Signed) Hazel Kaltenberger, Enrolling Clerk

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 128. Placed on General File.

(Signed) Jerry D. Koch, Chairman

Public Health and Welfare

LEGISLATIVE BILL 95. Placed on General File.
LEGISLATIVE BILL 96. Placed on General File.
LEGISLATIVE BILL 97. Placed on General File.
LEGISLATIVE BILL 98. Placed on General File.
LEGISLATIVE BILL 79. Indefinitely postponed.
LEGISLATIVE BILL 173. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 190	Thursday, February 1, 1979	1:30 p.m.
LB 321	Thursday, February 1, 1979	1:30 p.m.
LB 326	Thursday, February 1, 1979	1:30 p.m.
LB 359	Thursday, February 1, 1979	1:30 p.m.

LB 342	Friday, February 2, 1979	1:30 p.m.
LB 399	Friday, February 2, 1979	1:30 p.m.
LB 497	Friday, February 2, 1979	1:30 p.m.
LB 501	Friday, February 2, 1979	1:30 p.m.

(Signed) Loran Schmit, Chairman

MOTION - Suspend Rules

Speaker Marvel moved to suspend Rule 6, Sec. 6(b) and take up LB 76 on Final Reading.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 76. With Emergency.

A BILL FOR AN ACT to amend sections 60-1603, 77-202.14, and 77-202.16, Reissue Revised Statutes of Nebraska, 1943, sections 60-1602, 60-1605, 77-202.12, and 77-1240.05, Revised Statutes Supplement, 1978, and section 77-202.15, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 6, Eighty-sixth Legislature, First Session, 1979, relating to taxation; to change the date for obtaining a permit and paying a tax; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 43:

Beutler	Fitzgerald	Kennedy	Marvel	Sieck
Burrows	George	Keyes	Merz	Simon
Carsten	Goodrich	Kremer	Murphy	Venditte
Clark	Haberman	Labedz	Newell	Vickers
Cope	Hasebroock	Lamb	Nichol	Wagner
Cullan	Hefner	Landis	Pirsch	Warner
DeCamp	Hoagland	Lewis	Reutzel	Wesely
Duis	Kahle	Maresh	Rumery	
Dworak	Kelly	Marsh	Schmit	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Brennan Fowler Johnson Koch Stoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

January 25, 1979

The Committee on Committees confirmation hearing for the appointment by Governor Charles Thone of A. T. Hinds as member of the Crime Victims Reparation Board had previously been scheduled for January 24, 1979.

Due to scheduling conflicts, the new hearing date for confirmation of the above mentioned appointment, will be held February 7, 1979 at 12:10 p.m., in Room 2102, State Capitol.

(Signed) Shirley Marsh, Chairperson

SELECT COMMITTEE REPORT
Committee on Committees

January 25, 1979

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor Charles Thone. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Dr. Janet Pieper, Director - Department of Personnel

VOTE: For: Marsh, Simon, Burrows, Cope, Hasebroock, Labedz, Newell, Schmit, Wesely (9). Against: Nichol, Reutzel (2). Not Voting: None. Absent: None. Excused: Cullan, Lewis (2).

Marilyn Bath, Member - Crime Victims Reparation Board
David O. Coolidge, Director - Department of Roads
Dan T. Drain, Director - Department of Environmental Control
Verne Moore, Jr., Chairperson - Crime Victims Reparation Board
Don Stenberg, Director - Office of Planning and Programming
Mickey Stewart, Director - Department of Agriculture

VOTE: For: Marsh, Simon, Burrows, Cope, Hasebroock, Labedz, Newell, Nichol, Reutzel, Wesely (10). Against: None. Not Voting: None. Absent: None. Excused: Cullan, Lewis, Schmit (3).

(Signed) Shirley Marsh, Chairperson

NOTICE OF COMMITTEE HEARING
Committee on Committees

January 25, 1979

The Committee on Committees will meet at 12:10 p.m., Wednesday, January 31, 1979, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments as follows:

George Miller - Nebraska Coordinating Commission for Postsecondary Education
Rex J. Kelly - State Board of Health
Bennard W. Preis - Manufactured Housing Advisory Board
Clifford B. Dudley - Manufactured Housing Advisory Board
Ted Reeder - Manufactured Housing Advisory Board
J. E. Clemens - Manufactured Housing Advisory Board

(Signed) Shirley Marsh, Chairperson

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 445	Thursday, February 1, 1979	1:30 p.m.
LB 446	Thursday, February 1, 1979	1:30 p.m.
LB 366	Thursday, February 1, 1979	1:30 p.m.
LB 434	Friday, February 2, 1979	1:30 p.m.
LB 435	Friday, February 2, 1979	1:30 p.m.
LB 437	Friday, February 2, 1979	1:30 p.m.
LB 11	Friday, February 2, 1979	1:30 p.m.
LB 99	Thursday, February 8, 1979	1:30 p.m.
LB 383	Thursday, February 8, 1979	1:30 p.m.
LB 379	Thursday, February 8, 1979	1:30 p.m.

LR 5	Friday, February 9, 1979	1:30 p.m.
LB 350	Friday, February 9, 1979	1:30 p.m.
LB 320	Friday, February 9, 1979	1:30 p.m.
LB 436	Thursday, February 15, 1979	1:30 p.m.
LB 175	Thursday, February 15, 1979	1:30 p.m.
LB 453	Thursday, February 15, 1979	1:30 p.m.

(Signed) Barry L. Reutzel, Chairman

Public Works

LB 287	Wednesday, January 31, 1979	2:00 p.m.
LB 431	Thursday, February 8, 1979	2:00 p.m.
LB 458	Friday, February 9, 1979	2:00 p.m.
LB 461	Friday, February 9, 1979	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Revenue

LB 242	Tuesday, January 30, 1979	2:00 p.m.
LB 103	Wednesday, February 7, 1979	2:00 p.m.
LB 105	Wednesday, February 7, 1979	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 84. Placed on General File as amended.
Standing Committee amendments to LB 84.

1. Strike original sections 1, 3, 4, 5, and 6.
2. On page 2, line 17, strike the second "for", show as stricken, and strike "one year".
3. On page 4, line 19, strike "sections 77-207," and insert "section"; in line 20 strike "77-1903, 77-1904, and 77-1917,"; and in line 21 strike "are" and insert "is".
4. Renumber remaining sections accordingly.

(Signed) Calvin F. Carsten, Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 10
January 22, 1979

Re: Whether enabling legislation for section 1122 reviews is necessary if the reviews are to continue.

Dear Senator Cullan:

Your committee has been asked to sponsor a bill which would authorize the Department of Health to conduction section 1122 reviews. You wonder whether it is necessary to have state enabling legislation in order for such reviews to continue.

As you know, the department has been conducting such reviews for several years. It has done so on the basis of a contract it made on behalf of the State of Nebraska with the Secretary of Health, Education and Welfare. The terms of section 1122 of the Social Security Act (42 U.S.C. section 1320a-1) are restated in that contract. The contract also requires the state to comply with the federal rules and regulations for implementing that section. It requires the department itself to make rules governing certain aspects of the program.

The Secretary is authorized by section 1122 to make such a contract with any state which is "able and willing" to agree that a designated planning agency will conduct reviews of proposed capital expenditures by certain health care facilities and health maintenance organizations and make recommendations on whether they are needed. If so, the facility making the expenditure may get reimbursements under several federal programs, including Medicare.

There is no corresponding state legislation expressly authorizing the department to enter into such a contract or to conduct such reviews. The department did so because the Governor named the Section of Hospital and Medical Facilities of the department as the designated planning agency to conduct section 1122 reviews and the Board of Health as the appeal board for such reviews.

In making those appointments, the Governor relied on section 84-109, R.R.S. 1943. It provides in part:

> "Wherever statewide projects contributed to by any federal agency are initiated within the state, and there is no state agency which is authorized by law to sponsor the same, the same may be sponsored by the governor. . . .[T]he Governor may delegate actual performance of such duties as may be necessary to any department or agency of the state. . . ."

Judge Urbom in a recent federal case found the department had authority to make the rules and regulations required by the contract with the Secretary of HEW. He did so by inferring that section 1122 was incorporated by reference in section 71-2002(2), R.R.S. 1943. We based our approval of such rules and regulations on Judge Urbom's opinion.

However, we find problems with both section 84-109 and section 71-2002(2) as sources of authority for the department to conduct section 1122 reviews and to make rules to facilitate them. Both laws were enacted prior to section 1122. If they are interpreted as authorizing such reviews and rules, then the making of Nebraska law has been delegated to Congress and the determination of which federal laws are to operate in Nebraska has been delegated to the Governor. Neither the Congress nor the Governor should be deciding whether Nebraska is "able and willing" to make section 1122 reviews because under the Nebraska Constitution all legislative power is vested in the Legislature except that which is reserved to the people.

So far the Secretary of HEW has continued to require such reviews as a condition for federal reimbursements under certain programs to health care facilities or health maintenance organizations making capital expenditures as defined in section 1122. However, it is questionable whether the State of Nebraska is "able and willing" to conduct such reviews at the present time. If the Legislature wants to assure the continuation of such reviews, it should enact enabling state legislation.

Sincerely yours,
Paul L. Douglas
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Rule Change

Mr. Lamb offered the following rule change:

Sec. 5. Introduction of Bills.
(b) A bill may be introduced at the request of the Governor at any time. A motion to introduce a committee bill during the first ten legislative days shall require an affirmative vote of a majority of the elected members of the legislature. After the tenth legislative day, 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.

Referred to the Rules Committee.

MOTION - Withdraw LB 163

Messrs. Newell, Sieck, Simon, Fitzgerald, and Murphy of the Miscellaneous Subjects Committee moved to withdraw LB 163.

Motion pending.

SELECT FILE

LEGISLATIVE BILL 124. E & R amendments found in the Journal on page 315 for the Fifteenth Day were adopted.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 49. Title read. Considered.

Standing Committee amendments found in the Journal on page 310 for the Fourteenth Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Lamb moved to indefinitely postpone.

The motion prevailed with 23 ayes, 15 nays, 8 present and not voting, and 3 excused and not voting.

MOTION - Withdraw LB 459

Mr. Simon renewed his pending motion found in the Journal on page 322 for the Fifteenth Day to withdraw LB 459.

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

GENERAL FILE

LEGISLATIVE BILL 150. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORT
Committee on Committees

January 25, 1979

The Committee on Committees desires to report the following appointments to serve on the Energy Committee whose chairperson is Senator Neil Simon and vice chairperson is Senator Maurice Kremer.

Senator Steve Fowler
Senator Don Wesely
Senator Peter Hoagland
Senator Loran Schmit
Senator Rex Haberman
Senator Howard Lamb

(Signed) Shirley Marsh, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 73. Placed on General File.

LEGISLATIVE BILL 72. Indefinitely postponed.

(Signed) John DeCamp, Chairman

Urban Affairs

LEGISLATIVE BILL 47. Placed on General File.

(Signed) Walter George, Chairman

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 478	Tuesday, February 6, 1979	3:00 p.m.
LB 288	Monday, February 26, 1979	1:30 p.m.
LB 439	Monday, February 26, 1979	2:15 p.m.
LB 440	Monday, February 26, 1979	2:45 p.m.

LB 528	Monday, February 26, 1979	3:30 p.m.
LB 216	Tuesday, February 6, 1979(Cancelled)	3:00 p.m.
LB 216	Tuesday, February 27, 1979(Reset)	1:30 p.m.

(Signed) John DeCamp, Chairman

Urban Affairs

LB 281	Wednesday, February 14, 1979	2:00 p.m.
LB 293	Wednesday, February 14, 1979	2:00 p.m.
LB 303	Wednesday, February 14, 1979	2:00 p.m.
LB 356	Wednesday, February 14, 1979	2:00 p.m.
LB 419	Wednesday, February 21, 1979	2:00 p.m.
LB 432	Wednesday, February 21, 1979	2:00 p.m.
LB 495	Wednesday, February 21, 1979	2:00 p.m.

(Signed) Walter George, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following in the Journal. No objections. So ordered.

To add a new subsection (d) to LR 6:

d. Require that study include an analysis and estimate of the total value of all tax exempt property by type of property, which gains such status either by the provisions of the constitution or by statute.

Referred to the Executive Board.

EXPLANATION OF VOTE

Had I been present on Final Reading, I would have voted aye on LB 76.

(Signed) Larry Stoney

ADJOURNMENT

At 10:16 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Friday, January 26, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 26, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> It is good, O Lord, that it is not custom that brings us again into this sacred moment of prayer, but our deep sense of need. Forgive us all that we talk too much and think too little. Forgive us all that we worry so often and pray so seldom. Most of all, O Lord, forgive us that, so helpless without Thee, we are yet so unwilling to seek Thy help. Give us grace to seek Thee with the whole heart, that seeking Thee we may find Thee, and finding Thee may love Thee, and loving Thee may keep Thy commandments and do Thy will. Amen.

ROLL CALL

The roll was called and all members were present except Mesdames Labedz and Pirsch; Messrs. Burrows, Chambers, Hoagland, Johnson, Keyes, and Wesely who were excused until they arrive; Messrs. Brennan, Kelly, Koch, Murphy, and Simon who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixteenth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 187. Placed on Select File.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 31. Placed on General File.
LEGISLATIVE BILL 90. Placed on General File.

LEGISLATIVE BILL 56. Placed on General File as amended.
Standing Committee amendments to LB 56:

1. On page 3, line 7 strike "and" and show as stricken; and in line 16 after "thereof" insert "; and (i) that upon written request of any person, geologic information, well logs, drilling samples, and other proprietary information filed with the commission in compliance with sections 57-901 to 57-921, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, or any rule, regulation, or order of the commission, may be held confidential for a period of not more than twelve months".

2. On page 5, strike line 1 and insert "Natural Gas Policy Act, P.L. 95-621, 92 Stat. 3350.".

(Signed) Maurice Kremer, Chairman

Revenue

LEGISLATIVE BILL 159. Placed on General File as amended.
Standing Committee amendments to LB 159:

1. Insert three new sections as follows:

"Section 1. That section 77-629, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-629. The Tax Commissioner shall each year make a levy, for purposes of taxation, against the value assessed and determined to exist in the state as provided in sections 77-626 and 77-627, at a rate which shall be equal, as nearly as may be, to the average rate of all general taxes, county, municipal, school, and local, levied throughout the several taxing districts of the state for the preceding year. When such rate of levy shall have been determined, the Tax Commissioner shall cause to be sent to each owner or operator of car line property a statement of the amount of valuation or assessment, the rate of the levy, and the amount of the tax, which tax so found and notified is required to be paid to the Tax Commissioner, within the time provided for the payment of general personal property taxes, who shall remit the same, less a three per cent collection fee, ~~for fiscal years 1973 to 1979,~~ to the State Treasurer for distribution among the counties,

proportionate to the populations thereof, for credit to the general fund. The collection fee shall be remitted to the State Treasurer for credit to the Tax Commissioner Revolving Fund. The Tax Commissioner may issue a distress warrant to compel payment of the same which may be served by any sheriff, any member of the Nebraska State Patrol, or any person specially deputized by the Tax Commissioner to serve the same. At the time of paying the tax the Tax Commissioner shall issue a receipt therefor in duplicate, one of which shall be given to the taxpayer and one filed with the State Treasurer at the time the tax collected is paid by the Tax Commissioner to the state treasury.

Sec. 2. That section 77-1241.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1241.09. (1) As motor vehicle taxes and registration fees are received by the Tax Commissioner pursuant to sections 60-305.09 and 77-1241.07, the Tax Commissioner shall transmit such taxes and fees to the State Treasurer, less a collection fee consisting of three per cent of motor vehicle taxes and three per cent of the thirty per cent of those registration fees collected pursuant to section 60-305.09 and deposited by the State Treasurer as provided in this subsection. ~~for fiscal years 1973 to 1979.~~ The State Treasurer shall deposit all such taxes and thirty per cent of the fees collected pursuant to section 60-305.09, except the collection fee, in the Motor Vehicle Tax Fund and all such fees, except thirty per cent of the fees collected pursuant to section 60-305.09, in the Highway Trust Fund. The collection fee shall be remitted to the State Treasurer for credit to the Tax Commissioner Revolving Fund.

(2) On or before the first day of April, 1970, and quarterly thereafter, the State Treasurer shall distribute all funds in the Motor Vehicle Tax Fund to the county treasurer of each county in the same proportion as the number of original motor vehicle registrations in each county bears to the total of all original registrations within the state in the registration year immediately preceding.

(3) Upon receipt of motor vehicle tax funds from the State Treasurer, the county treasurer shall allocate such funds to each taxing district of the county based on the percentage which motor vehicle registrations in each taxing district of the county bears to the total of all registrations within the county in the preceding calendar year, and distribute such funds to those political subdivisions which levy taxes in the same proportion that

the levy of each such taxing subdivision bears to the total of such levies within each taxing district.

(4) In the event any taxing district has been annexed, merged, dissolved or in any way absorbed into another taxing district any apportionment of motor vehicle taxes to which such taxing district would have been entitled shall be apportioned to the successor taxing district which has assumed the functions of the annexed, merged, dissolved, or absorbed taxing district.

(5) On or before March 1 of each year, the Department of Motor Vehicles shall furnish to the State Treasurer a tabulation showing the total number of original motor vehicle registrations in each county for the immediately preceding calendar year, which shall be the basis for computing the distribution of motor vehicle tax funds as provided in subsection (2) of this section.

Sec. 3. That section 77-1250, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1250. When levied, the tax shall be collected and paid to the Tax Commissioner, remitted to the State Treasurer and, less a three per cent collection fee, ~~for fiscal years 1973 to 1979,~~ distributed to the counties to the credit of the county general fund proportionate to the total assessed valuation of the county. The collection fee shall be remitted to the State Treasurer for credit to the Tax Commissioner Revolving Fund.".

2. On page 2, line 5 strike "periodically", show as stricken, and insert "annually", and strike "local" and insert "~~local~~ county"; in line 9 strike "Local" and insert "County"; and in line 10 strike "regularly" and insert "continually".

3. On page 2, line 12 strike "section" and insert "sections 77-629, 77-1241.09, 77-1250, and"; and in line 13 strike "is" and insert "are".

4. In the title, line 2 strike "section" and insrt(sic) "sections 77-629, 77-1241.09, 77-1250, and"; in line 5 after the semicolon insert "to make permanent certain collection fees;" and in line 6 strike "section" and insert "sections".

(Signed) Calvin F. Carsten, Chairman

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 404 Monday, February 5, 1979 10:30 a.m.

LB 360	Monday, February 5, 1979	2:00 p.m.
LB 361	Monday, February 5, 1979	2:00 p.m.
LB 362	Monday, February 5, 1979	2:00 p.m.
LB 317	Tuesday, February 6, 1979	10:30 a.m.
LB 144	Tuesday, February 6, 1979	2:00 p.m.
LB 294	Wednesday, February 7, 1979	10:30 p.m.

(Signed) Calvin F. Carsten, Chairman

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 25, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Becerra, Gary - Omaha, Omaha Police Union Local #1
Broman, Marvin E. - Lincoln, Safety Council of Nebraska
Campbell, Kathy - Lincoln, Junior League of Lincoln
Hintz, Joan V. - Lincoln, Nebraska Association of Public Employees
Kucera, Jay - Lincoln, Safety Council of Nebraska
Lombardi, Richard A. - Lincoln, Nebraskans for Reponsible Limited Bingo
Rasmussen, Dennis - Lincoln, Nebraska Chapter of the American Physical Therapy Association; Nebraska Health Care Association
Schneider, Edmund A., Jr. - Lincoln, Nebraska Optometric Association
Weber, Kappie - Lincoln, Religious Coalition for Abortion Rights
Whelan, Jerry - Lincoln, Nebraska Independent Oil and Gas Association

REPORT

Received a report from the Nebraska Department of Environmental Control on wastewater construction grants dated January 24, 1979.

COMMUNICATION

January 23, 1979

Patrick J. O'Donnell
Clerk of the Legislature
Nebraska Unicameral
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Thank you very much for your letter and the copy of Legislative Resolution 2.

We certainly appreciate this support, and I hope you will convey my appreciation to the members of the Legislature.

Best wishes,
(Signed) Tom Osborne
Head Football Coach

TO:sm

MOTION - Introduce Bill

Mr. Nichol moved the introduction of a new bill by the Committee on Judiciary (Req. #788).

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 536. By Judiciary Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Pirsch, 10th District; Stoney, 4th District; Wagner, 41st District.

A BILL FOR AN ACT to amend sections 29-2209, 29-2248, 29-2251, 29-2253, 29-2258, and 29-2259, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2249, 29-2250, and 29-2252, Revised Statutes Supplement, 1978, relating to judgment or conviction; to change the responsibilities and duties of the Nebraska District Court Judges Association and the Nebraska Probation System Committee with reference to the State Probation Administrator and the Field Probation Service; and to repeal the original sections.

MOTION - Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Req. #793).

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

A BILL FOR AN ACT to amend sections 2-1012, 2-1014, and 2-1024, Reissue Revised Statutes of Nebraska, 1943, relating to agriculture; to change licensing dates; to change provisions relating to nonresidents; to eliminate nonresident's permits; to delete provisions relating to a disease; to repeal the original sections, and also sections 2-1018, and 2-1039 to 2-1045, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

MOTION - Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Req.#801).

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 538. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Haberman, 44th District; Kahle, 37th District; Maresh, 32nd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to agriculture; to give the Department of Agriculture the power to assist in the administration of certain acts as prescribed.

MOTION - Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Req.#792).

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 539. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Kahle, 37th District; Nichol, 48th District; Haberman, 44th District; Burrows, 30th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 54-821, Revised Statutes Supplement, 1978, relating to commercial feed; to change the registration period; to provide a fee; and to repeal the original section.

MOTION - Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Req. #791).

Mr. Schmit moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Schmit motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Chair declared the Call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 540. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Kahle, 37th District; Nichol, 48th District; Burrows, 30th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 89-187, Reissue Revised Statutes of Nebraska, 1943, relating to weights and measures; to provide a penalty for late payment of fees as prescribed; to repeal the original section; and to declare an emergency.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 6(b) to take up LB 70 on Final Reading.

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

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 70. With Emergency.

A BILL FOR AN ACT relating to the legislative process; to provide duties for the Revisor of Statutes when the same section is passed in two or more bills without correlation; to provide the effect on a postponed or accelerated operative date on a repeal 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:

Beutler	Fitzgerald	Keyes	Marvel	Stoney
Burrows	Fowler	Kremer	Merz	Venditte
Carsten	George	Labedz	Newell	Vickers
Clark	Goodrich	Lamb	Nichol	Wagner
Cope	Hasebroock	Landis	Reutzel	Warner
Cullan	Hefner	Lewis	Rumery	Wesely
DeCamp	Kahle	Maresh	Schmit	
Dworak	Kennedy	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 2:

Duis Haberman

Excused and not voting, 9:

Brennan	Hoagland	Kelly	Murphy	Simon
Chambers	Johnson	Koch	Pirsch	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 289. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw Report

Mrs. Marsh asked unanimous consent to withdraw the report on the Energy Committee, found in the Journal on page 333 and substitute the following report. No objections. So ordered.

SELECT COMMITTEE REPORTS
Committee on Committees

January 26, 1979

The Committee on Committees desires to request an amended report relating to the Energy Committee as follows:

Senator Neil Simon, Chairperson
Senator Maurice Kremer, Vice Chairperson
Senator Steve Fowler
Senator Don Wesely
Senator Ernest Chambers
Senator Loran Schmit
Senator Rex Haberman
Senator Howard Lamb

(Signed) Shirley Marsh, Chairperson

Mrs. Marsh moved the adoption of the above report.

Mrs. Marsh moved for a Call of the House.

The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Mrs. Marsh requested a roll call vote on the adoption of the report.

Voting in the affirmative, 13:

Beutler	Fowler	Landis	Marvel	Wesely
Burrows	Keyes	Lewis	Newell	
DeCamp	Lamb	Marsh	Schmit	

Voting in the negative, 17:

Cope	Goodrich	Kennedy	Sieck	Wagner
Cullan	Hasebroock	Maresh	Stoney	
Dworak	Hefner	Merz	Venditte	
George	Kahle	Rumery	Vickers	

Present and not voting, 9:

Carsten	Duis	Kremer	Nichol	Warner
Clark	Fitzgerald	Labedz	Reutzel	

Absent and not voting, 1:

Haberman

Excused and not voting, 9:

Brennan	Hoagland	Kelly	Murphy	Simon
Chambers	Johnson	Koch	Pirsch	

The Marsh motion lost with 13 ayes, 17 nays, 9 present and voting, 1 absent and not voting, and 9 excused and not voting.

MOTION - Approve Appointments

Mrs. Marsh moved the adoption of the report of the Committee on Committees for the following Governor appointments found in the Journal on pages 327 and 328: Dr. Janet Pieper, Marilyn Bath, David O. Coolidge, Dan T. Drain, Verne Moore, Don Stenberg, and Mickey Stewart.

Voting in the affirmative, 27:

Burrows	Fitzgerald	Keyes	Marsh	Vickers
Carsten	George	Kremer	Marvel	Wagner
Clark	Hasebroock	Lamb	Reutzel	Wesely
Cope	Hefner	Landis	Rumery	
Duis	Kahle	Lewis	Schmit	
Dworak	Kennedy	Maresh	Stoney	

Voting in the negative, 1:

Merz

Present and not voting, 12:

Beutler	Fowler	Labedz	Sieck
Cullan	Goodrich	Newell	Venditte
DeCamp	Haberman	Nichol	Warner

Excused and not voting, 9:

Brennan	Hoagland	Kelly	Murphy	Simon
Chambers	Johnson	Koch	Pirsch	

The appointments were confirmed with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

MOTION - Withdraw LB 163

Mr. Newell renewed his pending motion found in the Journal on page 332 for the Sixteenth Day to withdraw LB 163.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

UNANIMOUS CONSENT - Re-refer LB 505

Mr. Nichol asked unanimous consent to re-refer LB 505 to the Judiciary Committee. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Requests

Mr. Fitzgerald asked unanimous consent to withdraw his request of today to re-refer LB 66, 168, 169, 201, 202, 204, and 206 to the Agriculture and Environment Committee. No objections. So ordered.

Mr. Reutzel asked unanimous consent to withdraw his request of today to re-refer LB 433 to the Constitutional Revision and Recreation Committee. No objections. So ordered.

MOTION - Re-refer Bills

Mr. Cullan moved to re-refer LB 460, 462, 452, 455, 457, and 423 to the Public Works Committee.

Mr. Lamb moved to amend the Cullan motion by striking LB 455, 452, and 423 from the motion.

Mr. Duis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 10 nays, and 17 not voting.

Speaker Marvel 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 Lamb amendment to the Cullan motion lost with 15 ayes, 17 nays, and 17 not voting.

Speaker Marvel moved the previous question. The question is, "Shall the debate now close?"The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Cullan asked unanimous consent to withdraw his motion. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Appropriations

State Claims Board - Monday, January 29, 1979(Cancelled) 10:30 a.m.
State Claims Board - Monday, February 26, 1979(Reset) 1:30 p.m.

Secretary of State - Thursday, February 1, 1979(Cancelled) 10:30 a.m.
Secretary of State - Monday, January 29, 1979(Reset) 10:30 a.m.

Nebraska Commission on Drugs - Friday, February 2, 1979(Cancelled) 10:30 a.m.
Nebraska Commission on Drugs - Tuesday, January 30, 1979(Reset) 1:30 p.m.

Nebraska Commission on Aging - Tuesday, January 30, 1979(Cancelled) 1:30 p.m.

Nebraska Commission on Aging - Tuesday, February 6, 1979(Reset) 10:30 a.m.

Nebraska Investment Council - Wednesday, January 31, 1979(Cancelled) 1:30 p.m.

Nebraska Investment Council - Friday, February 26, 1979(Reset) 1:30 p.m.

Educational Television Commission - Tuesday, February 6, 1979(Cancelled) 1:30 p.m.

Educational Television Commission - Friday, February 2, 1979(Reset) 10:30 a.m.

State Board of Agriculture - Friday, February 2, 1979(Cancelled) 10:30 a.m.
State Board of Agriculture - Thursday, February 15, 1979(Reset) 1:30 p.m.

Board of Landscape Architects - Monday, January 29, 1979(Cancelled) 1:30 p.m.
Board of Landscape Architects - Monday, January 29, 1979(Reset) 10:30 a.m.

State Department of Education - Tuesday, February 6, 1979(Cancelled) 10:30 a.m.

State Department of Education - Thursday, February 22, 1979(Reset) 1:30 p.m.

(Signed) Jerome Warner, Chairman

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 13. Placed on General File as amended.
Standing Committee amendment to LB 13:

1. On page 2, line 2 strike "over that" and insert "in a manner that will not restrict or impair the intended purpose, function, or operation of a"; and in line 13 after "lateral" insert "; Provided, that if such project is undertaken independently, the owner or operator of such irrigation ditch, canal, or lateral shall approve the design of the project prior to any construction".

(Signed) Walter George, Chairman

VISITORS

Visitors to the Chamber were Mr. and Mrs. Doyle Wineland, Lucy Valle, Cal and Tasha from Venezuela.

ADJOURNMENT

At 10:25 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Monday, January 29, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - JANUARY 29, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 29, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father, before we become involved in the routine of this day - with our committees and hearings, our meetings and decisions, and the many interests which clamor for our attention and the people who want us to vote this way and that - we pause to seek Thy help. Experienced in the ways of men, we know all too little of the ways of God.
>
> Thou knowest us, each one, by name and by our need. Turn our wayward minds and hearts to Thee. Forgive the faults and failures of the past and set us free from them. Forgive our failure to apply to ourselves the standards of conduct we demand of others. Forgive our slowness to see the good in 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 through us in our common service. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. George, Hoagland, Kelly, Newell, and Venditte who were excused until they arrive; and Messrs. Brennan, Lewis, and Murphy who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 150. Placed on Select File as amended.
E & R amendment to LB 150:
1. On page 2, line 17, insert an underscored comma after "located".

Correctly Engrossed

The following bill was correctly engrossed: 289.

Correctly Enrolled

The following bills were correctly enrolled: 70 and 76.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 70 and 76.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 91. Placed on General File.
LEGISLATIVE BILL 111. Placed on General File.
LEGISLATIVE BILL 148. Placed on General File.

LEGISLATIVE BILL 117. Placed on General File as amended.
Standing Committee amendments to LB 117:
1. On page 2, lines 7 and 13 strike "two thousand" and insert "seven hundred fifty".
2. On page 3, line 27 strike "two thousand" and insert "seven hundred fifty".

LEGISLATIVE BILL 131. Placed on General File as amended.
Standing Committee amendment to LB 131:
1. On page 2, line 12, reinstate the stricken matter; and in line 13 strike "operating a vehicle in violation of".

(Signed) William E. Nichol, Chairman

MESSAGE FROM THE GOVERNOR

January 25, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 68.
This bill was signed by me on January 24, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

MOTION - Introduce Bill

Mr. Nichol moved the introduction of a new bill by the Committee on Judiciary (Req. #635).

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 541. By Judiciary Committee: Nichol, 48th District, Chairman; Pirsch, 10th District; Reutzel, 15th District; Stoney, 4th District; Haberman, 44th District.

A BILL FOR AN ACT to adopt the Nebraska Act to Free Children For Permanent Placement; to amend section 43-209, Revised Statutes Supplement, 1978; to provide for severability; to provide an operative date; and to repeal the original section.

MESSAGE FROM THE GOVERNOR

January 29, 1979

Mr. President, Mr. Speaker
Members of the 86th Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I am transmitting herewith as provided by law my recommendations for supplemental appropriations for Fiscal Year 1978/1979. This recommendation totals $8.0 million from the General Fund.

Upon entering office January 4, 1979, I was presented with large deficits in several areas. Even though these have subsequently been reduced, they nevertheless point to large and continuing problems - particularly in the Medicaid program and other cost reimbursements areas.

I invite your particular attention to my request for $700,000 for the Governor's Emergency Fund. These funds will provide for the remaining obligations incurred by last Spring's flooding, the current emergency conditions in the Sandhills, and other emergencies which may occur this coming Spring. It is my recommendation that this fund be maintained at the $500,000 level to meet future emergency conditions. Your early consideration of this request is vital.

In addition, I am recommending $800,000 as the state's share of a $2.4 million cooperative Federal-State-Local Grasshopper spraying program as a supplemental appropriation. These funds will allow the Department of Agriculture to initiate early action to prevent the predicted grasshopper egg hatch this spring, and will allow spraying of 2,000,000 acres. Your favorable consideration of this request is necessary to ensure early availability of funds for this critical program.

Other major recommendations include:

-$2.9 million for increased medicaid costs and a $1.0 million shortfall in expected federal welfare relief.

-$2.7 million for the Department of Education. This recommendation includes $258,000 for increased cost reimbursement for wards of the state, $2.2 million for special education and transportation, and $184,000 to replace a tuition shortfall at the School for the visually handicapped.

-$213,000 for the University of Nebraska for veterinary medicine student contracts.

-$254,000 for increased costs of the Nebraska Employee Information System.

-$200,000 for the Department of Revenue Homestead Exemption Program.

I have not provided for increases in Personal Services Limitations in my recommendations. It is my understanding that your Appropriations Committee will address this area.

Yours truly,
(Signed) Charles Thone
Governor

BILLS ON FIRST READING

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

LEGISLATIVE BILL 542. By Speaker Marvel, 33rd District, at the request of the Governor.

A BILL FOR AN ACT to amend Laws 1977, LB 549, section 38, Laws 1978, LB 951, section 9, Laws 1978, LB 952, sections 4 and 8, Laws 1978, LB 953, sections 3, 4, 6, 10, 12, 16, 17, 24, 27, 31, 38, and 41, Laws 1978, LB 953, sections 7, 18, and 28, with appropriations reduced by line-item vetos, and Laws 1978, LB 954, sections 4 to 8 and 10, relating to appropriations; to make, increase, and reduce appropriations; to authorize and appropriate for capital construction projects; to change expenditure limitations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 543. By Speaker Marvel, 33rd District, at the request of the Governor.

A BILL FOR AN ACT to amend Laws 1978, LB 930, section 1, relating to appropriations; to decrease an appropriation; to make a deficiency appropriation; to repeal the original section; and to declare an emergency.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Section 6(b) and to read LB 34 on Final Reading today.

The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 34. With Emergency.

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 purpose of reciprocity; 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:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Burrows	Fowler	Koch	Merz	Stoney
Carsten	George	Kremer	Nichol	Vickers
Cope	Haberman	Labedz	Pirsch	Wagner
Cullan	Hasebroock	Lamb	Reutzel	Warner
DeCamp	Hefner	Landis	Rumery	Wesely
Duis	Johnson	Maresh	Schmit	
Dworak	Kahle	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Clark	Goodrich	Keyes

Excused and not voting, 7:

Brennan	Kelly	Murphy	Venditte
Hoagland	Lewis	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.

EXPLANATION OF VOTE

Had I been present, I would have voted for LB 34, introduced by Senator Maresh.

(Signed) Dave Newell

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 10. Placed on General File as amended.
Standing Committee amendments to LB 10:

1. On page 2, line 14 strike "81-815.01 to 81-815.20" show as stricken and insert "37-1201 to 37-1274, Revised Statutes Supplement, 1978"; strike beginning with "for" in line 14 through "and" in line 15 and show "and" as stricken; in line 19 after "Nebraska" insert ", and for the payment of refunds pursuant to section 2 of this act"; and in line 25 after "made" insert "by the personal representative of the deceased".

2. Insert a new section as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 77. Indefinitely postponed.

(Signed) Barry L. Reutzel, Chairman

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 9. Title read. Considered.

Standing Committee amendments found in the Journal on page 293 for the Thirteenth Day were adopted with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

Mr. Clark offered the following amendments to LB 9:

1. On page 4, line 8 strike "board" and insert "Board of Examiners in Optometry" and in lines 9, 10, and 13 strike "by the board" and insert "by the department upon the recommendation of the Board of Examiners in Optometry".

2. In standing committee amendment 1, line 4 strike "antiseptics," and after "miotics" insert "for emergency purposes only".

The amendments were adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Mr. Dworak offered the following amendment to LB 9:

In committee amendment strike "miotics" and in the Clark amendment strike "miotics for emergency purposes only".

Mr. Dworak requested a record vote on his amendment.

Voting in the affirmative, 13:

Beutler	Haberman	Koch	Schmit	Wesely
Dworak	Kelly	Marsh	Simon	
Fitzgerald	Keyes	Rumery	Stoney	

Voting in the negative, 25:

Burrows	DeCamp	Hefner	Landis	Reutzel
Carsten	Duis	Johnson	Maresh	Sieck
Clark	Fowler	Kahle	Marvel	Vickers
Cope	George	Kennedy	Nichol	Wagner
Cullan	Hasebroock	Kremer	Pirsch	Warner

Present and not voting, 5:

Chambers	Goodrich	Labedz	Lamb	Merz

Excused and not voting, 6:

Brennan	Lewis	Newell
Hoagland	Murphy	Venditte

The amendment lost with 13 ayes, 25 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?". The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Advanced to E & R for Review with 31 ayes, 9 nays, 3 present and not voting, and 6 excused and not voting.

MESSAGE FROM THE GOVERNOR

January 29, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 1, 2, 3, 4, 5, 6 and 7. These bills were signed by me on January 26, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 45. Placed on General File.
LEGISLATIVE BILL 112. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

Business and Labor

LEGISLATIVE BILL 51. Placed on General File.
LEGISLATIVE BILL 53. Placed on General File.
LEGISLATIVE BILL 215. Placed on General File.

(Signed) Richard Maresh, Chairman

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 430	Wednesday, February 7, 1979	10:30 a.m.
LB 507	Wednesday, February 7, 1979(Cancel)	10:30 a.m.
LB 508	Wednesday, February 7, 1979(Cancel)	10:30 a.m.
LB 282	Wednesday, February 14, 1979	1:30 p.m.
LB 420	Wednesday, February 14, 1979	1:30 p.m.
LB 502	Wednesday, February 14, 1979	1:30 p.m.
LB 347	Thursday, February 15, 1979	1:30 p.m.
LB 469	Wednesday, February 21, 1979	1:30 p.m.
LB 507	Wednesday, February 21, 1979(Reset)	1:30 p.m.

LB 508	Wednesday, February 21, 1979(Reset)	1:30 p.m.
LB 284	Thursday, February 22, 1979	1:30 p.m.
LB 330	Thursday, February 22, 1979	1:30 p.m.
LB 395	Thursday, February 22, 1979	1:30 p.m.
LB 243	Friday, February 23, 1979	1:30 p.m.
LB 254	Friday, February 23, 1979	1:30 p.m.
LB 270	Wednesday, February 28, 1979	1:30 p.m.
LB 255	Wednesday, February 21, 1979	1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 9.

Introduced by Maresh, 32nd District; Burrows, 30th District; George 16th District.

WHEREAS, farmers in and around the communities of Jansen, Harbine, Beatrice, Tekamah, and Blair have made a heavy investment of personal and economic resources in their farming efforts; and

WHEREAS, this investment is reflected in high productivity of fine agricultural products; and

WHEREAS, the farming industry here, as in other areas of our state, depended on rail transportation of their products to markets; and

WHEREAS, abatement of rail service to these communities would require use of more expensive alternate transportation of commodities and necessitate higher fuel consumption which could be reflected ultimately in (1) lower prices for agricultural products, (2) farm income eroded by increased costs of production, and (3) waste of energy; and

WHEREAS, the Rock Island Railroad and the Chicago Northwestern Transportation Company Railroad have proposed abandonment of rail lines which would directly affect the above named communities; and

WHEREAS, this contemplated abandonment has prompted the introduction of LB 507 and LB 508 in the Eighty-Sixth Legislature of Nebraska relating to branch rail lines, and a request for a public hearing before the Nebraska Public Service Commission; and

WHEREAS, there is concern that action by the Interstate Commerce Commission on the proposed abandonment might come before state government has time to resolve this program.

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

1. That the Legislature requests and urges the Interstate Commerce Commission to delay action upon the proposed abandonment described herein until legislative action on LB 507 and LB 508 has been taken and the deliberations of the Nebraska Public Service Commission have ended.

2. That it is hoped and urged that Interstate Commerce Commission action will further be delayed until the completion and evaluation of a report by the United States Department of Agriculture relating to operation of branch rail lines by local citizens.

3. That the Legislature request no further federal action be taken on any proposed rail abandonment until other states have finished deliberations on Branch Rail Revitalization Act legislation pending in various state legislatures.

Laid over.

LEGISLATIVE RESOLUTION 10.

Introduced by Newell, 13th District; Beutler, 28th 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; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Haberman, 44th District; Hasebroock, 18th District; Hefner, 19th District; Johnson, 8th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Merz, 1st District; Nichol, 48th District; Pirsch, 10th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Simon, 31st District; Stoney, 4th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, Mr. Randy Schilling has been a valuable employee of the Nebraska Game and Parks Commission; and

WHEREAS, Randy Schilling has a record of meritorious and noble service to the people of the State of Nebraska; and

WHEREAS, Mr. Randy Schilling passed from this life January 25, 1979 while in active duty to the State of Nebraska.

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

1. That the Legislature extends its sympathies to the family of Randy Schilling and gratefully acknowledges his contribution to the Game and Parks Commission and the people of the State of Nebraska.

2. That a copy of this resolution be presented to the family of Randy Schilling.

Laid over.

LEGISLATIVE RESOLUTION 11.

Introduced by Newell, 13th District; Beutler, 28th 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; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Haberman, 44th District; Hasebroock, 18th District; Hefner, 19th District; Johnson, 8th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Merz, 1st District; Nichol, 48th District; Pirsch, 10th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Simon, 31st District; Stoney, 4th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, Mr. Jack Sinn has been sited as one of the finest wildlife biologist employed by the Nebraska Game and Parks Commission; and

WHEREAS, Mr. Jack Sinn has been a public servant to the people of the State of Nebraska for twelve years; and

WHEREAS, Jack Sinn departed from this life January 25, 1979 while in service of the State of Nebraska.

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

1. That the Legislature extends its sympathies to the family of Mr. Jack Sinn and gratefully acknowledges his contribution ot(sic) the Game and Parks Commitssion(sic) and people of the State of Nebraska.

2. That a copy of this resolution be presented to the family of Mr. Jack Sinn.

Laid over.

ADJOURNMENT

At 10:25 a.m., on a motion by Mr. Kremer, the Legislature adjourned until 9:00 a.m., Tuesday, January 30, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - JANUARY 30, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 30, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear Lord, as we drive about these days it is so easy to become stuck in the snow and ice, and the ruts which they create. It's also easy to become stuck in the ruts in which we often are travelling through life, we often spin our wheels, assuming that only if we run faster we'll make progress, while we ought to rest, and remember who we are, and gain some traction from trusting Your truth. Sometimes the only way to get out of a rut is to make a turn to the right, or to the left, and realize that other people who are different from us may have something to teach us. And, even sometimes Lord, we need to back up, to reverse some decision, before we can make any more progress. If this is true of any of us here today, we ask that You will help us get out of our ruts, in our thinking, in our praying, in our voting, for the only difference between a rut and a grave, is that a grave is a rut with the ends knocked off. Don't let that happen to us, not this session, not ever, as Senators, as sinners, as saints, or as survivors in the journey of life. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. Fowler, Johnson, Koch, Lewis, and Venditte who were excused until they arrive; and Messrs. Brennan and Murphy who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 67. Placed on General File as amended.
Standing Committee amendment to LB 67:

1. On page 5, strike beginning with the underscored comma in line 7 through "Nebraska" in line 10.

(Signed) Richard Maresh, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 22. Placed on General File.

LEGISLATIVE BILL 38. Placed on General File as amended.
Standing Committee amendments to LB 38:

1. Insert the following new sections:

"Section 1. That section 81-855, Revised Statutes Supplement, 1978, be amended to read as follows:

81-855. It shall be unlawful for this state, or any of its political subdivisions, except as provided in section 81-853, to engage in the construction of any public works involving professional engineering or architecture unless the plans and specifications and estimates have been prepared, and the construction executed, under the immediate supervision of a registered professional engineer or registered professional architect; Provided, that nothing in this section shall be held to apply to any public work wherein the contemplated expenditure for the complete project does not exceed ~~forty~~ one hundred thousand dollars.

Sec. 3. That section 81-1108.41, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108.41. An appropriation for drawings and construction may be made only after submission of an acceptable program statement on or before September 15 of the year previous to the initiation of such appropriation. Such program statement shall be submitted to the state building division and the Executive Board of the Legislative Council. No contract for the planning, design, or construction of a new facility or major modification or repair of an existing facility provided for by any state appropriation may be initiated unless an acceptable program statement has been approved by the

Governor and the conditions of the contracts are approved in writing by the Governor; Provided, that the provisions of this section shall not apply to projects whose total design and construction cost is less than ~~fifty~~ one hundred thousand dollars. Such program statements and contracts shall be reviewed by the division. The division shall file a written report on each program statement and contract reviewed with the Governor and the Executive Board of the Legislative Council. This report shall cover the consistency of the project with the agency or department six-year plan for capital construction. A subsequent review and report upon completion of the planning or design phase of the project shall indicate the compatibility of the project with the agency or department six-year plan for capital construction, compare the probable cost of the project with accepted cost standards for similar construction projects, and review the relationship of the project to other state agency or departmental capital facilities in the same complex. The Director of Administrative Services may delegate the division duties of reviewing contracts and filing of reviews and reports with respect to any state agency or department to one or more persons within such agency or department if he or she shall find that, in order to achieve compliance with the provisions of sections 81-1108.09 and 81-1108.41 to 81-1108.43, such delegation is in the best interests of the State of Nebraska.".

2. On page 2, line 6, after "professional" insert "consulting"; in line 9 after the comma insert "or in the administration of the construction documents and final approval of such documents,"; in line 19 after the comma insert "irrigation district,", in line 19 after the period insert "If, during the program statement review provided under section 81-1108.41, it is determined that existing or standard plans and specifications are available or required for the project, the Governor may authorize an exemption from this section."; and in line 26 strike "section" and insert "sections 81-1108.41 and", and in line 27 strike "is" and insert "and section 81-855, Revised Statutes Supplement, 1978, are".

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 85. Placed on General File as amended.
Standing Committee amendment to LB 85:

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 115. Placed on General File as amended.
Standing Committee amendments to LB 115:

1. On page 2, line 6 strike "appoint", show as stricken, and insert "employ"; after line 9 insert "A surveyor employed under this section shall serve the same term as that of an elected surveyor and is not required to reside in the county of employment."; in line 20 strike "A" and insert "When there is a qualified surveyor within a county who will accept the office of county surveyor if elected, a"; in line 23 after "thereafter" insert "; Provided, that in counties where the county surveyor is an ex officio county engineer as provided in section 23-1901, Reissue Revised Statutes of Nebraska, 1943, the office of surveyor shall be full time".

2. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval according to law.".

(Signed) Orval Keyes, Chairman

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 374	Monday, February 5, 1979	10:30 a.m.
LB 375	Monday, February 5, 1979	1:30 p.m.
LB 377	Monday, February 5, 1979	1:30 p.m.
LB 372	Monday, February 5, 1979	1:30 p.m.
LB 378	Tuesday, February 6, 1979	10:30 a.m.
LB 384	Tuesday, February 6, 1979	1:30 p.m.
LB 394	Tuesday, February 6, 1979	1:30 p.m.
LB 396	Tuesday, February 6, 1979	1:30 p.m.
LB 406	Wednesday, February 7, 1979	10:30 a.m.
LB 388	Wednesday, February 7, 1979	10:30 a.m.
LB 398	Wednesday, February 7, 1979	1:30 p.m.
LB 438	Wednesday, February 7, 1979	1:30 p.m.
LB 409	Wednesday, February 7, 1979	1:30 p.m.
LB 541	Wednesday, February 14, 1979	10:30 a.m.

LB 222	Wednesday, February 21, 1979	7:30 p.m.
LB 470	Monday, February 5, 1979	10:30 a.m.

(Signed) William E. Nichol, Chairman

Government, Military and Veterans Affairs

LB 137	Thursday, February 8, 1979	10:30 a.m.
LB 88	Thursday, February 8, 1979	10:30 a.m.
LB 101	Thursday, February 8, 1979	1:30 p.m.
LB 208	Friday, February 9, 1979	10:30 a.m.
LB 86	Friday, February 9, 1979	10:30 a.m.
LB 195	Friday, February 9, 1979	1:30 p.m.

(Signed) Orval Keyes, Chairman

MOTION - Introduce Bill

Mr. Kremer moved the introduction of a new bill by the Committee on Public Works (Req. #784).

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 544. By Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Clark, 47th District; Goodrich, 20th District; Kennedy, 21st District.

A BILL FOR AN ACT to amend section 46-277, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to change provisions for inspection of dams as prescribed; and to repeal the original section.

MOTION - Introduce Bill

Mr. Kremer moved the introduction of a new bill by the Committee on Public Works (Req. #785).

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 545. By Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Clark, 47th District; Goodrich, 20th District; Kennedy, 21st District.

A BILL FOR AN ACT to amend section 46-238, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to change application requirements as prescribed; and to repeal the original section.

MOTION - Introduce Bill

Mr. Kremer moved the introduction of a new bill by the Committee on Public Works (Req. #786).

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 546. By Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Clark, 47th District; Goodrich, 20th District; Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 2-3254 and 46-1011, Reissue Revised Statutes of Nebraska, 1943, relating to water; to change provisions for filing of information and approval of projects and improvements relating to domestic water supplies; to change duties; and to repeal the original sections.

MOTION - Introduce Bill

Mr. Kremer moved the introduction of a new bill by the Committee on Public Works (Req. #787).

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 547. By Public Works Committee: Kremer, 34th District, Chairman; Cullan, 49th District; Clark, 47th District; Goodrich, 20th District; Kennedy, 21st District.

A BILL FOR AN ACT to amend section 33-105, Revised Statutes Supplement, 1978, relating to the Department of Water Resources; to change certain fees as prescribed; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 187. Laid over at the request of Mr. Warner.

LEGISLATIVE BILL 150. E & R amendment found in the Journal on page 350 for the Eighteenth Day was adopted.

Mr. Carsten offered the following amendment:
1. On page 2, line 18, strike "shall" and insert "may".

Mr. Carsten moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, 29 not voting.

The Carsten amendment lost with 23 ayes, 10 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 34.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 34.

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 30, 1979 at 9:15 a.m. were the following bills: 76 and 70.

(Signed) Hazel Kaltenberger, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 298	Monday, February 5, 1979	10:30 a.m.
LB 427	Monday, February 5, 1979	10:30 a.m.
LB 297	Monday, February 5, 1979	2:00 p.m.
LB 299	Monday, February 5, 1979	2:00 p.m.
LB 355	Tuesday, February 6, 1979	10:30 a.m.
LB 428	Tuesday, February 6, 1979	10:30 a.m.
LB 161	Tuesday, February 6, 1979	2:00 p.m.
LB 370	Tuesday, February 6, 1979	2:00 p.m.

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 9. Read. Considered.

LR 9 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 10. Read. Considered.

LR 10 was adopted with 37 ayes, 0 nays, and 12 not voting.

LEGISLATIVE RESOLUTION 11. Read. Considered.

LR 11 was adopted with 37 ayes, 0 nays, and 12 not voting.

GENERAL FILE

LEGISLATIVE BILL 192. Title read. Considered.

SPEAKER MARVEL PRESIDING

Standing Committee amendments found in the Journal on page 319 for the Fifteenth Day were adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 128. 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 95. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 96. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 97. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 98. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 84. Title read. Considered.

Standing Committee amendments found in the Journal on page 329 for the Sixteenth Day were considered.

Mr. Dworak requested a division of the question on the Standing Committee amendments. The Chair ruled the division of the amendments to vote on #2, 3, and 4 separate from #1.

Standing Committee amendments #2, 3, and 4 were adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Standing Committee amendment #1 pending.

UNANIMOUS CONSENT - Member Excused

Mr. Duis asked unanimous consent to be excused Wednesday, January 31, 1979 through Monday, February 5, 1979. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 542 and 543, for the approval of the Nebraska State Legislature.

LB	Committee
542	Appropriations
543	Appropriations

(Signed) John DeCamp, Vice Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 542	Tuesday, February 6, 1979	1:30 p.m.
LB 543	Tuesday, February 6, 1979	1:30 p.m.

(Signed) Jerome Warner, Chairman

Urban Affairs

LB 253	Wednesday, February 7, 1979	1:30 p.m.

(Signed) Walter George, Chairman

EXPLANATION OF VOTE

Had I been present on Monday morning, January 29th, I would have voted "no" on the motion to advance LB 9 to E & R Initial.

(Signed) Peter Hoagland

RESOLUTION

LEGISLATIVE RESOLUTION 12.

Introduced by DeCamp, 40th District; Beutler, 28th District; Carsten, 2nd District; Chambers, 11th District; Cope, 36th District; Cullan, 49th District; Dworak, 22nd District; Fitzgerald, 14th District; George, 16th District; Haberman, 44th District; Hasebrook, 18th District; Hefner, 19th District; Hoagland, 6th District; Johnson, 8th District; Kahle, 37th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Merz, 1st District; Newell, 13th District; Nichol, 48th

District; Pirsch, 10th District; Reutzel, 15th District; Rumery, 42nd District; Sieck, 24th District; Stoney, 4th District; Wagner, 41st District; Wesely, 26th District.

WHEREAS, Mr. & Mrs. E. C. Weller have been residents of Atkinson, Nebraska since 1936; and

WHEREAS, Mr. Weller started the Atkinson Livestock Market in 1931 which was one of the first "interior" sale barn markets in the area; and

WHEREAS, the Weller's have expressed deep gratitude toward their community and state for making possible their opportunities to enjoy the good life; and

WHEREAS, as an expression of their gratitude Ernie and Frances Weller have created a foundation to provide technical college scholarships and grants-in-aid for those persons in Nebraska earnestly seeking an education in trade skills.

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

1. That the Members of the Legislature recognize and applaud the generosity and valuable nature of the contribution Ernie and Frances Weller have made to the cause of continuing education in Nebraska.

2. That a copy of this resolution be presented to the Weller's as an expression of sincere appreciation on behalf of all Nebraskan's.

Laid over.

ADJOURNMENT

At 10:24 a.m., on a motion by Mr. Kremer, the Legislature adjourned until 9:00 a.m., Wednesday, January 31, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - JANUARY 31, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 31, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father, we open our hearts to Thee, and pray that Thy Spirit may indwell in each one of us and give up poise and power for the day. We believe in Thee, O God. Give us the faith to believe what Thou hast said. We trust in Thee, O God. Give us the faith to trust Thee for guidance in the decisions we yet must make.
>
> Help us to do our very best this day and be content with today's troubles, so that we shall not borrow the troubles of tomorrow, nor carry a grudge concerning anything of yesterday. Save us, therefore, from the sin or worrying, and teach us how to trust in Thee. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Hoagland, Kremer, Merz, and Simon who were excused until they arrive; and Messrs. Brennan, Duis, and Murphy who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 9. Placed on Select File.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 167. Indefinitely postponed.
LEGISLATIVE BILL 170. Indefinitely postponed.

(Signed) William E. Nichol, Chairman

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 428	Tuesday, February 6, 1979(Cancelled)	10:30 a.m.
LB 506	Tuesday, February 6, 1979	10:30 a.m.

(Signed) Samuel K. Cullan, Chairman

MESSAGES FROM THE GOVERNOR

January 30, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 76.
This bill was signed by me on January 30, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

January 30, 1979

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

Dear Mr. President and Senators:

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

C. Mickey Skinner, 12305 Douglas Street, Omaha, to succeed Joseph Lipton, deceased, term expiring September 14, 1983.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: C. Mickey Skinner
Committee on Committees
State Highway Commission

January 30, 1979

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

Dear Mr. President and Senators:

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

Appointment of:
Keith Kemper, Alliance, six year term expiring January 1, 1985.

Reappointment of:
George Rebensdorf, 502 So. 67th, Omaha, six year term expiring January 1, 1985.

I respectfully submit these appointments for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

cc: Keith Kemper
George Rebensdorf
Committee on Committees
Board of Trustees of Nebraska State Colleges

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 6(b) and to take up LB 289 on Final Reading today.

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

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 289.

A BILL FOR AN ACT to amend section 79-332, Reissue Revised Statutes of Nebraska, 1943, relating to the Commissioner of Education; to change provisions relating to the commissioner's office, and to repeal the original section.

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

Voting in the affirmative, 38:

Beutler	Dworak	Hasebroock	Keyes	Maresh
Burrows	Fitzgerald	Hefner	Koch	Marsh
Carsten	Fowler	Johnson	Labedz	Marvel
Clark	George	Kahle	Lamb	Nichol
Cope	Goodrich	Kelly	Landis	Pirsch
DeCamp	Haberman	Kennedy	Lewis	Reutzel

Schmit	Stoney	Vickers	Warner
Sieck	Venditte	Wagner	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Cullan	Newell	Rumery

Excused and not voting, 8:

Brennan	Duis	Kremer	Murphy
Chambers	Hoagland	Merz	Simon

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

RESOLUTION

LEGISLATIVE RESOLUTION 12. Read. Considered.

LR 12 was adopted with 35 ayes, 0 nays, and 14 not voting.

Mr. Keyes asked unanimous consent to add his name to LR 12. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 84. Considered.

Standing Committee amendment #1 lost with 17 ayes, 22 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Johnson offered the following amendment:
To amend LB 84 by striking sections 3 and 4 of the bill and by deleting provision within Sec. 6 "77-1904" and "77-1903."

The amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Burrows moved to indefinitely postpone. The motion lost with 13 ayes, 24 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 194. Placed on General File.
LEGISLATIVE BILL 322. Placed on General File.

LEGISLATIVE BILL 232. Placed on General File as amended.
Standing Committee amendment to LB 232:

1. On page 2, line 5 strike "source" and insert "type";
and in line 7 strike "number of dollars" and insert "amount".

LEGISLATIVE BILL 233. Placed on General File as amended.
Standing Committee amendment to LB 233:

1. On page 2, strike beginning with "For" in line 1 through line 4 and insert "For appropriation and expenditure purposes, encumbrances represent financial obligations which are chargeable to the current fiscal year's appropriation and for which a part of that appropriation is reserved. Encumbrances which are established in one fiscal year, to be liquidated in a subsequent fiscal year, shall be limited to"; in lines 6 and 7 strike "or services"; in line 17 after "period" insert ", except that higher education institutions may encumber payrolls for the remainder of the summer session which is in progress at the end of the state's fiscal year, if they have been budgeted and appropriated in such manner"; and in line 18 after "Contracts" insert ", other than a purchase order,".

(Signed) Jerome Warner, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 411. Placed on General File.

(Signed) William H. Hasebroock, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 150.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 31, 1979, at 9:08 a.m., was the following bill: 34.

(Signed) Hazel Kaltenberger, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

January 31, 1979

The Committee on Committees will meet at 12:10 p.m. on Wednesday, February 7, 1979, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments as follows:

Hubert W. Monsky - Motor Vehicle Industry Licensing Board
Sam Jensen - Nebraska Coordinating Commission for Postsecondary Education
John M. Gradwohl - Court of Industrial Relations
Max E. Kiburz - Advisory Committee to the Department of Economic Development
Hans O. Jensen - Board of Educational Lands and Funds
A. T. Hinds - Crime Victims Reparation Board
George Rebensdorf - Board of Trustees of State Colleges
Keith Remper - Board of Trustees of State Colleges
C. Mickey Skinner - State Highway Commission

(Signed) Shirley Marsh, Chairperson

Business and Labor

LB 447	Wednesday, February 7, 1979	10:30 a.m.

(Signed) Richard Maresh, Chairman

Nebraska Retirement Systems

LB 218	Tuesday, February 6, 1979	12 Noon
LB 533	Tuesday, February 6, 1979	12 Noon

(Signed) William H. Hasebroock, Chairman

Urban Affairs

LB 253	Wednesday, February 7, 1979(Cancelled)	1:30 p.m.
LB 456	Wednesday, February 21, 1979	2:00 p.m.

(Signed) Walter George, Chairman

Miscellaneous Subjects

LB 457	Thursday, February 8, 1979	10:30 a.m.
LB 454	Thursday, February 8, 1979	10:30 a.m.
LB 143	Thursday, February 8, 1979	1:30 p.m.
LB 460	Thursday, February 8, 1979	1:30 p.m.
LB 462	Thursday, February 8, 1979	1:30 p.m.
LB 475	Friday, February 9, 1979	10:30 a.m.
LB 389	Friday, February 9, 1979	10:30 a.m.
LB 509	Friday, February 9, 1979	1:30 p.m.
LB 166	Friday, February 9, 1979	1:30 p.m.
LB 485	Friday, February 9, 1979	1:30 p.m.

(Signed) David R. Newell, Chairman

Education

LB 522	Tuesday, February 6, 1979(Cancelled)	10:30 a.m.

(Signed)Jerry Koch, Chairman

Judiciary

LB 483	Wednesday, February 7, 1979	1:30 p.m.
LB 398	Wednesday, February 7, 1979(Cancelled)	1:30 p.m.
LB 398	Tuesday, February 13, 1979(Reset)	1:30 p.m.
LB 541	Wednesday, February 14, 1979(Correction)	1:30 p.m.

(Signed) William E. Nichol, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Hoagland asked unanimous consent to be excused Thursday, February 1, 1979 and Friday, February 2, 1979. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 90A. By Clark, 47th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, Eighty-sixth Legislature, First Session, 1979.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 9, LR 10, and LR 11.

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 73. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 47. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 124A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Labedz asked unanimous consent to add her name to LB 161. No objections. So ordered.

VISITORS

Visitors to the Chamber were 60 members of the Nebraska Parent - Teacher Association and June Remington, Legislative Coordinator, Nebraska State PTA; Norm Wieler, County Assessor; Lester Rhoades, County Commissioner; and Darrel Thaeken, County Commissioner from Keith County.

ADJOURNMENT

At 10:14 a.m., on a motion by Mr. Clark, the Legislature adjourned until 9:00 a.m., Thursday, February 1, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 1, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 1, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God, as we rise each morning during these cold days of winter, we look at our thermometer, shiver, and maybe complain. Even when we walk into this chamber, our souls sometimes shiver when we get the cold shoulder, or our bill is frozen in committee, or no one warms up to our ideas. Yet, when the thermometer drops, we do have an alternative, we can turn the thermostat up. So it is with us who stand before You now, some of us are like thermometers, others are like thermostats. Some of us merely record what goes on around us, while others change the atmosphere. Help us all, in those areas where genuine values are at stake, to be change agents for a better environment, that by our speaking and voting, by our choosing and compromising, by the work we do in committee rooms, and the halls of this building, or at our desks, that we be like thermostats that help to regulate a more moderating environment for all where, without boiling or freezing, each citizen of this State may better be able to enjoy the good life in a climate of understanding and equality, liberation and justice. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Duis, Hoagland, and Murphy who were excused; and Messrs. Fowler, Lewis, Reutzel, Simon, Wesely, Mesdames Labedz and Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 192. Placed on Select File as amended.
E & R amendment to LB 192:
1. On page 6, line 10, strike "and" and insert "or"; and in line 11 strike the comma.

LEGISLATIVE BILL 128. Placed on Select File.
LEGISLATIVE BILL 95. Placed on Select File.
LEGISLATIVE BILL 96. Placed on Select File.
LEGISLATIVE BILL 97. Placed on Select File.
LEGISLATIVE BILL 98. Placed on Select File.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 93. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 392	Friday, February 9, 1979	1:30 p.m.

(Signed) Jerome Warner, Chairman

Banking, Commerce and Insurance

LB 528	Monday, February 26, 1979(cancelled)	3:30 p.m.
LB 422	Tuesday, February 27, 1979	2:15 p.m.
LB 492	Tuesday, February 27, 1979	3:00 p.m.
LB 480	Monday, February 26, 1979	3:30 p.m.

(Signed) John DeCamp, Chairman

Education

LB 291	Monday, February 12, 1979	1:30 p.m.
LB 522	Monday, February 12, 1979	1:30 p.m.
LB 367	Tuesday, February 13, 1979	1:30 p.m.
LB 403	Tuesday, February 13, 1979	1:30 p.m.
LB 442	Tuesday, February 13, 1979	1:30 p.m.
LB 272	Tuesday, February 20, 1979	1:30 p.m.
LB 363	Tuesday, February 20, 1979	1:30 p.m.
LB 104	Monday, February 26, 1979	1:30 p.m.
LB 50	Tuesday, February 27, 1979	1:00 p.m.
LB 177	Tuesday, February 27, 1979	1:00 p.m.
LB 486	Tuesday, February 27, 1979	1:00 p.m.
LB 494	Tuesday, February 27, 1979	1:00 p.m.
LB 304	Monday, March 5, 1979	1:30 p.m.
LB 357	Monday, March 5, 1979	1:30 p.m.

(Signed) Jerry Koch, Chairman

Public Health and Welfare

LB 268	Monday, February 12, 1979	2:00 p.m.
LB 171	Monday, February 12, 1979	2:00 p.m.
LB 418	Monday, February 12, 1979	2:00 p.m.
LB 256	Tuesday, February 13, 1979	2:00 p.m.
LB 428	Tuesday, February 13, 1979	2:00 p.m.
LB 138	Tuesday, February 20, 1979	2:00 p.m.
LB 344	Tuesday, February 20, 1979	2:00 p.m.
LB 503	Monday, February 26, 1979	2:00 p.m.
LB 523	Monday, February 26, 1979	2:00 p.m.
LB 525	Monday, February 26, 1979	2:00 p.m.
LB 530	Tuesday, February 27, 1979	2:00 p.m.
LB 531	Tuesday, February 27, 1979	2:00 p.m.
LB 532	Tuesday, February 27, 1979	2:00 p.m.
LB 382	Monday, March 5, 1979	2:00 p.m.
LB 376	Monday, March 5, 1979	2:00 p.m.

(Signed) Samuel K. Cullan, Chairman

SELECT COMMITTEE REPORTS
Committee on Committees

The Committee on Committees desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislative Body and suggests a record vote.

John Hanlon, Commissioner - Department of Labor

Vote: For: Marsh, Burrows, Cope, Cullan, Hasebroock, Labedz, Newell, Reutzel, Wesely (9). Against: None. Not voting: None. Absent: Simon (1). Excused: Lewis, Nichol, Schmit (3)

(Signed) Shirley Marsh, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 536 through 541 inclusive, and 544 through 547 inclusive, for the approval of the Nebraska State Legislature.

The Executive Board also reports that legislative bill 88 has been re-referred to the Appropriations Committee, legislative bills 15 and 135 have been re-referred to the Retirement Committee, and legislative bill 528 has been re-referred to the Revenue Committee.

LB	Committee
88	Re-referred from Government, Military and Veterans Affairs to Appropriations
536	Judiciary
537	Agriculture and Environment
538	Agriculture and Environment
539	Agriculture and Environment
540	Agriculture and Environment
541	Judiciary
544	Public Works
545	Public Works
546	Public Works
547	Public Works
15	Re-referred from Education to Retirement
135	Re-referred from Education to Retirement

528 Re-referred from Banking, Commerce and Insurance to Revenue

(Signed) Frank Lewis, Chairman
Executive Board

MESSAGE FROM THE GOVERNOR

January 31, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 70.
This bill was signed by me on January 30, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 127. Placed on General File.
LEGISLATIVE BILL 129. Placed on General File.
LEGISLATIVE BILL 132. Placed on General File.
LEGISLATIVE BILL 305. Placed on General File.
LEGISLATIVE BILL 425. Placed on General File.

LEGISLATIVE BILL 63. Placed on General File as amended.
Standing Committee amendments to LB 63:

1. Strike the new matter in section 1; in line 4 after "79-1270." insert "(1)"; and after line 17 insert:

"(2) Provisions shall also be made for instructing the pupils in all schools in a comprehensive health education program which shall include instruction on mental retardation and other developmental disabilities, such as cerebral palsy, autism, and epilepsy, their causes, and the prevention thereof. No pupil shall be required to take instruction in the subjects listed in this subsection if the parent or guardian files a written objection thereto.".

2. Insert a new section as follows:

"Sec. 2. That section 79-1270.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as as follows:

79-1270.01. It shall be the duty of the Commissioner of Education to prepare such teaching aids and materials as may be necessary for an effective course in comprehensive health education which shall include drug education, mental retardation, and developmental disabilities for distribution to all public and private schools requesting such materials and approved for continued legal operation under rules and regulations established by the State Board of Education pursuant to subdivision (5) (c) of section 79-328.".

3. On page 2 line 18 strike "section" and insert "sections" and after "79-1270" insert "and 79-1270.01"; and in line 19 strike "is" and insert "are".

4. Renumber remaining section accordingly.

(Signed) Jerry Koch, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 289.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB 289 and LR 12.

NOTICE OF COMMITTEE HEARINGS
Education

LB 15	Monday, February 5, 1979(cancelled)	10:30 a.m.
LB 135	Monday, February 5, 1979(cancelled)	10:30 a.m.

(Signed) Jerry Koch, Chairman

MOTION - Suspend Rules

Mr. Hasebroock moved to suspend the rules, Rule 3, Sec. 5, to allow for cancellation of committee hearings for LB 15 and LB 135 by the Education Committee.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

MOTION - Introduce Bill

Mr. Lamb moved the introduction of a new bill by the Agriculture and Environment Committee (Req. #775).

Mr. Nichol moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Chair declared the Call raised.

The Lamb motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Mr. Nichol moved for a Call of the House. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 548. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Kahle, 37th District; DeCamp, 40th District; Nichol, 48th District.

A BILL FOR AN ACT to amend sections 81-2,171 and 81-2,173, Reissue Revised Statutes of Nebraska, 1943, relating to bee husbandry; to exempt certain persons from an entry permit; to change the period for inspection of an apiary; to provide for registration of bee colonies; to repeal the original sections, and also section 81-2,177, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #666).

The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

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

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

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #826).

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

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

MOTION -Introduce Bill

Mr. Carsten moved the introduction of a new bill by the Committee on Revenue (Req. #819).

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 551. By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Burrows, 30th District; Johnson, 8th District; Hefner, 19th District.

A BILL FOR AN ACT to amend section 77-427, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide an award for certain assessors or deputy assessors as prescribed; and to repeal the original section.

MOTION - Introduce Bill

Mr. Reutzel moved the introduction of a new bill by the Committee on Constitutional Revision and Recreation (Req. #777).

The motion prevailed with 33 ayes, 3 nays, and 13 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

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

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

MOTION - Introduce Bill

Mr. Reutzel moved the introduction of a new bill by the Committee on Constitutional Revision and Recreation (Req. #779).

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

A BILL FOR AN ACT to amend sections 37-204 and 37-213, Revised Statutes Supplement, 1978, relating to game and parks; to provide that trapping permits shall not be issued to nonresidents as prescribed; to provide an unlawful act; and to repeal the original sections.

ATTORNEY GENERAL'S OPINION

Opinion No 12
January 30, 1979

Dear Senator Marsh:

In your letter of January 23, 1979, you requested some clarification "regarding the present appointee to the office of Tax Commissioner, since the individual named as acting director also holds the position of a public power director." You cite Article IV, Sections 2 and 28 of the Constitution of Nebraska for our consideration. We assume that this request is made pursuant to your position as Chairperson of the Committee on Committees and the Committee's responsibility under Rule 3, Section 17(d) of the Rules of the Nebraska Unicameral.

The issue raised by your request is whether a person who has been appointed as acting Tax Commissioner may also continue to serve as a member of the board of directors of a public power district in light of the prohibition contained in Article IV, Section 2 of the Nebraska Constitution. We have considered the provisions of the Nebraska Constitution that you have cited, and conclude that Article IV, Section 2 does not prohibit a person appointed as acting Tax Commissioner from continuing to serve on the board of directors of a public power district.

Article IV, Section 28 of the Nebraska Constitution provides:

> "A Tax Commissioner shall be appointed by the Governor with the advice and consent of the Senate. He shall have jurisdiction over the administration of the review laws of the state, and together with the Governor, Secretary of State, State Auditor and State Treasurer shall have power to review and equalize assessments of property for taxation within the state. He shall have such other powers and perform such other duties as the Legislature may provide. His term of office and compensation will be as provided by law."

This provision establishes the office of Tax Commissioner and, thus, brings the office within the prohibition found in Article IV, Section 2 of the Nebraska Constitution.

Article IV, Section 2 of the Nebraska Constitution provides:

> "No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his election a resident and citizen of this state and a citizen of the United States. None of the appointive officers mentioned in this article shall be eligible to any other state office during the period for which they have been appointed." (Emphasis added.)

As the above underlined portion of Article IV, Section 2 indicates, persons appointed to offices pursuant to Article IV are not eligible to hold any other state office during the period of time for which they have been appointed. Thus, the precise question raised is whether a director of a public power district holds a "state office" within the meaning of Article IV, Section 2 of the Nebraska Constitution.

It is our opinion that a member of the board of directors of a public power district does not hold a "state office", and therefore, a person appointed as acting Tax Commissioner is not precluded by Article IV, Section 2 of the Nebraska Constitution from continuing to serve as a director of a public power district.

In considering whether a particular public office constitutes a "state office", courts have focused on several factors including: (1) the territorial extent of the authority of the office; (2) whether the duties and functions of the office are coextensive with the state; (3) the source of compensation for the office; (4) the degree of supervision of the office by state authorities; and (5) the manner in which a person acquires the office. 81A C.J.S. States section 80, p. 451-55 (1977). It is generally held that a "state office" exists when the powers and duties of the particular public official involved is coextensive with the state and the public official is directly paid by the state. 81A C.J.S. States, section 80, p. 451-55 (1977).

With these specific factors as guidelines, it is necessary to analyze the particular position of director of a public power district. A public power district is a public corporation and political subdivision of the state. Section 70-602, R.R.S. 1943. The procedure for the creation of a public power district is statutory. A district is created by the filing of a petition with the Department of Water Resources. Section 70-604, R.R.S. 1943. The geographic boundaries of the district are required to be set out in the petition and are not imposed by state law. Section 70-604, R.R.S. 1943. The operating area of a district is the geographical area comprising the district's retail and wholesale distribution area. Section 70-604.02, R.R.S. 1943.

The powers granted to a public power district are intended to permit it to operate in a successful and profitable manner. York County Rural Power District v. O'Conner, 172 Neb. 602, 607, 111 N.W.2d 376 (1961). The business activities of the district are run by the board of directors who are elected by voters within the district. Section 70-610, R.R.S. 1943. The authority of the board of directors is not statewide, but is limited to the geographic boundaries of the district's operating area. The salary of the board of directors is set by the board, with statutory maximums, and it is paid solely from the revenue of the district. Section 70-624.02, R.S.Supp., 1978.

In applying the various factors noted above to the position of director of a public power district, it is our conclusion that such a position does not constitute a "state office" within the meaning of Article IV, Section 2 of the Nebraska Constitution. Particularly persuasive is the fact that a director is paid by the district and not the state and the fact that the director's duties and authority do not extend statewide but rather are limited to a smaller geographic area.

While the Nebraska Supreme Court has never directly addressed the issue of what constitutes a "state office" within the meaning of Article IV, Section 2 of the Nebraska Constitution, the court has rendered two decisions on related issues which support our opinion that a director of a public power district does not hold a state office. In Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672, 217 N.W.2d 166 (1974), the court held that the Director of Water Resources is a state officer and that officers of the University of Nebraska are not state officers. However, the court did not discuss the reasons underlying the decision.

In State ex rel. Howard v. Marsh, 146 Neb. 750, 21 N.W.2d 503 (1946), the court considered the issue of what constitutes an "executive state office". The court defined an "executive state office" as an office with executive powers and jurisdiction throughout the state. While the court's decision in this case is not directly applicable to the situtation herein, the inclusion by the court of the element of jurisdiction throughout the state is some indication that the court may be inclined to limit the definition of "state office" to those offices which have jurisdiction coextensive with the boundaries of the state.

In summary, it is our opinion that Article IV, Section 2 of the Nebraska Constitution does not prohibit a person appointed as acting Tax Commissioner from continuing to serve on the board of directors of a public power district.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Paul E. Hofmeister
Assistant Attorney General

PEH:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 120	Thursday, February 8, 1979	1:30 p.m.
LB 327	Thursday, February 8, 1979	1:30 p.m.
LB 473	Thursday, February 8, 1979	1:30 p.m.
LB 512	Thursday, February 8, 1979	1:30 p.m.
LB 62	Friday, February 9, 1979	1:30 p.m.
LB 74	Friday, February 9, 1979	1:30 p.m.
LB 397	Friday, February 9, 1979	1:30 p.m.
LB 515	Friday, February 9, 1979	1:30 p.m.

(Signed) Loran Schmit, Chairman

Government, Military and Veterans Affairs

LB 88	Thursday, February 8, 1979(cancelled)	10:30 a.m.
LB 271	Thursday, February 8, 1979	10:30 a.m.
LB 500	Thursday, February 8, 1979	1:30 p.m.
LB 466	Friday, February 9, 1979	1:30 p.m.

(Signed) Orval A. Keyes, Chairman

The Chair declared the Call raised.

MOTION - Escort Governor

Speaker Marvel moved a committee of 5 be appointed to escort the Governor to the Chamber.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Chair appointed the following members to serve on said committee: Speaker Marvel, Mrs. Labedz, and Messrs. Beutler, Carsten, and Warner.

The committee returned and escorted Governor Charles Thone to the rostrum where he delivered the following Budget Address:

GOVERNOR CHARLES THONE
BUDGET ADDRESS TO THE 86th LEGISLATURE
FIRST SESSION

Mr. President, Mr. Speaker, distinguished members of the Legislature and friends:

Less than a month ago I was privileged to stand here to take the oath of office as your Governor--an oath in which I swore to faithfully discharge the duties of that office according to the best of my ability.

One of those duties, under our constitution, is to "take care that the laws be faithfully executed and the affairs of the State efficiently and economically administered."

I come here today in fulfillment of that duty and to present to you, the Legislature, my budget recommendations for fiscal year 1979/1980, and to report to you on the State of the State.

And I come to fulfill a compact I made with the people of Nebraska last year that I would present a budget which requires no increase in taxes.

This is an austere budget in that it is a budget of self-restraint and discipline. It was fashioned after long hours of study, thoughtful consideration and reconsideration. No single effort has absorbed more of my time and thought, both before and after my inauguration, than the preparation of the document before you.

There will be those who will label this a "caretaker budget," a description I willingly accept, if by that phrase is meant the literal taking care of the resources of our state, in the same sense that the constitution adjures me to take care that the laws be faithfully executed.

Ladies and gentlemen, there are those who only lately have come to realize that the resources of state government are limited, and there are those who have only recently come to recognize that there are limits not alone on our resources but on what government can effectively do. We are relearning that government is not all powerful and ought not be. Just as there are good and legitimate functions of government, so there are many things government cannot do and ought not try to do.

Some of you will recall that more than a year ago when I announced my candidacy for Governor, I said:

"There is a political tide that is just beginning to flow in America. We are on the verge of a powerful political movement. That movement will take away some of the excessive power from the inefficient and non-responsive federal government. Americans are realizing that overgrown, centralized government doesn't work very well. Therefore, we're going to see some power restored to state and local governments."

This is an exciting time to be involved in state government. The programs we fund and administer are people programs. They deal with the needs and situations which people face in their day-to-day lives, ranging from education to transportation, from clean air to safe water, from physical to mental health.

The challenge before us is to perform those services in what has been called "an age of limits."

We have learned, or are in the process of learning, that spending more money is not the best solution to many of our problems, we have learned that there are strict limits on the funds and resources at our disposal.

But merely because there are limits on our resources does not mean we must be limited in our resourcefulness. Having discovered that spending and spending, and taxing and taxing is not the answer, we must use our ingenuity and our management skills to find new and better ways of delivering services efficiently and economically, as our constitution requires.

Bertram Goodhue would recognize the design of this magnificent capitol he created more than half a century ago, but he would be staggered by the changes wrought under its golden dome.

Let us consider what has happened in just the past decade. The General Fund expenditures for the operations of state government and state aid to local government, excluding capital construction, has risen from $163 million in fiscal year 1969/70 to $520 million this year, an increase of 219 percent.

It is well known that America's No. 1 domestic threat is inflation, the primary cause of which is skyrocketing federal spending, with its annual budget of half a trillion dollars, representing 21.2 percent of our gross national product.

The Omaha World-Herald, in its recent survey of business in the midlands, quoted the operator of a string of McDonald's Restaurants in Omaha as saying, "there is a limit to how much the customer will pay. The hamburgers we used to sell for 15 cents are now 40 cents. There's no way it can go on forever."

Nor is this attitude which some have termed a taxpayers' revolt limited to Nebraska.

In his annual message to the New Jersey Legislature, Governor Brendan Byrne said:

"I do not come before you today with a long laundry list of bills to be passed. Rather, I shall submit to you a list of laws to be repealed. It is time New Jersey went on a Legislative and regulatory diet. My challenge to you is to repeal a law for every one you pass."

Governor Willim G. Milliken of Michigan told his Legislature that the message the people are sending is "that they want a better

government--that they want their money's worth from government--and that they want government to know what it is doing before it acts."

Governor Bruce Babbitt of Arizona said in his budget message:

"The budget that I have submitted today reflects my response as Chief Executive to the public demand for fiscal restraint. It says to you and the people of Arizona: We cannot afford to do everything, we must live within our means, and we must have tax relief now. We must scrutinize existing programs and expenditures to determine what should be continued and what should not."

And President Carter has proposed to the Congress a budget which clearly recognizes the urgent need to meet and conquer the inflation which threatens to destroy us.

The budget I propose is not a perfect one. In the weeks and months ahead you will have ample opportunity to review it thoroughly through the normal legislative process. I welcome that review and the constructive criticism and improvement it will produce. I will from time to time deliver to you additional messages on the budget, as well as offer my suggestions for addressing the difficult problems of property tax equalization. Statewide property tax equalization in and among political subdivisions is an absolute necessity and being given the highest priority by my office.

It is also my hope that each of you will take advantage of the open door to the Governor's Office. Through this and other means a truly cooperative spirit between the Legislative and Executive Branches will facilitate the fulfillment of our joint responsibilities.

My budget message to you and to the citizens of Nebraska is simple - and straightforward. We must live within our means. We must decide what is necessary, and what we can live without. We must make difficult decisions.

We must set limits, and one sure limit is the current sales and income tax rates. State Government as well as local subdivisions of government must accept limits on expenditure growth.

The budget I present you today is within our means and is within the limits. It is a budget which requires no tax increase.

Yet it is a budget which is forward-looking, which meets our needs, and which sustains and advances Nebraska in the forefront of state and our good life.

The State of Nebraska economy is good and growing. Unemployment this past year has averaged 3.2 percent while total employment is up an average of 20,306 jobs over the previous year. Nebraska's first place composite ranking among the states in a recent study of business climate and quality of life is a source of pride to all of us - and a stimulus to further action. It will be my policy and my

goal as Governor to build on these great strengths of ours - our people and our resources - to secure for future generations those blessings we now enjoy.

Agricultural conditions are somewhat improved over what they were a year ago in Nebraska. The livestock industry is presently enjoying a period of profitability. For the ranchers, it is the first real profit they have experienced in five years. Regrettably, some ranchers in our state are facing very difficult days beause of the snow and ice and we are offering them all possible assistance.

While the current situation is improved there are danger signals we must not ignore.

The rising costs of machinery, chemicals, electricity, and other sources of energy are keeping farmers in the all too familiar cost/price squeeze.

The parade of tractors now on its way to Washington offers continuing evidence that not all segments of agriculture are receiving fair or adequate prices.

The best available evidence suggests that no less than 60 and perhaps as much as 70 percent of the state's grain storage capacity in commercial elevators and in farm storage will still be filled with unsold and unshipped grain when the combines enter the fields for the 1979 harvest.

Grain shipment is a continuing problem, and is compounded by the fact that perhaps hundreds of bridges on rural roads and some on rural rail lines are unable to stand fully loaded trucks and hopper cars. This, of course, increases transporation costs with the end result of lower profits for farmers.

Pursuant to a bill I was privileged to support while still in the Congress - an estimated $60 million will be available over the next four years to replace bridges on state and local highways and roads. Up to 35 percent of this amount is available for local subdivisions of government.

The expanded marketing program I am recommending to you today is a start in the right direction. But it is not enough, and we expect to make further progress in succeeding years.

Turning to the budget and fiscal condition of the state, the General Fund balance as of December 31, 1978 was $55.2 million, while receipts to the General Fund were 1.1 percent below projections for that date.

The science of revenue forecasting is an uncertain one at best, and perhaps more so in the next and coming years than in others. For fiscal year 1979/80, I have been presented three alternative forecasts by the Department of Revenue: no recession, mild recession, and deep recession.

I am not by nature a pessimist. Nevertheless, amidst national predictions of economic downturn - the congressional budget office among them - the recent opec increases, continuing high levels of inflation, the undetermined success of the President's wage and price policy, and our own Department of Revenue projections, I am constrained to counsel and urge fiscal caution.

My budget recommendations are based on net receipts in FY 1979/80 of $590 million. This is coupled with a 6 percent reserve I am recommending to you and which I believe is prudent at this time.

Further, I sincerely urge you to consider the cost of proposals now lying before you - not just in the light of next year's cost but of future years, as well. Too often in the past, proposals with low initial cost have ballooned upward beyond anyone's expectation. I propose to you that the full future yearly cost of all such proposals play a prominent part in your debate, as it will in my actions as Governor.

The budget of $570.1 million I am presenting you is 6.3 percent above the current fiscal year budget of $536.4 million including those necessary deficiencies which were presented to me upon entering office and which I have delivered to you for your consideration as is provided by law. Included in this total is the added cost of $10.7 million for the expanded Homestead Exemption Program passed by the Legislature just last year, and the next phase of Personal Property Tax Exemption Program which adds a cost of $3.6 million as provided in LB 518. Without these two items alone, my total budget recommendation today would be only 3.6 percent above last year.

In developing this budget, I have reduced state agency requests for operations and aid by 24.2 million and for capital construction by $58.5 million.

Total General Fund expenditures for state operations and state aid are recommended at $563.1 million including $15 million from the Revenue Sharing Trust Fund. Of this amount, 53.3 percent is allocated to state aid to local subdivisions of government and to individuals, 23.8 percent to post-secondary education; and 22.9 percent to operations of state government.

The total General Fund capital construction recommendation of $22.1 million includes $7.0 million for deferred building maintenance as provided by LB 309 including improvements to meet handicapped access standards, $7.0 million for second and third year capital items currently underway, and $8.1 million for other necessary capital projects.

My capital construction recommendation to you is $7.7 million under that approved for the current fiscal year. It is based on finishing previously approved projects, providing for continuation of the important deferred maintenance program, and providing for

necessary improvements and renovation of existing structures as priority items given available funds. With the sole exceptions of a new maximum security cottage and visitors center in the York women's facility and initial development funding for a Omaha information center, I am recommending no major new state structures not already authorized. Included within this recommendation is $350,000 in each of the next two fiscal years for the Omaha Central Park Mall and Marina project.

Additionally, I have directed the LB 309 commission to conduct an energy audit of state buildings and campuses to insure the proper utilization and maintenance of boilers, cooling equipment and other energy related items. I was shocked to hear estimates of nearly $9 million potentially needed to replace such mechanical systems in state structures.

Nebraska is truly indebted to its loyal and hardworking public employees. Their dedication to their responsibilities and duties did much to ease the recent transitional period between administrations. In recognition of that dedication and of prevailing economic conditions, I am recommending for your approval a 6.5 percent increase in salaries effective July 1, 1979. This is a figure within the President's wage guidelines and allows a margin for salary grade revisions, merit increases, and other actions which also must count against the guidelines.

At the same time, I intend to take a long, careful look at staffing in state agencies. Increases in productivity and efficiency in all state agencies will ultimately mean better services at lower costs for the taxpayers of Nebraska. President Roskens and his administration have taken a first, hard step in this direction at the University of Nebraska. In this regard, I have directed the State Budget Administrator to delete from the state authorized staffing report all positions which have been vacant in excess of thirty days. He estimates there are approximately 2,000 such positions. Each state agency will be required to submit for review a detailed organizational chart enumerating positons and numbers of individuals necessary to conduct agency business efficiently. Re-establishment of such positions on the authorized staffing report will be contingent on this review. I request all state agencies - including those not under the state personnel system - to cooperate to the fullest in this action.

Our institutions of higher education - the University of Nebraska, the four state colleges and the community technical colleges represent our commitment to the future for our children and ourselves. It is vital that scarce state tax dollars invested in higher education bear the highest possible return.

I am recommending a 6.8 percent increase for the University of Nebraska from $108.1 million to $115.5 million. I am also recommending the concept of a system-wide approach to university management and propose that the appropriation be provided in lump-sum. I have also provided for the agricultural engineering building on Lincoln's east campus, planning funds to begin renovation of the Eppley Library at the University of Nebraska at Omaha, and full funding for the necessary animal holding facility at Curtis.

In addition, I am recommending a 7.7 percent increase in state General Fund for Chadron, Peru, Kearney and Wayne State Colleges for a total of $18.5 million. For community technical colleges I am recommending a state General Fund increase of 6.8 percent.

My recommendations for agriculture and natural resources reflect an increase emphasis in this vital area:

-For the Department of Agriculture, my budget will double the effort in agricultural marketing.

-For the Department of Water Resources, my budget provides for increased stream gauging activities.

-In the area of gasohol, I am recommending $1 million for project grants.

-I have already provided you with my recommendation for a $2.4 million federal-state-local grasshopper spraying program with the state's share at $800,000. I urge that this money be made available prior to July 1, 1979, so that it can be used for maximum benefit.

-For the Natural Resources Commission I am providing $2 million which, if the commission chooses, may be used solely for development projects, and would double the budget in this area.

-For the Governor's emergency fund I am recommending $300,000 plus a deficit appropriation of $700,000. It seems prudent that this fund be maintained at a minimum of $500,000 to meet any natural disaster that may occur.

-Available revenues will accomodate $250,000 as the First-year cost of an updated state water plan which I fully support. Your Public Works Committee is to be commended for its foresight and diligent efforts in this important area.

Human services is a large and growing function of state government. My budget recommendation for the Department of Public Welfare includes an 8.6 percent General Fund increase over the current year including deficits to $71.5 million from the General Fund. The fastest growing sector in public welfare is Medicaid which now amounts to over 55 percent of the total Welfare Aid Budget. Health care costs in general and nursing home costs in particular are rising alarmingly, nationally, as well as in Nebraska.

I share the concern which has been expressed over the effect of these rapidly rising costs and their impact on county budgets, and I support efforts to ameliorate this burden. I do not endorse the total removal of this responsibility from county government.

Further, action must be taken now to stem the cost growth in health care services. Reasonable certificate of need legislation is one answer, but is not in itself sufficient. In the coming months, I will be asking those state agencies with responsibility and expertise in this area to submit to me recommendations on possible state action to bring this program under control.

In the Department of Public Welfare, I have provided for the pass-through of federal benefit increases for state supplemental security income recipients. I am recommending doubling to $280,000 the program for victims of domestic abuse.

In the area of mental retardation, my recommendation includes $1 million from the State General Fund to provide for appropriate evaluations for community placement and continued movement of Beatrice State Developmental Center residents to community programs. Our best estimate is that this will double the amount which will be allocated for this purpose during the current fiscal year. My budget will also ensure the proper level of staffing and care for those residents whose evaluations show they are best served at our fine Beatrice facility.

In the area of education, I would like to call your attention to the fiscal impact of last year's LB 889 which calls for state funding of 90 percent of the cost of preschool handicapped children. The Commissioner of Education has recently put me on notice that the $2.5 million included in their budget request for this program may be as much as $1 million short of currently estimated costs. I will report to you when final costs for this program have been provided.

In the area of correctional services, both the new Diagnostic and Evaluation Facility and the Lincoln Medium/Minimum Security Facility will be operational this spring. These two fine facilities will do much to improve correctional services and the penal environment. I am recommending funds to test an innovative prison staffing strategy called the "unit manager concept". Future funding for this concept would be dependent upon objective evaluations of its impact on inmates.

I have included funds for the new Maximum Security Unit in Lincoln for which construction must start without delay. We are all aware of the critical need for this facility.

Additionally, I have provided funds for the new work-release facility in Omaha and provided for reappropriation of funds for the Omaha medium/minimum facility. Both these projects are essential to

our correctional program. Continuing delay in land acquisition is adding thousands of dollars each month to the cost of these facilities - which is now several million dollars higher than when originally planned. If another site must be found to expedite these facilities, then that decision must be made. I have requested the Department of Correctional Services to review possible alternative sites in the Omaha vicinity and will report to you on their conclusions at a later date.

Mr. President and Mr. Speaker, the preparation of a budget by an incoming Governor is never an easy task. I cannot conclude these remarks without acknowledging the expert assistance that I have received from the talented and dedicated members of the budget office under Donald Leuenberger and Brent Stevenson. I have found no group of state employees more capable or more willing. We had a large number of early morning and late night sessions. I want publicly to salute Mr. Leuenberger and his staff of Steve Ferris, Dave Wagaman, Pat McCormally, John Rochford, Jean Larson, Steve Schafer, Arlon Zabel, Gwen Waybright, and Sonia Hart for their skilled professional assistance in the preparation of this budget.

The budget for the coming Fiscal Year is now in your hands. I know it will receive your careful and competent consideration. I renew the invitation I extended earlier, that I am available at any time to counsel with you in any area in which you feel I can be of assistance.

The people of this state have reposed in us their trust and their confidence. It will require the best efforts of all of us to merit their reliance upon us to work together and act together for the public interest for all Nebraskans.

The Committee escorted Governor Thone from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 554. By Speaker Marvel, 33rd District, at request of the Governor.

A BILL FOR AN ACT relating to appropriations; to acknowledge and reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1978, LB 956, sections 4, 5, and 35, and Laws 1978, LB 956, sections 33 and 42, with items reduced or disapproved by line-item veto; to provide severability; to repeal the original sections, and also Laws 1978, LB 956, section 6; and to declare an emergency.

LEGISLATIVE BILL 555. By Speaker Marvel, 33rd District, at request of the Governor.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of Nebraska State Government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1980; and to declare an emergency.

LEGISLATIVE BILL 556. By Speaker Marvel, 33rd District, at request of the Governor.

A BILL FOR AN ACT to make appropriations for the expenses of Nebraska State Government for the year ending June 30, 1980; and to declare an emergency.

LEGISLATIVE BILL 557. By Speaker Marvel, 33rd District, at 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, 1979, to June 30, 1980; and to declare an emergency.

LEGISLATIVE BILL 558. By Speaker Marvel, 33rd District, at request of the Governor.

A BILL FOR AN ACT to make appropriations for capital construction projects; to provide severability; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 111 in the Journal. No objections. So ordered.

1. Insert a new section as follows:

"Section 1. That section 29-2206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2206. (1) In all cases wherein courts or magistrates have now or may hereafter have the power to punish offenses, either in whole or in part, by requiring the offender to pay a fine or costs, or both, such courts or magistrates may make it a part of the sentence that the party stand committed and be imprisoned in the jail of the proper county until the same is paid or secured to

be paid, or the defendant is otherwise discharged according to law. ~~; Provided,~~

(2) Notwithstanding the provisions of subsection (1) of this section, when ~~the~~ any offender demonstrates to the court or magistrate that he or she is unable to pay such fine in one lump sum the court or magistrate shall make arrangements suitable to the court or magistrate and to the offender whereby the offender may pay the fine in installments. The court or magistrate shall enter an order specifying the terms of such arrangements and the dates on which payments are to be made. When the judgment of conviction provides for the suspension or revocation of a motor vehicle operator's license and the court authorizes the payment of a fine by installments, the revocation or suspension shall be effective as of the date of judgment.".

2. On page 2, line 4 before "Whenever" insert "(1)"; in line 7 after "who" insert "is subject to being or"; in line 11 after "judge" insert ", on his or her own motion or upon the motion of the person so confined,"; strike beginning with "nor" in line 18 through "him" in line 20, show as stricken, and insert "or when such person shall default on a payment due pursuant to an installment agreement arranged by the court. Any person held in custody for nonpayment of a fine or for default on an installment shall be entitled to a credit on the fine or installment of twenty-five dollars for each day held. In no case shall a person held in custody for nonpayment of a fine be held in such custody for more days than the maximum number to which he or she could have been sentenced if the penalty set by law includes the possibility of confinement".

2. On page 2, line 21 strike "section" and insert "sections 29-2206 and"; and in line 22 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

ADJOURNMENT

At 10:24 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Friday, February 2, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 2, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 2, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, Who dost watch over every one of Thy children throughout the world, Thou dost understand how hard it is for these, Thy servants, to keep in mind the thousands of their fellow citizens for whom they must legislate. Thou knowest the clamor of voices in their ears, the constant tugging at their sleeves, forever trying to influence them; the small voices of little men without monies or reputation; the blatant voices of aggressive pressure groups; the big voices of selfish men and those working for personal gain; even the whispering inner voices of personal ambition; those insinuating voices holding out the lure of unmerited reward. Amid all the din of voices, give these Thy servants the willingness to take time to listen to Thy voice, knowing that if they follow the still small voice within, all Thy people will be served fairly, and all groups will get what they deserve. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Lewis and Reutzel who were excused until they arrive; and Messrs. Brennan, Duis, Fowler, Hoagland, Kelly, and Murphy who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 27. Placed on Select File.

LEGISLATIVE BILL 84. Placed on Select File as amended.
E & R amendments to LB 84:

1. Renumber original sections 5 and 6 as sections 3 and 4.

2. In lieu of the committee and Johnson amendments thereto, on page 4, line 20, strike "77-1903, 77-1904,".

3. In the title, lines 2 and 3, strike "77-1903, 77-1904,"; in line 4 insert "delinquent" after "relating"; and in lines 4 and 5 strike "to change tax sale procedures;".

LEGISLATIVE BILL 73. Placed on Select File.
LEGISLATIVE BILL 47. Placed on Select File.
LEGISLATIVE BILL 124A. Placed on Select File.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 130. Placed on General File as amended.
Standing Committee amendment to LB 130:

1. On page 2, line 5 after "for" insert "bids in the regular manner established by the board" and after "accept" insert "or reject".

LEGISLATIVE BILL 141. Placed on General File as amended.
Standing Committee amendments to LB 141:

1. On page 9, line 15 after ";" insert "and"; and strike lines 16 through 27.

2. On page 10, line 1 strike "(10)" and insert "(9)".

LEGISLATIVE BILL 248. Placed on General File as amended.
Standing Committee amendments to LB 248:

1. On page 2, line 27 strike "seventy-five" and insert "fifty".

2. On page 3 line 1 strike "week" and insert "two weeks".

(Signed) Jerry Koch, Chairman

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 448	Monday, March 5, 1979	1:30 p.m.
LB 499	Monday, March 5, 1979	2:30 p.m.
LB 481	Tuesday, March 6, 1979	1:30 p.m.
LB 491	Tuesday, March 6, 1979	2:30 p.m.
LB 443	Tuesday, March 6, 1979	3:30 p.m.
LB 417	Monday, March 12, 1979	1:30 p.m.
LB 413	Monday, March 12, 1979	2:30 p.m.
LB 402	Monday, March 12, 1979	3:30 p.m.
LB 405	Tuesday, March 13, 1979	1:30 p.m.
LB 496	Monday, March 19, 1979	12:00 Noon
LB 390	Tuesday, March 20, 1979	12:00 Noon

(Signed) John DeCamp, Chairman

Rules

Wednesday, February 7, 1979 8:00 a.m.
Proposed rule change by Senator Beutler
Rule 5, Section 5, (d) (Journal p. 158)

Proposed rule change by Senator DeCamp
Rule 7, Section 3 (Journal p. 312)

(Signed) Steve Fowler, Chairman

Public Works

LB 482	Thursday, February 8, 1979(Cancelled)	2:00 p.m.

(Signed) Maurice Kremer, Chairman

NATURAL RESOURCE DISTRICTS REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1978 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEY	FEE
Lower Platte South		18,030.52

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 1, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick O'Donnell
Clerk of the Legislature

Andersen, Edward - Waterloo, Nebraska State Grange
Collins, David W. - Lincoln, Committee to Defeat LB 221 and LB 350
Crosby, Guenzel, Davis, Kessner & Kuester:
- Dunn, Donald L. - Lincoln, First Federal Savings & Loan Association of Lincoln
- Guenzel, Robert C. - Lincoln, Nebraska Cooperative Council; Railroad Transportation Safety District

Crowl, Ralph E. - Omaha, Nebraska State Council of Electrical Workers
Epke, Walter H. - York, Nebraska Soft Drink Association
Fischer, Thomas B. - Lincoln, First National Bank & Trust Company of Lincoln
Gaither, Barbara - Lincoln, Nebraska Civil Liberties Union
Graves, Eugene J, Jr. - Lincoln, Nebraska State Home Builders Association
Haller, Robert S. - Lincoln, American Association of University Professors, UN-L Chapter
Hart, Wayne - Lincoln, Lancaster County Board of Commissioners
Herbener, Lloyd W. - Lincoln, Nebraska Republican Party
McCreary, Karen L. - Lincoln, Nebraska Coalition for Women
Ryan, James E. - Lincoln, Minnesota Mining & Manufacturing Company; Nebraska Public Power District
Swanson, William F. - Lincoln, University of Nebraska

Tews and Radcliffe:
Radcliffe, Walter H. - Lincoln, Wine Institute
Tews, David D. - Lincoln, Wine Institute
Weber, Kappie - Lincoln, Nebraska Coalition for Women
Wunderlich, LaRue - Roca, Citizens for Fair Motorcycle Legislation
Wylie, William M. - Elgin, Nebraska Soft Drink Association

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations (Req. #585).

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 559. By Appropriations Committee: Warner, 25th District, Chairman; Dworak, 22nd District; Fowler, 27th District; Labedz, 5th District; Hasebroock, 18th District; Cope, 36th District; Marsh, 29th District.

A BILL FOR AN ACT to amend sections 84-161.04, 84-1202, 84-1204, 84-1207, 84-1211, 84-1212, 84-1213, and 84-1216 to 84-1220, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1203, 84-1222, 84-1223, 84-1225, and 84-1226, Revised Statutes Supplement, 1978, relating to the Records Management Act; to redefine terms; to clarify provisions; to provide charges and user fees for micrographic equipment; to provide provisions relating to surplus property; to provide for credits and disbursements from the Records Management Micrographic Services Revolving Fund; 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. #806).

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 560. By Appropriations Committee: Warner, 25th District, Chairman; Dworak, 22nd District; Fowler, 27th District; Labedz, 5th District; Hasebroock, 18th District; Marsh, 29th District; Cope, 36th District.

A BILL FOR AN ACT to amend section 81-1117, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to remove limits on certain charges of the central data processing service division; and to repeal the original section.

MOTION - Return LB 150 to Select File

Mrs. Pirsch moved to return LB 150 to Select File for the following specific amendment:
LB 150, line 18, page 2, change "shall" to "may".

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?". The motion motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Pirsch motion lost with 10 ayes, 25 nays, 7 present and not voting, and 7 excused and not voting.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Section 6(b) and take up LB 150 on Final Reading today.

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

MOTION - Return LB 150 to Select File

Mr. Chambers moved to return LB 150 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Chambers withdrew his motion.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 150.

A BILL FOR AN ACT to amend section 77-1701, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that certain counties include special assessment information as prescribed; and to repeal the original section.

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

Voting in the affirmative, 32:

Beutler	Goodrich	Labedz	Nichol	Venditte
Burrows	Hasebroock	Lamb	Pirsch	Wagner
Carsten	Hefner	Landis	Reutzel	Warner
Clark	Johnson	Maresh	Rumery	Wesely
Cope	Kahle	Marsh	Schmit	
Fitzgerald	Keyes	Merz	Sieck	
George	Koch	Newell	Simon	

Voting in the negative, 6:

Chambers	DeCamp	Marvel
Cullan	Dworak	Stoney

Present and not voting, 4:

Haberman	Kennedy	Kremer	Vickers

Excused and not voting, 7:

Brennan	Fowler	Kelly	Murphy
Duis	Hoagland	Lewis	

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

UNANIMOUS CONSENT - Print in Journal

Mr. George asked unanimous consent to print the following amendments to LB 305 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Sec. 2. That section 79-1003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1003. The board of education of a fifth class school district shall consist of twelve members. The election commissioner of the county in which the greater

part of such district is situated shall divide the school district into twelve numbered districts of compact and contiguous territory and of as nearly equal population as may be practical. A member of the board shall be elected from each such district. Each member of the board of education shall be a taxpayer in and a resident of the district of such school district as designated by the election commissioner. At each general election six members of the board shall be elected to serve for four years from and including the first Monday of the January following their election, or until their successors are elected and qualified. All persons elected as members of the board of education shall, before the first Monday in January following their election, take and subscribe to the usual oath of office. In case any person so elected shall fail so to do, his or her election shall be void, and the vacancy thereby occasioned shall be filled by the board. Candidates shall be nominated from the district 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 the offiical ballot for the board of education to be elected at large at the general election. For the general board of education election, the ballot shall be prepared in substantially the same form and the names rotated as is provided for election of other nonpolitical candidates, and the person receiving the highest number of votes in each district designated by the election commissioner shall be elected to the board of education. Any person who shall be a candidate at the primary election shall, at least sixty days prior to the primary, file with the officer authorized to conduct such election a statement of candidacy setting out his or her qualifications and willingness to abide by the election, such statement to be subscribed and sworn to before a notary or other person qualified to take oaths. There shall be no filing fee or any other requirement than the statement above provided for to enable qualified electors to become candidates for the board of education. Members of the board of education on January 1, 1976 shall serve until the expiration of their terms. At the general election in 1976 and each four years thereafter, one member shall be elected from each of the even-numbered districts. At the general election in 1978 and each four years thereafter, one member shall be elected from each of the odd-numbered districts. The election commissioner shall adjust the boundaries of such districts to conform to changes in the territory of the school district and following each federal decennial census.".

2. On page 3, line 20 after "section" insert "79-1003, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 21 strike "is" and insert "are".
3. Renumber remaining section accordingly.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 417	Monday, March 12, 1979(Cancel)	1:30 p.m.
LB 443	Tuesday, March 6, 1979	3:30 p.m.
LB 417	Tuesday, March 6, 1979(Reset)	3:30 p.m.
LB 443	Monday, March 12, 1979(Reset)	1:30 p.m.

(Signed) John DeCamp, Chairman

Business and Labor

LB 183	Wednesday, February 14, 1979	1:30 p.m.
LB 318	Wednesday, February 14, 1979	1:30 p.m.
LB 328	Wednesday, February 14, 1979	1:30 p.m.
LB 463	Wednesday, February 14, 1979	1:30 p.m.
LB 408	Wednesday, February 21, 1979	1:30 p.m.
LB 467	Wednesday, February 21, 1979	1:30 p.m.
LB 489	Wednesday, February 21, 1979	1:30 p.m.
LB 369	Wednesday, February 28, 1979	1:30 p.m.
LB 513	Wednesday, February 28, 1979	1:30 p.m.

(Signed) Richard Maresh, Chairman

Revenue

LB 325	Monday, February 12, 1979	2:00 p.m.
LB 365	Monday, February 12, 1979	2:00 p.m.
LB 472	Tuesday, February 13, 1979	2:00 p.m.
LB 71	Tuesday, February 13, 1979	2:00 p.m.
LB 285	Wednesday, February 14, 1979	2:00 p.m.
LB 452	Tuesday, February 20, 1979	2:00 p.m.
LB 455	Tuesday, February 20, 1979	2:00 p.m.

(Signed) Calvin Carsten, Chairman

Government, Military and Veterans Affairs

LB 267 Friday, February 9, 1979 1:30 p.m.

(Signed) Orval Keyes, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 2, 1979, at 9:25 a.m., was the following bill: 289.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MOTION - Withdraw LB 243

Mr. Keyes moved to withdraw LB 243.

Motion pending.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 178. Placed on General File as amended.
Standing Committee amendments to LB 178:

1. On page 2, line 7 strike "15" and insert "25"; in line 21 reinstate "use"; and strike beginning with "on" in line 21 through "using" in line 24.

2. On page 3, line 16 strike "15" and insert "25"; and strike beginning with "The" in line 16 through the underscored period in line 25.

LEGISLATIVE BILL 211. Placed on General File as amended.
Standing Committee amendments to LB 211:

1. On page 2 strike beginning with "political" in line 24 through "tax" in line 26 and insert "city, village, natural resources district, educational service unit, and technical community college area".

2. On page 3 strike beginning with the comma in line 3 through "annually" in line 6 and show the old matter as stricken.

(Signed) Calvin F. Carsten, Chairman

Urban Affairs

LEGISLATIVE BILL 145. Placed on General File.

LEGISLATIVE BILL 146. Placed on General File as amended.
Standing Committee amendments to LB 146:

1. On page 2, strike beginning with "either" in line 13 through "or" in line 14 and show as stricken; in line 16, strike "blue paint" show as stricken and insert "such sign", and strike "signs or", show as stricken and insert "blue paint on the curb or edge of the paved portion of the street adjacent to the space."; strike line 17 and show as stricken.

2. On page 3, strike beginning with "consisting" in line 7 through the period in line 8, show as stricken and insert "which is in conformance with the latest edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices.".

3. On page 4, strike beginning with "may" in line 1 through the period in line 2, show the old matter as stricken, and insert "shall be guilty of a Class V misdemeanor."; in line 7 strike "issue a permit" and insert "~~issue a permit~~ take an application for", strike "to" and insert "~~to~~ from"; in line 8 after "age" insert "for a permit"; in line 23 strike "seeing" and show as stricken; in line 24 strike "eye" show as stricken and before "dog" insert "guide"; and in line 25 strike "by" and insert "to" and after "clerk" insert "by the Department of Motor Vehicles".

4. On page 5, line 2 after the underscored period insert "Such application and any verification of a handicapped condition made to the city or village clerk shall be forwarded to the Department of Motor Vehicles."; in line 7 strike "supplied" and insert "issued"; in line 11 after the period insert "No permit shall be issued to any person if any valid handicapped parking permit has been issued to such person or if such permit has been suspended pursuant to section 18-1741."; in line 17 after "the" insert "fourth year", strike "year. Permits shall be" show as stricken and insert "the date of issuance."; strike beginning with "renewable" in line 18 through the period in line 19, show as stricken, and line 19 strike "one dollar" and insert "~~one dollar~~ three dollars"; in line 20 after "permit" insert an underscored period; strike beginning with the comma in line 20 through the period in line 21, and show as stricken.

5. On page 6, line 5 strike "one dollar" and insert "~~one dollar~~ permit".

(Signed) Walter George, Chairman

Business and Labor

LEGISLATIVE BILL 108. Placed on General File as amended.
Standing Committee amendment to LB 108:

1. On page 3 line 9 strike the second underscored comma and insert "and"; in line 10 stike "and" and insert "but not including"; in line 14 after "system" insert ", other than the faculty of the University of Nebraska,".

LEGISLATIVE BILL 92. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

SELECT FILE

LEGISLATIVE BILL 124. Mr. Stoney moved the adoption of the Murphy amendment found in the Journal on page 302.

The amendment was adopted with 28 ayes, 3 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 313.

The amendment was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Mr. Koch asked unanimous consent to withdraw his pending amendment found in the Journal on page 321. No objections. So ordered.

Mr. Haberman moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 192. E & R amendment found in the Journal on page 384 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 128. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 95. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 96. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 97. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 98. Advanced to E & R for Engrossment.

MOTION - Approve Appointment

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on page 386 on the Governor appointment of Mr. John Hanlon.

Voting in the affirmative, 31:

Burrows	Hasebroock	Lamb	Rumery	Wagner
Carsten	Hefner	Landis	Schmit	Warner
Cope	Johnson	Maresh	Sieck	Wesely
Cullan	Kahle	Marsh	Simon	
Dworak	Kennedy	Marvel	Stoney	
Fitzgerald	Kremer	Nichol	Venditte	
George	Labedz	Pirsch	Vickers	

Voting in the negative, 0.

Present and not voting, 11:

Beutler	DeCamp	Keyes	Newell
Chambers	Goodrich	Koch	Reutzel
Clark	Haberman	Merz	

Excused and not voting, 7:

Brennan	Fowler	Kelly	Murphy
Duis	Hoagland	Lewis	

The appointment was confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 31. Title read. Considered.

Mr. Lamb offered the following amendment:
Page 3 Strike new language and reinsert original language.

The amendment lost with 12 ayes, 19 nays, 11 present and not voting, and 7 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 548 through 560 inclusive, for the approval of the Nebraska State Legislature.

LB	Committee
548	Agriculture and Environment
549	Appropriations
550	Appropriations
551	Revenue
552	Constitutional Revision and Recreation
553	Constitutional Revision and Recreation
554	Appropriations
555	Appropriations
556	Appropriations
557	Appropriations
558	Appropriations
559	Appropriations
560	Appropriations

(Signed) Frank Lewis, Chairman
Executive Board

ADJOURNMENT

At 10:20 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Monday, February 5, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 5, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 5, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God, as we seek Thy guidance in the crucial decisions of this day, we do not expect to understand the ramifications of the problems confronting us knowing that we can only take one step at a time, and make one decision at a time. But make that first step plain to us, and that first decision clear, that we may see where our duty lies. Now, give us a push that we may start in the right direction. By the power of Thy Spirit. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. George, Hoagland, Lewis, and Newell who were excused until they arrive; and Messrs. Cullan, Duis, and Murphy who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 95, 96, 97, 98, 128, and 192.

Correctly Enrolled

The following bill was correctly enrolled: 150.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 150.

MESSAGE FROM THE GOVERNOR

February 2, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 34 and 289.
These bills were signed by me on February 2, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

REPORT OF EXECUTIVE BOARD

Re: LR 1 subcommittee

This is to notify you that in accordance with provisions of Legislative Resolution 1, the Executive Board of the Legislature has created a subcommittee to recognize Nebraskans of historic political significance for the purpose of naming legislative hearing rooms. Members named to the LR 1 subcommittee are:
Senator Dave Newell, Chairman
Senator Richard Marvel
Senator Ralph Kelly
Senator William Hasebroock
Senator Maurice Kremer

Senator Shirley Marsh

(Signed) Frank Lewis, Chairman
Executive Board

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 316. Placed on General File.

(Signed) William E. Nichol, Chairman

Revenue

LEGISLATIVE BILL 209. Indefinitely postponed.
LEGISLATIVE BILL 210. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 449	Monday, February 12, 1979	1:30 p.m.
LB 450	Monday, February 12, 1979	1:30 p.m.
LB 451	Monday, February 12, 1979	1:30 p.m.
LB 518	Monday, February 12, 1979	1:30 p.m.
LB 524	Tuesday, February 13, 1979	1:30 p.m.
LB 505	Wednesday, February 14, 1979	1:30 p.m.
LB 521	Tuesday, February 20, 1979	1:30 p.m.
LB 517	Tuesday, February 20, 1979	1:30 p.m.
LB 519	Tuesday, February 20, 1979	1:30 p.m.
LB 520	Tuesday, February 20, 1979	1:30 p.m.

(Signed) William E. Nichol, Chairman

Public Works

LB 430	Wednesday, February 7, 1979(cancelled)	10:30a.m.

(Signed) Maurice Kremer, Chairman

MOTION - Suspend Rules

Mr. Kremer moved to suspend the rules to cancel the hearing of LB 430 on February 7, 1979 at 10:30 a.m.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

MOTION - Introduce Bill

Mr. Kelly moved the introduction of a new bill by the Building Maintenance Committee (Req. #782).

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 561. By Building Maintenance Committee: Kelly, 35th District, Chairman; Labedz, 5th District; Cope, 36th District.

A BILL FOR AN ACT relating to the University of Nebraska and the state colleges; to provide a procedure for the disposal of certain facilities as prescribed.

MOTION - Introduce Bill

Mr. Carsten moved the introduction of a new bill by the Revenue Committee (Req. # 804).

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 562. By Revenue Committee: Carsten, 2nd District, Chairman; Newell, 13th District; Brennan, 30th District; Keyes, 3rd District; Johnson, 8th District; Sieck, 24th District.

A BILL FOR AN ACT to amend section 77-1704.01, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to require additional information be included with each tax notice or receipt; and to repeal the original section.

MOTION - Introduce Bill

Mr. Keyes moved the introduction of a new bill by the Committee on Government, Military and Veterans Affairs (Req. #812).

Mr. Merz moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Merz requested a roll call vote on the Keyes motion.

Voting in the affirmative, 30:

Beutler	Fitzgerald	Kelly	Lewis	Reutzel
Brennan	Fowler	Keyes	Maresh	Rumery
Burrows	Goodrich	Koch	Marsh	Stoney
Carsten	Hasebroock	Kremer	Merz	Venditte
Chambers	Hoagland	Labedz	Nichol	Warner
DeCamp	Johnson	Landis	Pirsch	Wesely

Voting in the negative, 8:

Cope	Kahle	Lamb	Schmit
Hefner	Kennedy	Marvel	Vickers

Present and not voting, 6:

Clark	Haberman	Simon
Dworak	Sieck	Wagner

Excused and not voting, 5:

Cullan	Duis	George	Murphy	Newell

The Keyes motion prevailed with 30 ayes, 8 nays, 6 present and not voting, and 5 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 563. By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Kelly, 35th District; Merz, 1st District; Johnson, 8th District; Chambers, 11th District; Landis, 46th District.

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

MOTION - Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Req. #813).

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 564. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Nichol, 48th District; Kahle, 37th District; Maresh, 32nd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 54-101, 54-101.01, 54-107, 54-110, 54-115 to 54-117, 54-130, 54-133, 54-133.03, 54-143.01 to 54-144, 54-145.06, 54-152, 54-153.01, 54-156, 54-164, and 54-415, Revised Statutes Supplement, 1978, relating to livestock brands; to redefine terms; to harmonize provisions; to provide a penalty as prescribed; and to repeal the original sections, and also sections 54-124 and 54-128, Revised Statutes Supplement, 1978.

MOTION - Introduce Bill

Mr. Nichol moved the introduction of a new bill by the Committee on Judiciary (Req. #824).

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

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 565. By Judiciary Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Reutzel, 15th District; Stoney, 4th District; Pirsch, 10th District; Haberman, 44th District.

A BILL FOR AN ACT to amend section 81-1401, Reissue Revised Statutes of Nebraska, 1943, relating to law enforcement; to redefine a term; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 473	Thursday, February 8, 1979(cancelled)	1:30 p.m.

(Signed) Loran Schmit, Chairman

MOTION - Suspend Rules

Mr. Schmit moved to suspend Rule 3, section 5, to cancel the public hearing on LB 473.

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

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 386	Thursday, February 15, 1979	1:30 p.m.
LB 504	Thursday, February 15, 1979	1:30 p.m.
LB 185	Thursday, February 15, 1979	1:30 p.m.
LB 186	Thursday, February 15, 1979	1:30 p.m.

(Signed) Dave Newell, Chairman

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.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused at 10:00 a.m. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 13.

Introduced by Wesely, 26th District.

WHEREAS, United States Secretary of Transportation Brock Adams has recommended the termination of scheduled runs by the San Francisco Zephyr which is Nebraska's only regular passenger rail service; and

WHEREAS, loss of Amtrak service will deny Nebraskan's the opportunity to use passenger trains to meet their transportation needs; and

WHEREAS, the total termination of Amtrak services is not necessary if the Secretary of Transportation would seek positive solutions to the fundamental Amtrak problems of inconvenient scheduling, antiquated equipment, insufficient promotion and generally poor service; and

WHEREAS, Secretary Adam's recommendation will become effective October 1, 1979 unless Congress acts to oppose this recommendation within the next 90 days.

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

1. That the members of the Legislature urge the members of the Nebraska Congressional delegation to vigorously oppose the Secretary of Transportation's proposal to terminate San Francisco Zephyr service in Nebraska.

2. That a copy of this resolution be delivered to each member of the Nebraska Congressional delegation.

Laid over.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 9. Mr. Koch moved to indefinitely postpone.

Mr. Koch moved to suspend the rules, Rule 7, Sec. 3, to consider the indefinitely postpone motion today. The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

Koch motion to indefinitely postpone pending.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 287. Placed on General File as amended.
Standing Committee amendments to LB 287:

1. On page 5, strike the new matter.
2. On page 6, strike lines 15 through 20.

(Signed) Maurice A. Kremer, Chairman

VISITORS

Visitors to the Chamber were Dr. and Mrs. Robert Daugherty, O.D., North Platte and their daughter Brenda; students and instructor from Faith Christian School, Beaver Crossing.

ADJOURNMENT

At 10:18 a.m., on a motion by Mr. Carsten, the Legislature adjourned until 9:00 a.m., Tuesday, February 6, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 6, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 6, 1979

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O 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. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan and Lewis who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Third Day was approved.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 26. Placed on General File as amended.
Standing committee amendments to LB 26:

1. On page 6 line 1 after "director" insert an underscored period; and strike lines 2 through 5.

2. On page 8 line 13 reinstate "shall" and strike "may".

3. On page 12 line 24 strike ", except intangible property," and show as stricken.

4. On page 13 line 1 strike "administration of this act" show as stricken and insert "carrying out the provisions of sections 46-656 to 46-674, Revised Statutes Supplement, 1978,".

LEGISLATIVE BILL 24. Indefinitely postponed.

(Signed) Maurice Kremer, Chairman

Revenue

LEGISLATIVE BILL 17. Placed on General File as amended.
Standing Committee amendments to LB 17:

1. Strike original sections 2 and 3 and insert the following new sections:

"Section 1. Sections 1 to 7 of this act shall be known and may be cited as the Tax Expenditure Reporting Act of 1979.

Sec. 3. As used in sections 1 to 7 of this act, unless the context otherwise requires:

(1) Tax expenditure shall mean a revenue reduction that occurs in the tax base of the state or a political subdivision as the result of an exemption, deduction, exclusion, tax deferral, credit, or preferential rate introduced into the tax structure;

(2) Department shall mean the Department of Revenue;

(3) Income tax shall mean the tax imposed upon individuals and corporations under Chapter 77, article 27;

(4) Sales tax shall mean the tax imposed upon expenditures under Chapter 77, article 27;

(5) Property tax shall mean the tax imposed upon real and personal property under Chapter 77; and

(6) Miscellaneous tax shall mean revenue sources other than income, sales, and property taxes for state and local government including, but not limited to, motor and special fuel taxes, liquor taxes, cigarette taxes, inheritance and estate taxes, insurance premium taxes, and occupation taxes and fees or other taxes which

generate state or local revenue annually in excess of two million dollars.

Sec. 4. The department shall prepare, as a part of the Governor's budget message, a tax expenditure report describing (1) the basic provisions of the Nebraska tax laws, (2) the actual or estimated revenue loss caused by the exemptions, deductions, exclusions, credits, and preferential rates in effect on July 1 of each year and allowed under Nebraska's tax structure and in the property tax, and (3) the elements which make up the tax base for state and local income including income, sales and use, property, and miscellaneous taxes. The report shall indicate an estimate of the amount of the reduction in revenue resulting from the operation of all tax expenditures.

Sec. 5. The department may request from a state or local official or agency any information necessary to complete the report required under section 4 of this act. All state and local officials or agencies shall cooperate with the department with respect to any such request.

Sec. 6. The report required under section 4 of this act shall contain an in depth analysis of one or more taxes and shall make recommendations relating to the elimination, in whole or in part, of particular tax expenditures or to the limiting of the duration of particular tax expenditures to a fixed number of years. Prior to the Governor's budget message of 1980, the department shall prepare an in depth analysis of the state sales tax and one or more miscellaneous taxes. Prior to the Governor's budget message of 1981, the department shall conduct an in depth review of the property tax system and one or more miscellaneous taxes. Prior to the Governor's budget message of 1982, the department shall conduct an in depth review of the personal and corporate income taxes and any remaining miscellaneous taxes. In the years in which an in depth study of a major tax is not required, the department shall cause a review of the major tax exemptions for which state general funds are used to reduce the impact of revenue lost due to a tax expenditure. The in depth report on property taxes required under this section shall contain an estimate of revenue lost by tax expenditures on a county by county basis.

Sec. 7. Following the Governor's budget message of 1982, the department shall cause a review of tax expenditures to be conducted in every odd-numbered year. Such review shall become part of the Governor's budget message.

Sec. 8. That section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

77-202.03. (1) When real or tangible personal property, including motor vehicles, has been exempted from taxation as provided by sections 77-202.01 to 77-202.07, it shall continue to be exempt for a period of four years from January 1 of the year following adoption of sections 77-202.01 to 77-202.07; Provided, that each owner of real or tangible personal property, including motor vehicles, so exempt shall file an affidavit with the county assessor by January 1 of each intervening year certifying that the use of each exempted real or tangible personal property, including motor vehicles, has not changed during the year. On or before the expiration of such exemption, a new application shall be filed on which the procedure shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07, except that in the year 1976 such new application shall be filed on or before April 1, and the county assessor's recommendation to the county board of equalization shall be made on or before April 15. If any person, corporation, or organization shall seek tax exemption for any real or tangible personal property, including motor vehicles, in any intervening year, he or it shall apply on or before September 1 of any such intervening year as provided in section 77-202.01 and procedure thereon shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07, except that for the intervening year the exempt use shall be determined as of the date of levy, and the exemption shall continue for the same period and under the same conditions as if it had been granted on an application which had been filed before January 1, 1964, if such application is filed before January 1, 1968, or as if it had been granted on an application which had been filed in accordance with the second sentence of this section, on or before the expiration of an exemption previously granted, if such application is filed on or after January 1, 1968; Provided, that the county assessor and the county board may cause such exemption to be reviewed in any year to determine whether the exemption should be continued and may do so even if the use of the property has not changed from when a previous exemption may have been granted, which review shall proceed as on an application under section 77-202.02.

(2) During the month of September of each year, the county board shall cause to be published in a paper of general circulation in the county a list of all real estate in the county exempt from taxation in that year pursuant to sections 77-202 to 77-202.07, except real estate owned by the state or its governmental

subdivisions. Such list shall be grouped into categories as provided by the Tax Commissioner, which categories shall identify the type of ownership and such list shall identify the organization, the municipality, if any, in which the property is located, and the number of parcels of real estate exempted. A copy of the list shall be forwarded to the Department of Revenue.

Sec. 9. That original section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber original section 1 as section 2.

(Signed) Calvin F. Carsten, Chairman

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 549	Wednesday, February 14, 1979	1:30 p.m.
LB 560	Tuesday, February 20, 1979	1:30 p.m.
LB 554	Tuesday, February 20, 1979	7:00 p.m.
LB 555	Tuesday, February 20, 1979	7:00 p.m.
LB 556	Tuesday, February 20, 1979	7:00 p.m.
LB 557	Tuesday, February 20, 1979	7:00 p.m.
LB 558	Tuesday, February 20, 1979	7:00 p.m.
LB 550	Tuesday, February 27, 1979	1:30 p.m.
LB 559	Tuesday, February 27, 1979	1:30 p.m.

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT - Withdraw Motion

Mr. Keyes asked unanimous consent to withdraw his pending motion found in the Journal on page 416 to withdraw LB 243. No objections. So ordered.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 9. Mr. Koch asked unanimous consent to withdraw his pending motion found in the Journal on page 429 to indefinitely postpone. No objections. So ordered.

Mr. Dworak offered the following amendment to LB 9:

Amend the Standing Committee Amendments to LB 9 by striking "miotics for emergency purposes only."

Amend page 2, line 15, insert after "procedures," the word "nonsurgical"; insert after "instruments", the word "nonsurgical".

Amend page 2, line 15, insert after "and", the word "only".

Amend page 2, line 17, insert after "of", the word "only".

Mr. Clark offered the following amendment to the Dworak amendment:

Retain "miotics for emergency purposes only" but strike the balance of the Dworak amendment.

The Clark amendment was adopted with 32 ayes, 2 nays, 13 present and not voting, and 2 excused and not voting.

The Dworak amendment, as amended, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Mrs. Marsh requested a machine vote to advance LB 9.

Advanced to E & R for Engrossment with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 25. Placed on General File.
LEGISLATIVE BILL 140. Placed on General File.

(Signed) Loran Schmit, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 78. Placed on General File as amended.
Standing Committee amendments to LB 78:

1. On page 2, line 6, strike "Beginning January 1, 1977 resident", show as stricken, and insert "Resident".

2. On page 3, line 5, strike "Commencing January 1, ~~1977~~ 1980, the", show the old matter as stricken, and insert "The".

3. Insert a new section as follows:

"Sec. 2. This act shall become operative on January 1, 1980.".

4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 434. Placed on General File as amended.
Standing Committee amendments to LB 434:

1. On page 2, strike beginning with "(3)" in line 12 through the first "and" in line 17, show as stricken, and insert "or (3) who"; strike beginning with the second "and" in line 17 through "service" in line 18 and show as stricken.

2. Insert new sections as follows:

"Section. 1. That section 37-202, Revised Statutes Supplement, 1978, be amended to read as follows:

37-202. Permits to hunt, fish, or trap shall be issued on a form prepared and supplied by the Game and Parks Commission. Such permit shall bear a description of the person to whom issued, setting forth occupation, age, color of eyes and hair, height and weight, and the date of its issuance. All permits shall bear the signature of the secretary of the commission or a facsimile of such signature. All legally issued permits shall authorize the person named therein to hunt for, kill or take game and fish, in lawful season and manner, during the period for which the permit is issued. All of said permits, except for those permits for veterans provided by section 37-214.03 and for persons at least seventy years old provided by section 37-214.04 which shall be permanent permits, shall expire at midnight on December 31 of the year in which issued; Provided, that trapping and fur buyer permits shall expire on June 30, after the issuance thereof. Said permits to be valid must be countersigned by the holder. The permit shall be on the person of the holder, at all times while he or she is hunting, trapping or fishing, and shall be shown immediately upon demand to any officer or person whose duty it is to enforce the provisions of this act. Any person hunting, fishing or trapping in this state without such permit actually on or about his or her person, as above required, shall be deemed to be without such permit.

Sec. 3. That section 37-214.04, Revised Statutes Supplement, 1978, be amended to read as follows:

37-214.04. Any person who is at least seventy years old and a resident of this state shall be exempt from the payment of any fees provided by the laws of the State of Nebraska for the privilege of fishing or hunting in Nebraska, except that such exemption shall not extend to the privilege of commercial fishing, trapping of fur-bearing animals, or of hunting for deer, antelope, wild turkey, or any other species of fish and game on which the open season is limited to a restricted number of permits, or to special permits for a restricted area or game management unit. The permit shall be a permanent

permit which shall not expire. If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the Game and Parks Commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permit shall not authorize any person to shoot from any public highway. The Game and Parks Commission is authorized to promulgate rules and regulations necessary to carry out the provisions of this section.".

3. On page 3, line 13, strike "is" and insert "and sections 37-202 and 37-214.04, Revised Statutes Supplement, 1978, are".

4. Renumber original sections 1 and 2 as sections 2 and 4 respectively.

LEGISLATIVE BILL 435. Placed on General File as amended.
Standing Committee amendments to LB 435:

1. On page 3, line 25, strike "game" and insert "wild".

2. On page 4, line 1, after the first "to" insert "migratory"; in line 2 strike the underscored material and insert "bona fide farmer or rancher who owns or leases farm or ranch land and who actually resides upon such land, or a member of the immediate family of such farmer or rancher who also resides upon such land, while hunting on the home farm or ranch.".

LEGISLATIVE BILL 437. Placed on General File as amended.
Standing Committee amendment to LB 437:

1. On page 4, line 4, strike "with" and insert "~~with~~ when accompanied by".

LEGISLATIVE BILL 100. Indefinitely postponed.
LEGISLATIVE BILL 189. Indefinitely postponed.
LEGISLATIVE BILL 446. Indefinitely postponed.

(Signed) Barry L. Reutzel, Chairman

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 151	Thursday, February 22, 1979	1:30 p.m.
LB 225	Thursday, February 22, 1979	1:30 p.m.
LB 493	Thursday, February 22, 1979	1:30 p.m.
LB 191	Friday, February 23, 1979	1:30 p.m.
LB 401	Friday, February 23, 1979	1:30 p.m.
LB 552	Friday, February 23, 1979	1:30 p.m.
LB 553	Friday, February 23, 1979	1:30 p.m.

LB 324	Thursday, March 8, 1979	1:30 p.m.
LB 261	Thursday, March 8, 1979	1:30 p.m.
LB 393	Thursday, March 8, 1979	1:30 p.m.

(Signed) Barry L. Reutzel, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

I move 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, except those bills appropriating General Fund for 1978-1979 fiscal year.

(Signed) Jerome Warner

Motion pending.

SELECT FILE

LEGISLATIVE BILL 124. Mr. Haberman renewed his pending motion found in the Journal on page 418 to indefinitely postpone.

The Haberman motion lost with 10 ayes, 28 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Stoney offered the following amendment to LB 124:

To amend LB 124, page 2, subsection 3, line 25, after the word "handicapped" add: "through December 31, 1981.".

The amendment was adopted with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 516	Wednesday, February 21, 1979	2:00 p.m.
LB 551	Wednesday, February 21, 1979	2:00 p.m.

LB 528	Monday, February 26, 1979	2:00 p.m.
LB 142	Tuesday, February 27, 1979	2:00 p.m.
LB 479	Tuesday, February 27, 1979	2:00 p.m.
LB 160	Wednesday, February 28, 1979	2:00 p.m.
LB 487	Wednesday, February 28, 1979	2:00 p.m.
LB 188	Monday, March 5, 1979	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 6, 1979, at 10:10 a.m., was the following bill: 150.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 124A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Johnson asked unanimous consent to print the following amendment to LB 84 in the Journal. No objections. So ordered.

1. Insert new sections 3 and 4 as follows:

"Sec. 3. That section 77-1809, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1809. At all sales provided by law, the county board may purchase for the use and benefit, and in the name of the county, any real estate advertised and offered for sale when the same remains unsold for want of bidders. The county treasurer shall issue certificates of purchase of the real estate so sold in the name of the county. Such certificates shall remain in the custody of the county treasurer, who shall at any time assign the same to any person wishing to buy for the amount expressed on the face of the certificate and interest thereon at the rate of ~~nine~~ eleven per cent from the date thereof. Such assignment shall be attested by the endorsement of the county clerk of his or her name on the back of such certificate, and such endorsement shall be made when requested by the county treasurer.

Sec. 4. That section 77-1824, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

77-1824. The owner or occupant of any land sold for taxes or any person having a lien thereupon or interest therein, may redeem the same at any time before the delivery of tax deed by the county treasurer by paying the county treasurer for the use of such purchaser, his or her heirs or assigns, the sum mentioned in his or her certificate, with interest thereon at the rate of ~~nine~~ eleven per cent per annum from the date of purchase to date of redemption, together with all other taxes subsequently paid, whether for any year or years previous or subsequent to said sale, and interest thereon at the same rate from date of such payment to date of redemption.".

2. On page 4, line 19 after the first comma insert "77-1809, 77-1824,"; and in line 20 strike "77-1903, 77-1904,".

3. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were 29 Home Economics students and teachers from the University of Nebraska at Lincoln; and 40 Home Extension club members from Custer County, Mrs. Lorraine Still, Home Agent.

ADJOURNMENT

At 10:23 a.m. on a motion by Mr. Carsten, the Legislature adjourned until 9:00 a.m., Wednesday, February 7, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 7, 1979

LEGISLATIVE JOURNAL

FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 7, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, for the members of this legislature who are serving the people of this state, sometimes accepting personal abuse, misunderstandings, and often sacrificing home and family, we are grateful. May they feel that their service has been worthwhile. And may they be given a time of spiritual, mental, and physical re-creation, so again they may face problems too intricate to solve, yet require a vote nevertheless.
>
> Give to each one of these senators a righteous purpose from which no alluring incentives may cause them to deviate. Give them a toughness of will that no tribulation can destroy. Give them a coolness of mind, which can think objectively, and a warmth of heart which has compassionate logic as well as deep understanding that as we come to the end of this session we may merit Thy benediction, "Well done, good and faithful servant." Amen.

ROLL CALL

The roll was called and all members were present except Mr. Murphy who was excused until he arrives; and Messrs. Schmit and Venditte who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fourth Day was approved.

MESSAGES FROM THE GOVERNOR

February 6, 1979

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Third District Public Welfare, Institutions and Corrections Advisory Committee requiring legislative confirmation:

John Lainson, Hastings - four year term expiring January 1, 1983.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: John Lainson
Committee on Committees
Public Welfare, Institutions and
Corrections Advisory Committee

February 6, 1979

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

Dear Mr. President and Senators:

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

Jeffrey L. Orr, 3806 11th Avenue, Kearney - succeeds J. Patrick Green, resigned, term expiring January 23, 1982

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Jeffrey L. Orr
Committee on Committees
Court of Industrial Relations

February 6, 1979

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

Dear Mr. President and Senators:

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

Walter D. Weaver, Plattsmouth - Director of the Department of Insurance.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Walter D. Weaver
Committee on Committees

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 81. Placed on General File.
LEGISLATIVE BILL 119. Placed on General File.

LEGISLATIVE BILL 66. Placed on General File as amended.
Standing Committee amendments to LB 66:

1. Strike original section 3.
2. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. Renumber original section 4 as section 3.

(Signed) Maurice Kremer, Chairman

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 88	Tuesday, February 27, 1979	1:30 p.m.
LB 286	Tuesday, February 27, 1979	1:30 p.m.
LB 433	Wednesday, February 28, 1979	1:30 p.m.

(Signed) Jerome Warner, Chairman

Government, Military and Veterans Affairs

LB 412	Thursday, February 15, 1979	1:30 p.m.
LB 110	Thursday, February 15, 1979	1:30 p.m.
LB 295	Thursday, February 15, 1979	1:30 p.m.
LB 296	Thursday, February 15, 1979	1:30 p.m.
LB 274	Thursday, February 15, 1979	1:30 p.m.
LB 275	Thursday, February 15, 1979	1:30 p.m.
LB 277	Thursday, February 15, 1979	1:30 p.m.
LB 414	Thursday, February 15, 1979	1:30 p.m.
LB 381	Thursday, February 22, 1979	1:30 p.m.
LB 184	Thursday, February 22, 1979	1:30 p.m.
LB 273	Thursday, February 22, 1979	1:30 p.m.
LB 527	Thursday, February 22, 1979	1:30 p.m.
LB 468	Thursday, February 22, 1979	1:30 p.m.
LB 343	Friday, February 23, 1979	1:30 p.m.
LB 339	Friday, February 23, 1979	1:30 p.m.
LB 424	Friday, February 23, 1979	1:30 p.m.

(Signed) Orval Keyes, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 12
January 29, 1979

Dear Senator Chambers:

This is in reference to your correspondence of January 23, 1979, concerning section 83-151, R.R.S. 1943. You inquire whether a

literary work produced by an inmate "on his own time and with his own resources" is exempt from the operation of section 83-151 as it now reads. In our opinion such an item would fall within the exempted class.

We call to your attention the fact that LB 319, introduced in the present session, would delete the language about which you inquire from section 83-151.

Yours truly,
Paul L. Douglas
Attorney General
(Signed) J. Kirk Brown
Assistant Attorney General

JKB:pjs
cc: Patrick O'Donnell
Clerk of the Legislature
Jack Falconer
Acting Director
Department of Correctional Services

Opinion No. 13
February 5, 1979

Re: LB 75

Dear Senator Keyes:

This is in reply to your inquiry concerning the authority of the Legislature to permit the sale of state-owned real estate by other than public sale, and place the proceeds of the sale in an agency account rather than the General Fund.

Insofar as the Constitution of the state is concerned, we have found no specific provision which would prohibit the sale of state-owned lands, other than state school lands, by other than public bid or auction, and the placing of the proceeds of the sale in an agency fund rather than the General Fund of the state.

Very truly yours,
Paul L. Douglas
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

EXPLANATION OF VOTE

Had I been present, I would have voted "nay" on the advancement of LB 9 to E & R for Engrossment.

(Signed) Neil Simon

MOTION - Appropriation Bills

Mr. Warner renewed his pending motion on bracketing General Fund appropriation bills, found in the Journal on page 438.

The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 13. Read. Considered.

LR 13 was adopted with 28 ayes, 2 nays, and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 27. Mr. Kremer offered the following amendments to LB 27:

1. On page 2, strike lines 17 through 27.
2. Insert the following new section:

"Sec. 2. (1) No one using ground water for irrigation purposes shall be liable for damages for interfering with the use of a domestic well if (a) the irrigation well was in use prior to use of the domestic well and (b) the domestic well was not drilled to, and the pump not set at, a reasonable depth.

(2) Consideration of whether the depth of a domestic well or pump is reasonable shall include, but not be limited to, whether the depth was such as to anticipate potential well interference from those irrigation wells in use when the domestic well was drilled.

(3) If an irrigation well is deepened or otherwise modified, or if an irrigation well is replaced, the modified well or the replacement well shall be considered to have been in use when the original well was first in use if the modified well or replacement well has substantially the same depth, capacity, and location as the original well.

(4) As used in this section, domestic well shall include a replacement domestic well.

(5) Nothing in this section shall affect the preferences for the use of ground water established in section 46-613.".

3. Renumber original section accordingly.

Mr. Maresh offered the following amendment to the Kremer amendment:
Amend the Kremer amendment to LB 27 in lines 14 and 15 after irrigation add "or domestic".

The Maresh amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment to the Kremer amendment:
Line 14 and 15 drop "deepened or otherwise".

The Beutler amendment was adopted with 28 ayes, 2 nays, 16 present and not voting, and 3 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Duis offered the following amendment to the Kremer amendment:
Amend Kremer amendment in line 7 & 8 to strike (b) and everything thereafter.

Mr. Duis withdrew his amendment.

Mr. George offered the following amendment to the Kremer amendment:
Add to line 13 the following: "provided that no domestic well owner be required to anticipate a substantial drop in the water level."

The George amendment lost with 15 ayes, 20 nays, 11 present and not voting, and 3 excused and not voting.

The Kremer amendment, as amended, is pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 561 through 565, inclusive, for the approval of the Nebraska State Legislature.

LB	Committee
561	Appropriations
562	Revenue
563	Public Works
564	Agriculture and Environment

565 Judiciary

(Signed) Frank Lewis, Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 182	Tuesday, February 13, 1979	12 Noon
LB 228	Tuesday, February 13, 1979	12 Noon

(Signed) William H. Hasebroock, Chairman

Committee on Committees

The Committee on Committees will meet at 12:10 p.m., Wednesday, February 14, 1979, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments as follows:

Ivan Abdouch - Nebraska Safety Center Advisory Council
Michael Booth - Nebraska Safety Center Advisory Council
William Lovejoy - Nebraska Safety Center Advisory Council
Gary Lund - Nebraska Safety Center Advisory Council
Larry Morris - Nebraska Safety Center Advisory Council
John J. Peterson - Nebraska Safety Center Advisory Council
Duane Schmidt - Nebraska Safety Center Advisory Council
Sheriff Dan Schneiderheinz
Nebraska Safety Center Advisory Council

(Signed) Shirley Marsh, Chairperson

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 223. Placed on General File as amended.
Standing Committee amendments to LB 223:

1. Insert the following new section:

"Section 1. That section 70-1007, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-1007. After the hearing, the board shall make an order establishing the service areas in the matter covered by the notice. In determining any such matter, the board shall seek to carry out the policy stated in section 70-1001. It shall give such consideration as is appropriate in each case to the following:

(1) The supplier best able to supply the load required;

(2) The most logical future supplier of the area;
(3) The desires of the supplier with respect to loads and service areas it wishes to serve;
(4) the ability to provide service at costs comparable to other suppliers in the service area and the immediate costs to the ultimate consumers involved in the transfer; and
(5) The ability of the supplier to cope with the problems of expanding loads and increased costs.".

2. On page 5, line 3 after "application" insert "of either party"; in line 6 strike "acquisition" and insert "amendment"; and in line 7 after "application" insert "of either party".

3. On page 4, line 18 after "sections" insert "70-1007,".

4. Renumber remaining sections accordingly.

(Signed) Maurice Kremer, Chairman

VISITORS

Visitors to the Chamber were Philip Okereke from Nigeria and 35 senior high Political Science students and instructor from York, Nebraska.

ADJOURNMENT

At 10:16 a.m., on a motion by Mr. Keyes, the Legislature adjourned until 9:00 a.m., Thursday, February 8, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 8, 1979

LEGISLATIVE JOURNAL

TWENTY-SIXTH DAY - FEBRUARY 8, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 8, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, Who hast set before us so many and such great choices, Thou knowest that we are divided often in our own hearts and we do not know which way to go. There seems to be some good in so many of the bills before us, yet how can we be expected to understand all the implications of each measure? Help us therefore to remember that there are some things that are wrong and some things that are right and that the responsibility for what we do ultimately rests upon ourselves - our wills, our mind, and our hearts. So give us that awareness of right and wrong which shall enable us to do a good work for the people. In Thy name. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Chambers, DeCamp, Lewis, Murphy, Schmit, and Warner who were excused until they arrive; and Mr. Venditte who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 9. Replaced on Select File as amended.
E & R amendment to LB 9:

1. Because of the Dworak amendment as amended by the Clark amendment, in new section 4, line 3, strike "mydriatics," and insert "and mydriatics".

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 102. Placed on General File.
LEGISLATIVE BILL 323. Placed on General File.
LEGISLATIVE BILL 474. Placed on General File.

LEGISLATIVE BILL 349. Indefinitely postponed.

(Signed) Dave Newell, Chairman

Public Works

LEGISLATIVE BILL 245. Placed on General File.

LEGISLATIVE BILL 168. Indefinitely postponed.
LEGISLATIVE BILL 169. Indefinitely postponed.

(Signed) Maurice Kremer, Chairman

Revenue

LEGISLATIVE BILL 246. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

SELECT COMMITTEE REPORT
Committee on Committees

February 8, 1979

The Committee on Committees desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

George Miller
Nebraska Coordinating Commission for Post Secondary Education
Rex J. Kelly - State Board of Health
Bennard W. Preis - Manufactured Housing Advisory Board
Clifford B. Dudley - Manufactured Housing Advisory Board
J. E. Clemens - Manufactured Housing Advisory Board

VOTE: For: Marsh, Burrows, Cope, Cullan, Hasebroock, Labedz, Reutzel. (7). Against: None. Not Voting: None. Absent: Simon, Lewis (2). Excused: Newell, Nichol, Schmit, Wesely (4).

(Signed) Shirley Marsh, Chairperson

MOTION - Introduce Bill

Mr. Maresh moved the introduction of a new bill by the Committee on Agriculture and Environment (Req. #836).

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

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

GENERAL FILE

LEGISLATIVE BILL 31. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 90. Title read. Considered.

Mr. Merz offered the following amendment:

To make the following changes to LB 90. There is hereby established **** the commission shall consist of five ~~three~~ members no more than two of which shall reside in the same Congressional District appointed by the Governor. The director **** Initially, three

~~two~~ of said members shall be appointed for a term of two years each; and two ~~one~~ shall be appointed for a term of four years.

The amendment lost with 8 ayes, 15 nays, 21 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 90A. 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 56. Title read. Considered.

Standing Committee amendments found in the Journal on page 336 for the Seventeenth 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 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 159. Title read. Considered.

Standing Committee amendments found in the Journal on page 336 for the Seventeenth Day were adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

PRESIDENT LUEDTKE PRESIDING

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 13. Title read. Considered.

Standing Committee amendment found in the Journal on page 348 for the Seventeenth Day was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 316 in the Journal. No objections. So ordered.

(#1)

1. On page 2, line 7 strike the first "pregnant", show as stricken; and strike beginning with "by" in line 7 through the comma in line 8, show as stricken, and insert "known to be pregnant by the person so administering or prescribing, and performed".

(#2)

1. On page 3 line 4 strike "the life of" and show as stricken; and strike beginning with "may" in line 4 through "mother" in line 6, show as stricken, and insert "is potentially able to live outside the womb of the mother by natural or artificial means".

(#3)

1. Strike original section 3.

2. On page 9 line 2 strike "28-329 to" and insert "28-330,".

(#4)

1. Insert the following new section:

"Sec. 6. That section 28-333, Revised Statutes Supplement, 1978, be amended to read as follows:

28-333. ~~(1) No abortion shall be performed or prescribed on any minor child under seventeen years of age in the State of Nebraska without her written consent and the consent of the parent or guardian of such minor child.~~

~~(2)~~ No abortion shall be performed on any minor child in the State of Nebraska without her written consent and a written statement by her indicating that she has consulted with her parent or guardian concerning the performance of an abortion. The statement of consultation shall be in the following form:

I, ————————, a minor, have advised my parent(s) or guardian that I am pregnant and contemplating an abortion and have consulted with them concerning the contemplated abortion.

Date————————-

Signed————————-

The written consent by the minor and the

statement of consultation with the parent or guardian shall be retained as part of the permanent record of the attending physician as evidence of the requirement of consultation.".

2. On page 9, line 2 after "28-331," insert "28-333,".

3. Renumber remaining sections accordingly.

(#5)

1. On page 8 after line 10 insert "The abortion reporting form required under this section shall not include the name of the person upon whom the abortion was performed.".

ATTORNEY GENERAL'S OPINIONS

Opinion No. 15
January 29, 1979

Dear Senator Warner:

You have asked us for advice on whether the Legislative Fiscal Analyst may have access to data contained in computer files. The question arises because of the provisions of section 81-1117.02 which prohibits the release of information to "any person or persons" without written approval by both the agency and the employee "to whom such data pertains." Section 50-420 provides:

> "Each officer, board, commission and department of state government shall furnish such information to the Legislative Fiscal Analyst as he may require."

In determining the question it is necessary to determine whether the phrase "person or persons" as used in section 81-117.02, R.R.S. 1943, encompasses employees of the state performing their duties under law. Generally person is held not to include the state. See, Hanson v. Commissioner, 181 N.E.2d 843 (Mass.). This general law operates under the presumption that the term "person or persons" excludes the state from a number of situations, including actions under the Civil Rights Act, for instance, and certain liabilities arising in tort law.

There are, of course, many exceptions to this general rule. One of those exceptions is that the state is considered to be included within the term "person" in a declaratory judgment action in Nebraska. See, City of Lincoln v. First National Bank, 146 Neb. 221, 19 N.W.2d 156 (1945). Additionally, the Legislature has defined the term "person" in section 49-801, R.R.S. 1943 (18):

"Person includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies and associations."

This definition, along with the construction of the term "person" in other statutes in Nebraska leads us to the conclusion that the term "person" as used in the statutes normally would include the state. By including the state, it would appear that the use of such a term would include the agencies of the state seeking information which pertains to a particular individual or which has been generated and is maintained by some entity other than the computer operations division of the Department of Administrative Services. Thus, to the extent that the information sought is generated by another agency and pertains to an individual employee the fiscal officer would not have access to that information in computer form. He would, of course, have access to that information from the agency responsible for generating and maintaining the information, a more time consuming process but nonetheless one that exists. For that reason the specific prohibition contained in section 81-1117.02, coupled with the criminal provisions provided in section 81-1117.03, R.R.S. 1943, would dictate a prudent course of refusing access to computer files upon the request of the Legislative Fiscal Officer.

In your second question you ask whether the following language inserted in section 81-1117.02 would clear up this problem of securing information from DAS by the Legislative Fiscal Analyst.

". . . except as required in section 50-420, Reissue Revised Statutes of Nebraska, 1943."

We do not believe the language will clear up your problems as you describe it. Section 50-420 does not require the release of any information. It merely authorizes the Legislative Fiscal Analyst to secure information from officers, boards, commissions, and departments. It would appear advisable that more general language be inserted in this section which would authorize the release of information maintained in computer files to state agencies and state officers where such information is required for them to perform their duties as mandated by statutes. Such general language would then authorize the Legislative Fiscal Analyst to secure information in the performance of his duties as specified under section 50-419, R.R.S. 1943. Some language such as "except as required by another state officer or agency in the performance of his official duties" would clearly authorize release of such information to the Legislative Fiscal Analyst.

Sincerely,
PAUL L. DOUGLAS
Attorney General

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

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 16
February 6, 1979

Dear Senator Keyes:

You have asked our opinion as to the constitutional validity of LB 150. This bill would amend section 77-1701, R.R.S. 1943, by adding at the end of that section the following language.

> "In any county in which a city of the metropolitan class is located, all statements of taxes shall include special assessments for cutting weeds, removing litter, and demolishing buildings."

At first glance it may appear that the amendment may be unnecessary, because the earlier portions of section 77-1701 provide that the county board may direct that a statement of taxes and special assessments be mailed or otherwise delivered to the person, firm, association, or corporation against whom such taxes are assessed, and providing that the taxes and special assessments be shown on separate amounts and that the special assessments be identified.

However, we have talked with a deputy county attorney of Douglas County, and he informs us that while Douglas County has been sending out statements for special assessments, they have been separate statements, and they have not been included in the statement for general taxes. Apparently the proponents of the bill want the special assessments mentioned in the bill included in the statement for general taxes, and that is what the bill will accomplish.

We see no constitutional problems about requiring the county treasurer to send statements of the type described. He is the ex officio collector of all taxes levied within the county, including special assessments assessed by the cities within the county. We see no constitutional reason why the Legislature cannot give instructions as to how he shall go about it.

In limiting the reach of the bill to those counties in which a city of the metropolitan class is located, however, the bill may be in conflict with Article III, Section 18, of the Constitution of Nebraska. This section has been held to prohibit unreasonable class legislation. In this instance we find some difficulty in ascertaining the reason for limiting the bill, instead of making it applicable to all counties.

All cities and village have authority to cut weeds, remove litter, and demolish buildings, and assess the costs against the real estate. All, no

doubt, have similar problems in collecting such special assessments, although, of course, a city of the metropolitan class will naturally have more such instances of unpaid special assessments, because of its larger size. The impact on smaller cities and villages may just as severe, however.

We have examined the transcript of the committee hearing on the bill, to see if we could find a reason for the limitation. We find a suggestion that possibly it could include all counties, but the statement was made that this was a good clean bill, and that making it applicable to all counties might stir up a hornet's nest outstate and kill it. If that is the only justification for limiting the reach of the bill, it is not, in our opinion, a sufficient reason.

The court has sanctioned different legislation with respect to cities of various classes, but this bill is not limited to cities of the metropolitan class, but to counties in which such a city is located. There could be other cities and villages in that county. The bill would require tax statements sent out by the county treasurer to include the specified special assessments of such other cities and villages. It is difficult for us to see why the problems and needs of cities and villages located in the same county as a city of metropolitan class are different from those of similar cities and villages in other counties.

In Axberg v. City of Lincoln, 141 Neb. 55, 2 N.W.2d 613 (1942), the court held a statute dealing with a matter of statewide concern, but excluding from its reach cities of the first class governed by a home rule charter, to be in violation of Article III, Section 18. We believe that LB 150, in making its provisions applicable to special assessments of cities and villages located in a county having a city of the metropolitan class, may be subject to such infirmity.

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. 17
February 6, 1979

Re: Rule 1 of the Board of Examiners in Embalming

Dear Sentor Duis:

As Chairman of the Legislature's Administrative Rules and Regulations Review Committee, you have received a complaint about Rule 1(3) (a) of the Board of Examiners in Embalming which requires that unembalmed bodies dead of certain communicable diseases are to be encased in a metal or metal lined and hermetically sealed container. You are concerned about the financial consequences of such a rule. You are also concerned that the Board of Examiners in Embalming and not the Department of Health made the rule.

The duties and powers of the Department and the Board are closely intertwined in regard to the licensing and disciplining of embalmers, funeral directors and funeral establishments. All are licensed by the Department and disciplined by the Department. However, the Board has some input in these procedures by conducting the licensing examinations and by recommending licensing or disciplinary action. The Board is appointed by the Department for the purpose of giving examinations to applicants for licensing as embalmers. This duty goes back to 1927. Its duties in regard to funeral directors and funeral establishments under Chapter 71, Article 13 began in 1957. As you pointed out, those duties do not include express authority to regulate the transportation and disposal of bodies dead of communicable disease.

The Department, however, has specific authority under section 71-502, R.S.Supp, 1978, to adopt general rules and regulations to promote sanitation and prevent the introduction or spread of disease. It has done so in Rule 19 of the Department. Rule 19(3) (b) is entitled "Transportation and Disposal of Bodies Dead of a Communicable Disease." It provides:

> "(See 'Rules and Regulations Relating to Embalming and Funeral Directing', published by the Bureau of Examining Boards.)"

Rule 19(3) (b) of the Department of Health thus appears to incorporate by reference Rule 1(3) (a) of the Board of Examiners in Embalming. (Under section 71-121.01, R.R.S. 1943, the Bureau of Examining Boards of the Department of Health is responsible for the general administration of the activities of the Board of Examiners in Embalming.)

Rule 1 of the Board has been filed and refiled without any changes at least since 1973. During the general refiling of rules in 1975, it was approved by our office on the basis of prior approval. It has been approved by the Governor and is on file with the Secretary of State and with the Revisor of Regulations. Thus, under section 84-906, R.R.S. 1943, there is a rebuttable presumption that it was duly and legally adopted. There is a procedure outlined in section 84-911, R.R.S. 1943, for determining the validity of any rule by filing a petition for a declaratory judgment in the District Court of Lancaster County. (As you know, we questioned the authority of the Legislature to make such a determination itself through the procedures outlined for your committee in Laws 1978, LB 44. See Attorney General Opinion No. 24 dated February 25, 1977, attached.)

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

MBH:smb
Enc.
cc: Henry D. Smith, M.D., M.P.H.
Director of Health
Department of Health
Attn: Rex C. Higley, Bureau of Examining Boards

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 126. Placed on General File.
LEGISLATIVE BILL 133. Placed on General File.

LEGISLATIVE BILL 32. Indefinitely postponed.
LEGISLATIVE BILL 157. Indefinitely postponed.
LEGISLATIVE BILL 464. Indefinitely postponed.

(Signed) Gerald Koch, Chairman

Public Health and Welfare

LEGISLATIVE BILL 297. Placed on General File.

(Signed) Samuel Cullan, Chairman

Revenue

LEGISLATIVE BILL 105. Placed on General File as amended.
Standing Committee amendment to LB 105:

1. On page 8, strike beginning with the second "the" in line 9 through the second "and" in line 11; and in line 11 strike "other".

LEGISLATIVE BILL 404. Placed on General File as amended.
Standing Committee amendment to LB 404:

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".

(Signed) Calvin F. Carsten, Chairman

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 537	Thursday, February 15, 1979	10:30 a.m.
LB 538	Thursday, February 15, 1979	10:30 a.m.
LB 539	Thursday, February 15, 1979	10:30 a.m.
LB 540	Thursday, February 15, 1979	1:30 p.m.
LB 353	Thursday, February 15, 1979	1:30 p.m.

(Signed) Loran Schmit, Chairman

Constitutional Revision and Recreation

LB 436	Thursday, February 15, 1979(Cancelled)	1:30 p.m.
LB 175	Thursday, February 15, 1979(Cancelled)	1:30 p.m.
LB 453	Thursday, February 15, 1979(Cancelled)	1:30 p.m.
LB 436	Thursday, February 15, 1979	2:00 p.m.
LB 175	Thursday, February 15, 1979	2:00 p.m.
LB 453	Thursday, February 15, 1979	2:00 p.m.

(Signed) Barry Reutzel, Chairman

Public Works

LB 544	Thursday, February 15, 1979	1:30 p.m.
LB 545	Thursday, February 15, 1979	1:30 p.m.

(Signed) Maurice Kremer, Chairman

Revenue

LB 562 Monday, February 26, 1979 2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will meet in executive session on Tuesday, March 6, 1979 at 1:30 p.m. and Wednesday, March 7, 1979 at 1:30 p.m.

VISITORS

Visitors to the Chamber were 37 Fourth grade students from Hartley School, Lincoln, Nebraska; Legislative Page, Jennifer Schizas introduced 39 American Field Service Students from 25 foreign countries.

ADJOURNMENT

At 10:15 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Friday, February 9, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 9, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 9, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m, President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, our Father, believing that Thou created us in Thine image, with a vast potential for growth and creativity, grant us now courage to stand for what is right; give us perseverance to contend against the wrongs of society; and afford us the wisdom to discern the difference.
>
> We are painfully aware that most issues, by and large, cannot be discussed in terms of black or white, for they contain strands of gray. Therefore, when we are often called upon to make compromises, may they be not in the nature of giving up our principles but of trying to understand the other person's principles the better.
>
> May we not lose confidence because of the intricate problems of discretion and decision, but know this is one reason why we have been put here on earth - to make decisions, for ourselves and others.
>
> Give us, therefore, the incentive to lean toward the truth, toward the right, and toward the good. We pray in our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler, Goodrich, and Johnson who were excused until they arrive; and Mrs. Labedz and Mr. Venditte who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Sixth Day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 59. Placed on General File as amended.
Standing Committee amendments to LB 59:

1. Strike original sections 1 through 3 and insert:

"Section 1. That section 79-444, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-444. (1) The district board or the board of education, in all classes of school districts, shall not admit any child to the first grade of any school of such district unless such child has reached the age of six years or will reach such age on or before October 15 of the current year; Provided, that in the event any child has successfully completed the kindergarten or beginner grade such child may enter the first grade of any such school regardless of age.

(2) The board in all classes of school districts shall not admit any child into the kindergarten or beginner grade of any school of such school district unless (a) such child has reached the age of five years or will reach such age on or before October 15 of the current year or (b) such child has demonstrated through recognized testing procedures approved by the State Board of Education that he is capable of carrying the work of those grades.

(3) The school board or board of education ~~may~~ shall require a birth certificate prior to entrance of a child into the beginner grade and evidence of a physical examination by a qualified physician ~~and such immunization as required by the board~~ within six months prior to the entrance of a child into the beginner grade and the seventh grade, or in the case of a transfer from out-of-state to any other grade of the local school; Provided, no such physical examination ~~or immunization~~ shall be required of any child whose parent or guardian shall object thereto in writing. ~~on the grounds that such physical examination or immunization is contrary to the religious tenets of an established church of which he is a member or adherent.~~ The cost of such physical examination shall be borne by the parent or guardian or each child who is examined.

This section shall not be construed to prohibit

any district board or board of education in its discretion, from establishing and supporting financially, programs to which attendance shall be voluntary which they deem beneficial to the education of prekindergarten children, nor shall this section be construed to allow any school district to fail to meet its responsibilities under Chapter 43, article 6.

Sec. 2. That section 79-444.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-444.01. Each board of education and the governing authority of each ~~private~~ school in this state shall require each ~~child under twelve years of age~~ student to be protected against measles, mumps, reubella, poliomyelitis, diphtheria, pertussis, and tetanus by immunization ~~before being permitted to attend any school under its jurisdiction,~~ prior to November 1 of each school year for original enrollees or in the case of a student transfering from another school, within sixty days after the enrollment date, unless a parent or guardian of such ~~child~~ student presents a written statement that he or she does not wish to have such ~~child~~ student so immunized. ~~In the case of any child enrolled in school on September 2, 1973, the immunization required by sections 79-444.01 and 79-444.02 shall be effected no later than September 1, 1973.~~ Such written statement shall be kept in the student's file. Any student who does not comply with this section shall not be permitted to continue in school until he or she shall so comply.

The cost of such immunization shall be borne by the parent or guardian of each ~~child~~ student who is immunized; Provided, that such cost shall be borne by the Department of Health for those ~~children~~ students whose parents or guardian are financially unable to meet such cost, to the extent that funds are specifically available for such purposes.

Sec. 3. The Department of Health shall adopt and promulgate rules and regulations relating to the required levels of protection, the evidence necessary to prove that the required examination or immunization has been received, and the reporting of each student's immunization status. The Department of Health shall furnish local school authorities with copies of such rules and regulations and any other material which will assist in the carrying out of this act.

Sec. 4. At the time the parent or guardian of any child is notified that such child must have a physical examination pursuant to section 79-444, or immunizations pursuant to section 79-444.01, he or she shall also be notified in writing of his or her right to

submit a written statement refusing a physical examination or immunization for his or her child.

Sec. 5. Any person violating the provisions of this act shall be guilty of a Class V misdemeanor.

Sec. 6. That original sections 79-444 and 79-444.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title strike lines 2 through 8 and insert:

"FOR AN ACT to amend sections 79-444 and 79-444.01, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require examination and immunization of certain students as prescribed; to provide exceptions; to provide procedures; and to repeal the original sections.".

(Signed) Jerry Koch, Chairman

Agriculture and Environment

LEGISLATIVE BILL 359. Placed on General File.

(Signed) Loran Schmit, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 13.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 537	Thursday, February 15, 1979(Reset)	1:30 p.m.
LB 538	Thursday, February 15, 1979(Reset)	1:30 p.m.
LB 539	Thursday, February 15, 1979(Reset)	1:30 p.m.

(Signed) Loran Schmit, Chairman

Education

LB 357	Monday, March 5, 1979(Cancelled)	1:30 p.m.
LB 357	Tuesday, March 6, 1979(Reset)	1:30 p.m.

(Signed) Jerry Koch, Chairman

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 8, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Epke, Walter H. - York, Northeast Nebraska Irrigation Association
Hageman, Joe - Lincoln, Martin Luther Home Parents Association; Nebraska Association of Private Residential Blue Valley Luther Home Facilities for Mentally Retarded
Haney, Bruce E. - Omaha, Piper, Jaffray & Hopwood, Inc.
Harrington, David M. - Omaha, Douglas County Sheriff's Department
Hodge, James - Holdrege, South Central Nebraska Corn Growers
Kuhle, Shirley J. - Lincoln, Lancaster County Protective Advisory Board
Lee, Forrest S. - Lincoln, Nebraska Stock Growers Association
Lombardi, Richard A. - Lincoln, Charles F. Noren
Peralez, Rudolf - Lincoln, Nebraska Aviation Trade Association
Remmers, Elvin - Firth, Nebraska Corn Growers
Richendifer, Blair K. - Walthill, Thurston County Board of Supervisors
Schutte, Alfred - Guide Rock, Nebraska Committee for Freedom of Choice in Cancer Therapy
Waak, Harlan - Lincoln, Abate of Nebraska, Inc.

Motion - Introduce Bill

Mr. Clark moved the introduction of a new bill by the Committee on Public Works (Req. #789).

Mr. Clark moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Clark motion prevailed with 31 ayes, 4 nays, and 14 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 567. By Public Works Committee: Clark, 47th District, Vice Chairman; Wesely, 26th District; Beutler, 28th District; Goodrich, 20th District; Cullan, 49th District.

A BILL FOR AN ACT to amend sections 76-1206 and 76-1208, Reissue Revised Statutes of Nebraska, 1943, relating to acquistion of real property; to allow excess payments as prescribed; and to repeal the original sections.

MOTION - Introduce Bill

Mr. Clark moved the introduction of a new bill by the Public Works Committee (Req. #790).

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 568. By Public Works Committee: Clark, 47th District, Vice Chairman; Wesely, 26th District; Beutler, 28th District; Goodrich, 20th District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 39-1322, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to provide authorization to the Department of Roads as prescribed; and to repeal the original section.

MOTION - Introduce Bill

Mr. Newell moved the introduction of a new bill by the Miscellaneous Subjects Committee (Req. #833).

The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 569. By Miscellaneous Subjects Committee: Newell, 13th District, Chairman; Sieck, 24th District; Simon, 31st District; Brennan, 9th District; Lewis, 45th District.

A BILL FOR AN ACT to amend section 32-542, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide an additional method to elect delegates to national conventions as prescribed; and to repeal the original section.

MOTION - Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Agriculture and Environment Committee (Req. #842).

The motion lost with 17 ayes, 18 nays, and 14 not voting.

The Chair declared the Call raised.

MOTION - Approve Appointments

Mrs. Marsh moved the confirmation of the Governor appointments as found in the Journal on pages 451-452 for the following: George Miller, Rex J. Kelly, Bennard W. Preis, Clifford B. Dudley, and J. E. Clemens.

Voting in the affirmative, 31:

Beutler	Fitzgerald	Landis	Reutzel	Wagner
Brennan	George	Maresh	Rumery	Warner
Carsten	Hasebroock	Marsh	Schmit	Wesely
Clark	Hefner	Marvel	Sieck	
Cullan	Hoagland	Murphy	Simon	
Duis	Kennedy	Nichol	Stoney	
Dworak	Kremer	Pirsch	Vickers	

Voting in the negative, 0.

Present and not voting, 14:

Burrows	DeCamp	Kahle	Koch	Merz
Chambers	Fowler	Kelly	Lamb	Newell
Cope	Haberman	Keyes	Lewis	

Excused and not voting, 4:

Goodrich Johnson Labedz Venditte

The appointments were confirmed with 31 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 36. Placed on General File.
LEGISLATIVE BILL 87. Placed on General File.
LEGISLATIVE BILL 154. Placed on General File.
LEGISLATIVE BILL 307. Placed on General File.

LEGISLATIVE BILL 196. Placed on General File as amended.
Standing Committee amendment to LB 196:

1. On page 2, lines 16 and 17 reinstate the stricken matter and strike the new matter; in line 17 strike "is" and show as stricken; and in line 18 after the comma insert "is".

LEGISLATIVE BILL 269. Placed on General File as amended.
Standing Committee amendments to LB 269:

1. On page 2, strike beginning with "name" in line 5 through the second "the" in line 7 and insert "magnetically encoded routing and transit symbol of the bank and either the name of the maker or the magnetically encoded".

2. Insert a new section as follows:

"Sec. 2. This act shall become operative on January 1, 1980.".

3. Renumber original section 2 as section 3.

LEGISLATIVE BILL 310. Indefinitely postponed.
LEGISLATIVE BILL 311. Indefinitely postponed.

(Signed) John DeCamp, Chairman

SELECT FILE

LEGISLATIVE BILL 9. E & R amendment found in the Journal on page 451 for the Twenty-Sixth Day was adopted.

Mr. Chambers requested a machine vote to advance to E & R for Engrossment.

Mr. Newell requested a record vote.

Voting in the affirmative, 32:

Beutler	Dworak	Kennedy	Merz	Vickers
Burrows	Fowler	Kremer	Nichol	Wagner
Carsten	George	Lamb	Pirsch	Warner
Clark	Hasebroock	Landis	Reutzel	Wesely
Cope	Hefner	Lewis	Rumery	
Cullan	Kahle	Maresh	Schmit	
Duis	Kelly	Marvel	Sieck	

Voting in the negative, 7:

Chambers	Keyes	Newell	Stoney
Hoagland	Koch	Simon	

Present and not voting, 6:

Brennan	Fitzgerald	Marsh
DeCamp	Haberman	Murphy

Excused and not voting, 4:

Goodrich	Johnson	Labedz	Venditte

Advanced to E & R for Engrossment with 32 ayes, 7 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Clark asked unanimous consent to expedite LB 9.

Mrs. Marsh objected.

Mr. Clark moved to expedite LB 9. The motion prevailed with 28 ayes, 7 nays, and 14 not voting.

LEGISLATIVE BILL 73. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 47. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 91. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 111. Title read. Considered.

Mr. Chambers renewed his pending amendment found in the Journal on page 405.

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 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 148. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 131. Title read. Considered.

Standing Committee amendment found in the Journal on page 350 for the Eighteenth Day was considered.

Mr. Nichol moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Nichol requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 24:

Beutler	DeCamp	Kennedy	Murphy	Schmit
Burrows	Duis	Kremer	Nichol	Stoney
Carsten	Fowler	Lewis	Pirsch	Wagner
Chambers	Kahle	Maresh	Reutzel	Wesely
Clark	Kelly	Merz	Rumery	

Voting in the negative, 20:

Brennan	Fitzgerald	Hoagland	Landis	Sieck
Cope	George	Keyes	Marsh	Simon
Cullan	Hasebroock	Koch	Marvel	Vickers
Dworak	Hefner	Lamb	Newell	Warner

Present and not voting, 1:

Haberman

Excused and not voting, 4:

Goodrich	Johnson	Labedz	Venditte

The Standing Committee amendment lost with 24 ayes, 20 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers offered the following amendment to LB 131:
Strike all of sections 1 and 2, insert instead: "Section 79-488.05 R.R.S. of Nebraska, 1943, is repealed.".

The amendment lost with 15 ayes, 15 nays, 15 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 9.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 65. Placed on General File as amended.
Standing Committee amendments to LB 65:

1. Strike original sections 6, 7, 8, 9, and 14.
2. On page 2, line 1 after "of" insert "sections 1 to 25 of"; and in line 3 strike "9" and insert "5".
3. On page 3, line 14 strike "11 or 12" and insert "7 or 8".
4. On page 5, line 9 strike "correspond" and insert "corresponds".
5. On page 7, line 18 strike "section 14" and insert "sections 26 to 28".
6. On page 9, line 2 strike "10, 12, and 13" and insert "6, 8, and 9"; in line 4 strike "11" and insert "7"; and in line 22 strike "10 to 13" and insert "6 to 9".
7. On page 10, in line 2 strike "10 or 13" and insert "6 or 9 or subdivision (2), (3), or (4) of section 8"; in line 7 strike "10 or 13" and insert "1 to 23"; in line 14 after "in" insert "sections 1 to 23 of"; in line 17 strike "12" and insert "8"; and in line 23 strike "10 to 13" and insert "6 to 9".
8. On page 11, line 19 strike "17" and insert "12"; and in line 23 strike "10, 12, or 13" and insert "6, 8, or 9".
9. On page 12, line 19 strike "11" and insert

"7".

10. On page 13, lines 5 and 11 strike "21" and insert "16".

11. On page 15, lines 17 and 19 before "this" insert "sections 1 to 23 of".

12. On page 16, line 1 after the second "of" insert "sections 1 to 23 of"; and in line 11 strike "11" and insert "7".

13. Insert three new sections to read as follows:

"Sec. 26. As used in sections 26 to 28, unless the context otherwise requires:

(1) Paraplegic shall mean a veteran who is paralyzed in both legs such as to preclude locomotion without the aid of braces, crutches, canes, or wheel chair;

(2) Multiple amputee shall mean a veteran who has undergone multiple amputation of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, wheel chair, or artifical limbs;

(3) Home shall mean one housing unit and necessary land therefor not to exceed one acre occupied by the veteran or his widow as long as she remains unmarried; and

(4) Substantially contributed by the Veterans Administration of the United States shall mean any amount received by a veteran from the Veterans Administration of the United States under Public Law 85-857 adopted September 2, 1958, as amended and in effect on January 1, 1965.

Sec. 27. 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. If such veteran or his unmarried widow disposes of such home, and within one year uses the proceeds therefrom, or part of such proceeds, to acquire another home for occupancy by such veteran or his widow, such home shall be deemed to be one substantially contributed to by the Veterans Administation, and the exemption provided for in this section shall apply to such substituted home during the life of such veteran or until the death of his widow or her remarriage.

Sec. 28. Any veteran claiming the exemption as provided by section 27 of this act shall make application to the county assessor upon forms prescribed and furnished by the Tax Commissioner. Such application shall be made on or before August 1, 1965, and on or before April 1 of each year thereafter. Exemptions

claimed on or before August 1, 1965, shall apply for the year 1965, and exemptions claimed before April 1 of each year thereafter shall apply for the year such exemption is claimed.".

14. On page 17, line 1 before "this" insert "sections 1 to 23 of".

15. On page 18, line 17 after the second "of" insert "sections 1 to 9 of"; and in lines 23 and 25 strike "23" and insert "18 and 26 to 28".

16. On page 19, line 12 strike "28" and insert "23".

17. On page 20, line 5 strike "77-202.14" and insert "77-202.17"; in line 7 strike "and"; in line 8 strike "77-202.12," and in line 9 after "1978," insert "section 77-202.14, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 6, and section 5, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979; section 77-202.15, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 6, and section 6, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979; section 77-202.16, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 6, and section 7, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979; and section 77-202.12, Revised Statutes Supplement, 1978, as amended by section 4, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979,".

18. Renumber original sections 10 to 13 as sections 6 to 9, sections 15 to 30 as sections 10 to 25, and sections 31 to 34 as sections 29 to 32.

(Signed) Calvin F. Carsten, Chairman

Business and Labor

LEGISLATIVE BILL 114. Placed on General File as amended.
Standing Committee amendments to LB 114:

1. On page 2, lines 10 and 23 strike "seventy" and insert "eighty".

2. On page 6, line 13 strike "seventy" and insert "eighty".

3. On page 7, line 13 strike "seventy" and insert "eighty".

LEGISLATIVE BILL 18. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 566, for the approval of the Nebraska State Legislature.

The Executive Board also reports that legislative bill 219 has been re-referred from the Revenue Committee to the Public Works Committee.

LB	Committee
219	Re-refer from Revenue to Public Works
566	Agriculture and Environment

(Signed) Frank Lewis, Chairman
Executive Board

MOTION - Rule Change

The Executive Board offered the following rule change:

Amend Rule 1, Section 16(a) as follows:

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

(Signed) Frank Lewis, Chairman; Loran Schmit; Bill Brennan; Steve Fowler; Robert Clark; John DeCamp; and Howard Lamb.

Referred to the Rules Committee.

VISITORS

Visitors to the Chamber were Congressman Douglas Bereuter; and 100 second grade students and supervisor from Randolph School, Lincoln, Nebraska.

ADJOURNMENT

At 10:26 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:30 a.m., Monday, February 12, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 12, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 12, 1979

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, Who hast put into our hearts the desire to help and to heal those who are in need, and hast placed us in a position where we have the power to improve our society, grant that we may never pass by those sticky situations which seem beyond our individual control, but rather unite for the common good. So draw us together in great efforts of service by which the sore spots of our society may be healed by Thy purpose, and we may be made glad for having been used for the extension of Thy will in the world. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Johnson, Koch, and Simon who were excused until they arrive; and Messrs. Kelly, Merz, and Venditte who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 31. Placed on Select File as amended.
E & R amendment to LB 31:

1. On page 3, line 6, strike "licensed" and insert "real estate", and at the end of the

line insert "licensed under sections 81-8,276 to 81-8,287".

LEGISLATIVE BILL 90. Placed on Select File.
LEGISLATIVE BILL 90A. Placed on Select File.

LEGISLATIVE BILL 56. Placed on Select File as amended.
E & R amendment to LB 56:
1. In the title, line 5, insert "to provide for confidentiality of certain information;" after the semicolon.

LEGISLATIVE BILL 159. Placed on Select File as amended.
E & R amendment to LB 159:
1. Renumber original sections 1 and 2 as sections 4 and 5.

LEGISLATIVE BILL 13. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 47, 73, 124, and 124A.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 57. Placed on General File as amended.
Standing Committee amendments to LB 57:

1. Insert a new section as follows:

"Sec. 2. That section 79-2208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2208. When requested in writing by local boards of education or school boards, on forms prescribed by the Commissioner of Education, the board of each educational service unit may, at its discretion and within the limitations imposed by sections 79-2209 and 79-2210, (1) provide supplementary services to (a) the requesting school systems within its geographical area, ~~supplementary services~~ (b) requesting school systems not within its geographical area to the extent allowed under section 79-2201.01, Reissue Revised Statutes of Nebraska, 1943, and subsection (3) of section 79-2203, Revised Statutes Supplement, 1978, and (c) any other educational service unit, (2) plan and coordinate educational services within its geographical area whenever such

services are offered on a cooperating basis between local school districts, and (3) contract for educational services with the board of any other educational service unit, any school district, any other educational agency, or with any appropriate state or federal officer or agency; Provided, that within that area of the service unit wherein there exists, or is hereinafter formed, an organized, full-time, approved city-county, multicounty, or regional health department with health services available, the educational service unit, if health services are provided, shall first seek to contract for school health services with such department for an amount of compensation agreeable to both such unit and board. The board of each educational service unit may charge for a portion or all of the costs of the additional services authorized by this section. If an educational service unit on December 25, 1969 has a health service facility, nothing in this section shall prevent the continued use by the unit of such facility. The educational service unit may contract with such health department to provide school health services for that area of the educational service unit not served by such city-county, multicounty, or regional health department.".

2. On page 2, line 8 after "may" insert ", either individually or collectively,"; in line 9 strike "equipment," and insert "administrative and instructional"; in line 10 strike the underscored comma; in line 11 strike "their" and insert "the"; and in line 12 strike "or to other" and insert "of any", and strike "units" and insert "unit. When an educational service unit advertises for bids for administrative or instructional materials, acceptance of any bid submitted to the educational service unit shall obligate the educational service unit to award the contract in accordance with the plans and specifications and in the quantities set forth in the bid documents. Except for school districts provided for in subsection (3) of section 79-2203, Revised Statutes Supplement, 1978, school districts in those counties which have elected not to be part of an educational service unit shall not benefit from the provisions of this section unless the school district had individually contracted with the board of an educational service unit and pays a dollar amount equivalent to the amount paid by member school districts for full participation in all services of the unit"; in line 13 strike "section" and insert "sections" and strike the comma and insert "and 79-2208,"; and in line 4 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

(Signed) Jerry Koch, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 441. Placed on General File as amended.
Standing Committee amendment to LB 441:

1. On page 3 line 17 strike beginning with "An" through "the" in line 21 and insert "The"; and in line 21 strike "sections 23-343.93 and" and insert "section".

(Signed) Dave Newell, Chairman

Judiciary

LEGISLATIVE BILL 19. Placed on General File as amended.
Standing Committee amendments to LB 19:

1. On page 10, line 10 after the period insert "The court shall give to the parties the substance of any communication or exchange of information under this subsection, and afford the parties reasonable opportunity to respond.".

2. On page 20, line 3 after "the" insert "jurisdictional issue of the".

LEGISLATIVE BILL 240. Placed on General File.

LEGISLATIVE BILL 375. Placed on General File.

LEGISLATIVE BILL 377. Placed on General File as amended.
Standing Committee amendments to LB 377:

1. On page 2, line 22 after the period insert "The Supreme Court shall also prescribe the price for microform copies of the reports."; and in line 25 after "section" insert "24-212, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 26 strike "is" and insert "are".

2. Insert the following new section:

Sec. 2. That section 24-212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-212. It shall be the duty of the Reporter of the Supreme Court to prepare the opinions of said court for publication as fast as they are delivered to him or her, and when sufficient material is accumulated to form a volume of not less than nine hundred pages, he or she shall cause the same to be printed, and bound in a good and substantial manner, equal to Volume 50 of said Reports. He or she shall deliver one thousand copies of each volume to the State Librarian, and upon a presentation of proper vouchers to the Director of

Administrative Services, he or she shall draw his or her warrant in payment thereof. The copyright of each volume shall be entered by said reporter for the benefit of the state, and all papers relating thereto shall be filed and recorded in the office of the Secretary of State. The title of the volume shall be Nebraska Reports, which, with the number of the volume, shall be printed on the back of each volume, and the reports of every case must show the name of the judge writing the opinion, the names of the judges concurring therein, and the names of the judges, if any, dissenting from said opinion. ~~The reporter may sell the stereotyped plates of the Nebraska Reports now on hand, with the approval and in the discretion of the Supreme Court, the proceeds to be paid to the State Treasurer and credited to the fund for the printing of the Nebraska Reports. He~~ The reporter shall also edit and arrange for publication, in the ~~form of pocket parts to the~~ Statutes of Nebraska, at such times as the Revisor of Statutes may request, annotations of the decisions of the Supreme Court of Nebraska and the federal courts and transmit them to the Revisor of Statutes. With the approval of the Supreme Court, the reporter may arrange for microform reproduction of the published reports and furnish them to the State Librarian for sale.".

3. Renumber original section 2 as section 3.

(Signed) William E. Nichol, Chairman

Public Health and Welfare

LEGISLATIVE BILL 94. Placed on General File as amended.
Standing Committee amendments to LB 94:

1. Insert a new section to read as follows:

"Sec. 9. That section 71-1325, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1325. As used in sections 71-1325 to 71-1338 unless the context otherwise requires:

(1) Funeral directing shall mean the act of: (a) Counseling families or next of kin in regard to the conducting of a funeral service for dead human bodies for burial, disposition, or cremation, or directing or supervising burial, disposition, or cremation of dead human bodies. Cremation shall be considered as a final disposition of a dead human body the same as interment; (b) providing for or maintaining a funeral establishment; or (c) any person representing himself or herself as a or using in connection with his or her name the title of funeral director, mortician, or any other title implying

that such person is engaged in the business of funeral directing;

~~(1)~~ (2) Funeral director or mortician shall mean a person engaged in ~~(a) preparing by embalming, or in any other manner, dead human bodies for burial or disposition, or directing or supervising burial or disposition of dead human bodies; (b) providing for or maintaining a funeral establishment; or (c) in connection with his name, using the title funeral director, mortician, or any other title implying that he is engaged in the business of funeral directing, and shall hereinafter be designated as funeral director~~ the practice of funeral directing; and

~~(2)~~ (3) Funeral establishment or mortuary shall mean a place of business situated at a specific street address or location, devoted to the care and preparation for burial, ~~or~~ disposition, or cremation of dead human bodies, and for the purpose of conducting funeral services therefrom, and shall hereinafter be designated as funeral establishment.".

2. On page 12, line 14 after "The" insert "Department of Health, upon recommendation of the"; and in line 15 before "may" insert an underscored comma.

3. On page 13, line 16 strike "upon the approval and", show as stricken and insert "by the Department of Health upon the".

4. On page 14, line 5 strike "either" and "or a funeral director's" and show as stricken; in line 6 after "the" insert "Department of Health and"; in line 7 strike "investigation", show as stricken, and insert "inspection"; in line 9 strike "such", show as stricken, and insert "the department upon the recommendation of the"; in line 9 strike the second "board" and insert "~~board~~ department"; and in line 11 after "hearings" insert "by the department,".

5. On page 16, line 24 strike "IV" and insert "~~IV~~ III" and after "misdemeanor" insert "and shall be dealth with in the same manner as outlined in section 71-167, Revised Statutes Supplement, 1978".

6. On page 17, line 20, strike "shall" and insert "~~shall~~ may"; strike beginning with the comma in line 20 through the first comma in line 22 and show the old matter as stricken; and in line 24 strike "board" and insert "~~board~~ department".

7. On page 20, strike beginning with "Board" in line 11 through "Directing" in line 12, show the old matter as stricken, and insert "Department of Health"; and in lines 18 and 27 strike "board" and insert "~~board~~ department".

8. On page 21, strike beginning with "Board" in

line 12 through "Directing" in line 13, show the old matter as stricken, and insert "Director of Health"; and in lines 14, 19, and 24 strike "board" and insert "~~board~~ director".

9. Strike original section 21 on page 24.

10. On page 24, line 13 after "The" insert "Department of Health, upon the recommendation of the"; and in line 14 after "Directing" insert an underscored comma.

11. On page 25, line 11, after the comma insert "71-1325,".

12. Renumber original sections 9 to 20 as sections 10 to 21 respectively.

(Signed) Samuel K. Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 534	Tuesday, February 27, 1979	1:30 p.m.
LB 471	Tuesday, February 27, 1979	1:30 p.m.
LB 262	Wednesday, February 28, 1979	1:30 p.m.
LB 490	Monday, February 26, 1979	1:30 p.m.
LB 510	Monday, February 26, 1979	1:30 p.m.
LB 511	Monday, February 26, 1979	1:30 p.m.

(Signed) William E. Nichol, Chairman

Rules

Monday, February 12, 1979 12:30 p.m.

(Signed) Steve Fowler, Chairman

Miscellaneous Subjects

LB 162	Thursday, February 22, 1979	1:30 p.m.
LB 535	Thursday, February 22, 1979	1:30 p.m.
LB 423	Friday, February 23, 1979	1:30 p.m.
LB 152	Friday, February 23, 1979	1:30 p.m.
LB 352	Thursday, March 8, 1979	1:30 p.m.
LB 368	Thursday, March 8, 1979	1:30 p.m.

LB 488	Friday, March 9, 1979	1:30 p.m.
LB 258	Friday, March 9, 1979	1:30 p.m.
LB 221	Thursday, March 15, 1979	1:30 p.m.

(Signed) Dave Newell, Chairman

MOTION - Rule Changes

Mr. Fowler offered the following rule changes:

(1)

Amend Rule 7, Sec. 2 (d) as follows:
(d) Whenever the "ayes" and "nays" are taken by machine vote no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote the Clerk shall announce the ayes, the nays, ~~those present and not voting, those absent and not voting, and those excused and not voting,~~ and those 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. On roll call or record votes, 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 those totals shall be set forth in the Journal.

(2)

Amend Rule 3, Section 21, by striking the reference to the
Conflict of Interest. RRS 49-1105 . . . . . 4 senate members.

(3)

To amend Rule 1, Section 17, sub-section (c) by striking all the matter contained therein and re-lettering sub-sections "(d)" and "(e)" as "(c)" and "(d)".

Referred to Rules Committee.

MOTION - Introduce Bill

Mr. Keyes moved the introduction of a new bill by the Government, Military and Veterans Affairs Committee (Req. #810).

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 570. By Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Merz, 1st District; Landis, 46th District; Wagner, 41st District; Duis, 39th District.

A BILL FOR AN ACT to amend sections 16-302.01, 17-107.02, 18-103, 32-425, 32-537, 32-542, 32-704, 32-711, 32-812, 32-819, 46-112, and 79-803.09, Reissue Revised Statutes of Nebraska, 1943, and sections 18-102, 32-216, 32-402.01, 32-403, 32-424, 32-428, 32-428.02, 32-4,132, and 32-815, Revised Statutes Supplement, 1978, relating to elections; to change election procedures as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 32-216.01, 32-218, 32-221, and 79-803.08, Reissue Revised Statutes of Nebraska, 1943.

MOTION - Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Agriculture and Environment Committe (Req. #805).

The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 571. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Lamb, 43rd District; Kahle, 37th District; Burrows, 30th District; DeCamp, 40th District; Nichol, 48th District.

A BILL FOR AN ACT relating to grain alcohol; to provide for construction of grain alcohol plants or facilities as prescribed; to provide for contracts with certain political subdivisions; to create a fund; to increase the tax on motor vehicle fuels; to specify that agricultural ethyl alcohol be produced in Nebraska in order to get a reduced tax; to amend section 39-2215, Reissue Revised Statutes of Nebraska, 1943, and section 66-410, 66-428, and 66-605, Revised Statutes Supplement, 1978; to repeal the original sections; and to declare an emergency.

MOTION - Introduce Bill

Mr. Nichol moved the introduction of a new bill by the Judiciary Committee (Req. #809).

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

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

MOTION - Introduce Bill

Mr. Nichol moved the introduction of a new bill by the Judiciary Committee (Req. #685).

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 573. By Judiciary Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Reutzel, 15th District; Stoney, 4th District; Pirsch, 10th District; Wagner, 41st District.

A BILL FOR AN ACT relating to pretrial diversion; to authorize the establishment of a pretrial diversion program as prescribed; to amend section 23-1201, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

ATTORNEY GENERAL'S OPINION

Opinion No. 18
February 8, 1979

Dear Senator Koch:

This is in response to your letter of February 6, 1979. In that letter you note that Neb.Rev.Stat. Section 79-1247.07 (Supp. 1978), provides (1) that all certificates and permits to teach, counsel, supervise, and administer in all elementary and secondary schools in this state shall be issued by the Commissioner of Education; (2) the contents of the certificates or permits; and (3) the fee to be paid by the applicant for the issuance of the certificate or permit. You also state that the Education Committee has before it LB 126 which would add a subsection to Neb.Rev.Stat. Section 79-1247.07 (Supp. 1978), to wit:

> "The commissioner may issue any certificate or permit without payment of the fee required in subsection (1), (2), (4), (5) of this section, to an applicant who files with the office of the commissioner evidence that the applicant's currently valid certificate or permit was issued under payment of the applicable fee and contains erroneous information that was not the responsibility of the applicant."

You then ask us to review and comment on the following: "Under the existing statute, may the Commissioner of Education permit the issuance of a corrected certificate without the applicant being required to resubmit another fee to correct errors made by the Department of Education, the Department of Administrative Services, or any other state agency? Is the pending legislation necessary?"

I.

We have examined Neb.Rev.Stat. Section 79-1247.07 (Supp. 1978), and find nothing in that statute which would authorize the Commissioner of Education to charge an additional fee for the issuance of a corrected certificate or permit. Moreover, it is well settled law that where statutes do not expressly authorize a charge for service performed by a public officer, such service must be performed gratuitously. See, inter alia, Ehlers v. Gallagher, 147 Neb. 97, 22 N.W.2d 396 (1946); and State ex rel Tomka v. Janing, 183 Neb. 76, 158 N.W.2d 213 (1968). We are therefore of the opinion that when it is brought to the attention of the Commissioner of Education that certificate or permit issued pursuant to Neb.Rev.Stat. Section 79-1247.07 (Supp. 1978), contains error(s) caused by the Department of Education, the Department of Administrative Services, or any other state agency, the Commissioner of Education must issue a corrected certificate or permit gratutiously.(sic)

II.

We have also examined the proposed amendment to Neb.Rev.Stat. Section 79-1247.07 (Supp. 1978), which is stated in LB 126 of the Eighty-Sixth Legislature, First Session, and find that it merely reflects the common law, which is cited above. Consequently, in our opinion, LB 126 is wholly unnecessary.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to add his name to LB 505. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 95.

A BILL FOR AN ACT to amend sections 71-147 and 71-148, Reissue Revised Statutes of Nebraska, 1943, relating to professional licenses; to change provisions relating to the suspension and revocation of such licenses; and to repeal the original sections.

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

Voting in the affirmative, 44:

Beutler	Dworak	Johnson	Maresh	Schmit
Brennan	Fitzgerald	Kahle	Marsh	Sieck
Burrows	Fowler	Kennedy	Marvel	Simon
Carsten	George	Keyes	Murphy	Stoney
Chambers	Goodrich	Kremer	Newell	Vickers
Clark	Haberman	Labedz	Nichol	Wagner
Cope	Hasebroock	Lamb	Pirsch	Warner
Cullan	Hefner	Landis	Reutzel	Wesely
DeCamp	Hoagland	Lewis	Rumery	

Voting in the negative, 0.

Present and not voting, 1:

Duis

Excused and not voting, 4:

Kelly Koch Merz Venditte

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

LEGISLATIVE BILL 96. With Emergency.

A BILL FOR AN ACT to amend section 81-194, Revised Statutes Supplement, 1978, relating to the Board of Examiners in Veterinary Medicine; to provide for continuation of the board; to provide its purpose; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

Beutler	Duis	Johnson	Maresh	Schmit
Brennan	Dworak	Kahle	Marsh	Sieck
Burrows	Fitzgerald	Kennedy	Marvel	Stoney
Carsten	Fowler	Keyes	Murphy	Vickers
Chambers	George	Kremer	Newell	Wagner
Clark	Goodrich	Labedz	Nichol	Warner
Cope	Hasebroock	Lamb	Pirsch	Wesely
Cullan	Hefner	Landis	Reutzel	
DeCamp	Hoagland	Lewis	Rumery	

Voting in the negative, 0.

Present and not voting, 2:

Haberman
Simon

Excused and not voting, 4:

Kelly Koch Merz Venditte

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 97. With Emergency.

A BILL FOR AN ACT to amend section 81-194, Revised Statutes Supplement, 1978, relating to the Board of Examiners in Physical Therapy; to provide for continuation of the board; to provide its purpose; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 45:

Beutler	Duis	Hoagland	Lewis	Rumery
Brennan	Dworak	Johnson	Maresh	Schmit
Burrows	Fitzgerald	Kahle	Marsh	Sieck
Carsten	Fowler	Kennedy	Marvel	Simon
Chambers	George	Keyes	Murphy	Stoney
Clark	Goodrich	Kremer	Newell	Vickers
Cope	Haberman	Labedz	Nichol	Wagner
Cullan	Hasebroock	Lamb	Pirsch	Warner
DeCamp	Hefner	Landis	Reutzel	Wesely

Voting in the negative, 0.

Excused and not voting, 4:

Kelly Koch Merz Venditte

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 98. With Emergency.

A BILL FOR AN ACT to amend sections 71-1001 and 81-194, Revised Statutes Supplement, 1978, relating to the State Anatomical Board; to change membership on the board; to provide for continuation of the board; to provide its purpose; to repeal the original sections; and to declare and emergency.

Whereupon the President stated: "All provisions of 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:

Beutler	Duis	Hoagland	Lewis	Rumery
Brennan	Dworak	Johnson	Maresh	Schmit
Burrows	Fitzgerald	Kahle	Marsh	Sieck
Carsten	Fowler	Kennedy	Marvel	Simon
Chambers	George	Keyes	Murphy	Stoney
Clark	Goodrich	Kremer	Newell	Vickers
Cope	Haberman	Labedz	Nichol	Wagner
Cullan	Hasebroock	Lamb	Pirsch	Warner
DeCamp	Hefner	Landis	Reutzel	Wesely

Voting in the negative, 0.

Excused and not voting, 4:

Kelly	Koch	Merz	Venditte

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 128. With Emergency.

A BILL FOR AN ACT to amend section 79-445, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the payment of tuition by the state for certain nonresident pupils as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

Beutler	Duis	Hoagland	Landis	Pirsch
Brennan	Dworak	Johnson	Lewis	Reutzel
Burrows	Fitzgerald	Kahle	Maresh	Rumery
Carsten	Fowler	Kennedy	Marsh	Schmit
Chambers	George	Keyes	Marvel	Sieck
Clark	Goodrich	Kremer	Murphy	Simon
Cullan	Hasebroock	Labedz	Newell	Stoney
DeCamp	Hefner	Lamb	Nichol	Vickers

Wagner Warner Wesely

Voting in the negative, 0.

Present and not voting, 2:

Cope Haberman

Excused and not voting, 4:

Kelly Koch Merz Venditte

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 192.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1978, relating to the sales and use tax; to change provisions relating to exemptions 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:

Beutler	Duis	Hoagland	Maresh	Schmit
Brennan	Dworak	Johnson	Marsh	Sieck
Burrows	Fitzgerald	Kennedy	Marvel	Simon
Carsten	Fowler	Keyes	Murphy	Stoney
Chambers	George	Kremer	Newell	Vickers
Clark	Goodrich	Labedz	Nichol	Wagner
Cope	Haberman	Lamb	Pirsch	Warner
Cullan	Hasebroock	Landis	Reutzel	Wesely
DeCamp	Hefner	Lewis	Rumery	

Voting in the negative, 0.

Present and not voting, 1:

Kahle

Excused and not voting, 4:

Kelly Koch Merz Venditte

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

GENERAL FILE

LEGISLATIVE BILL 131. Considered.

Mr. Kahle offered the following amendment to LB 131:

Section 1. That section 79-488.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-488.05. When any vehicle with a manufacturer's rated seating capacity of twelve or more passengers used for transportation of school children is sold and used for any other purpose than for transportation of school children, the body of such vehicle shall be painted a distinct color other than that prescribed by the State Board of Education. National School Bus Glossy Yellow as specified in Federal Standard Number 595a, Color 13432. The stop arms and system of alternately flashing warning signal lights on such vehicle shall be removed. School officials selling such vehicles shall notify the buyer of necessary modifications on such form as may be prescribed by the Commissioner of Education. Any person violating the provisions of operating a vehicle in violation of this section shall be guilty of a Class V misdemeanor., upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Section 2. That original section 79-488.05, Reissued Revised Statutes of Nebraska, 1943, is repealed.

The amendment was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Chambers moved to return LB 131 to the Judiciary Committee for further consideration.

The motion prevailed with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 117. Title read. Considered.

Standing Committee amendments found in the Journal on page 350 for the Eighteenth Day were considered.

Mr. Johnson offered the following amendments to the Standing Committee amendments:

That the amendments proposed by the Judiciary Committee in its report on LB 117 be amended as follows:

(1) In paragraph 1, of the report, strike "seven hundred fifty" and insert "one thousand";

(2) In paragraph 2, of the report, strike "seven hundred fifty" and insert "one thousand".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The Johnson amendment was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 5 nays, 13 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.

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

LEGISLATIVE BILL 10. Title read. Considered.

Standing Committee amendments found in the Journal on page 355 for the Eighteenth Day were considered.

SPEAKER MARVEL PRESIDING

Mr. Reutzel moved for a Call of the House. The motion prevailed with 15 ayes, 7 nays, and 27 not voting.

The Standing Committee amendments were adopted with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 45. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 51.

Messrs. Simon and Johnson moved to return LB 51 to the Business and Labor Committee.

The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 379. Placed on General File as amended.
Standing Committee amendment to LB 379:

1. On page 2 strike beginning with "a clerk" in line 7 through "other" in line 13, show the old matter as stricken, and insert "such".

(Signed) Barry Reutzel, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 14.

Introduced by Simon, 31st District; Johnson, 8th District.

WHEREAS, undocumented workers are members of the labor force in Nebraska and other states; and

WHEREAS, a growing number of these workers may seek to join the Nebraska labor force as employment opportunities in neighboring states dwindle; and

WHEREAS, undocumented workers may depress wage rates for all other workers and inhibit labor organizing activity; and

WHEREAS, other states have enacted legislation to prohibit hiring of undocumented workers.

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

1. That the Legislature's Committee on Business and Labor perform an interim study to determine the need and feasibility of

establishing a state prohibition against knowingly hiring an undocumented worker.

2. That the committee shall examine and consider such laws as they exist in other states as a reference for developing any proposed legislative changes.

3. That the Mexican-American Commission shall assist the committee, as may be required, in discovering facts in determining whether or not the presence of undocumented workers in Nebraska displace documented workers, exert an influence on wage rates, or inhibit labor organizing activities.

4. 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.

NOTICE OF COMMITTEE HEARINGS
Administrative Rules and Regulations Review

Your Committee on Administrative Rules and Regulations Review gives notice of Public Hearing in room 1520 for the following purpose:
Review of Rule 56(j) of the Department of Banking and Finance and the administration thereof on Tuesday, February 27 at 12:00 Noon.

(Signed) Herbert J. Duis, Chairman

Appropriations

Department of Labor (Agency Appropriation Hearing) - rescheduled from 1:30 February 14, 1979 to 1:30 February 23, 1979.
Presentation of the Second Annual Correctional Improvement Program (CIP) evaluation team reports to the Appropriations Committee - 2:30 Wednesday, February 28, 1979.

(Signed) Jerome Warner, Chairman

EXPLANATION OF VOTE

Had I been present I would have voted aye on LB 117 on General File.

(Signed) Calvin Carsten

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Goodrich asked unanimous consent to add his name to LB 263. No objections. So ordered.

UNANIMOUS CONSENT - Members Excused

Mr. Johnson asked unanimous consent to be excused Tuesday, February 13, 1979 until he arrives. No objections. So ordered.

Mr. Rumery asked unanimous consent to be excused February 13, 14, 15, and 16, 1979. No objections. So ordered.

Mr. Reutzel asked unanimous consent to be excused Thursday morning, February 15, 1979. No objections. So ordered.

Mr. Koch asked unanimous consent to be excused Tuesday, February 13, Wednesday, February 14, and Thursday, February 15, 1979. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Roger Karell, sons Dana and Todd from Bayard, Nebraska; 43 kindergarten students and teachers from Huntington Grade School, Lincoln; 50 fourth grade students, teachers, and parent from General Arnold Elementary School, Lincoln; and Karie Keown from Omaha representing Girls State and Girls Nation in 1978.

ADJOURNMENT

At 11:58 a.m., on a motion by Mrs. Labedz, the Legislature adjourned until 9:00 a.m., Tuesday, February 13, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 13, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 13, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, our Father, may this be a day of high visibility for us. So often our mental and emotional ceiling is zero. We try to think clearly and see accurately, but are often fogged in. May we through contact with Thee lift our thoughts above the clouds where there is clear visibility and broad perspective for making our decisions. Remind us afresh that "they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; they shall walk and not faint." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, George, and Johnson who were excused until they arrive; and Messrs. Koch, Rumery, and Venditte who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 95, 96, 97, 98, 128, and 192.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 95, 96, 97, 98, 128, and 192.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 125. Placed on General File as amended.
Standing Committee amendments to LB 125:

1. Strike original section 1 and insert the following:

Section 1. That section 79-518.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-518.04.~~ Any member of a school board or board of education of a Class II, III, IV, V, or VI school district may be subject to recall. ~~for habitual or willful neglect of duty, gross partiality, oppression, extortion, corruption, willful maladministration in office, conviction of a felony, or habitual drunkenness.~~ The procedure to accomplish the removal by recall of any incumbent of such office shall be as follows: ~~initiated by the filing of a~~

(1) A petition signed by the registered voters of the district equal in number to at least twenty-five per cent of the total number of votes cast for the board member receiving the highest number of votes at the preceding school election. ~~A board member nominated by ward and elected at large may be recalled within the ward in the same manner.~~

~~The percentage figure used for petition signing shall be based on the total votes of the board member receiving the highest number of votes in all precincts including those parts of precincts in adjoining counties. The names on the petitions shall be those of registered voters residing within the boundaries of the school district and may be obtained in any one or all precincts~~

~~forming the school district.~~

(2) The petition shall ~~name the incumbent and the reason for removal and the candidate proposed for election to succeed him, and such petition shall be filed with the county clerk or election commissioner of the county in which the majority of school age children reside. The petition shall show the name and residence address of each signer. Within fifteen days from the date of filing of such petition, the county clerk or election commissioner shall compare the petition signatures with the voters' registration to ascertain whether the signatures are valid. The county clerk or election commissioner shall attach to such petition his certificate showing the result of such examination. If the county clerk's or election commissioner's certificate to such petition shows that it is insufficient because of a lack of signatures, he shall notify the circulators and they may obtain additional signatures to supplement the original petition. The supplemental petition shall be filed within fifteen days of the filing of the original petition and the supplemental petition shall state all the facts as in the case of the original petition. The county clerk or election commissioner shall within ten days examine the supplemental petition and if his certificate shall show that the petition or petitions contain the requisite number of signatures, he shall submit the petition and any supplement together with his certificate to the school board or board of education.~~ contain a general statement of the grounds for which the removal is sought, the name of the incumbent whose removal is sought, the name of the candidate proposed to succeed him or her, the date each person signed his or her name to the petition and the residence address of each signer. The petition shall be filed with the county clerk or election commissioner. Within fifteen days from the date of filing a petition for recall the county clerk or election commissioner in the county in which the majority of school age children reside shall compare the signatures with the voter registration records in each county in which petitions were circulated. No signature shall be counted if it was signed to the petition more than forty-five days prior to the date on which the petition was filed. The county clerk or election commissioner shall attach to such petition or petitions a certificate showing the result of such examination and submit the same to the school board or board of education in which the recall election is to be conducted.

~~The~~ (3) If there are sufficient signatures, the board of education shall, without delay, order and fix a date for holding an election, which date shall be not

less than thirty days nor more than sixty days from the date on which the county clerk or election commissioner's certificate is received by the board of education. No candidate's name, other than the name of the incumbent and the name of the candidate named in the recall petition, shall appear on the ballot for such office, but a blank line shall appear thereon on which a name may be written. ~~in and voted for.~~ Not less than twenty days prior to the ~~date of the~~ election, public notice shall be given by the board, stating the time and place of holding the recall election, the name of the incumbent sought to be removed and the name of the candidate opposing the incumbent.

(4) The county clerk or election commissioner along with the board shall establish the polling places. If polling places are consolidated, the board shall include in the notice of election the notice of the consolidation of precincts and the place for holding the election. ~~as directed by the county clerk or election commissioner.~~ The notice of election shall be published once in at least one newspaper of general circulation within the district. ~~, but if no newspaper is circulated within the district the notice shall be posted in at least three public places within the district. The board shall furnish the official and absent and disabled voters ballots.~~ The county clerk or election comissioner shall issue all absent, ~~and~~ disabled, and confined voters ballots. ~~and the canvassing board appointed by the county clerk or election commissioner shall canvass all returns and count the absent and disabled voters ballots pursuant to Chapter 32. The county clerk or election commissioner shall issue a certificate of election to the person receiving the highest number of votes.~~ The receiving board shall consist of three or more persons appointed by the county clerk or election commissioner and the receiving board shall count all ballots after the polls are closed including the absent, disabled, and confined voters ballots. The ballots shall be printed in the same manner as for a general election and the names shall not be rotated. ~~The successor of any office so removed, if qualified, shall be sworn into office within ten days and shall hold office during the unexpired term of his predecessor.~~ In any such removal election, the candidate receiving the highest number of votes shall be declared elected. ~~, and if some person other than the incumbent receives the highest number of votes the incumbent shall thereupon be removed from the office upon the qualifying of his successor.~~ In case of a tie vote in the recall of Class II, III, IV, V, or VI school district board members the office shall be declared

vacant and shall be filled as provided by law. The candidate elected shall take office upon receipt of the certificate of election. If the party receiving the highest number of votes ~~be some person other than the incumbent, and if he~~ should fail to qualify and give bond as provided by law within ten days after receiving ~~his~~ the certificate of election, the office shall be deemed vacant and shall be filled ~~by the remaining board members for the balance of the unexpired term~~ as provided for the filling of vacancies. If the incumbent receives the highest number of votes cast at such election, he shall continue in office.

The district in which the recall election is being held shall pay for the ~~full~~ cost of the election, including all supplies, notices, election boards, and all other charges pertaining to the election. ~~The~~ Upon completion of the recall election, the county clerk or election commissioner shall return all supplies to the board ~~upon completion of the election~~ of education which supplies shall be kept for at least fifty days.

Sec. 2. Any member of a Class I school board may be subject to recall following the procedures provided in section 1 of this act. The petitions for the recall of a member of a Class I school district shall be signed by registered voters of the district equal in number to at least twenty-five per cent of the total number of registered voters residing in the district. The county clerk or election commissioner, along with two registered voters of the school district, shall verify the voter registration records to ascertain the number of registered voters residing within the district on the day the first petition or petitions were filed. A notarized affidavit stating the number of registered voters residing within the boundaries of the school district shall be signed by those making the examination and filed with the school board, which affidavit shall become part of the minutes of the board when establishing a recall election date.

All procedures for notice of election, the issuing of absent, disabled, and confined voters ballots, the counting of ballots, the payment of costs, and the retention of supplies as provided for the recall of school board members in a Class II, III, IV, V, or VI school district shall be in effect.

In case of a tie vote in the recall of Class I school district board members the office shall be declared vacant and the remaining member or members shall appoint a person to fill the vacancy for the unexpired term.".

2. Renumber remaining section accordingly.

(Signed) Jerry Koch, Chairman

Public Works

LEGISLATIVE BILL 42. Placed on General File as amended.
Standing Committee amendments to LB 42:

1. Strike original sections 1 to 10 and insert the following:

"Section 1. As used in this act, unless the context otherwise requires, department shall mean the Department of Roads.

Sec. 2. The department shall have authority to determine that (1) a railroad crossing shall be eliminated, (2) automatic railroad grade crossing protection devices shall be installed, modified, or improved, or (3) other measures are necessary to improve public safety at railroad crossings.

Sec. 3. The department 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 and the relative order of need.

Sec. 4. In establishing the priority list under section 3 of this act, the department shall consult with railroad officials and governmental subdivisions to determine where railroad crossing safety measures are needed. The department shall consider the accident history of the crossings, the amount of traffic at the crossing, traffic speed limits, population density, visibility of the crossing, any information provided by notices filed with the commission under section 7 of this act, the results of any investigations conducted by the Public Service Commission under section 74-913, Reissue Revised Statutes of Nebraska, 1943, and similar factors.

Sec. 5. 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.

Upon receiving such notice, or upon its own determination, the Department of Roads shall forthwith examine the crossing concerned, in conjunction with representatives of the political subdivision and the particular railroad company involved, to determine whether the position of such crossing on the priority list

established under section 3 of this act should be adjusted.

Sec. 6. The department 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 department from the Grade Crossing Protection Fund.

Sec. 7. When an accident occurs at any railroad crossing within the State of Nebraska which results in serious personal injury or loss of human life, the corporation operating the railroad which was involved in the accident shall within one day thereafter notify the department that an accident has occurred and shall promptly furnish to the department a copy of the same notice that it is required to furnish to the Nebraska Public Service Commission and Federal Railroad Administration.

Sec. 8. That section 39-6,195, Revised Statutes Supplement, 1978, be amended to read as follows:

39-6,195. The Department of Roads 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 Roads 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 required, 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 department, the political subdivision with jurisdiction over the crossing, and the railroad

involved agree that a grade crossing should be eliminated by closing the street, road, or highway, ~~such~~ the political subdivision making ~~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, 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 statwide use of such crossings by the public, the Department of Roads shall pay ~~eighty~~ eighty-seven and one half 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~~ two and one half 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, the Department of Roads 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 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 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 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. 9. That original section 39-6,195, Revised Statutes Supplement, 1978, is repealed.".

2. In the title strike beginning with the second "to" in line 2 through the first semicolon in line 3; and in line 3, after "duties" insert "of the Department of Roads".

LEGISLATIVE BILL 201. Placed on General File.
LEGISLATIVE BILL 204. Placed on General File.

LEGISLATIVE BILL 199. Indefinitely postponed.
LEGISLATIVE BILL 244. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

COMMUNICATIONS

Received letter from Interstate Commerce Commission acknowledging receipt of LR 9.

Received letter from the Omaha Softball Association, Carl P. Kelley, Commissioner, acknowledging receipt of LR 4.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 6b, to take up LB 9 on Final Reading today.

The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 9.

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.

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

Voting in the affirmative, 33:

Beutler	Duis	Kahle	Maresh	Sieck
Burrows	Dworak	Kelly	Marvel	Vickers
Carsten	Fowler	Kennedy	Merz	Wagner
Clark	Goodrich	Kremer	Nichol	Warner
Cope	Haberman	Lamb	Pirsch	Wesely
Cullan	Hasebroock	Landis	Reutzel	
DeCamp	Hefner	Lewis	Schmit	

Voting in the negative, 8:

Fitzgerald	Keyes	Marsh	Simon
Hoagland	Labedz	Newell	Stoney

Present and not voting, 2:

Brennan Murphy

Excused and not voting, 6:

Chambers	Johnson	Rumery
George	Koch	Venditte

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

GENERAL FILE

LEGISLATIVE BILL 114. Title read. Considered.

Standing Committee amendments found in the Journal on page 475 for the Twenty-Seventh Day were considered.

Mr. Hefner offered the following amendment to the Standing Committee amendments:

1. On page 2, lines 10 and 23 strike "Eighty" and insert sixty-six.

2. On page 6, line 13 strike eighty and insert sixty-six.
3. On page 7, line 13 strike eighty and insert sixty-six.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Hefner amendment lost with 13 ayes, 26 nays, 6 present and not voting, and 4 excused and not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, and 15 not voting.

The Standing Committee amendments were adopted with 26 ayes, 11 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 9 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Merz asked unanimous consent to be excused at 10:05 a.m. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 9.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 9.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 243	Friday, February 23, 1979(Cancel)	1:30 p.m.
LB 546	Friday, February 23, 1979	1:30 p.m.
LB 547	Friday, February 23, 1979	1:30 p.m.

LB 219	Wednesday, March 7, 1979	1:30 p.m.
LB 482	Wednesday, March 7, 1979(Reset)	1:30 p.m.
LB 243	Thursday, March 8, 1979(Reset)	1:30 p.m.
LB 563	Thursday, March 8, 1979	1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

SELECT COMMITTEE REPORT
Rules

The Rules Committee met Monday, February 12, 1979, and acted favorably on the following proposed rule changes:

1. Executive Board rule change (Journal p. 476)
VOTE: For: Fowler, Beutler, Newell (3). Against: Murphy. Absent: None. Excused: Kahle (1).

2. Fowler rule change (Journal p. 320)
VOTE: For: Fowler, Beutler, Murphy, Newell (4). Against: None. Absent: None. Excused: Kahle (1).

3. Beutler rule change (Journal p. 158)
VOTE: For: Fowler, Beutler, Murphy, Newell (4). Against: None. Absent: None. Excused: Kahle (1).

(Signed) Steve Fowler, Chairman

GENERAL FILE

LEGISLATIVE BILL 112. Title read. Considered.

Mr. Dworak moved to indefinitely postpone.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mr. Dworak withdrew his motion to indefinitely postpone.

Advanced to E & R for Review with 33 ayes, 3 nays, 8 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 53. Title read. Considered.

Mr. Vickers offered the following amendment:
On page 2, line 12 after writing insert the form to authorize shall also include a notice to the employee of his or her right to refuse authorization.

The amendment was adopted with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Mr. Lamb offered the following amendment:
Page 2, line 6 strike shall, insert may.

Mr. Simon 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. Lamb requested a record vote on the amendment:

Voting in the affirmative, 11:

Cullan	Hefner	Labedz	Nichol
Duis	Kennedy	Lamb	Pirsch
Dworak	Kremer	Murphy	

Voting in the negative, 21:

Brennan	Kahle	Marsh	Simon	Wesely
Fitzgerald	Keyes	Marvel	Stoney	
Fowler	Landis	Newell	Vickers	
Hasebroock	Lewis	Reutzel	Wagner	
Hoagland	Maresh	Sieck	Warner	

Present and not voting, 12:

Beutler	Chambers	DeCamp	Haberman
Burrows	Clark	George	Kelly
Carsten	Cope	Goodrich	Schmit

Excused and not voting, 5:

Johnson	Koch	Merz	Rumery	Venditte

The amendment lost with 11 ayes, 21 nays, 12 present and not voting, and 5 excused and not voting.

PRESIDENT LUEDTKE PRESIDING

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Advanced to E & R for Review with 27 ayes, 8 nays, 9 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 23. Placed on General File as amended.
Standing Committee amendments to LB 23:
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office. Req. #2539)

LEGISLATIVE BILL 476. Placed on General File.
LEGISLATIVE BILL 477. Placed on General File.

(Signed) Maurice Kremer, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 75. Placed on General File as amended.
Standing Committee amendment to LB 75:

1. Insert a new section as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 137. Placed on General File as amended.
Standing Committee amendment to LB 137:

1. On page 2, line 12 strike "appeal as", and insert "review in the manner"; and in line 13 after "1943" insert ", for the review of decisions in contested cases".

LEGISLATIVE BILL 30. Indefinitely postponed.
LEGISLATIVE BILL 64. Indefinitely postponed.
LEGISLATIVE BILL 109. Indefinitely postponed.

(Signed) Orval Keyes, Chairman

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 567 and 568, and 570 through 573 inclusive, for the approval of the Nebraska State Legislature.

LB	Committee
567	Public Works
568	Public Works
569	Held
570	Government, Military and Veterans Affairs
571	Agriculture and Environment
572	Judiciary
573	Judiciary

(Signed) Frank Lewis, Chairman
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 1979, at 10:07 a.m., were the following bills: 9, 95, 96, 97, 98, 128, and 192.

(Signed) Hazel Kaltenberger, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 215. 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 67. Title read. Considered.

Standing Committee amendment found in the Journal on page 363 for the Nineteenth Day was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Marsh offered the following amendment:
Add the Emergency Clause to LB 67.

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 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 22. 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Simon asked unanimous consent to print the following amendment to LB 143 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 143
(white copy request 2577)

1. On page 5, line 7, after the underscored period insert "Failure of a domestic subscriber to attend a scheduled conference shall relieve the utility of any further action prior to the discontinuance of service. If a domestic subscriber shall contact the utility prior to the scheduled conference and demonstrate that failure to attend was for a legitimate reason, the utility shall make a reasonable effort to reschedule the conference.".

VISITORS

Visitors to the Chamber were Kaye Biggs, UNL originally from England; Carolyn Van Boning and 29 Extension Club members of Webster and Nuckolls Counties; 20 high school students and sponsors from Faith Christian School, Louisville; 17 4th, 5th, and 6th grade students and sponsors from Nickerson District 19 School, Dodge County; and 16 high school students and sponsors from Independent Baptist Academy of Morrill.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Wednesday, February 14, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 14, 1979

LEGISLATIVE JOURNAL

THIRTIETH DAY - FEBRUARY 14, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 14, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, we acknowledge that You show Your love for us in so many ways, through the world around us, through opportunities for service, through our families, and friends; help us on this Valentine's Day to realize the spirit of genuine love, not just the kind of love which desires to get, not just the kind of love which desires a favor, but the kind of love that genuinely cares for other people, for their needs, for their hopes and ambitions. May this kind of love so permeate our thinking and acting this day, that we may control our tempers and regulate our speech, that we may have a central calm in the midst of storms, that we may love others while differing from them. Give us this kind of love so that, though others may know we differ with them, they will know we genuinely care for them, even as You have loved us. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Cullan, Fowler, and Warner who were excused until they arrive; and Messrs. Duis, Kelly, Koch, Lewis, and Rumery who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 91. Placed on Select File.

LEGISLATIVE BILL 111. Placed on Select File as amended.
E & R amendments to LB 111:

1. In the Chambers amendments, page 2, line 24, insert an underscored period after "confinement".

2. In the title, line 2, strike "section" and insert "sections 29-2206 and"; in line 6, insert "to change imprisonment provisions;" after the semicolon; and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 148. Placed on Select File.
LEGISLATIVE BILL 117. Placed on Select File.

LEGISLATIVE BILL 10. Placed on Select File as amended.
E & R amendment to LB 10:

1. In the title, line 4, insert "to harmonize provisions;" after the semicolon; in line 6 strike "and"; and in line 7 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 45. Placed on Select File as amended.
E & R amendment to LB 45:

1. On page 4, line 1, strike the comma and show as stricken.

(Signed) Don Wesely, Chairman

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

February 14, 1979

The Committee on Committees will meet at 12:10 p.m., Wednesday, February 21, 1979, in Room 1520 of the State Capitol for the purpose of hearing appointments or reappointments as follows:

Lorraine Giles - Nebraska Safety Center Advisory Council
Jim Hedrick - Nebraska Safety Center Advisory Council
Sam Jensen - Nebraska Coordinating Commission for Postsecondary Education
Lt. Col. Elmer J. Kohmetscher - Nebraska Safety Center Advisory Council
Jay Kucera - Nebraska Safety Center Advisory Council
Pat Nefzger - Nebraska Safety Center Advisory Council
Jeffrey L. Orr - Court of Industrial Relations
Ken Sieckmeyer - Nebraska Safety Center Advisory Council

C. Mickey Skinner - State Highway Commission
Bernard Sprague - Nebraska Safety Center Advisory Council
Walter D. Weaver - Department of Insurance

(Signed) Shirley Marsh, Chairperson

February 14, 1979

The Committee on Committees confirmation hearing for the reappointment of Sam Jensen to the Nebraska Coordinating Commission for Postsecondary Education, and the appointment of C. Mickey Skinner to the State Highway Commisison, had previously been scheduled for February 7, 1979.

Due to scheduling conflicts, the new hearing date for confirmation of the above mentioned appointments will be held Wednesday, February 21, 1979, at 12:10 p.m., in Room 1520, State Capitol.

(Signed) Shirley Marsh, Chairperson

MESSAGES FROM THE GOVERNOR

February 13, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 9, 95, 96, 97, 98 and 192.

These bills were signed by me on February 13, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

February 13, 1979

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

Dear Mr. President and Senators:

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

Fred Herrington, 6920 Sumner, Lincoln, 68506 - Director, Department of Revenue, succeeding William Peters, resigned, for a term as provided by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Fred Herrington
Committee on Committees
Accountability and Disclosure Commission

February 13, 1979

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

Dear Mr. President and Senators:

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

William E. Mountford, Red Cloud, for a six year term, expiring July 1, 1984, succeeding Mimi Waldbaum, term expired.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: William E. Mountford
Committee on Committees
Accountability and Disclosure Commission

February 13, 1979

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

Dear Mr. President and Senators:

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

Jerry Bolin, 1412 Willow, Jefferson City, Missouri - Director of Correctional Services, succeeding Joseph C. Vitek, resigned, for a term as provided by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Jerry Bolin
Committee on Committees
Accountability and Disclosure Commission

February 13, 1979

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

Dear Mr. President and Senators:

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

John Knight, 4829 Parkview Drive, Omaha 68134 - Director Department of Public Welfare, succeeding Eldin Ehrlich, resigned, for a term as provided by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: John Knight
Committee on Committees
Accountability and Disclosure Commission

MOTION - Withdraw LB 516

Mr. Duis moved to withdraw LB 516.

Motion pending.

SELECT FILE

LEGISLATIVE BILL 31. E & R amendment found in the Journal on page 477 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 56. E & R amendment found in the Journal on page 478 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 159. E & R amendment found in the Journal on page 478 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 13. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 38. Title read. Considered.

Standing Committee amendments found in the Journal on page 363 for the Nineteenth Day were considered.

Mrs. Labedz offered the following amendments to the Standing Committee amendments:

In the committee amendments (Req. 2508):
1. Strike section 1 added by the amendment.
2. On page 3, line 10 strike "such documents" and insert "the project", and strike beginning with "and" in line 18 through "1978," in line 19.

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Standing Committee amendments were adopted, as amended, with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Schmit offered the following amendment:

1. On page 2 strike beginning with the comma in line 9 through the underscored comma in line 16, show the old matter as stricken, and insert "when the total project cost is one hundred thousand dollars or more, and no state agency shall employ its own work force for any such construction, reconstruction, or alteration of capital facilities when the total project cost is fifty thousand dollars or more; except".

The amendment was adopted with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 85. Title read. Considered.

Standing Committee amendment found in the Journal on page 364 for the Nineteenth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 122. Indefinitely postponed.
LEGISLATIVE BILL 139. Indefinitely postponed.
LEGISLATIVE BILL 147. Indefinitely postponed.
LEGISLATIVE BILL 155. Indefinitely postponed.
LEGISLATIVE BILL 156. Indefinitely postponed.

(Signed) Orval Keyes, Chairman

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 380	Thursday, February 22, 1979	1:30 p.m.
LB 548	Thursday, February 22, 1979	1:30 p.m.
LB 564	Thursday, February 22, 1979	1:30 p.m.
LB 566	Thursday, February 22, 1979	1:30 p.m.

(Signed) Loran Schmit, Chairman

Nebraska Retirement Systems

LB 229	Tuesday, February 20, 1979	12:00 Noon
LB 230	Tuesday, February 20, 1979	12:00 Noon
LB 410	Tuesday, February 20, 1979	12:00 Noon

(Signed) William H. Hasebroock, Chairman

GENERAL FILE

LEGISLATIVE BILL 115. Title read. Considered.

Standing Committee amendments found in the Journal on page 365 for the Nineteenth Day were considered.

Mr. Keyes requested the Standing Committee amendments be divided.

Standing Committee amendment #2 was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Standing Committee amendment #1 was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 194. 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 322. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

Mr. Schmit announced there will be an Executive Session of the Agriculture and Environment Committee on Thursday, February 15, at 8:00 A.M., in Room 1105.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 460. Placed on General File.
LEGISLATIVE BILL 475. Placed on General File.

LEGISLATIVE BILL 58. Placed on General File as amended.
Standing Committee amendment to LB 58:

1. On page 2, line 16 strike "fifty" and insert "sixty"; and in line 17 after "sales" insert ", except that any license issued under this subdivision shall restrict consumption of alcoholic liquors to on the premises only".

LEGISLATIVE BILL 143. Placed on General File as amended.
Standing Committee amendments to LB 143:

1. Strike original sections 1 to 16 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 past due account unless the utility company shall first give ~~written~~ notice as provided in section 3 of this act by first-class mail or in person to any subscriber whose service is proposed to be terminated. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days ~~prior to termination~~ after notice is sent or given. Holidays and weekends shall be excluded from the seven days. As to any susbcriber 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. 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.

Sec. 3. 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 domestic subscriber 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 domestic subscriber does not take appropriate action;

(4) The name, address, and telephone number of the utility's employee or department to whom the domestic subscriber may address any inquiry or complaint;

(5) The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;

(6) A statement that the utility may not disconnect service pending the conclusion of the conference;

(7) 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 domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to 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;

(8) The cost that will be borne by the domestic subscriber for restoration of service;

(9) A statement that the domestic subscriber may arrange with the utility for an installment payment plan;

(10) A statement to the effect that those domestic subscribers 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

(11) Any additional information not inconsistent with this section which has received prior approval from the board of directors or administrative board of any utility.

Sec. 4. Each utility subject to this act shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service, and shall advise its subscribers, including new subscribers, of the availability of such procedures.

Sec. 5. A domestic subscriber may request a conference in regard to any dispute over a proposed discontinuance of service before an employee designated

by such utility to hear such matters.

Sec. 6. The employee designated by the utility shall hear and decide all matters disputed by domestic subscribers pursuant to this act. Such subjects to be heard shall include matters relating to a disputed bill.

Sec. 7. A domestic subscriber may dispute the proposed discontinuance of water, natural gas, or electricity by notifying the utility with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber a conference shall be held before the utility may discontinue service.

Sec. 8. Upon notice to the employee designated by the utility of any request for a conference by a domestic subscriber, the employee shall:

(1) Notify the domestic subscriber, in writing, of the time, place, and date scheduled for the conference; and

(2) Hold a conference within fourteen days of the receipt of the domestic subscriber's request. Such conference shall be informal and not governed by the Nebraska Rules of Evidence. If the employee determines at the conference that the domestic subscriber did not receive proper notice or was denied any other right afforded under this act, the employee shall recess and continue the conference at such time as the subscriber has been afforded his or her rights.

Sec. 9. The employee of the utility shall, based solely on the evidence presented at the conference, affirm, reverse, or modify any utility's decision which involves a disputed bill which results in a threatened termination of utility service. The employee 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.

Sec. 10. Any domestic subscriber may appeal an adverse decision of the utility employee to a management office designated by the utility or to the utility board when designated by the utility. Each utility shall establish a hearing procedure to resolve utility bills appealed by domestic subscribers. The procedure shall be in writing and a copy of such procedure shall be furnished upon the request of any domestic subscriber. Such appeal shall be filed with the management office or utility board within the time specified in the procedures established by the utility.

Sec. 11. Nothing in this act shall prohibit any utility from providing such additional stages of appeal as it may deem appropriate.

Sec. 12. At any hearing held pursuant to

section 10 of this act the domestic subscriber may:

(1) Be represented by legal counsel or other representative or spokesperson;

(2) Examine and copy, not less than three business days prior to such hearing, 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 hearing;

(3) Present witnesses and offer evidence;

(4) Confront and cross-examine such other witnesses as may appear and testify at the hearing; and

(5) Make or have made a record of the proceedings at his or her own expense.

Sec. 13. In any appeal filed pursuant to section 10 of this act, the management office designated by the utility shall notify the domestic subscriber of the time, place, and date scheduled for such hearing. The notice requirements, hearing procedures, and other rights of domestic subscribers shall be set forth in the procedures established under sections 10 to 12 of this act.

Sec. 14. 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 domestic subscriber or of the general public.

Sec. 15. 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. 16. That original section 18-416, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 164. Placed on General File as amended.
Standing Committee amendments to LB 164:

1. On page 3, line 2 after "services" insert "and custodial services"; in line 5 strike "ten", show as stricken, and insert "fourteen"; in line 15 strike "two" and insert "three"; and in line 25 strike "two" and insert "three".

2. On page 5, line 9 after "equipment," insert "custodial services,".

3. Insert a new section as follows:

"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 484. Placed on General File as amended.
Standing Committee amendments to LB 484:

1. Insert the following new sections:

"Section 1. That section 23-1736, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1736. No person serving in the classified service under sections 23-1721 to 23-1737 shall actively participate in ~~any campaign conducted by any candidate for public office~~ political activities (1) while on active duty, (2) while wearing a law enforcement uniform, or (3) by identifying himself or herself as a member of the sheriff's department.

Sec. 2. Any person violating the provisions of section 23-1736 shall be guilty of a Class III misdemeanor.".

2. On page 2, line 1 after "That" insert "original".

3. Renumber original section 1 as section 3.

LEGISLATIVE BILL 509. Placed on General File as amended.
Standing Committee amendment to LB 509:

1. On page 2, line 6 strike "fifty" and insert "forty".

(Signed) Dave Newell, Chairman

Public Works

LEGISLATIVE BILL 213. Placed on General File as amended.
Standing Committee amendment to LB 213:

1. On page 2, lines 1, 9, and 27 after "Roads" insert "or the county board"; in lines 2, 4, 8, 12, and 17 after "bridge" insert "or culvert"; in line 3 after "road" insert "within its jurisdiction"; strike beginning with "If" in line 12 through the period in line 15 and insert "If the Department of Roads or the county board and the natural resources district cannot agree regarding the feasibility of a dam, the decision of the Department of Roads, in the case of the state highway system, or the county board, in the case of the county road system, shall be controlling."; in line 20 strike "bridge"; strike beginning with the first comma in line 22 through "(2)" in line 23; in line 24 strike beginning with the first comma through "(4)" and insert "and".

LEGISLATIVE BILL 265. Placed on General File as amended.
Standing Committee amendments to LB 265:

1. On page 2, lines 4, 12, 19, and 25 strike "floodwater retarding", and insert "water impoundment".

2. On page 3, line 3, after "spillway"

insert ", except that if the road which is subject to such inundation is classified as a local road with current average daily traffic of fifty vehicles or less, the containment of a ten-year, twenty-four-hour frequency storm shall be sufficient"; in lines 6 and 26 strike "floodwater retarding" and insert "water impoundment"; strike beginning with "If" in line 16 through the period in line 21; and in lines 22 and 23 strike "and guard rails".

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 232. Title read. Considered.

Standing Committee amendment found in the Journal on page 378 for the Twentieth Day was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 233. Title read. Considered.

Standing Committee amendment found in the Journal on page 378 for the Twentieth Day was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 411. 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 248. Title read. Considered.

Standing Committee amendments found in the Journal on page 408 for the Twenty-Second Day were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 178. Title read. Considered.

Standing Committee amendments found in the Journal on page 416 for the Twenty-Second 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 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

LEGISLATIVE BILL 211. Title read. Considered.

Standing Committee amendments found in the Journal on page 416 for the Twenty-Second Day were considered.

Mr. Hefner offered the following amendment to the Standing Committee amendments:

1. In the committee amendments, after the underscored period in page 3, line 3, insert the following:

"In order to receive the monthly statement provided for in this section, the governing body of any natural resources district, educational service unit, or technical community college area shall submit a written request to the county treasurer in which such political subdivision extends. Such request shall be filed annually, and, if such request is not renewed within twelve months of any previous request, the county treasurer shall be relieved of his or her responsibility for providing such statement to the natural resources districts, educational service units, or technical community college areas which extend into his or her county. The governing body of any natural resources district, educational service unit, or technical community college may file the written request provided for in this section at any time."

The amendment was adopted with 21 ayes, 0 nays, 22 present and not voting, and 6 excused and not voting.

Standing Committee amendments were adopted, as amended, with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Carsten moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Keyes requested a roll call vote to advance LB 211.

Voting in the affirmative, 27:

Beutler	Cope	Landis	Newell	Venditte
Brennan	DeCamp	Maresh	Nichol	Warner
Burrows	Fitzgerald	Marsh	Pirsch	Wesely
Carsten	George	Marvel	Reutzel	
Chambers	Hefner	Merz	Sieck	
Clark	Johnson	Murphy	Simon	

Voting in the negative, 10:

Cullan	Haberman	Kahle	Kremer	Vickers
Dworak	Hasebroock	Keyes	Lamb	Wagner

Present and not voting, 3:

Fowler	Hoagland	Kennedy

Absent and not voting, 3:

Goodrich	Schmit	Stoney

Excused and not voting, 6:

Duis	Koch	Lewis
Kelly	Labedz	Rumery

Advanced to E & R for Review with 27 ayes, 10 nays, 3 present and not voting, 3 absent and not voting, and 6 excused and not voting.

Mr. Dworak asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

LEGISLATIVE BILL 145. Title read. Considered.

PRESIDENT LUEDTKE PRESIDING

Advanced to E & R for Review with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 146. Title read. Considered.

Standing Committee amendments found in the Journal on page 417 for the Twenty-Second Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 108. Title read. Considered.

Standing Committee amendment found in the Journal on page 418 for the Twenty-Second Day was considered.

Mr. Newell offered the following amendment to the Standing Committee amendment:
On page 3, line 8, strike, "postsecondary education"
Strike line 9
On line 10, strike "and the
University of Nebraska", add "faculty" after "all"
On line 11, strike "area or"
On line 13, insert "state colleges" after "all."
Strike "of each postsecondary educational area or system"
On line 14, strike "area or"

Amendment pending.

UNANIMOUS CONSENT - Corrected Statements

Mr. George asked unanimous consent to have corrected Committee Statements put in the Bill Books on LB 145 and LB 146. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 114A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 114, Eighty-Sixth Legislature, First Session, 1979.

ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Thursday, February 15, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 15, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 15, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father, we know that we, by ourselves, are not sufficient for these days and for problems greater than the measure of our best wisdom. May we here be aware of the unseen delegate. May Thy Spirit move among us, that there may be concession without coercion, and conciliation without compromise. May these Senators, who represent us, represent Thee and, in Thy Spirit be courageous enough to begin anew, fearless enough to admit mistakes, and loving enough to forgive others. May we have the courage to apply what we applaud, to the end that we may help to establish Thy way of life for the people of this State. So may we all do the best we can, by Thy help, and be willing to leave the issue in Thy hands. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Chambers, Fowler, Haberman, Newell, and Venditte who were excused until they arrive; and Messrs. Koch, Lewis, Reutzel, Rumery and Mrs. Labedz, who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 114. Placed on Select File.
LEGISLATIVE BILL 112. Placed on Select File.

LEGISLATIVE BILL 53. Placed on Select File as amended.
E & R amendments to LB 53:

1. On page 2, line 4, insert "of" after "wages".
2. In the Vickers amendment, line 2, insert "and" before "the", and in the last line strike the period

LEGISLATIVE BILL 215. Placed on Select File.

LEGISLATIVE BILL 67. Placed on Select File as amended.
E & R amendments to LB 67:

1. On page 5, strike the comma in lines 1 and 2.
2. Pursuant to the Marsh amendment, 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.".

3. In the title, line 6, strike "and" and insert "; and to declare an emergency".

LEGISLATIVE BILL 22. Placed on Select File.

(Signed) Don Wesely, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 13, 31, and 56.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 291. Placed on General File.

(Signed) Jerry D. Koch, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 21
February 13, 1979

Dear Senator Kelly:

You have asked whether or not the question of amending a current state statute can be placed by the Legislature on a statewide ballot for final resolution by the electorate at large. We think not.

While such could be accomplished directly by the electorate through the initiative process, we do not believe the responsibility for amending or not amending an existing statute can be delegated in this manner.

We have considered this question previously and on that occasion stated in pertinent part:

> ". . . In the first place, Section I of Article 3 of our constitution provides that 'the legislative authority of the state shall be vested in a legislature.' It then provides that, 'the people . . . reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the legislature.' The option is not given to the legislature to refer laws to the people . . . ." Opinion of the Attorney General No. 46 dated April 26, 1965, beginning on page 73 of the Reports of the Attorney General for 1965-66.

While we believe no statutory authority currently exists for the placing of an item on a statewide ballot for an advisory or "straw vote" such could no doubt be enacted by the legislature and such an election conducted. The results of such vote, however would not be binding in any way upon the legislature. This conclusion was reached in Opinion of the Attorney General No. 93 dated July 14, 1965, found beginning on page 142 of the Reports of the Attorney General for 1965-66.

We hope you will find this information useful to the resolution of the matter now before you, and if we can be of further assistance to you on it, please let us know.

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

TRS:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 14, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick O'Donnell
Clerk of the Legislature

Abrams, Robin W. - Omaha, United States National Bank of Omaha
Fiala, Adrian R., II - Lincoln, Committee of Independent Refiners & Marketers - Nebraska Subcommittee
Krane, Robert A. - Omaha (withdrawn 2/9/79), United States National Bank of Omaha
Kronberg, Wendell - Ralston, Ralston Area Chamber of Commerce
Lubeck, Ralph J. - Stamford, Farmers Union of Nebraska
Murphy, Donald J. - Omaha, United States National Bank of Omaha
Polikov, L. Kenneth - Bellevue, Nebraska Association of Polygraph Examiners
Ryan, James E. - Lincoln, Nebraska County Judges' Association
Schultz, Ted - Lincoln, Nebraska Health Care Association
Ullstrom, Galen F. - Lincoln, Lincoln Liberty life Insurance Company
Waid, Brian J. - Lincoln, Legal Services of Southeast Nebraska

MOTION - Withdraw LB 516

Mr. Duis renewed his pending motion found in the Journal on page 519 to withdraw LB 516.

The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 47.

A BILL FOR AN ACT relating to cities and villages; to require that duplicate building permits be filed with the county assessor 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, 33:

Brennan	Duis	Johnson	Maresh	Simon
Burrows	Dworak	Kahle	Marsh	Stoney
Carsten	Fitzgerald	Kelly	Marvel	Wagner
Clark	George	Keyes	Merz	Warner
Cope	Hasebroock	Kremer	Nichol	Wesely
Cullan	Hefner	Lamb	Schmit	
DeCamp	Hoagland	Landis	Sieck	

Voting in the negative, 1:

Vickers

Present and not voting, 4:

Beutler	Goodrich	Kennedy	Murphy

Excused and not voting, 11:

Chambers	Koch	Newell	Rumery
Fowler	Labedz	Pirsch	Venditte
Haberman	Lewis	Reutzel	

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

LEGISLATIVE BILL 73.

A BILL FOR AN ACT relating to real property; to restrict the severance of joint tenancy property 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, 33:

Beutler	DeCamp	Hoagland	Marsh	Stoney
Brennan	Duis	Johnson	Marvel	Vickers
Burrows	Dworak	Kelly	Merz	Wagner
Carsten	Fitzgerald	Keyes	Nichol	Warner
Clark	George	Lamb	Schmit	Wesely
Cope	Hasebroock	Landis	Sieck	
Cullan	Hefner	Maresh	Simon	

Voting in the negative, 0.

Present and not voting, 5:

Goodrich	Kahle	Kennedy	Kremer	Murphy

Excused and not voting, 11:

Chambers	Koch	Newell	Rumery
Fowler	Labedz	Pirsch	Venditte
Haberman	Lewis	Reutzel	

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

SELECT FILE

LEGISLATIVE BILL 91. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 111. E & R amendments found in the Journal on page 515 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 148. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 117. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 10. E & R amendment found in the Journal on page 515 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 45. E & R amendment found in the Journal on page 515 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 103. Placed on General File as amended.
Standing Committee amendments to LB 103:

1. On page 2, strike beginning with "other" in line 24 through "state" in line 25 and insert "personal property".

2. On page 6, line 22, strike "determined" and insert "distributed"; in line 23 after "a" insert "formula in which the value per mile of side track shall

equal the value of the line divided by the following quantity: The number of miles of side track plus two times the number of miles of main track. The value per mile of main track shall equal twice the value per mile of side track as computed in this section."; and strike beginning with "two" in line 23 through line 27.

3. On page 7, strike beginning with line 1 through the underscored period in line 7 and insert "In taxing jurisdictions where two or more main tracks of the same railroad company intersect, the State Board of Equalization and Assessment shall allocate the side track within such taxing jurisdiction to the intersecting main tracks on a basis proportionate with the density factors determined for the intersecting main tracks. For the purposes of Chapter 77, article 6, the reference to side track shall include all track not properly designated as main track and shall include, but not be limited to, passing track, yard track, and track within terminals. Main track shall be defined as that track over which regularly scheduled railroad operations are conducted. Density factor shall be determined by ton-miles traveled over a route, measured by the number of tons of revenue freight moved one mile, and such other factors as the State Board of Equalization and Assessment shall consider appropriate.".

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendments to LB 302:

1. On page 2, line 17, after "(2)", insert "(a)"; in line 27 after the period insert "The Tax Commissioner shall promulgate such rules and regulations as may be necessary to insure compliance with this requirement."; and after line 27, insert a new subsection as follows:

"(b) The Department of Education, with the assistance and cooperation of the Department of Revenue, shall develop a uniform system for numbering all school districts in the state. Such system shall be consistent with the data processing needs of the Department of Revenue. Such system shall be fully operational by December 31, 1980, and shall be used in all tax years thereafter for the school district identification required by subsection (2) (a) of this section.".

2. On page 7, line 22, strike "act" and insert "section"; and after the underscored period, insert "Insofar as it is possible, such compilation shall include, but not be limited to, the total adjusted gross income of each school district in the state. The Tax Commissioner shall promulgate such rules and regulations as may be necessary to insure that such compilation does

not violate the confidentiality of any individual income tax return, nor conflict with any other provisions of state or federal law.".

(Signed) Calvin F. Carsten, Chairman

SELECT COMMITTEE REPORT
Committee on Committees

February 15, 1979

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Hubert W. Monsky - Motor Vehicle Industry Licensing Board
John M. Gradwohl - Court of Industrial Relations
Max E. Kiburz - Advisory Committee to the Department of Economic Development
Hans O. Jensen - Board of Educational Lands and Funds
A. T. Hinds - Crime Victims Reparation Board
George Rebensdorf - Board of Trustees of State Colleges
Keith Kemper - Board of Trustees of State Colleges

VOTE: For: Marsh, Burrows, Cope, Cullan, Hasebroock, Nichol, Reutzel, Wesely. (8) Against: None. Not voting: None. Absent: None. Excused: Simon, Labedz, Lewis, Newell, Schmit. (5)

(Signed) Shirley Marsh, Chairperson

GENERAL FILE

LEGISLATIVE BILL 108. Title read. Considered.

Mr. Newell withdrew his pending amendment found in the Journal on page 530.

SPEAKER MARVEL PRESIDING

Standing Committee amendment found in the Journal on page 418 for the Twenty-Second Day lost with 5 ayes, 21 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Landis moved to indefinitely postpone.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 18 ayes, and 12 not voting.

MRS. MARSH PRESIDING

Mr. Maresh asked unanimous consent to pass over LB 108 until Tuesday, February 20, 1979.

Mr. Simon objected.

Mr. Maresh moved to pass over LB 108 until Tuesday, February 20, 1979.

The motion lost with 13 ayes, 18 nays, and 18 not voting.

Mr. Newell 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. Dworak asked unanimous consent to be excused. No objections. So ordered.

The Landis motion to indefinitely postpone lost with 9 ayes, 23 nays, 9 present and not voting, and 8 excused and not voting.

Mr. Maresh moved for a Call of the House. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Maresh requested a roll call vote on the motion to advance LB 108.

Voting in the affirmative, 24:

Carsten	Goodrich	Kremer	Merz	Venditte
Clark	Hasebroock	Lamb	Murphy	Vickers
Cope	Hefner	Maresh	Nichol	Warner
DeCamp	Kahle	Marsh	Schmit	Wesely
Duis	Kelly	Marvel	Sieck	

Voting in negative, 13:

Beutler	Fitzgerald	Hoagland	Keyes	Simon
Brennan	Fowler	Johnson	Landis	
Burrows	George	Kennedy	Newell	

Present and not voting, 4:

Cullan	Pirsch	Stoney	Wagner

Excused and not voting, 8:

Chambers	Haberman	Labedz	Reutzel
Dworak	Koch	Lewis	Rumery

Failed to advance to E & R for Review with 24 ayes, 13 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 287. Title read. Considered.

Standing Committee amendments found in the Journal on page 429 for the Twenty-Third Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 26. Title read. Considered.

Standing Committee amendments found in the Journal on page 431 for the Twenty-Fourth Day were considered.

PRESIDENT LUEDTKE PRESIDING

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 0 nays, and 27 not voting.

Standing Committee amendments were adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

Mr. Murphy offered the following amendment to LB 26:

On page 12 line 23 re-instate stricken matter.

Mr. George 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. Murphy moved for a Call of the House. The motion prevailed with 21 ayes, 6 nays, and 22 not voting.

The Murphy amendment lost with 16 ayes, 22 nays, 2 present and not voting, and 9 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 47 and 73.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 47 and 73.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 205. Placed on General File as amended.
Standing Committee amendments to LB 205:

1. On page 2, line 3 before "Except" insert "(1)"; in lines 3 and 4 strike "sections 3 to 5 of this act and insert "subsection (2) of this section"; and after line 11 insert a new paragraph as follows:

"(2) A person may, for learning purposes, operate such a truck or truck-tractor, either empty or carrying noncommercial cargo, if such person is the holder of a valid motor vehicle operator's license and is accompanied by the holder of a valid Class C or Class CC license."

2. Strike original sections 2 to 5.

3. On page 3, line 24 strike "sections" and insert "section"; in lines 24 and 25 strike "and 60-403.07"; and in line 25 strike "are" and insert "is".

4. Renumber original section 6 as section 2.

LEGISLATIVE BILL 227. Placed on General File as amended.
Standing Committee amendments to LB 227:

1. On page 4, reinstate the stricken matter in lines 26 and 27.

2. On page 5, reinstate the stricken matter in lines 1 to 12, and in line 2 after "department" insert "if the office where the records are maintained is not within the State of Nebraska".

(Signed) Maurice A. Kremer, Chairman

Agriculture and Environment

LEGISLATIVE BILL 14. Placed on General File as amended.
Standing Committee amendments to LB 14:

1. On page 2, line 15 strike "9" and insert "10"; in line 16 strike "an advisory" and insert "a".

2. Insert a new section as follows:

"Sec. 10. Trial period shall mean the first three years after the effective date of this act.".

3. On page 3, line 24 after "the" insert "dry edible"; in line 25 strike "dealers" and insert "processors".

4. On page 4, line 3 strike "The six growers" and insert "Five grower-members"; in line 16, strike "One member" and insert "The sixth grower-member shall be"; in line 17 after "production" insert "and"; in line 19 strike "may" and insert "shall", and after "of" insert "dry edible"; and in line 21 strike "board" and insert "Governor".

5. On page 5, line 1 strike "board" and insert "commission"; in line 3 strike "fifty" and insert "twenty-five", and strike "producers" and insert "growers"; in line 6 strike "producer" and insert "grower"; in line 8 strike "candidate" and insert "candidates"; in line 11 after the period insert "All future elections are to be held in a like manner."; in line 15 after the period insert "Lots shall be drawn in such a manner that the terms of commission members from the same district shall not expire in the same year."; in line 22 strike "board" and insert "commission"; and in line 25 after "growing" insert ", processing, or shipping".

6. On page 6, line 4 strike "elect" and insert "appoint", and after "secretary" insert "and elect from its members a chairperson, treasurer, and such other officers as may be necessary. The executive secretary shall not be a member of the commission and shall not have a vote on the commission".

7. On page 7, line 15 strike "collected" and insert "received"; strike lines 19 through 21 and insert

"(11) To adopt rules and regulations to be followed by the Department of Agriculture in providing

refunds for overpayment of fees."; in line 25 strike "There" and insert "Beginning January 1, 1980, there"; and in line 26 strike "commission" and insert "Department of Agriculture".

8. Insert a new section as follows:

"Sec. 21. After the trial period, a referendum shall be held to determine if the dry edible bean check-off program shall continue if twenty per cent of the dry edible bean growers in the State of Nebraska indicate a desire to place such a referendum on the ballot. A petition bearing the signatures of at least twenty per cent of the dry edible bean growers in the state shall be filed with the commission. The commission shall mail to each grower a ballot on which he or she can make his or her preference known. If by this ballot there is a majority of growers wishing to abolish the check-off system, the check-off system shall cease at that point. All money accrued to the program shall be appropriated by the Nebraska Legislature to use in the further research of dry edible beans.

If a majority of the growers voting do not wish to abolish the check-off system, another referendum shall not be held for at least three years following the previous referendum.".

9. On page 8, line 7, strike "The" and insert "Until December 31, 1980, the fee levied pursuant to subsection (1) of this section shall be six cents per hundred weight. Beginning January 1, 1981, the"; in line 8 after "by" insert "subsection (1) of"; in lines 20 and 24 strike "20" and insert "22"; and in line 22 after "stored" insert "or marketed".

10. On page 9, line 14, strike "Department of" and insert "Auditor of Public Accounts"; in line 15 strike "Agriculture"; in lines 18 and 20 strike "commission" and insert "Department of Agriculture"; in line 21 strike the period and insert "for the preceding three months. Such statements shall be confidential and shall not be released to any person or agency."; in line 23 strike "commission" and insert "Department of Agriculture", and strike "20" and insert "22"; and in line 24 strike the period and insert "for the dry beans purchased in the preceding three months. The Department of Agriculture shall forward to the commission the total amount of the fees collected pursuant to this act and a record of the total number of hundred weight of dry beans purchased in Nebraska.".

11. Insert 4 new sections as follows:

"Sec. 27. On or before January 31 of each year the Department of Agriculture shall notify the commission of the administrative expenses it incurred during the

previous year in collecting fees pursuant to this act. The commission shall, within sixty days after such notice, reimburse the Department of Agriculture for such expenses.

Sec. 28. The Department of Agriculture may contract with the Nebraska Dry Bean Commission to assist in the administration of the Nebraska Dry Bean Resources Act.

Sec. 31. There is hereby appropriated from the General Fund ten thousand dollars to the Nebraska Dry Bean Development, Utilization, and Marketing Fund for the purpose of providing money for implementation of the provisions of this act. The General Fund shall be reimbursed the money appropriated by this section not later than January 1, 1982.

Sec. 34. Sections 1 to 33 of this act shall become operative only after an election in which a majority of those voting approve such act. The Department of Agriculture shall, within sixty days after the effective date of this act, mail to each known grower a ballot on which he or she can make his or her preference known. Such ballots shall be returned to the Department of Agriculture within fourteen days after being mailed. After such ballots are returned, the Department of Agriculture shall publish the results of the election, and if a majority of those voting approve sections 1 to 33 of this act they shall become operative.".

12. Renumber original sections 10 to 19, 20 to 24, 25, 26, 27, 28, and 29 as sections 11 to 20, 22 to 26, 29, 30,32,33, and 35 respectively.

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendments to LB 27 in the Journal. No objections. So ordered.

1. On page 2, strike lines 17 through 27.

2. Insert the following new section:

"Sec. 2. (1) No owner or operator of an irrigation well shall be liable in damages or be permanently enjoined from using such well because of interference with the use of a domestic well if:

(a) The irrigation well was in use prior to use of the domestic well; and

(b) The domestic well was not drilled to or equipped at a reasonable depth.

(2) For purposes of subsection (1) of this

section, in determining whether a domestic well was drilled to and equipped at a reasonable depth, consideration shall be given to, but need not be limited to:

(a) The physical characteristics of the aquifer; and

(b) Whether the depth was sufficient to avoid anticipated temporary or permanent interruptions in pumping because of the operation of those irrigation wells in use at the time the domestic well was drilled.

(3) If an irrigation well is abandoned and replaced in accordance with section 46-602, Revised Statutes Supplement, 1978, the replacement well shall maintain, for purposes of this section, the same date of use as the abandoned well if it is determined that operation of the replacement well did not cause damages to the owner or operator of a domestic well in excess of those which would have been suffered had the abandoned well continued to operate.

(4) If a domestic well is abandoned and replaced, the replacement well shall maintain, for purposes of this section, the same date of use as the abandoned well if it is determined that the replacement well did not increase the probability of temporary or permanent interruptions in pumping because of the operation of those irrigation wells in use at the time the replacement well was drilled.".

3. Renumber remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 26. Considered.

Mr. Merz offered the following amendment to LB 26:
Strike one mill and insert one-half mill.

Mr. Marvel 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 Merz amendment lost with 18 ayes, 20 nays, 2 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 524. Placed on General File as amended.
Standing Committee amendments to LB 524:

1. On page 2, line 23, strike "nine" and insert

"twelve".

2. On page 12, line 9, after the first "except" insert "where the report is filed, including indictments, pursuant to section 29-1407, Reissue Revised Statutes of Nebraska, 1943, or".

LEGISLATIVE BILL 449. Indefinitely postponed.
LEGISLATIVE BILL 450. Indefinitely postponed.
LEGISLATIVE BILL 451. Indefinitely postponed.
LEGISLATIVE BILL 518. Indefinitely postponed.

(Signed) William E. Nichol, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following court opinion in the Journal. No objections. So ordered.

The matter which follows is a transcript of bench remarks made by the Honorable Warren K. Urbom, United States District Court for the District of Columbia, on December 28, 1978, in which he enters a preliminary injunction restraining the application of ten sections of Nebraska's abortion statute.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

WOMENS SERVICES, P. C., A Nebraska Professional Corporation, and G. WILLIAM ORR, M.D.,

Plaintiffs,

v. CV 78-L-289

J. JAMES EXON, Governor of the State of Nebraska; PAUL L. DOUGLAS, Attorney General for the State of Nebraska, et al,

Defendants.

TRANSCRIPT

Statements of Court at conclusion of hearing

Tried before the Honorable Warren K. Urbom, on December 28, 1978, in Lincoln, Nebraska.

APPEARANCES

Mr. Lawrence I. Batt,

For Plaintiffs;

Messrs. Jerold V. Fennell and Henry L. Wendt,

For Defendants.

THE COURT: I deal first with the motions to dismiss, both of which are bottomed upon the proposition that the Court should abstain from deciding any issues in this case, at least, at this time; first because of the doctrine enunciated in Younger v. Harris, page 401, United States 37, cited in 1971. Essentially that case held that a federal court should not interfere in the criminal process of any state.

Subsequent cases have made it clear, I think that, that does not mean that a federal court should not determine the constitutionality of a procedure or a statute even if it involves criminal sanctions, where there is prospect of prosecution and there has been no prosecution of the plaintiff involved in the case in which the injunction is requested or where a prosecution has been had of the plaintiff but the prosecution is completed.

Woolsey v. Maynard, 430 United States, page 705, decided in 1977 clearly so holds.

It is inappropriate for this Court, in my judgment, to abstain on the theory to proceed would be an interference with the state criminal process. This will not interfere with any state criminal process because there is at this moment no state criminal process that is now functioning around this statute involving these plaintiffs. There may be other prosecutions, and I have no concern about them.

The second ground for requested abstention is that the state court may interpret these statutes in some way which will be useful to this court and might avoid the constitutional issues. I deem that improbable, although I confess it is not out of the range of possibility. As I am able to review these particular statutory provisions that are under attack, they are not subject to very much judicial interpretation that is likely to remove the challenges of them. They are subject to a good deal of interpretation but not, I think, in respect to which they are here challenged, although I don't rule that out as a possibility; I only say as to most of them, at least, I think there is not much

probability that an interpretation will eliminate the constitutional issues. Accordingly the motion to dismiss will be denied.

Now with respect to the matter of the preliminary injunction, I do rely upon the Eighth Circuit Court of Appeals' opinion in Fennell v. Butler, decided on February 6, 1978. I don't have the federal citation but the case is numbered 77-1782 and 77-1822, in which alternative grounds for granting a preliminary injunction have been adopted by the Eighth Circuit Court of Appeals. There may be either, number 1, a showing that the moving party, here the plaintiff, had a substantial probability of success at the trial and that, that party will suffer irreparable injury in the event the injunction is denied, or a showing that there are sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly toward the party requesting preliminary relief.

I think either of those grounds now are legitimate and I shall therefore weigh the arguments for and against preliminary injunction against both of those accepted grounds.

In any exposition about abortion we must begin with Roe v. Wade, 410 United States, 113, which insofar as it is particularly relevant in this case, held that during the first trimester, that is, the first approximately 12 weeks of pregnancy-and I quote now-"the State may impose no restrictions or regulations governing the medical judgment of the pregnant woman's attending physician with respect to the termination of the pregnancy." That is the end of the quotation.

That language was repeated in the 1976 case of Planned Parenthood of Missouri v. Danforth, 428 United States, 52, and it is in that context that the statutes under it particularly must be viewed; because these statutes deal with the first 12 weeks of pregnancy, as well as other periods, but it is those first ones that are particularly crucial insofar as any attempt by the state to intrude upon the judgment of the physician and the pregnant woman in deciding whether there should be an abortion. Beyond the 12 weeks it is quite another matter but those early weeks are particularly sensitive insofar as state intrusion is concerned.

I comment about Section 28-326 of the statute, not because I think it is likely to be held unconstitutional because all it does is define terms, but because it is incorporated into several other statutory provisions which carry criminal sanctions for violations, and insofar as these definitions, therefore, are within those statutes they become important and need to be analyzed. Two of them are singled out or identified for attack. One is Subsection 1, which defines abortion. The particular problem of the definition, insofar as constitutionality is concerned, is that it includes an act committed with intent, or without intent but producing a particular result. Subsection 8 of the same

Section is also challenged because it defines Accepted Medical Procedures.

It seems to be that the particular problem with that subsection is that it leaves anyone dealing with a possible criminal act uncertain as to what he or she can do legally. The definition there is indeed an acceptable definition I think-I don't need to hold this, I merely observe-and I think it's an acceptable definition for civil purposes; but this is not a civil matter; this is a criminal matter; and an obligation arises to be very specific about what can and what cannot be done. This would leave it to expert testimony, I suppose, and ultimately to the jury to decide what physicians in the same neighborhood or in similar communities engaged in the same or similar kinds of work, would ordinarily do under the circumstances; and that is an accepted malpractice or negligence definition. It is not likely to be a regularly accepted criminal definition.

Section 28-327 requires that a physician inform an expectant mother on agencies and services that are available to assist her in carrying her child to natural term and of possible medical and mental consequences of an abortion.

In light of Planned Parenthood of Missouri v. Danforth, which approves the requirement of the consent of the mother before an abortion, the general thrust of that Nebraska statute appears to be acceptable. The difficulty arises, I agree with the plaintiffs, over the uncertainty of what is meant by "abortion." It seems to me that a physician could quite easily violate this law criminally without intending to do so because of a lack of knowledge of whether the person he was treating was pregnant, and not knowing she was pregnant, he could treat her for something else, and failing to inform her of possible consequences of an abortion or of agencies available to her, that he could be liable criminally. That is a serious matter, I think, in criminal statutes, and raises a substantial question of the constitutionality of that provision. I am not declaring it is unconstitutional. I am saying it presents a substantial issue.

That same section requires the passing of at least two days after the signing of the certificate that she has been informed by the physician of these alternatives, before an abortion can be had.

In light of the language that I read from Roe v. Wade-it says that the state may impose no restrictions or regulations governing the medical judgment of the pregnant woman's attending physician with respect to termination of the pregnancy, and in light of the fact that a prime interest acknowledged in Roe v. Wade is the interest of the pregnant woman deciding whether to have an abortion, in my judgment, that provision of 28-327 is probably unconstitutional for at least one reason, and perhaps two. One is that it appears to be a

restriction or regulation which interferes with the woman's decision, as well as the decision of the physician. We can imagine instances where two days would make no difference at all, and it might be a very wholesome thing; but in other instances where two days would be critical and would be enormously difficult to overcome by someone who is pregnant. And the statute makes no distinction between situations in which it is critical and when it is not.

And the other reason for possible unconstitutionality is that it appears to require a waiting period for a particular kind of surgical procedure which apparently is, or may well be unique, insofar as Nebraska statutes are concerned. That is to say, I know of no other statute which requires a person to wait before getting a particular surgical procedure for two days. What the reason for it is, is uncertain. I suppose it might be to encourage thoughtful consideration. At this moment, at least, I can't see any likelihood that it can be shown that those two days have any particular relevancy insofar as obtaining careful consideration is concerned. I will be surprised if it develops that people who have abortions do not almost always give it much consideration.

28-329 declares that no abortion shall be performed or prescribed after the unborn child has reached viability, except when necessary to preserve the woman from imminent peril and substantially endangers her health-her life or health. This is one which does not deal with that first 12 weeks but the third trimester. The only difficulties I see with it are, one, on the definition of abortion, which is incorporated into it, which is broad because it requires no intent or knowledge; and the statute itself, 329, does not require any knowing violation, intentional violation. It requires no awareness that the person is pregnant. It merely prohibits abortion.

I confess that the likelihood of that being accidentally violated is not very strong, in view of the fact it pertains only to state of viability.

I am not persuaded that, that one is one on which the plaintiffs are likely to succeed; nonetheless, relying on the second alternative, it is a seriously serious question, and makes it a fair ground for litigation.

Now as to 28-330, it is required that every precaution in an abortion be taken whenever possible, to insure the protection of the viable unborn child and requires the use of accepted medical procedures. When read in light of 28-332, which makes violation of 330 a criminal offense, I think the definition of abortion, the definition of accepted medical procedures and the lack of any knowledge or intent or wilfulness to be present in order to institute a violation presents a substantial question of its constitutionality.

28-331. That is the difficulty in connection with a criminal statute, in that it uses the term which the statute does not define and one which

would be difficult to ascertain, namely, the commonly accepted means of care. That term is not defined in the statute; and I think raises a substantial question whether such a criminal statute which contains no requirement that there be a knowing or intentional or wilful violation, is constitutional.

Section 28-333.1 prohibits the performing of an abortion of any minor child under the age of 17 without her written consent of a parent or guardian. In view of Planned Parenthood of Missouri v. Danforth, I think that is clearly unconstitutional, insofar as it relates to the consent of the parent, and insofar as it relates to the consent of the child, if it can be said that, that requirement is severable from the other under the severability clause. The difficulty centers around whether the state has a right to insist without any alternative that consent, written consent be given. My impression is, that based upon Bellotti v. Baird, 428 U. S. 132, it probably requires an alternative to be stated to take care of those persons who cannot give consent. And there is no alternative here provided; and I think that presents a substantial question of its constitutionality. Subsection 2 under 28-333 forbids any abortion on any minor child without her written consent and a written statement that she has consulted with her parents or guardian. That subsection suffers from the same disability, in that it provides no alternatives for her own written consent; and it provides no alternative to consultation with her parent or guardian.

In the spirit again of Bellotti v. Baird, I think the problem is, it provides no leeway for a minor's best interest may require that she not consult with a parent or guardian, and it leaves to no one any flexibility in that regard. Another problem is that it may arbitrarily distinguish between the consent of a person under 19 who is unmarried and one who is under 19 and married. Whether that issue can rightly be waived by these plaintiffs is an interesting one, and I want to discuss that, but it may be a problem, in view of the fact that these plaintiffs are physicians and not pregnant women.

Section 28-343 relates to records which must be kept. It is not specifically mentioned in the complaint so far as I can see; it was not specifically mentioned in plaintiff's brief. I gather from the oral argument the plaintiff doesn't want to abandon the idea that, that section may also be unconstitutional. I think there are problems with it. There is no provision for confidentiality; and in the Planned Parenthood case the Court specifically said that the fact that the statute provided for confidentiality and for keeping the records only seven years, were factors that assisted in persuading the Court that the provision was constitutional. The Nebraska statute has no such provision. Now I am aware that the statute does not require the listing of the names of the women who have had abortions, but it requires the

listing of many other things which may, at least in many counties in Nebraska, identify the person very nicely; and does not prohibit the Bureau of Vital Statistics from requiring the revealing of names, so far as I can see. It says that the Bureau of Vital Statistics shall establish a form; such form shall include the following items to such other information as may be necessary to complete the forms. That doesn't mean, I acknowledge, that the names will be there. I am saying it does not prohibit; and in no sense does it provide that those records will not be public records; therefore, I have serious questions about the constitutionality of that.

Now the second part of the test, because I have relied in some instances upon the second part of the test set out in Fennell v. Butler, is whether the balance of hardship tips decidedly towards the party requesting the preliminary relief. I think they do. It seems to me that anyone faced with a prospect of criminal prosecution for performing some act, as these plaintiffs are, is in a precarious position. He must make a decision of whether to refuse to perform some act which in his or her professional judgment, is needed or warranted, on the one hand, and performing the act and facing criminal prosecution, and that is a difficult decision for anyone to make; and the result is bound to be either that a person will not receive the medical care which the physician believes should be performed or the physician will face criminal prosecution. Either is a substantial hardship.

The hardship, on the other hand, is that the state officers will not be able to prosecute criminally. And it seems to me that, that is not a very great hardship. Now whether I ought to weigh in the balance the interest that the state has, in effect, protecting family unity, in protecting the interests of the state and health of the person, and the interest that the state may have in preventing the elimination of fetuses, I am not sure. But I think that if I do weigh those in the balance, I nonetheless conclude that given the history that we have already from the Supreme Court of the United States on abortion matters, and the competing interest that are legitimately involved, by the mother, by the family, by the state, by the physician, I must say that the hardship possibilities tip decidedly toward the party requesting the preliminary relief, who are here the physicians.

The result is, that I will enter a preliminary injunction which will be in effect until the matter can be heard with full trial, prohibiting the enforcement of those sections that I have specifically named. Now there were two or three that I neglected to mention, I think, and I should do that now, because the preliminary injunction asks that they also not be enforced.

28-334 is tied to 28-333, and thus 333 cannot be enforced and neither can 334. 28-335 requires the performing of an abortion only by

a licensed physician. As I understand, the plaintiffs don't much like it, but on the other hand, do like it. The only difficulty I see with it, as I think they have pointed out, is the definition of abortion. I think I shall not enjoin that one.

336 forbids the performing of an abortion by using anything other than accepted medical procedures, and that is tied to earlier statutory provisions and suffers from the problem of permitting an uncertain standard of what accepted medical procedures are in a criminal statute, and thus that one should be enjoined.

337 declares that a hospital and other such facilities shall not be required to admit any patient for the purpose of performing an abortion or permit an abortion to be performed there. I shall not prohibit that. At this point, at least, I am not persuaded that it presents the kind of constitutional issue which ought to be involved in such a proceeding.

The same, I think, is true with 338, and 339 and 340. I admit there are questions, but I will not enjoin them. Nor 341, nor 342. 344 goes with 343 and should be enjoined. 345 similarly enjoined with 343 and 344, and should be enjoined.

MR FENNELL: Your Honor, I would like a clarification on your order. I believe in my notes, you have enjoined Sections 327, 328, 329, 30, 31, 32, 33, 34, 35 but I did not clarify the 36.

MR. BATT: Yes

THE COURT: Yes. I intended to enjoin 36.

MR. FENNELL: Fine. That is what I wanted. And the others I mentioned are correct?

THE COURT: Yes. All right. Thank you very much.

CERTIFICATE OF REPORTER

This is to certify that I, Joseph L. Pasquale, one of the official court reporters for the United States District Court, for the District of Nebraska, reported in shorthand the hearing of the within-titled case on December 28, 1978, before the Honorable Warren K. Urbom, Chief Judge, in Lincoln, Nebraska.

I further certify that the foregoing transcript is a true and correct record of the oral statements made by the Court at the conclusion of the hearing, transcribed by me.

(Signed) Joseph L. Pasquale
U. S. Reporter

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused February 21, 22, and 23. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 490	Monday, February 26, 1979(cancel)	1:30 p.m.
LB 510	Monday, February 26, 1979(cancel)	1:30 p.m.
LB 511	Monday, February 26, 1979(cancel)	1:30 p.m.
LB 536	Monday, February 26, 1979	1:30 p.m.
LB 565	Monday, February 26, 1979	1:30 p.m.
LB 572	Monday, February 26, 1979	1:30 p.m.

(Signed) Larry Stoney, Vice-Chairman

VISITORS

Visitors to the Chamber were 27 10th through 12th grade students and teacher from Northeast High School, Lincoln; Brenda and Glenda Keyes, twin daughters of Senator Keyes; 7 members of the Kearney Chamber of Commerce, Messrs. Oscar Drake, Steve Hatcher, Don Whitagre, Paul E. Wieckhorst, Ralph E. Becker, Ed Warford, and Ron Norman; Mr. Henry Schneider, Scottsbluff County Commissioner; 12 "Experiment in International Living" students from Sao Paulo, Brazil.

ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Tuesday, February 20, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 20, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 20, 1979

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> In this, the day that the Lord hath made, help us to appreciate its beauty and to use aright its opportunities.
>
> Deliver us from the tyranny of trifles during these days of the legislature. May we give our best thought and attention to what is important, that we may continue to accomplish those things which are worthwhile. Teach us how to listen to the prompting of Thy Spirit, and thus save us from floundering in indecision that wastes time, subtracts from our peace, divides our efficiency, and multiplies our troubles. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Fowler, George, and Kelly who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 38. Placed on Select File as amended.
E & R amendments to LB 38:

1. Renumber new section 3 added by the committee amendment as section 1 and original sections 1 and 2 as

sections 2 and 3.

2. In committee amendments, page 3, line 10, strike the comma; and in line 13 insert "for" after "provided".

3. In the Labedz amendments, line 4, insert "the second" after "with".

4. In the title, line 2, strike "section" and insert "sections 81-1108.41 and"; and in line 7, strike "section" and insert "sections".

LEGISLATIVE BILL 85. Placed on Select File as amended.
E & R amendment to LB 85:

1. In the title, line 6, strike "and" and insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 115. Placed on Select File as amended.
E & R amendment to LB 115:

1. In the title, line 5, strike "the appointment" and insert "employment"; in line 6 insert "of" after "election" and strike "and"; and in line 7 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 194. Placed on Select File.

LEGISLATIVE BILL 322. Placed on Select File as amended.
E & R amendments to LB 322:

1. On page 6, line 20, insert an underscored comma after "Legislature".

2. On page 86, line 15, strike "81-122" and insert "81-822"; and in line 21 strike "39-1520.01" and insert "39-1320.01".

3. In the title, line 8, strike "81-122" and insert "81-822"; and in line 16 strike "39-1520.01" and insert "39-1320.01".

LEGISLATIVE BILL 232. Placed on Select File.
LEGISLATIVE BILL 233. Placed on Select File.
LEGISLATIVE BILL 411. Placed on Select File.

LEGISLATIVE BILL 248. Placed on Select File as amended.
E & R amendment to LB 248:

1. On page 2, line 26 and page 3, line 3, strike "such" and insert "which"; and on page 3, line 2, insert "and" after the comma.

LEGISLATIVE BILL 178. Placed on Select File as amended.
E & R amendments to LB 178:

1. On page 4, line 5, strike "77-2210" and insert "79-2210".

2. In the title, line 4, strike "77-2210" and

insert "79-2210"; and strike beginning with "to" in line 6 through line 8.

LEGISLATIVE BILL 211. Placed on Select File as amended.
E & R amendment to LB 211:

1. In line 2, of the Hefner amendment, strike "line 3" and insert "line 6"; and in the new matter added thereby, strike lines 9 to 15 and insert "of further responsibility for providing such statement. Such request may be filed at any time.".

LEGISLATIVE BILL 145. Placed on Select File.

LEGISLATIVE BILL 146. Placed on Select File as amended.
E & R amendments to LB 146:

1. In committee amendments, page 1, line 17, strike "for".

2. On page 5, line 16, strike "section" and insert "~~section~~ act".

3. In the title, insert "to provide for central issuance;" at the end of line 7.

LEGISLATIVE BILL 287. Placed on Select File as amended.
E & R amendment to LB 287:

1. In the title, strike beginning with "to" in line 8 through the semicolon in line 10.

Correctly Engrossed

The following bills were correctly engrossed: 10, 45, 91, 111, 117, and 148.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 16, 1979, at 2:38 p.m., were the following bills: 73 and 47.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

February 16, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building

Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 128.
This bill was signed by me on February 15, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

February 15, 1979

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

Dear Mr. President and Senators:

In a letter of February 12, 1979 from the Governor asking for your consideration of his appointments the name of Fred Herrington was submitted as Director, Department of Revenue. The appointment should read Fred Herrington, Tax Commissioner, Department of Revenue.
We regret this clerical error and any inconvenience it may have caused you.

Sincerely,
(Signed) Marilyn Hasselbalch
Secretary

ATTORNEY GENERAL'S OPINION

Opinion No. 22
February 14, 1979

Dear Senator Lewis:

This is in response to your request for our opinion concerning whether city councilmen of first class cities are presently prohibited from also serving as members of the housing authority. Pursuant to a conversation with a member of your staff, we understand that the issue involved herein may potentially be the subject of proposed

legislation. Based on that understanding, we will proceed to address the question you have raised.

Section 16-101, R.R.S. 1943, defines cities of the first class as those cities having more than five thousand and not more than one hundred thousand inhabitants.

Section 19-601, R.R.S. 1943, provides that for the purpose of sections 19-601 to 19-661, R.R.S. 1943, the term, "city," includes any city having a population of one thousand or more and less than two hundred thousand. Therefore cities of the first class are included in these provisions.

Pursuant to section 19-611, R.R.S. 1943, the governing body of the city is the city council. The qualifications for serving as a member of the city council are enumerated in section 19-613, R.R.S. 1943, which provides in pertinent part:

> "Members of the council shall be residents and qualified electors of the city. . . [T]hey shall not hold any other elective public office or any other office or employment of the city. . ."

The above-cited statutory provisions indicate that a resolution of the question you have posed turns on the nature of the position of a housing authority member. Pursuant to section 71-1523, R.R.S. 1943, a housing authority is created by a resolution passed by the governing body of a city, village or county. If a housing authority is created by a city, under section 71-1524, R.R.S. 1943, its members or commissioners are appointed by the mayor with the approval of the city council. If a housing authority is created by a county, under section 71-1524, R.R.S. 1943, the county board appoints the members or commissioners of the housing authority. Under section 71-1526, R.R.S. 1943, the power to remove a housing authority commissioner is granted to the person or entity which appointed said commissioner. Section 71-1524(3), R.R.S. 1943, provides that the housing authority commissioners receive no compensation, but they are entitled to expenses.

In our opinion a commissioner of a housing authority created by a city is a city officer for the purpose of section 19-613, R.R.S. 1943. Therefore city councilmen may not simultaneously serve as city housing authority commissioners.

The more difficult question involves whether city councilmen may serve as commissioners of county housing authorities. The appointment and removal power of the county board, as well as the operating area of the authority, indicate that county housing authority commissioners are not city officers. There is legal authority which indicates that it is also the nature of the duties performed which determine the characterization of the office. 62 C.J.S., Municipal Corporations, section 462, p. 893. However, in our opinion a county

housing authority commissioner is not a city officer for the purpose of section 19-613, R.R.S. 1943. Therefore there appears to be no statutory prohibition against city councilmen serving as commissioners of a county housing authority.

However, the common law doctrine of incompatibility precludes dual office holding in certain situations even in the absence of a specific statutory prohibition. If the two offices are directly incompatible then one person may not hold both simultaneously. The doctrine is rather nebulous, as it is founded on notions of public policy.

Our research has revealed one case in this jurisdiction which considers the incompatibility of offices. In State v. Wait, 92 Neb. 313, 138 N.W. 159 (1912), the court stated:

" . . . incompatibility in office exists 'where the nature and duties of the two offices are such as to render it improper, from considerations of public policy, for an incumbent to retain both.'" Id. at 324.

The test for incompatibility of offices appears to be:

" . . . whether there is an inconsistency in the functions of the two, as where one is subordinate to the other 'and subject in some degree to its revisory power,' or where the duties of the two offices 'are inherently inconsistent and repugnant." . . ." Id. at 323.

Cases from other jurisdictions which have considered incompatibility of offices, involving a municipal office, reach inconsistent results. 62 Municipal Corporations, C.J.S., section 485, p. 924-925.

While there may be particular situations where a decision made is affected by the dual office holding, it is impossible to predict with any degree of certainty whether our courts would conclude that the offices of county housing authority commissioner and city councilman are incompatible.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Rae Fritz
Assistant Attorney General

LRF:kkh
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

COMMUNICATION

Acknowledged receipt of annual report from the Agricultural Products Industrial Utilization Committee dated February 12, 1979.

MOTION - Approve Appointments

Mrs. Marsh moved the confirmation of the Governor appointments found in the Journal on page 538 as follows: Hubert W. Monsky, John M. Gradwohl, Max E. Kiburz, Hans O. Jensen, A. T. Hinds, George Rebensdorf, and Keith Kemper.

Voting in the affirmative, 36:

Beutler	Duis	Keyes	Marvel	Vickers
Brennan	Dworak	Koch	Merz	Wagner
Burrows	Fitzgerald	Labedz	Newell	Warner
Carsten	Haberman	Lamb	Nichol	Wesely
Clark	Hefner	Landis	Pirsch	
Cope	Hoagland	Lewis	Sieck	
Cullan	Kahle	Maresh	Simon	
DeCamp	Kennedy	Marsh	Stoney	

Voting in the negative, 0.

Present and not voting, 9:

Goodrich	Johnson	Murphy	Rumery	Venditte
Hasebroock	Kremer	Reutzel	Schmit	

Excused and not voting, 4:

Chambers	Fowler	George	Kelly

The appointments were confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 114. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 53. Mr. Hefner requested a machine vote to advance LB 53.

Advanced to E & R for Engrossment with 27 ayes, 7 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 215. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 67. E & R amendments found in the Journal on page 532 for the Thirty-First day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 22. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print Corrected Statement

Mr. Newell asked unanimous consent to print a corrected committee statement on LB 164 in the Bill Books. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 186 Thursday, March 8, 1979 1:30 p.m.

(Signed) Dave Newell, Chairman

Revenue

LB 516 Wednesday, February 21, 1979(Cancelled) 2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

GENERAL FILE

LEGISLATIVE BILL 316. Title read. Considered.

Mr. DeCamp withdrew his amendments #1 through #5 found in the Journal on pages 454 and 455.

Mr. Chambers offered the following amendment:
Page 4, line 1: Strike ~~be signed by~~ and show as stricken;
Insert: "bear the signature of"
Add new definition section:
"The word signature includes the mark of a person unable to write her name; a mark shall have the same effect as a signature when the name is written by some other person and the mark is made near thereto by the person unable to write her name."

The amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:
Page 3: Strike everything in lines 3 through 6 and show as stricken.
Insert:
"Viability shall mean that stage in the gestation period when in the judgment of the attending physician on the particular facts of the case before him or her, there is a reasonable likelihood of sustained survival of the fetus outside the womb with or without artificial support. The judgment of the physician shall be conclusive."

Mr. Johnson offered the following amendment to the Chambers amendment:
To amend the Chambers amendment by amending the last sentence to read: "The good faith judgment of the attending physician shall be conclusive."

MRS. MARSH PRESIDING

The Johnson amendment lost with 17 ayes, 20 nays, and 12 present and not voting.

Mr. Keyes asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a roll call vote on his amendment.

Mr. Chambers moved for a Call of the House. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Voting in the affirmative, 19:

Beutler	Hoagland	Marsh	Nichol	Simon
Carsten	Johnson	Marvel	Pirsch	Warner
Chambers	Koch	Murphy	Reutzel	Wesely
Fowler	Landis	Newell	Sieck	

Voting in the negative, 24:

Brennan	DeCamp	George	Hasebroock	Kelly
Cope	Dworak	Goodrich	Hefner	Kennedy
Cullan	Fitzgerald	Haberman	Kahle	Kremer

Labedz	Maresh	Schmit	Venditte	Wagner
Lamb	Rumery	Stoney	Vickers	

Present and not voting, 4:

Burrows	Clark	Duis	Merz

Absent and not voting, 1:

Lewis

Excused and not voting, 1:

Keyes

The Chambers amendment lost with 19 ayes, 24 nays, 4 present and not voting, 1 absent and not voting, and 1 excused and not voting.

SPEAKER MARVEL PRESIDING

The Chair declared the Call raised.

Mr. DeCamp offered the following amendments:

1. On page 2, line 6 strike "or prescribed for" and show as stricken; in line 7 strike the first "pregnant", show as stricken; and strike beginning with "by" in line 7 through the comma in line 8, show as stricken, and insert "known by the person so administering to be pregnant and performed".

2. On page 3, line 4 strike "the life of" and show as stricken; and strike beginning with "may" in line 4 through line 6, show as stricken, and insert "is potentially able to live outside the womb of the mother by natural or artificial means;

(7) Emergency situation shall mean a condition exists that in the best medical judgment of the physician the abortion should be performed without delay so as not to adversely affect the best physical or mental health of the woman; and"; in line 7 reinstate the stricken "(8)" and strike "(7)"; and in line 23 after the underscored comma insert "pregnancy, and childbirth,".

3. On page 5, line 23 reinstate "has" and in lines 23 and 24 strike the new matter.

4. Insert the following new sections:

"Sec. 6. That section 28-333, Revised Statutes Supplement, 1978, be amended to read as follows:

28-333. ~~(1) No abortion shall be performed or prescribed on any minor child under seventeen years of age in the State of Nebraska without her written consent~~

~~and the consent of the parent or guardian of such minor child.~~

~~(2)~~ No abortion shall be performed on any unemancipated pregnant woman under the age of eighteen ~~minor child~~ in the State of Nebraska without her written consent and a written statement by her indicating that she has consulted with her parent or guardian concerning the performance of an abortion, unless an emergency situation exists. The statement of consultation shall be in the following form:

I, ————————, a minor, have advised my parent(s) or guardian that I am pregnant and contemplating an abortion and have consulted with them concerning the contemplated abortion.

Date————————————.

Signed————————————.

The written consent by the minor and the statement of consultation with the parent or guardian shall be retained as part of the permanent record of the attending physician as evidence of the requirement of consultation for no more than ten years. No person shall disclose any information contained on the written consent or the statement of consultation, including the identity of the woman seeking the abortion, without the woman's written authorization or pursuant to an order issued by a court of competent jurisdiction. The Legislature hereby establishes the general right of privacy in the State of Nebraska giving citizens a cause of action against persons making unauthorized disclosure in violation of this act as well as other general actions recognized under comman law.

Sec. 7. That section 28-334, Revised Statutes Supplement, 1978, be amended to read as follows:

28-334. The performing of an abortion without the consent or written statement required in, or the unauthorized disclosure of information protected under, section 28-333 is a Class I misdemeanor.".

5. On page 7, line 7 after "include" insert "only", and after "items" insert an underscored colon; strike beginning with "in" in line 7 through line 9 and show as stricken; strike line 11 and show as stricken; in line 12 strike "(3)" and insert "~~(3)~~ (2)"; in line 14 strike "(4)" and insert "~~(4)~~ (3)" and after "performed" insert an underscored semicolon; in lines 14 and 15 strike "or prescribed;" and show as stricken; in line 16 strike "(5)" and insert "~~(5)~~ (4)"; in line 17 strike "(6)" and insert "~~(6)~~ (5)"; strike lines 18 and 19 and show as stricken; in line 20 strike "(8)" and insert "~~(8)~~ (6)"; in line 23 strike "(9)" and insert "~~(9)~~ (7)"; in line 25 strike "(10)" and insert "~~(10)~~ (8)"; and strike

"and county" and show as stricken; and in line 26 strike "and" and show as stricken.

6. On page 8 line 1 strike "(11)" and insert "~~(11)~~ (9)"; in line 2 strike the period show as stricken and insert "; and (10) Whether an emergency situation caused the physician to waive any of the requirements of section 28-327 or 28-333."; and after line 10 insert "The abortion reporting form required under this section shall not include the name of the person upon whom the abortion was performed.".

7. On page 9, line 2 after "28-331," insert "28-333, 28-334,".

8. Renumber remaining sections accordingly.

Mr. Chambers requested a division of the question on the DeCamp amendments.

Mr. DeCamp objected.

Mr. Chambers moved for a division of the amendments according to sections enumerated. The motion lost with 10 ayes, 21 nays, and 18 not voting.

Mr. Kremer asked unanimous consent to be excused at 11:15 a.m. for the remainder of the day. No objections. So ordered.

Mr. Wagner asked unanimous consent to be excused at 11:45 a.m. No objections. So ordered.

Mr. Chambers requested a record vote on the DeCamp amendments.

Voting in the affirmative, 39:

Beutler	Fowler	Kelly	Marsh	Sieck
Brennan	George	Kennedy	Marvel	Simon
Burrows	Goodrich	Koch	Murphy	Stoney
Carsten	Hasebroock	Kremer	Newell	Venditte
Cope	Hefner	Labedz	Nichol	Vickers
DeCamp	Hoagland	Lamb	Pirsch	Warner
Dworak	Johnson	Landis	Reutzel	Wesely
Fitzgerald	Kahle	Maresh	Rumery	

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Clark	Duis	Merz	Wagner
Cullan	Haberman	Schmit	

Absent and not voting, 1:

Lewis

Excused and not voting, 1:

Keyes

The DeCamp amendments were adopted with 39 ayes, 1 nay, 7 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch moved to recommit LB 316 to the Judiciary Committee for public hearing. The motion lost with 8 ayes, 23 nays, and 18 not voting.

Mr. Chambers moved to indefinitely postpone.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 6:

Chambers	Hoagland	Landis
Haberman	Koch	Marsh

Voting in the negative, 35:

Beutler	Cope	George	Kahle	Maresh
Brennan	DeCamp	Goodrich	Kelly	Marvel
Burrows	Duis	Hasebroock	Kennedy	Merz
Carsten	Dworak	Hefner	Labedz	Murphy
Clark	Fitzgerald	Johnson	Lamb	Newell

Nichol	Reutzel	Schmit	Simon	Vickers
Pirsch	Rumery	Sieck	Stoney	Warner

Present and not voting, 3:

Cullan	Fowler	Wesely

Absent and not voting, 1:

Lewis

Excused and not voting, 4:

Keyes	Kremer	Venditte	Wagner

The Chambers motion lost with 6 ayes, 35 nays, 3 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Chambers requested a record vote to advance LB 316.

Voting in the affirmative, 33:

Beutler	DeCamp	Kahle	Merz	Schmit
Brennan	Duis	Kelly	Murphy	Simon
Burrows	Fitzgerald	Kennedy	Newell	Stoney
Carsten	George	Labedz	Nichol	Vickers
Clark	Goodrich	Lamb	Pirsch	Warner
Cope	Hasebroock	Maresh	Reutzel	
Cullan	Hefner	Marvel	Rumery	

Voting in the negative, 9:

Chambers	Hoagland	Koch	Marsh	Wesely
Haberman	Johnson	Landis	Sieck	

Present and not voting, 2:

Dworak	Fowler

Absent and not voting, 1:

Lewis

Excused and not voting, 4:

Keyes	Kremer	Venditte	Wagner

Advanced to E & R for Review with 33 ayes, 9 nays, 2 present and not voting, 1 absent and not voting, and 4 excused and not voting.

MRS. MARSH PRESIDING

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 74. Placed on General File as amended.
Standing Committee amendment to LB 74:

1. On page 2, line 5 after "alcohol" insert "produced in Nebraska".

LEGISLATIVE BILL 321. Placed on General File as amended.
Standing Committee amendments to LB 321:

1. Strike original section 2.
2. On page 18, line 9 strike "23-379,".
3. In the title, line 2 strike "23-379,"; and in line 9 after the semicolon insert "to delete a requirement for reconfirmation;".

(Signed) Loran Schmit, Chairman

Business and Labor

LEGISLATIVE BILL 183. Placed on General File as amended.
Standing Committee amendment to LB 183:

1. On page 4, line 4 strike "through 2,450.00" and insert "and over"; and strike lines 5 through 9.

LEGISLATIVE BILL 358. Placed on General File as amended.
Standing Committee amendments to LB 358:

1. On page 3, line 11 strike "one hundred fifteen" and insert "eighty-five"; in line 14 strike "seventy-five" and insert "fifty-five"; and in line 16 strike "sixty" and insert "forty-five".

2. On page 4, line 16 strike "eighty" and insert "twenty-five"; in line 18 strike "three" and insert "two", and strike "ten" and insert "sixty-five"; in line 20 reinstate the stricken "fifty" and strike "forty-five"; and in line 22 reinstate the stricken "fifteen" and strike "ten".

3. On page 5, line 1 reinstate the stricken "fifty" and strike "thirty".

LEGISLATIVE BILL 447. Placed on General File as amended.
Standing Committee amendment to LB 447:

1. On page 5, strike beginning with the underscored comma in line 15 through line 17 and insert ". When the spouse

or relative is qualified to give medical care, such as a registered nurse or licensed practical nurse, he or she may be compensated for the reasonable cost of services rendered. When the spouse or relative is not qualified to give medical care he or she shall be paid the reasonable cost of services rendered, but in no event shall such amount exceed the amount that a nurse's aide would receive.".

(Signed) Richard Maresh, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 412. Placed on General File as amended. (Standing Committee amendments printed separately from the Journal and on file in the Clerk's office - Req. #2582.)

(Signed) Nelson Merz, Vice Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 24
February 14, 1979

Dear Senator Hoagland:

In your letter of January 30, 1979, you raise certain questions about the immunity of Nebraska State Legislators for words spoken and actions taken in their legislative capacity. Enclosed for your use and information is a copy of a very recent decision from the United States District Court for the District of Nebraska in the case of Green v. DeCamp, et al., CV78-L-167 decided by Judge Urbom on January 29, 1979.

This litigation arose out of the activities of the select committee of the Nebraska Legislature reviewing the operations of the criminal and drug divisions of the Nebraska State Patrol. In dismissing the action against the defendants, Judge Urbom generally analyzed the law applicable in such situations.

He refers to the United States Supreme Court decision in Tenney v. Brandhove, 341 U.S. 367 (1951) where the court held that the state legislators acting in a field where legislators traditionally have power to act are immune from civil liability under the Federal Civil Rights Act. Specifically the court held:

> ". . . the civil rights statutes were not intended to make legislators personally liable for damages to a witness injured by a committee excising legislative power. . . ."

Judge Urbom also relates in this opinion that the Supreme Court has decided a series of speech and debate cases and has held with reference to members of Congress that they are immune from judicial inquiry into their votes, their speeches on the Floor of Congress, their decisions to circulate information to other members of Congress, their participation in committee investigations and proceedings, and their issuance of subpoenas pursuant to a legitimate committee investigation.

On the other hand Judge Urbom relates that members of Congress are not immune from judicial inquiry into their public distribution of materials gathered by committees, or their acceptance of bribes in return for votes on pending legislative business.

With respect to the immunity of state legislators, the United States Supreme Court stated in Tenney v. Brandhove, supra:

> "The claim of an unworthy purpose does not destroy the privilege. Legislators are immune from deterrents to the uninhibited discharge of their legislative duty, not for their private indulgence but for the public good. One must not expect uncommon courage even in legislators. The privilege would be of little value if they could be subjected to the cost and inconvenience and distractions of a trial upon a conclusion of the pleader, or to the hazard of a judgment against them based upon a jury's speculation as to motives. . . .
>
> "Investigations, whether by standing or special committees, are an established part of representative government. Legislative committees have been charged with losing sight of their duty of disinterestedness. In times of political passion, dishonest or vindictive motives are readily attributed to legislative conduct and as readily believed. Courts are not the place for such controversies. Self-discipline and the voters must be the ultimate reliance for discouraging or correcting such abuses. The courts should not go beyond the narrow confines of determining that a committee's inquiry may fairly be deemed within its province. To find that a committee's investigation has exceeded the bounds of legislative power it must be obvious that there was a usurpation of functions exclusively vested in the Judiciary or the Executive. . . ."

One of the main issues in the Green case was the disclosure of the information obtained through the processes of the committee to the news media. Judge Urbom points out in his opinion that legislators have been held immune where they have authorized the publication of information gathered but not where they have arranged for the publication. Judge Urbom held that in Green the fact that the committee released the report to the press was different from

authorizing its publication and that something further would have had to have been alleged in order for a cause of action to arise under the theory that a legislator arranged for the publication of these materials. As Judge Urbom points out in his opinion, the case drawing the distinction between the authorization of the release and an arrangement for the publication of these materials is Gravel v. United States, 408 U.S. at 625.

Therefore as you can see, legislators are generally immune from personal liability where they are acting in their official capacity in areas where legislators traditionally have power to act and will not be held liable generally speaking for actions arising out of votes, statements made in debate or committee hearings or other official actions taken as a member of the Legislature or of a legislative committee.

You also ask whether or not this office would provide representation where actions are brought against members of the Legislature. It is our opinion that we would as we did in the Green case represent a legislator in an action brought against him as a state senator for words spoken in debate or for actions taken in his official capacity as a legislator.

We can however conceive of factual situations where the words spoken or the actions taken by a state senator could be construed as being taken by that person as an individual and not as a state senator. Only in such unlikely situations as that would we feel that our representation would be inappropriate.

After you have an opportunity to review Judge Urbom's decision in Green v. DeCamp, please let us know if we can be of any further assistance in clarifying our position on the question of legislative immunity or our representation in any such actions brought.

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

TRS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509
Enclosure

Opinion No. 25
February 14, 1979

Dear Senator Kelly:

You have submitted to us a proposed amendment to LB 263. This amendment would provide that when a construction contract exists calling for a fixed price, and the sales and use tax rate is increased during the term of the contract, the contractor may apply for a refund of the increased amount of tax paid. In order to qualify, the contractor must file the contract with the Department of Revenue within sixty days of his becoming legally bound to perform the contract.

A somewhat similar provision was contained in the original Sales Tax Act, passed in 1967. Section 77-2703(1) (i) provided for a refund of tax paid on the purchase of tangible personal property used in the performance of a construction contract for a fixed price entered into before the effective date of the act. In Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), numerous attacks were made on the constitutionality of the act, but that particular provision was not discussed. We can, in any event, see no constitutional reason why the Legislature cannot make such a provision, so that persons can enter into contracts without the danger that the building will cost more, or that the contractor will have to pay unexpected taxes out of his contract price.

However, the amendment leaves some answered questions. Many contracts will take several years to complete. What will be the situation of a contractor whose contract was entered into more than sixty days before the effective date of the act? He cannot comply with the sixty day requirement, so, under the literal language of the amendment, he would not qualify for a refund if the sales tax is increased before the completion of the contract. This might raise an unreasonable classification question, in violation of Article III, Section 18, of the Nebraska Constitution, or the equal protection clause of the Fourteenth Amendment to the Federal Constitution.

We also call attention to the fact that the sixty day clause will almost require all contractors to file all of their contracts with the Department of Revenue, whether or not a change in the tax rate has been put into effect, or is even expected, in order to protect themselves against an unexpected change. This does not raise a constitutional or legal question, but will, not doubt, be a nuisance for the Department of Revenue, who can be expected to receive thousands of such contracts.

The administration of the law will be difficult. One problem that will occur is with respect to changes in the construction contract. Almost all such contracts are modified from time to time, as the owner decides to get more expensive equipment, or enlarge or alter the plans. Should the modifications of the plans, involving increased expenditures for personal property, entitle the contractor to refunds on the increased expenditures for personal property? The bill does not say, but even if it did, we anticipate that making the necessary factual determinations would be very difficult.

In short, there may be some constitutional questions with respect to contracts executed more than sixty days before the effective date of the act, and there will be considerable difficulties in administering the law.

You say that you are considering another concept, which has not yet been drafted. Under this concept, the increased tax would be collected, but would be the responsibility of the owner, who would be required to either pay it directly to the Tax Commissioner, or to pay it to the contractor.

To require the owner to pay it directly to the Tax Commissioner would create an administrative nightmare for the Tax Commissioner and the retailer selling the personal property. Let us suppose the tax is increased from 3 to 3 1/2 per cent. The contractor may purchase personal property from dozens of suppliers. Let us assume he purchases $200 worth of such property from one retailer. He pays $6.00 tax to the retailer, and informs him the other $1.00 is to be paid by the owner. The retailer must then keep a record of the sale and the name of the owner, the contractor, etc., so he can justify having collected only $6.00 when he is audited. The Tax Commissioner must then try to collect $1.00 from the owner. This will hold true for all of the suppliers who sell personal property to be used for the contract in question. The administrative cost of collecting such tax from the owner would unquestionably far exceed the tax collected.

The other alternative, to have the contractor pay the increased tax at the time of purchase, and collect it from the owner, does not create such administrative problems, but may run into constitutional difficulties.

It would seem that the question of who should bear the burden of an increase in sales tax between the time of the execution of a construction contract and the purchase of necessary personal property is one which can, and should, be determined in the contract itself. The contract can contain a specific provision on the question, or the court can decide it, in the absence of such a provision. We fail to see how society has any interest in the question, or how any public policy is involved. In United States Brewers Association v. State, 192 Neb. 329, 220 N.W.2d 544 (1974), the court said:

"Freedom to contract and to acquire and sell property in a lawful manner are valuable constitutional rights. The power of the Legislature to regulate and restrict the exercise of these rights is limited by the Constitution of this state and of the United States.

". . . .

"The exercise of the police power must be directed toward and have a rational relation to the basic interest of society rather than the mere advantage of particular individuals. . . ."

Contractors can provide in their contracts that the owner shall pay any increase in sales tax. By the same token, owners can refuse to agree to do so, and insist that the contractor pay such increase. It is a matter for negotiation, and we can perceive no public policy that is involved. We therefore question whether a statutory provision requiring reimbursement of the contractor by the owner would withstand a 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
Clerk of the Legislature

Opinion No. 26
February 15, 1979

Dear Senator Murphy:

You have requested an opinion from this office concerning the word "reasonable" as found in LB 27. You question whether or not the Legislature should incorporate into the bill some measurement of what the word "reasonable" implies in order to assist the court in its determinations. From a legal perspective we do not believe that it is legally required that you do so. However, it is on the other hand also legally permissible to incorporate into the legislation some guidance or measurement concerning the intended use of the word "reasonable".

As we read LB 27 it has incorporated some guidance as to what the word "reasonable" should include. That language is as follows:

". . .A consideration of whether the depth of a domestic well is reasonable shall include but not be limited to whether the depth was such as to anticipate potential well interference from those irrigation wells in use when the domestic well was drilled."

Whether or not the Legislature deems it necessary to further define or limit the application of the word "reasonable" is a matter of legislative prerogative. The courts of this state as well as all other jurisdictions have in one form or another interpreted the word "reasonable". The Black's Dictionary defines the word reasonable as "Just; proper. Ordinary or usual. Fit and appropriate to the end in view." From the particular application of the word "reasonable" in LB 27, it would appear that it requires a domestic well driller who drills a well subsequent to the drilling of an irrigation well to drill the domestic well to such a depth and in such a manner such as to anticipate, foresee and avoid potential well interference that might be caused by the ordinary or ususal(sic) operation of the irrigation wells already in existence.

In conclusion, it is not legally necessary to incorporate into LB 27 some measurement of what the word "reasonable" implies in order to assist the courts in their determinations. Furthermore, we do not believe that LB 27 is constitutionally vague for lack of some measurement of what the word "reasonable" implies. However, it is a matter of legislative prerogative whether or not to include some further refinement or measurement or what the word "reasonable" is intended to mean as it is found in LB 27.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Paul W. Snyder
Assistant Attorney General

PWS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 243	Thursday, March 8, 1979(Cancel)	1:30 p.m.
LB 563	Thursday, March 8, 1979(Cancel)	1:30 p.m.
LB 243	Wednesday, February 28, 1979(Reset)	1:30 p.m.
LB 563	Wednesday, February 28, 1979(Reset)	1:30 p.m.
LB 567	Thursday, March 8, 1979	1:30 p.m.
LB 568	Thursday, March 8, 1979	1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

ANNOUNCEMENT

Mr. Nichol announced a Judiciary hearing February 21, 1979 at 7:30 p.m. (night) in Room 1520 on LB 222 (Pathology Bill). The South door will be open for public to enter building prior to 7:30 p.m.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 65 in the Journal. No objections. So ordered.

1. In the Committee amendments, white copy request 2537, on page 1, line 6 strike "or 8".

2. On page 10 of the original bill, line 17 after "in" insert "subdivision (1) of".

Mr. Wesely asked unanimous consent to print the following amendment to LB 108 in the Journal. No objections. So ordered.

1. On page 3 strike the new matter in lines 8 through 20 and insert "In the case of postsecondary educational institutions, such as technical community college areas, state colleges, and the University of Nebraska, the following factors shall be considered in determining the appropriate bargaining unit for such institution (a) the possibility of overfragmentation of bargaining units, (b) prior bargaining history, (c) centralization of management and labor policy, (d) the extent of faculty interchange between campuses, (e) the degree of interdependence of economy of the campuses, (f) differences or similarities in skills or functions of the employees, (g) geographical location of the campuses in relation to each other, (h) uniformity of wages, benefits, and conditions of employment, (i) current means of governing the educational institution, (j) established policies of the employer, and (k) community of interest of employees.".

GENERAL FILE

LEGISLATIVE BILL 127. 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 129. 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.

RESOLUTION

LEGISLATIVE RESOLUTION 15.

Introduced by Burrows, 30th District; Beutler, 28th District; Brennan, 9th District; Carsten, 2nd District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Duis, 39th District; Fitzgerald, 14th 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; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Merz, 1st District; Murphy, 17th District; Nichol, 48th District; Pirsch, 10th District; Rumery, 42nd District; Sieck, 24th District; Stoney, 4th District; Venditte, 7th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District.

WHEREAS, the State of Nebraska is committed to providing a comprehensive system of services for the mentally retarded citizens of the state; and

WHEREAS, such system includes adequate funding to provide community based services and programs of excellent quality; and

WHEREAS, such system includes use of the Beatrice State Developmental Center of which the state is justifiably proud; and

WHEREAS, a lawsuit has been filed involving the Beatrice State Developmental Center in which the United States Department of Justice has intervened; and

WHEREAS, the intervention of the Department of Justice has been disruptive and counterproductive to the functioning of the state's mental retardation program; and

WHEREAS, such intervention has embittered and polarized the professional statewide staff serving the mentally retarded; and

WHEREAS, such intervention has worked contrary to the best interests of some of the mentally retarded.

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

1. That the Legislature expresses its opposition to the intervention and interference of the United States Department of Justice in the

internal management of the services to the mentally retarded in the state.

2. That the Clerk of the Legislature send copies of this resolution to all members of the Nebraska Congressional delegation and to the President of the United States.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Dworak asked unanimous consent to be excused February 21 and 22, 1979. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Bob Hindman, children, and a friend from Grand Island; 66 fifth grade students and sponsor from Ashland; and Mrs. Philip Lamb and son Christopher (daughter-in-law and grandson of Howard and Jo Lamb) from Yakima, Washington.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Wednesday, February 21, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 21, 1979

LEGISLATIVE JOURNAL

THIRTY-THIRD DAY - FEBRUARY 21, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 21, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> God, give us due respect for the abilities You have given us. Don't let us sell them short. Don't let us cheapen them. Don't let us bury our talents through indecision, cowardice or laziness. Plant in us the necessary determination. Keep us at our job. Rouse in us the fires of dedication. Give us the energy, strength, and will power to bring Your gifts to their proper fruition. When we falter or fall, lift us up and set us back on our destined path. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Beutler, Chambers, Fowler, George, Hoagland, Johnson, and Lewis who were excused until they arrive; and Messrs. Clark, Dworak, and Hasebroock who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

MESSAGES FROM THE GOVERNOR

February 20, 1979

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

Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Environmental Control Council (County Government) requiring legislative confirmation.

Edward Narjes, RR2, Box 40, Sidney, 69162 - succeeding Henry J. Purdie, deceased, term expiring June 22, 1979.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Edward Narjes
Committee on Committees
Department of Environmental Control

February 20, 1979

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

Dear Mr. President and Senators:

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

George Van Pelt, North Star Route, Kimball 69145 - for a five year term expiring January 15, 1984.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: George Van Pelt
Committees on Committees
Game and Parks Commission

February 20, 1979

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

Dear Mr. President and Senators:

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

John B. Barrette, 824 Carlos Drive, Lincoln - succeeds Robert J. Keller, resigned, term expiring September 9, 1984.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: John B. Barrette
Committee on Committees
Board of Parole

February 20, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Captiol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 47 and 73.
These bills were signed by me on February 20, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

COMMUNICATION

Acknowledged receipt of report dated February 13, 1979 from the State Office of Planning and Programming on review of county and municipal land use regulations in accordance with LB 317.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 118	Tuesday, February 27, 1979	12:00 Noon
LB 283	Tuesday, February 27, 1979	12:00 Noon

(Signed) William H. Hasebroock, Chairman

Committee on Committees

February 20, 1979

The Committee on Committees will meet at 12:10 p.m., Wednesday, February 28, 1979, in Room 1520, State Capitol, for the purpose of hearing appointments as follows:

Jerry Bolin - Director, Department of Correctional Services
Fred Herrington - Tax Commissioner, Department of Revenue
Jack Kidder - Nebraska Safety Center Advisory Council
Dr. Kenneth Kimball - Nebraska Safety Center Advisory Council
John Lainson - Third District Public Welfare, Institutions and Corrections Advisory Committee
E. L. Laird - Nebraska Safety Center Advisory Council
Rollin D. Schnieder - Nebraska Safety Center Advisory Council

(Signed) Shirley Marsh, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 159 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Section 1. That section 77-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-509. At the hearing provided by section 77-508, the legal representatives of the counties may appear and show cause why the valuation or valuations of the real or personal property of their county should not be increased or decreased by the State Board of Equalization and Assessment, and, after a full hearing, either by the board or the Tax commissioner, the board,

not later than August 15, shall enter its order and certify the same to the county clerks or officer with the duty of making up the tax list of the proper counties as set forth in section 77-506. Each county shall be bound by the valuation established by the State Board of Equalization and Assessment.

Sec. 2. That section 77-1301.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1301.01. The Tax Commissioner shall by rule establish standards for the reappraisal of all lands and improvements in the various counties. The standards established shall require that all reappraisals shall be based upon the use of appraisal manuals developed pursuant to section 77-1330, and shall be such as to assure the determination of actual value on a consistent basis in accordance with the formula prescribed in section 77-112 and the equalization of values. The Tax Commissioner shall also establish standards for reappraisal contracts which shall, among other provisions, ~~provide~~ require that all such contracts shall require the use of appraisal manuals developed pursuant to section 77-1330, that no reappraisal contract shall be valid until approved in writing by the Tax Commissioner, and that payment of the final ten per cent of the contract price shall not be made until the reappraisal has been approved by the Tax Commissioner. The approval of the reappraisal by the Tax Commissioner shall be made only after the Tax Commissioner has held a public hearing regarding such approval. Such hearing shall be held in accordance with the provisions of Chapter 84, article 9.

Sec. 3. That section 77-1301.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1301.13. (1) The agreement for reappraisal shall be such as to assure the determination of actual values on a consistent basis in accordance with the formula prescribed in section 77-112.

(2) The agreement shall contain at least the following provisions:

(a) Procedures under which reappraisal shall be conducted;

(b) Qualifications for all persons performing the reappraisal;

(c) Type and amount of work which may be performed by county officials and their employees;

(d) Type and amount of work which may be performed by independent contractors under the direction and control of one of the parties to the agreement;

(e) The time period in which work shall be

performed by all parties;

(f) That a cadastral map and parcel numbering system pursuant to section 77-1301.04 be adopted; ~~and~~

(g) That payment for actual cost of any work performed under the agreement by independent contractors pursuant to the direction and control of the Tax Commissioner or state employees be made to the Tax Commissioner; and

(h) That the reappraisal be based upon the appraisal manuals developed pursuant to section 77-1330.

Sec. 5. That section 77-1336, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1336. (1) In order to promote compliance with the requirements of law, the Tax Commissioner shall issue and, from time to time, may amend or revise rules and regulations containing minimum standards of assessment and appraisal performance. Such standards shall relate to: (a) Adequacy of tax maps and records; (b) types and qualifications of personnel; (c) methods and specifications for the appraisal or reappraisal of property; (d) compliance with state manuals and guidelines; and ~~(d)~~ (e) administration. For failure to meet the standards contained in such rules and regulations, the Tax Commissioner may suspend, in whole or in part, performance of the assessment or appraisal function by a county.

(2) If the Tax Commissioner finds that a county has failed or is failing to meet the standards contained in the rules or regulations in force pursuant to subsection (1) of this section, he or she shall notify the county assessor of the fact and nature of the failure. The notice shall be in writing and shall be served upon the county assessor and the county board.

(3) If within one year from the service of the notice the failure has not been remedied, the Tax Commissioner may, at any time during the continuance of such failure, issue an order requiring the county assessor and county board to show cause why the authority of the county with respect to assessments or any matter related thereto should not be suspended; shall set a time and place at which the Tax Commissioner or his or her representative shall hear the county assessor and county board on the order; and after such hearing shall determine whether and to what extent the assessment function of the county shall be so suspended.

(4) During the continuance of a suspension pursuant to subsection (3) of this section, the Tax Commissioner shall succeed to the authority and duties from which the county has been suspended and shall

exercise and perform the same. Such exercise and performance shall be a charge on the suspended county. The suspension shall continue until the Tax Commissioner finds that the conditions responsible for the failure to meet the minimum standards contained in the rules and regulations of the Tax Commissioner have been corrected.

(5) Any county aggrieved by a determination of the Tax Commissioner made pursuant to this section or alleging that its suspension is no longer justified, may have review of such determination or continued suspension in accordance with the Administrative Procedures Act.".

2. On page 2, line 11, after "duties." insert "All appraisals or reappraisals of property for tax purposes shall be in compliance with such manuals and guides."; in line 12, strike "section 77-1330" and insert "sections 77-509, 77-1301.01, 77-1301.13, 77-1330, and 77-1336"; and in line 13, strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 4 and 6.

MRS. MARSH PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 15. Read. Considered.

LR 15 was adopted with 31 ayes, 0 nays, and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 38. E & R amendments found in the Journal on page 555 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 85. E & R amendment found in the Journal on page 556 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 115. E & R amendment found in the Journal on page 556 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 194. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 322. E & R amendments found in the Journal on page 556 for the Thirty-Second Day were adopted.

Mr. Warner offered the following amendments:

1. Insert the following new section:

"Sec. 80. That section 51-413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-413. Every state agency head or his or her appointed records officer shall notify the Nebraska Publications Clearinghouse of his or her identity. The records officer shall upon release of a state publication deposit ~~eight~~ four copies and a short summary including author, title, and subject of each of its state publications with the Nebraska Publications Clearinghouse for record purposes. ~~Two~~ One of these copies shall be forwarded by the clearinghouse to the Nebraska Historical Society for archival purposes and ~~two~~ one to the Library of Congress. Additional copies, including sales items, shall also be deposited in the Nebraska Publications Clearinghouse in quantities certified to the agencies by the clearinghouse as required to meet the needs of the Nebraska publications depository system, ~~. This requirement includes sale items~~ with the exception that the University of Nebraska Press shall only be required to deposit four copies of its publications.".

2. On page 86 after line 12 insert "51-413,".

3. Renumber remaining section accordingly.

4. On page 86, in line 7, strike "and once each month".

5. Insert a new section 81 as follows:

"Sec. 81. The Clerk of the Legislature shall retain the reports received from state agencies, boards, and commissions for three years after the date of receipt of such reports after which time the clerk may dispose of such reports.".

6. Renumber remaining sections accordingly.

The amendments were adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 232. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 233. Advanced to E & R for Engrossment.

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 132. 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.

LEGISLATIVE BILL 305. 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 425. 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 63. Title read. Considered.

Standing Committee amendments found in the Journal on page 387 for the Twenty-First Day were considered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 9 ayes, 4 nays, and 36 not voting.

Standing Committee amendments were adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Murphy moved to indefinitely postpone.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Simon requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 24:

Carsten	Goodrich	Kennedy	Merz	Venditte
Chambers	Haberman	Keyes	Murphy	Vickers
Cope	Hefner	Labedz	Nichol	Wagner
Cullan	Kahle	Lamb	Pirsch	Warner
Duis	Kelly	Marvel	Stoney	

Voting in the negative, 20:

Beutler	Fitzgerald	Johnson	Lewis	Rumery
Brennan	Fowler	Koch	Maresh	Sieck
Burrows	George	Kremer	Marsh	Simon
DeCamp	Hoagland	Landis	Newell	Wesely

Present and not voting, 2:

Reutzel Schmit

Excused and not voting, 3:

Clark Dworak Hasebroock

The motion to indefinitely postpone prevailed with 24 ayes, 20 nays, 2 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 22, 53, 67, 114, and 215.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Government, Military, and Veterans Affairs

LEGISLATIVE BILL 500. Placed on General File as amended.
Standing Committee amendments to LB 500:

1. On page 2, line 7, after the third comma insert "and", and strike the fourth comma and insert a period; and strike line 8.

2. On page 3, after line 1 insert "and"; in line 2 strike ", and political affiliation"; in line 7 strike "; however, this act" and insert "but not to the exclusion of the criteria set forth in subsection (1) of this section"; strike line 8; in line 9 strike "minorities or women"; in line 11 after "population." insert "The composition of the state working population shall be determined annually through reports of the Department of Labor."; in line 19 strike "committee, council,"; strike lines 20 and 21, and insert "and committee of the State of Nebraska under the executive authority of the Governor;"; in line 23 after the semicolon insert "and"; in line 25 strike "; and" and insert a period; and strike lines 26 and 27.

3. On page 4, strike line 1; in line 3 after "shall" insert ", for the purpose of organization only,"; and strike beginning with "The" in line 4 through line 6.

4. On page 5, line 15 strike "activi-tiesof" and insert "activities of"; in lines 15 and 16 strike "equal employment opportunity officers" and insert "agency affirmative action individual"; in line 21, strike "Equal Employment Opportunity Officer" and insert "agency affirmative action individual"; and in line 26 strike "representatives" and insert "individuals".

5. Insert the following new section:

"Sec. 7. Commencing July 1, 1980, each agency shall submit a plan for that agency to the office and the Affirmative Action Committee for review and shall work with the officer to insure effectiveness of the plan.".

6. On page 6, line 10, strike "Selectively review" and insert "Review"; and in line 15, strike "appellant" and insert "advisory".

7. On page 8, strike beginning with "The" in line 1 through line 26, and insert "Such report shall be in writing and shall be made available to the news media at the same time that it is submitted to the Governor.".

8. On page 9, strike lines 1 through 6.

9. Insert the following new section:

"Sec. 15. This act shall become operative on January 1, 1980.".

10. Renumber original sections 7 to 13 as 8 to 14 respectively.

(Signed) Orval Keyes, Chairman

Public Works

LEGISLATIVE BILL 544. Placed on General File as amended.
Standing Committee amendment to LB 544:

1. On page 2, strike beginning with "once" in line 13 through "year" in line 14 and show as stricken.

LEGISLATIVE BILL 545. Advanced to General File.

(Signed) Maurice Kremer, Chairman

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 253	Thursday, March 8, 1979	1:30 p.m.
LB 331	Thursday, March 8, 1979	1:30 p.m.
LB 421	Thursday, March 8, 1979	1:30 p.m.
LB 429	Thursday, March 8, 1979	1:30 p.m.
LB 465	Thursday, March 8, 1979	1:30 p.m.
LB 570	Thursday, March 8, 1979	1:30 p.m.
LB 179	Friday, March 9, 1979	1:30 p.m.
LB 329	Friday, March 9, 1979	1:30 p.m.
LB 345	Friday, March 9, 1979	1:30 p.m.
LB 387	Friday, March 9, 1979	1:30 p.m.

(Signed) Orval A. Keyes, Chairman

Agriculture and Environment

LB 571	Thursday, March 8, 1979	1:30 p.m.

(Signed) Loran Schmit, Chairman

SPECIAL COMMITTEE REPORT
LR 1 Committee

February 20, 1979

The LR 1 Committee submits a list of Committee rooms, Committee assignments and the rules that were agreed upon at the February 15 meeting for naming the following rooms.

Location	Room	Committee Assignments
East Lounge	Rm 2230	Misc. Subjects; Banking; Urban Affairs
First Floor	Rm 1003	Appropriations
First Floor	Rm 1019	Const. Review & Rec; Health & Welfare; Business & Labor
First Floor	Rm 1113	Judiciary; Government, Military and Veterans Affairs
First Floor	Rm 1515	Education; Public Works
First Floor	Rm 1520	Revenue; Agriculture and Environment
Exec. Board	Rm 2102	Executive Board

Following are the adopted guidelines to carry out the provision LR #1:

(1) Only those who have made outstanding contributions to Nebraska's political history shall be eligible to have legislative hearing rooms named in their honor.

(2) Only those who have made significant contributions to Nebraska's political history and are deceased shall be eligible.

(3) Any person who has served as Governor only shall not be eligible, since they are in the Hall of Governors.

(4) Persons who have received other commemorative honors by the State of Nebraska such as persons having had a state building named after them shall be excluded from this honor.

(5) The special committee shall secure from the Nebraska State Historical Society a list of 3 names, per the number of hearing rooms. The committee shall then select from the provided list a name for each of the hearing rooms.

(6) Ten years after the first naming of the hearing room and every ten years thereafter, the Executive Board shall create another committee with the purpose of reviewing the names of the existing rooms and proposing any new names for the hearing rooms if deemed necessary. The Historical Society shall be asked to submit a list of possible candidates from which the committee shall choose.

(7) In the event any additional hearing rooms are constructed, they shall be named in accordance to the rules established by the Legislature.

(8) The special committee shall provide a portrait of the person for whom the hearing room is named. If possible, the committee shall secure such portrait through contribution of the honored person's family. If the painting cannot be so secured, the committee shall commission for the painting of the portrait. Preference shall be given to artists residing in Nebraska or having a Nebraska background. The Committee is authorized to receive contributions.

(Signed) Dave Newell, Chairman; Maurice Kremer, Ralph Kelly, Shirley Marsh, Richard Marvel, William Hasebroock

CORRECTION

On page 566, show Mr. Wagner as being excused at 10:45 a.m. instead of 11:45 a.m. Show all remaining votes for that day as Mr. Wagner being excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 130. Title read. Considered.

Standing Committee amendment found in the Journal on page 408 for the Twenty-Second Day was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 141. Title read. Considered.

Standing Committee amendments found in the Journal on page 408 for the Twenty-Second Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Cullan moved to indefinitely postpone.

MR. LEWIS PRESIDING

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Messrs. Fowler and Rumery asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Koch moved for a Call of the House. The motion prevailed with 16 ayes, 10 nays, and 23 not voting.

Mr. Koch requested a roll call vote on the Cullan motion to indefinitely postpone.

Voting in the affirmative, 24:

Carsten	Duis	Johnson	Kennedy	Labedz
Cope	Haberman	Kahle	Keyes	Lamb
Cullan	Hefner	Kelly	Koch	Maresh

Marvel	Pirsch	Sieck	Venditte	Warner
Murphy	Schmit	Stoney	Wagner	

Voting in the negative, 17:

Beutler	Fitzgerald	Hoagland	Merz	Wesely
Brennan	Fowler	Kremer	Reutzel	
Burrows	George	Landis	Simon	
DeCamp	Goodrich	Lewis	Vickers	

Present and not voting, 1:

Chambers

Absent and not voting, 1:

Newell

Excused and not voting, 6:

Clark	Hasebroock	Nichol
Dworak	Marsh	Rumery

The motion to indefinitely postpone prevailed with 24 ayes, 17 nays, 1 present and not voting, 1 absent and not voting, and 6 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 108. Considered.

Mr. Wesely moved to recommit LB 108 to the Business and Labor Committee. The motion lost with 17 ayes, 17 nays, and 15 not voting.

The Wesely pending amendment found in the Journal on page 577 lost with 18 ayes, 16 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 14 nays, 4 present and not voting, and 6 excused and not voting.

MR. LEWIS PRESIDING

LEGISLATIVE BILL 26. Considered.

Mr. DeCamp offered the following amendment to LB 26:

Allow for 1/2 mill on LB 26.

Mr. Kremer offered the following amendment to the DeCamp amendment:
Amend 1/2 mill to 3/4 mill.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 15 nays, and 15 not voting.

Amendments pending.

SPEAKER MARVEL PRESIDING

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 510	Monday, March 5, 1979	1:30 p.m.
LB 511	Monday, March 5, 1979	1:30 p.m.
LB 490	Monday, March 5, 1979	1:30 p.m.
LB 498	Tuesday, March 6, 1979	1:30 p.m.
LB 573	Tuesday, March 6, 1979	1:30 p.m.

(Signed) William E. Nichol, Chairman

MOTION - Reconsider Action

Mr. Koch moved to reconsider action on LB 141.

Motion pending.

RESOLUTION

LEGISLATIVE RESOLUTION 16.

Introduced by DeCamp, 40th District.

WHEREAS, the Republic of China (Taiwan) has been an ally of the United States for an extensive period of time; and

WHEREAS, the Republic of China (Taiwan), has proven to be an important trading partner of the people of the United States; and

WHEREAS, it is of some importance to the agricultural economy of the State of Nebraska to have some type of recognition of the Republic of China (Taiwan) as a legal political entity; and

WHEREAS, the Republic of China (Taiwan) has provided strategic aid to the United States in its Far East foreign policies.

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

1. That the members of the Legislature urge the President of the United States and members of Congress to maintain diplomatic relations with the Republic of China (Taiwan).

2. That copies of this resolution be forwarded to the President of the United States, the Secretary of State of the United States, the Consel General of the Republic of China (Taiwan) in Kansas City, Missouri and to each member of the Nebraska Congressional Delegation.

Laid over.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 260. Placed on General File as amended.
Standing Committee amendments to LB 260:

1. Strike original sections 1 to 16 and 19.

2. Insert a new section as follows:

"Sec. 2. That section 71-5027, Revised Statutes Supplement, 1978, be amended to read as follows:

71-5027. The six regional governing boards established pursuant to section 71-5004 shall provide community alcoholism facilities, programs, and services. The boards shall provide funds for such community-based projects. Federal funding, private sources, third-party payments, and fees collected may be used as sources of necessary funds. The state shall provide ~~seventy-five~~ eighty per cent of the funds required to provide services in each region, exclusive of any funds from federal programs. Regional governing boards shall provide ~~twenty-five~~ twenty per cent of the funds required to provide services in each region, exclusive of any funds from federal programs, of which local, county, and other tax-generated sources shall account for at least ~~ten~~ five per cent of the funds. The remaining fifteen per cent of the funds may be accounted for from private sources, third-party payments, and fees collected for services rendered within the region. The regional governing boards shall account for all sources and expenditure of funds for any agency receiving any state funds under the provisions of sections 71-5016 to 71-5040, 83-1009, and 83-1009.01.".

3. On page 22, line 5 strike "1980" and insert

"1979".

4. On page 20, line 1 strike "twelve" and insert "thirteen"; strike beginning with "ninety-five" in line 2 through "beverages" in line 3, show the old matter as stricken, and insert "fifty-five cents per gallon for wine containing fourteen per cent or less of alcohol by volume and one dollar and ten cents per gallon for wines and other dilute alcoholic beverages containing more than fourteen per cent of alcohol by volume".

5. Insert a new section as follows:

"Sec. 4. That original sections 53-160 and 71-5027, Revised Statutes Supplement, 1978, are repealed.".

6. Renumber original sections 17, 18, and 20 as sections 1, 3, and 5 respectively.

(Signed) Samuel K. Cullan, Chairman

MOTION - Withdraw LB 529

Mr. Chambers moved to withdraw LB 529.

Motion pending.

MOTION - Suspend Rules

Mr. Simon moved to suspend the rules, Rule 5, Sec. 4 and 5, to introduce Req. #847.

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 574. By Simon, 31st District; Kremer, 34th District; Lewis, 45th District; Reutzel, 15th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to civil defense; to provide procedures to alleviate flooding as a result of ice jams; to provide duties; to provide when liability exists; to amend section 81-829.55, Reissue Revised Statutes of Nebraska, 1943; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendments to LB 119 in the Journal. No objections. So ordered.

1. Insert 3 new sections as follows:

"Sec. 2. No supplier shall cancel construction of any electric generation facility without a project cancellation permit from the Nebraska Power Review Board, if permission for the project has been granted by the Nebraska Power Review Board and any of the following have occurred:

(1) Engineering contracts have been executed for planning and design of the facility;

(2) All licenses, federal, state, and local, have been secured for the facility;

(3) Contracts have been awarded for materials, parts, components, and for construction of the facility or any part thereof; or

(4) Contracts have been executed with other power districts, generation and transmission cooperatives, or municipalities, for joint construction, financing, operation, or participation, in any form, in new electric generation facilities in Nebraska.

Sec. 3. A supplier shall apply in writing to the Nebraska Power Review Board for a project cancellation permit required pursuant to section 2 of this act. Upon receipt of such application the board shall fix a time and place for hearing and shall give ten days' notice by mail to each person or supplier as it deems to be affected by the application. The hearing shall be had within thirty days unless for good cause shown, the applicant shall request in writing that such hearing not be scheduled until a later time, but in any event such hearing shall not be more than ninety days from the filing of the application, and the board shall give its decision within thirty days after the conclusion of the hearing. Any parties interested may appear, file objections, and offer evidence, except that the board may grant the application without notice or hearing, upon the filing of such waivers as it may require, if in its judgment the finding required by section 4 of this act can be made without a hearing. Such hearing shall be conducted as provided in section 70-1006, Reissue Revised Statutes of Nebraska, 1943. The board may allow amendments to the application, in the interests of justice.

Sec. 4. After the hearing, the Nebraska Power Review Board shall have the authority to approve or deny the application. In determining whether to issue a

project cancellation permit, the Nebraska Power Review Board shall consider but not be limited to the following factors:

(1) Changes in projected consumer demand;.

(2) Alternative available energy sources; and

(3) Other factors which would make completing the project infeasible or impossible.".

2. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were former Senator and Mrs. Leslie Stull from Alliance, Nebraska; and Mrs. Margie (Roy) Martin of Oklahoma City, Oklahoma formerly of Lincoln.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Lewis, the Legislature adjourned until 9:00 a.m., Thursday, February 22, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 22, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 22, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father in heaven, today we pray for Thy gift of contentment, that we may not waste our time desiring more, but learn to use and enjoy what we have.
>
> We may not know everything, but we may know Thee and Thy will. We need not be rich to be generous, nor have all wisdom to be understanding. Our influence may not be great, but it can be good. Our speech may not be eloquent, but it can be truthful and sincere. We cannot all have good looks, but we can have good conscience, and having that, we shall have peace of mind and need fear no man.
>
> May we be kind one to another, tender-hearted, forgiving one another, even as Thou, daily doth forgive us. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Dworak who were excused; and Messrs. Burrows, Brennan, Johnson, Kennedy, Keyes, Koch, Lewis, Newell, Reutzel, Simon, Stoney, Venditte, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 322. Replaced on Select File as amended.
E & R amendment to LB 322:

1. In the title line 2, insert "relating to reports and publications;" after "ACT"; in line 5, insert "51-413," after the second comma; and on page 2, strike lines 5 and 6 and insert "1978; to change procedures for reports to the Legislature; to change deposit requirements;".

LEGISLATIVE BILL 316. Placed on Select File as amended.
E & R amendments to LB 316:

1. In line 1 of the Chambers amendment to page 4, line 1, strike "be signed by and show as stricken" and insert "be signed by".

2. On page 4, line 3, strike the period and insert "; and"; and after line 3 insert the definition added by the Chambers amendment as new subdivision (9).

3. In the DeCamp amendments, page 1, line 17, strike "and".

4. On page 4, line 2, insert "be signed" after "and".

5. In the title, line 3, insert "28-333, 28-334," after the first comma.

LEGISLATIVE BILL 127. Placed on Select File.
LEGISLATIVE BILL 129. Placed on Select File.

(Signed) Don Wesely, Chairman

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 569 and 574 for the approval of the Nebraska State Legislature.

LB	Committee
569	Miscellaneous Subjects
574	Public Works

(Signed) Frank Lewis, Chairman
Executive Board

UNANIMOUS CONSENT - Corrected Committee Statement

Mr. Reutzel asked unanimous consent to place a corrected committee statement on LB 77 in the Bill Books. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 27
February 16, 1979

Dear Senator Hoagland:

You have raised a number of questions concerning the Legislature's power to obtain documents through the issuance of subpoenas and the potential liability of individual members of a committee issuing such subpoena and the potential liability of persons complying with such an order.

Your first and most basic question was whether or not the Legislature had the power to subpoena. Although there is no express statutory authority directly granting legislative committees the power to issue subpoenas requiring the appearance of witnesses and the production of documents, there are a number of statutes and cases from which this power may be implied.

Section 50-105, R.R.S. 1943, provides in part that:

> "The Legislature has power and authority to punish as a contempt by fine or imprisonment, or either of them the offense . . .of disorderly or contemptuous conduct tending to disturb its proceedings; or refusing to attend or to be sworn or to be examined as a witness before the Legislature or a committee, when duly summoned. . . "

On the basis of the language contained in this section, it may reasonably be inferred that the Legislature has the power to issue subpoenas requiring the appearance of witnesses. It should be noted, however, that section 50-105 does not contain any reference to the power of the Legislature to compel the production of documents. The inference that this section grants a legislative power of subpoena is therefore less clear when documents are at issue.

In addition, section 50-406, R.R.S. 1943, provides in pertinent part that:

> "In the discharge of any duty herein imposed the [legislative] council, or any committee thereof, shall have authority to administer oaths, issue subpoenas upon approval of a majority of the council or committee, compel the attendance of witnesses, and the production of any papers, books, accounts, documents, and testimony . . ."

Although the language of this section limits the subpoena power to the legislative council and any committee thereof (whose function is to consider legislative policies between sessions of the Legislature), it was invoked as a basis for subpoenas issued by the judiciary committee in investigating the operations of the Criminal and Drug Divisions of the

Nebraska State Patrol. Whether section 50-406 was properly asserted as a basis for those subpoenas was never subsequently challenged and there was, therefore, no judicial decision on the validity of that action. Whether section 50-406 authorizes the issuance of subpoenas by the Legislature during regular session remains an open question.

A third possible basis for the issuance of subpoenas may be found in the inherent powers of the Legislature and committees thereof. It has been said that the inherent and auxiliary power reposed in legislative bodies to conduct investigations in aid of prospective legislation carries with it the power, in proper cases, to require and compel the attendance of witnesses and the production of books and papers by means of legal process, and to institute contempt proceedings in order to compel the attendance of such witnesses and the production of such documentary evidence as may be legally called for in the course of such proceedings, whether conducted by the legislative body or by a branch thereof, directly or through properly constituted committees. See, e.g., Ex Parte Battelle, 207 Cal. 227, 277 P. 725 (1929). The power to issue subpoenas may thus be viewed as a necessary and essential corollary to the inherent power of the Legislature to investigate.

You have also inquired as to what documents may be subpoenaed. It has often been said that if the subject of investigation is within the range of legitimate legislative inquiry and the questions are pertinent thereto and do not call for privileged matter (the issue of attorney-client privilege will be discussed, infra,), the Legislature may subpoena witnesses and documents necessary for that particular investigation. The right to compel a witness to produce documents before a legislative committee turns on whether their production is necessary to the inquiry which it is conducting. Uphaus v. Wyman, 360 U.S. 72 (1959). While the production of papers material to any inquiry may not be refused merely because they are private, when it appears that the legislative committee in issuing a subpoena is attempting to embark on a "fishing expedition," it will be declared void. In re Hague, 104 N.J.Eq. 31, 144 A. 546 (1929); In re Barnes, 204 N.Y. 108, 97 N.E. 508 (1912).

In determining whether a subpoena duces tecum issued by a legislative committee is too broad, the test is not whether the papers and documents are private personal records, but rather whether the records are within the scope of inquiry and investigation. See, e.g., ASP, Inc. v. Captiol Bank & Trust Co., 174 So.2d 809 (La. 1965). If the requested documents fall within the scope of legislative inquiry, the subpoena must describe the documents desired with reasonable certainty and sufficient definiteness to enable the witness to identify them.

In the specific factual situation from which your inquiry arises there is some question as to whether or not the document in which you are interested is covered by an attorney-client privilege. Apparently the document is part of the work product of an attorney who was involved in a particular investigation. It would appear to us from the information furnished that the document in which you are interested is covered by an attorney-client privilege.

The question then follows whether or not the attorney in whose possession this document is can waive that attorney-client privilege.

As a general rule, it is well-recognized and universally accepted that an attorney may not, without the consent of the client, divulge information covered by the attorney-client privilege. See Jahnke v. State, 68 Neb. 154, 94 N.W. 158 (1903); Spaulding v. State, 61 Neb. 289, 85, N.W. 80 (1901). Even though the attorney may be willing to turn over the document to the legislative committee, he may not do so without the permission of his client.

The only other alternative is for the client to agree to turn over the document prepared by its attorney, thereby waiving the privilege that otherwise prevents disclosure. Whether the client will be willing to do so is obviously a question that cannot be answered herein, but rather depends upon the nature, scope, and time of the request by the legislative committee.

You have further inquired if the Legislature has the power to subpoena this particular document and the client elects not to waive the attorney-client privilege, does the legislative power to subpoena override the privilege.

Whether the legislative power of subpoena overrides a claim of privileged communication will be the pivotal consideration in determining whether either the attorney or the individual members of the Legislature are to be held liable in the event a suit for damages is brought. There is authority, albeit sparse, for the proposition that the client cannot avail himself of the privilege to shield himself from a disclosure of facts which are a legitimate subject of inquiry. See, e.g., Grand Lake Drive Inn, Inc., v. Superior Court, 3 Cal. Rptr. 621 (1960) (knowledge which is not otherwise privileged does not become so merely by being communicated to an attorney). Brown v. Superior Court, 32 Cal.Rptr. 527 (1963) (individual who is aware of material facts cannot, simply by repeating them to his attorney, prevent his adversary from questioning him as to those facts before or at trial). In addition, it has been held that a statutory prohibition of a disclosure by an attorney of a confidential communication of his client is not intended to prohibit the disclosure of a communication as far as such communication is necessary to enable a public officer to act in his official capacity. People v. Farmer, 194 N.Y. 87 N.E. 457 (1909)

(statutory privilege may not be invoked to cover a transaction which is in itself a crime).

Notwithstanding these two lines of cases, there is very little well-developed authority for the proposition that the legislative power to subpoena overrides such a claim of privilege.

You also then ask if the legislative power to subpoena overrides the claim of privilege can individual legislators be held liable in a subsequent action for damages brought by any party.

In answering this question, there are three recent Supreme Court cases which must be considered. In Eastland v. U.S.S.F., 421 U.S. 491 (1975), the Supreme Court held that members of Congress are immune from inquiry into their issuance of subpoenas pursuant to a legitimate committee investigation. The second and third cases, Doe v. McMillan, 412 U.S. 306 (1973) and Gravel v. U.S., 408 U.S. 606 (1972), stand for the proposition that members of Congress are not immune from judicial inquiry into their public distribution of materials gathered by committees. Read together, the three cases seem to suggest that information gathered pursuant to a properly issued subpoena will not be the subject of judicial inquiry (and presumably legislative liability) unless it is improperly distributed to the public. This approach is consistent with the view that a claim of privilege should be overridden only when necessary to the proper legislative investigation of a particular subject, and then only to the extent necessary to facilitate that investigation. See also, Tenney v. Brandhove, 341 U.S. 367 (1951), holding that "the Civil Rights statutes were not intended to make legislators personally liable for damages to a witness injured by a committee exercising legislative power. . ." Id. at 379. [cited in Green v. DeCamp, CV78-L-167 (1978)].

Assuming, therefore, that the legislative power to subpoena prevails over a claim of privilege, there thus appears to be no basis for a suit against individual legislators who issued the subpoena.

Finally you ask if the legislative power to subpoena overrides the claim of privilege can the attorney be held liable in a subsequent action for damages brought by his client. While we are not certain as to the appropriateness of our advice in this regard, there appears to be no basis for holding an attorney who acts pursuant to a legitimate exercise of legislative authority liable for damages in an action brought by his client. Whether his defense be legal necessity or otherwise if the actions of the legislative body are taken pursuant to a valid legislative power, the client's forum for challenging the action is in a suit challenging either the legislative power to subpoena the documents in the first instance or in a claim that this power does not override the protections of the attorney-client privilege.

We hope this helps answer your inquiries in this regard and we would be most willing to visit with you further about any of your specific concerns which may arise during this legislative inquiry.

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

TRS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

COMMUNICATION

Acknowledged receipt of report from Roy A. Young, Chancellor, University of Nebraska-Lincoln on "State of Nebraska Solar Heat Pilot Project, Experimental Results, Feasibility Studies".

RESOLUTION

LEGISLATIVE RESOLUTION 16. Read. Considered.

Mr. Chambers requested a record vote on LR 16.

Voting in the affirmative, 25:

Brennan	George	Kahle	Marvel	Rumery
Carsten	Goodrich	Kelly	Merz	Schmit
Cope	Haberman	Kremer	Murphy	Sieck
DeCamp	Hasebroock	Lamb	Nichol	Vickers
Fitzgerald	Hefner	Maresh	Reutzel	Wagner

Voting in the negative, 6:

Chambers	Labedz	Marsh
Fowler	Landis	Wesely

Present and not voting, 6:

Beutler	Duis	Simon
Cullan	Hoagland	Warner

Excused and not voting, 12:

Burrows	Johnson	Koch	Pirsch
Clark	Kennedy	Lewis	Stoney
Dworak	Keyes	Newell	Venditte

LR 16 was adopted with 25 ayes, 6 nays, 6 present and not voting, and 12 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 13.

A BILL FOR AN ACT relating to cities and villages; to grant authority relating to irrigation and drainage ditches, canals, and laterals 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, 37:

Beutler	Fitzgerald	Kahle	Marvel	Simon
Brennan	Fowler	Kelly	Merz	Vickers
Carsten	George	Kremer	Murphy	Wagner
Chambers	Goodrich	Labedz	Nichol	Warner
Cope	Haberman	Lamb	Reutzel	Wesely
Cullan	Hasebroock	Landis	Rumery	
DeCamp	Hefner	Maresh	Schmit	
Duis	Hoagland	Marsh	Sieck	

Voting in the negative, 0.

Excused and not voting, 12:

Burrows	Johnson	Koch	Pirsch
Clark	Kennedy	Lewis	Stoney
Dworak	Keyes	Newell	Venditte

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

LEGISLATIVE BILL 31.

A BILL FOR AN ACT to amend section 2-1502, Reissue Revised Statutes of Nebraska, 1943, relating to the Small Watersheds Flood Control Fund; to change conditions for state participation; and to repeal the original section.

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

Voting in the affirmative, 33:

Beutler	Fitzgerald	Hoagland	Maresh	Rumery
Carsten	Fowler	Kahle	Marsh	Simon
Chambers	George	Kelly	Marvel	Vickers
Cope	Goodrich	Kremer	Merz	Wagner
Cullan	Haberman	Labedz	Murphy	Wesely
DeCamp	Hasebroock	Lamb	Nichol	
Duis	Hefner	Landis	Reutzel	

Voting in the negative, 2:

Schmit Warner

Present and not voting, 2:

Brennan Sieck

Excused and not voting, 12:

Burrows	Johnson	Koch	Pirsch
Clark	Kennedy	Lewis	Stoney
Dworak	Keyes	Newell	Venditte

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

LEGISLATIVE BILL 56. With Emergency.

A BILL FOR AN ACT to amend section 57-905, Revised Statutes Supplement, 1978, relating to the Nebraska Oil and Gas Conservation Commission; to provide an additional power; to provide for confidentiality of certain information; 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:

Beutler	Fowler	Kremer	Murphy	Vickers
Carsten	George	Labedz	Newell	Wagner
Chambers	Goodrich	Lamb	Nichol	Warner
Cope	Haberman	Landis	Reutzel	Wesely
Cullan	Hasebroock	Maresh	Rumery	
DeCamp	Hefner	Marsh	Schmit	
Duis	Kahle	Marvel	Sieck	
Fitzgerald	Kelly	Merz	Simon	

Voting in the negative, 0.

Present and not voting, 2:

Brennan Hoagland

Excused and not voting, 11:

Burrows	Johnson	Koch	Stoney
Clark	Kennedy	Lewis	Venditte
Dworak	Keyes	Pirsch	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 411. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 248. E & R amendment found in the Journal on page 556 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 178. E & R amendments found in the Journal on page 556 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 145. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 146. Laid over.

LEGISLATIVE BILL 287. E & R amendment found in the Journal on page 557 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Committee on Committees

February 22, 1979

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Ivan Abdouch - Nebraska Safety Center Advisory Council
Michael Booth - Nebraska Safety Center Advisory Council
William Lovejoy - Nebraska Safety Center Advisory Council
Gary Lund - Nebraska Safety Center Advisory Council
Larry Morris - Nebraska Safety Center Advisory Council
John J. Peterson - Nebraska Safety Center Advisory Council
Duane Schmidt - Nebraska Safety Center Advisory Council
Sheriff Dan Schneiderheinz - Nebraska Safety Center Advisory Council

VOTE: For: Marsh, Simon, Burrows, Cope, Newell, Reutzel, Wesely. (7) Against: None. Not Voting: None. Absent: Nichol. (1) Excused: Cullan, Hasebroock, Labedz, Lewis, Schmit. (5)

(Signed) Shirley Marsh, Chairperson

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 174. Placed on General File as amended.
Standing Committee amendments to LB 174:

1. On page 3, in lines 2 and 3 strike the underscored material and insert "violation of any of the rules and regulations adopted by the department pursuant to subsection (2) of this section"; strike beginning with "which" in line 12 through "conduct" in line 13 and insert "the time, place, and manner of advertising prophylactics and defining proper sales and distribution practices for prophylactics".

2. On page 4, line 16 strike "retail licensee" and insert "duly licensed pharmacist".

3. On page 5, line 5 after the second comma insert "and also section 71-1113, Reissue Revised Statutes of Nebraska, 1943,".

4. Strike original section 7.

LEGISLATIVE BILL 198. Placed on General File as amended.
Standing Committee amendments to LB 198:

1. Strike the original sections and insert the following:

"Section 1. That section 71-1630, Revised Statutes Supplement, 1978, be amended to read as follows:

71-1630. (1) When a health department has been established by the county board of such a county and approved by the Department of Health of the State of Nebraska as a county health department, the county board of such county shall appoint a board of health, which shall consist of the following members: (a) One member of the county board, (b) the county clerk or superintendent, who shall be appointed by the county board of commissioners or supervisors, (c) a representative of the county dental society chosen from a list of three names submitted by the county dental society, (d) a representative of the county medical society, chosen from a list of three names submitted by the county medical society, and (e) five public-spirited men or women interested in the health of the community. The representatives of the county dental society and the county medical society shall be appointed for a period of three years and two of the five said public-spirited men or women interested in the health of the community for a period of two years and the others for a period of three years. After their terms of office expire, each new appointment shall be for a period of three years. No member shall serve more than two consecutive three-year terms. Appointments to fill any vacancies shall be for the unexpired term of the member whose term is being filled by such appointment.

(2) By a joint resolution of the county boards of each county in the district health department, the county boards of such district shall meet and establish a district board of health with due consideration for a fair and equitable representation from the entire area to be served. The district board of health shall consist of the following members: (a) One member of each county board in the district, (b) one physician from each county chosen from a list of three names submitted by the medical society of each county in the district, or if any county does not have a medical society, a physician chosen from a list of three physicians residing and practicing in such district, submitted by the district medical society, (c) the county superintendent or clerk from each county in the district, (d) one dentist from each county, chosen from a list of three names submitted by each county dental society in the district, or if any county has no dental society, a dentist chosen from a

list of three dentists residing and practicing in the district, submitted by the district dental society, and (e) one or more public-spirited men or women interested in the health of the community from each county in the district; one-third of whom shall be appointed for a term of one year, one-third for a period of two years and one-third for a period of three years, and after their terms of office shall expire, each new appointment shall be for a period of three years. No member shall serve more than two consecutive three-year terms. Appointments to fill any vacancies shall be for the unexpired terms.

(3) When the county board of any such county and the city council of any city located therein~~, except a city of the primary class,~~ have drawn up an agreement, approved by the Department of Health, for maintaining a city-county health department, the city and county shall establish a city-county board of health. It shall consist of the following members, with due consideration to be given in an endeavor to secure a fair and equitable representation from the entire area to be served: (a) One representative of the county board to be chosen by the county board, (b) one representative from the city council to be chosed by the city council, (c) one representative from the county medical society, chosen from a list of three names submitted by the county medical society to the city council and county board and selected by a majority vote of the city council and county board, (d) one representative from the county dental society, chosen from a list of three names submitted by the county dental society to the city council and county board and selected by a majority vote of the city council and county board, and (e) five public-spirited men or women interested in the health of the community, to be chosen by the majority vote of the city council and county board. One-third of its members shall be appointed for a term of one year, one-third for a period of two years and one-third for a period of three years. After their terms of office shall expire, each new appointment shall be for a period of three years. No members shall serve more than two consecutive three-year terms.

Sec. 2. That section 71-1631, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1631. The board of health of each county, district, or city-county health department~~, except a department established by a county and a city of the primary class,~~ organized under sections 71-1626 to 71-1636 shall, immediately after appointment, meet and organize by the election of one of its own members as

president, one as vice president, and another as secretary and, either from its own members or otherwise, a treasurer and shall have the power herein set forth. It may elect such other officers, as it may deem necessary, and make and adopt such rules for its own guidance and for the government of such health department as may be necessary, not inconsistent with said sections. It shall, with the approval of the municipality, whenever a city is a party in such a city-county health department (1) select the health director of such department, who shall be (a) well-trained in public health work though he or she need not be a graduate of an accredited medical school, but if he or she is not such a graduate, he or she shall be assisted at least part time by at least one medical consultant who shall be a licensed physician, ~~except that in any department of which a city of the metropolitan class is a part, the health director shall be such a graduate,~~ (b) qualified in accordance with the merit system regulations of the state, and (c) approved by the Department of Health; (2) hold an annual meeting in July of each year, at which meeting officers shall be elected for the ensuing year; (3) hold meetings quarterly in October, January, and April of each year; (4) hold special meetings upon a written request signed by two of its members and filed with the secretary; (5) make provision for suitable offices, facilities, and equipment for the health director and assistants and their pay and traveling expenses in the performance of their duties; (6) publish, on or soon after the second Tuesday in July of each year, in pamphlet form for free distribution, an annual report showing (a) the condition of its trust on the first day of July of that year, (b) the sums of money received from all sources, giving the name of any donor, (c) how all money has been expended and for what purpose, and (d) such other statistics and information in regard to the work of such health department as may be of general interest; (7) enact rules and regulations, subsequent to public hearing held after due public notice of such hearing by publication at least once in a newspaper having general circulation in the county or district at least ten days prior to such hearing, and enforce the same for the protection of public health and the prevention of communicable diseases within its jurisdiction, subject to the review and approval of such rules and regulations by the State Board of Health; (8) make all necessary sanitary and health investigations and inspections; (9) in counties having population of more than three hundred thousand inhabitants, enact rules and regulations for the protection of public health and the prevention of communicable diseases within the district;

Provided, that such rules and regulations shall have no application within the jurisdictional limits of any city of the metropolitan class, nor be in effect until (a) thirty days after the completion of a three-week publication in a legal newspaper, (b) approved by the county attorney with his or her written approval attached thereto, and (c) filed in the office of the county clerk of such county; (10) investigate the existence of any contagious or infectious disease and adopt measures, with the approval of the Department of Health, to arrest the progress of the same; (11) distribute free, as the local needs may require, all vaccines, drugs, serums, and other preparations obtained from the Department of Health or purchased for public health purposes by the county board; (12) upon request, give professional advice and information to all city, village, and school authorities on all matters pertaining to sanitation and public health; and (13) fix the salaries of all employees, including the health director. Such city-county health department may also establish an independent pension plan, retirement plan, or health insurance plan, or by agreement with any participating city or county, provide for the coverage of officers and employees of such city-county health department under such city or county pension plan, retirement plan, or health insurance plan. Officers and employees of a county health department shall be eligible to participate in the county pension plan, retirement plan, or health insurance plan of such county.

Sec. 3. That section 71-1632, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1632. The health director of such county, district, or city-county health department~~, except a department established under the provisions of section 71-1630.02,~~ shall have the power and duty to (1) be the executive officer of the local boards of health; (2) appoint, with the approval of the local board of health, a properly functioning staff and other personnel as may be necessary, whose qualifications shall conform to the Joint Merit System and United States Public Health Standards and whose remuneration shall conform to an established compensation schedule set by such local board of health and which is reviewed and approved annually by such board; (3) organize, with the approval of the local board of health, a citizens' advisory health council that will aid in developing a public health program to meet the particular needs, hazards and problems of the health district; and (4) organize, with the approval of the local board of health, a medical and dental advisory

committee.

Sec. 4. That original sections 71-1631 and 71-1632, Reissue Revised Statutes of Nebraska, 1943, and section 71-1630, Revised Statutes Supplement, 1978, and also sections 71-1631.02 and 71-1631.03, Reissue Revised Statutes of Nebraska, 1943, and section 71-1631.01, Revised Statutes Supplement, 1978, are repealed.".

2. In the title strike lines 2 through 6 and insert the following:

"FOR AN ACT to amend sections 71-1631 and 71-1632, Reissue Revised Statutes of Nebraska, 1943, and section 71-1630, Revised Statutes Supplement, 1978, relating to public health and welfare; to remove certain exceptions; to change qualifications for certain health directors; to change powers and duties for certain health directors; and to repeal the original sections and also sections 71-1631.02 and 71-1631.03, Reissue Revised Statutes of Nebraska, 1943, and section 71-1631.01, Revised Statutes Supplement, 1978.".

LEGISLATIVE BILL 428. Placed on General File.

LEGISLATIVE BILL 506. Placed on General File as amended.
Standing Committee amendments to LB 506:

1. Strike original section 9 and insert the following new section:

"Sec. 9. (1) Except as provided in this section and section 11 of this act, repayment of loan principal with interest thereon shall be made over a period of years consisting of three years for each year the medical student received a loan. Such period shall commence six months following (a) completion of educational requirements necessary to engage in the practice of medicine which may include a period not to exceed three years to complete specialty training in a primary medical care area, or (b) discontinuance of the course of study for which the loan was granted.

(2) If a borrower enters practice in a medical profession shortage area in accordance with the terms of the agreement, the commencement of the repayment period in subsection (1) of this section shall be deferred until he or she completes the required number of years of continuous practice in a medical profession shortage area under the terms of his or her agreement.

(3) A borrower who completes the educational requirements necessary to engage in the practice of medicine but fails to complete the number of years of continuous practice in a medical profession shortage area

under the terms of his or her agreement shall repay the state on demand all principal and interest on the medical student loan or the unpaid balance thereof.".

2. On page 2, line 23 after "Nebraska" insert "owned or exclusively controlled by the state or a political subdivision thereof".

3. On page 9, line 4 strike "to" and insert ", 71-5631,"; and on line 6 after "71-5624," insert "71-5632,".

LEGISLATIVE BILL 370. Indefinitely postponed.

(Signed) Samuel Cullan, Chairman

MOTION - Withdraw LB 529

Mr. Chambers renewed his pending motion found in the Journal on page 597 to withdraw LB 529.

The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 26. Considered.

Mr. Kremer renewed his pending amendment found in the Journal on page 595 to the DeCamp amendment found in the Journal on page 595.

Mr. 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 Kremer amendment was adopted with 22 ayes, 16 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Keyes requested a record vote on the DeCamp amendment, as amended.

Voting in the affirmative, 28:

Beutler	George	Kennedy	Marvel	Sieck
Carsten	Goodrich	Kremer	Murphy	Vickers
Cope	Hasebroock	Lamb	Newell	Wagner
Cullan	Hefner	Landis	Nichol	Wesely
DeCamp	Hoagland	Maresh	Reutzel	
Fitzgerald	Kahle	Marsh	Rumery	

Voting in the negative, 8:

Brennan	Duis	Keyes	Schmit
Burrows	Haberman	Merz	Warner

Present and not voting, 6:

Chambers	Kelly	Lewis
Fowler	Labedz	Simon

Excused and not voting, 7:

Clark	Johnson	Pirsch	Venditte
Dworak	Koch	Stoney	

The DeCamp amendment, as amended, was adopted with 28 ayes, 8 nays, 6 present and not voting, and 7 excused and not voting.

Mr. Merz offered the following amendment to LB 26:

On page 9, line 8, after the comma insert "require the installation of measuring devices on all wells, as defined in section 46-657 Revised Statutes Supplement, 1978, and"

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Merz amendment lost with 8 ayes, 21 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Maresh offered the following amendment:

To amend LB 26 on page 12 in line 26 strike the period and insert a comma and "but in no event shall the combined mill levy under this section and section 46-631 exceed one mill."

The amendment lost with 12 ayes, 15 nays, 15 present and not voting, and 7 excused and not voting.

SPEAKER MARVEL PRESIDING

Messrs. Hefner, Carsten, and Merz asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT LUEDTKE PRESIDING

Advanced to E & R for Review with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 29. Indefinitely postponed.
LEGISLATIVE BILL 41. Indefinitely postponed.
LEGISLATIVE BILL 263. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 38, 85, 115, 194, 232, and 233.

Correctly Enrolled

The following bills were correctly enrolled: 13, 31, and 56.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 13, 31, 56, and LR 15.

MOTION - Place LB 450 on General File

Messrs. Johnson and DeCamp moved to place LB 450 on General File notwithstanding the Committee action.

Motion pending.

EXPLANATION OF VOTE

Had I been present on Final Reading today, I would have voted "aye" on LB's 13, 31, and 56 respectively.

(Signed) Larry Stoney

NOTICE OF COMMITTEE HEARING
Appropriations

Monday, February 26, 1979
4:00 p.m. Continuation of Department of Correctional Services - Operations

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 102 in the Journal. No objections. So ordered.

Page 4, line 6, after "Lynx," insert "THETA CHI,".

Mr. Kremer asked unanimous consent to print the following amendments to LB 112 in the Journal. No objections. So ordered.

1. Insert a new section to read:

"Sec. 2. That section 39-6,184, Revised Statutes Supplement, 1978, be amended to read as follows:

39-6,184. Any person operating any motor vehicle, freight-carrying vehicle, bus, truck, truck-tractor, or trailer, where the weight of the vehicle and load is in violation of the provisions of subdivision (1) (b) of section 39-6,179 or section 39-6,180, and the tolerance permitted by subdivision (1) or (2) of section 39-6,182, and when the vehicle and load does not qualify for the exceptions permitted by section 39-6,185, shall be guilty of a traffic infraction or traffic infractions, and shall, upon convicton thereof, be fined (1) twenty-five dollars for carrying a gross load of five per cent or less over the maximum, (2) one hundred dollars for carrying a gross load of more than five per cent but not more than ten per cent over the maximum, (3) two hundred dollars for carrying a gross load of more than ten per cent but not more than fifteen per cent over the maximum, (4) three hundred fifty dollars for carrying a gross load of more than fifteen per cent but not more than twenty per cent over the maximum, (5) six hundred dollars for carrying a gross load of more than twenty per cent but not more than twenty-five per cent over the maximum, (6) one thousand dollars for carrying a gross load of more than twenty-five per cent over the maximum, (7) twenty-five dollars for carrying a load on a single axle or a group

of axles of five per cent or less over the maximum, (8) seventy-five dollars for carrying a load on a single axle or a group of axles of more than five per cent but not more than ten per cent over the maximum, (9) one hundred fifty dollars for carrying a load on a single axle or a group of axles of more than ten per cent but not more than fifteen per cent over the maximum, (10) two hundred twenty-five dollars for carrying a load on a single axle or a group of axles of more than fifteen per cent but not more than twenty per cent over the maximum, (11) three hundred dollars for carrying a load on a single axle or a group of axles of more than twenty per cent and not more than twenty-five per cent over the maximum, and (12) five hundred dollars for carrying a load on a single axle or a group of axles of more than twenty-five per cent over the maximum; Provided, that no person shall be guilty of multiple offenses when the violations (a) involve the excess weight of an axle or a group of axles and the excess weight of the gross load of a single vehicle or (b) occur on the National System of Interstate and Defense Highways.".

2. On page 3, line 20, strike "section 39-6,179" and insert "sections 39-6,179 and 39-6,184"; and in line 21 strike "is" and insert "are".

3. Renumber original sections 2 and 3 as sections 3 and 4.

Mr. Nichol asked unanimous consent to print the following amendment to LB 316 in the Journal. No objections. So ordered.

1. In the DeCamp amendments, request 2615, on page 3, as follows: line 3, strike "the general" and insert "a"; line 4, strike "giving citizens" and insert "for"; strike beginning with the first underscored "as" in line 6 through "law" in line 7.

Mr. Venditte asked unanimous consent to print the following amendments to LB 316 in the Journal. No objections. So ordered.

(1) Sec. 3. 28-329 shall read: No abortion shall be performed after the time at which, according to standard medical practice and sound medical judgment, the unborn child clearly appears to have reached viability, except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health.
(2) Page 6, Line 5, strike "whenever possible" and insert "in accord with standard medical practice and sound medical judgment".
(3) Page 6, Line 14, after the word "alive" strike all language and insert, "where, according to standard medical practice and sound medical judgment the child appears to have a chance of survival".

VISITORS

Visitors to the Chamber were Mike Delaney from Gering; 10 eighth and twelfth grade students and instructors from Sidney; Mr. and Mrs. Harvey Cole and Mr. and Mrs. Earle Webb from Kearney; 11 sophomore and senior students and instructor from Northeast High School, Lincoln; and Mrs. and Mrs. Art Walker from Scottsbluff.

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Friday, February 23, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 23, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father, give us the faith to believe that it is possible for us to live victoriously even in the midst of dangerous opportunity that we call crisis. Help us to see that there is something better than patient endurance or keeping a stiff upper lip, and that whistling in the dark is not really bravery. Trusting in Thee, may we have the faith that goes singing in the rain, knowing that all things work together for good to them that love Thee. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Fowler, Hoagland, Johnson, Koch, Lewis, Newell, and Wagner who were excused until they arrive; and Messrs. Clark, Dworak, and Kelly who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 132. Placed on Select File.
LEGISLATIVE BILL 305. Placed on Select File.
LEGISLATIVE BILL 425. Placed on Select File.
LEGISLATIVE BILL 130. Placed on Select File.

LEGISLATIVE BILL 108. Placed on Select File.

(Signed) Don Wesely, Chairman

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 22, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Hintz, Joan V. - Lincoln (withdrawn 2/9/79), Nebraska Association of Public Employees
Keetle, Roger S. - Lincoln, Nebraska Hospital Association
Kreuscher, Allen - DeWitt, Nebraska Corn Growers Association
Rabbe, Donald L. - Lincoln, Nebraska Municipal Power Pool
Ryan, James E. - Lincoln, Energy Transportation Systems, Inc.; Nebraska Press Advertising Service
Schneider, Edmund A., O.D. - Lincoln (withdrawn 2/9/79), Nebraska Optometric Association
Statmore, Clay - Lincoln, Common Cause of Nebraska
Tews and Radcliffe:
- Radcliffe, Walter H. - (Amended Employer's Name) Nebraska District Judges Association, Nebraska Supreme Court Justices and Municipal Court Judges
- Tews, David D. - (Amended Employer's Name) Nebraska District Judges Association, Nebraska Supreme Court Justices and Municipal Court Judges

Woods, John D. - Omaha, Omaha National Bank

MOTION - Introduce Bill

Mr. Nichol moved the introduction of a new bill by the Judiciary Committee (Req. #855).

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 575. By Judiciary Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Pirsch, 10th District; Chambers, 11th District; Venditte, 7th District; Wagner, 41st District.

A BILL FOR AN ACT to amend section 39-669, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to redefine a term; to repeal the original section; and to declare an emergency.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 10. With Emergency.

A BILL FOR AN ACT to amend section 37-212, Revised Statutes Supplement, 1978, relating to permits to hunt and fish; to harmonize provisions; to provide an additional use for the State Game Fund; to provide refunds for certain permits 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, 25:

Beutler	Cullan	Keyes	Marvel	Sieck
Brennan	DeCamp	Kremer	Merz	Simon
Burrows	Duis	Labedz	Reutzel	Stoney
Carsten	Fitzgerald	Landis	Rumery	Venditte
Chambers	Goodrich	Maresh	Schmit	Wagner

Voting in the negative, 13:

Cope	Hasebroock	Kennedy	Nichol	Wesely
George	Hefner	Lamb	Vickers	
Haberman	Kahle	Murphy	Warner	

Present and not voting, 1:

Marsh

Excused and not voting, 10:

Clark	Fowler	Johnson	Koch	Newell
Dworak	Hoagland	Kelly	Lewis	Pirsch

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:

Beutler	DeCamp	Kremer	Merz	Sieck
Brennan	Duis	Labedz	Nichol	Simon
Carsten	Fitzgerald	Landis	Reutzel	Stoney
Chambers	Goodrich	Maresh	Rumery	Venditte
Cullan	Keyes	Marvel	Schmit	Wagner

Voting in the negative, 12:

Cope	Hasebroock	Kennedy	Vickers
George	Hefner	Lamb	Warner
Haberman	Kahle	Murphy	Wesely

Present and not voting, 2:

Burrows Marsh

Excused and not voting, 10:

Clark	Fowler	Johnson	Koch	Newell
Dworak	Hoagland	Kelly	Lewis	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 45.

A BILL FOR AN ACT to amend section 46-257, Revised Statutes Supplement, 1978, relating to irrigation; to change provisions relating to the construction of dams; and to repeal the 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:

Beutler	Chambers	Duis	Hasebroock	Keyes
Brennan	Cope	Fitzgerald	Hefner	Kremer
Burrows	Cullan	Goodrich	Kahle	Labedz
Carsten	DeCamp	Haberman	Kennedy	Lamb

Landis	Murphy	Schmit	Venditte	Wesely
Maresh	Nichol	Sieck	Vickers	
Marsh	Reutzel	Simon	Wagner	
Merz	Rumery	Stoney	Warner	

Voting in the negative, 0.

Present and not voting, 2:

George Marvel

Excused and not voting, 10:

Clark	Fowler	Johnson	Koch	Newell
Dworak	Hoagland	Kelly	Lewis	Pirsch

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

LEGISLATIVE BILL 91.

A BILL FOR AN ACT to amend section 25-1267.19, Reissue Revised Statutes of Nebraska, 1943, relating to evidence; to change provisions relating to testimony taken by deposition; and to repeal the 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:

Beutler	Fitzgerald	Kahle	Marsh	Sieck
Brennan	Fowler	Kennedy	Marvel	Simon
Burrows	George	Keyes	Merz	Venditte
Chambers	Goodrich	Koch	Murphy	Vickers
Cope	Haberman	Kremer	Nichol	Wagner
Cullan	Hasebroock	Lamb	Reutzel	Warner
DeCamp	Hefner	Landis	Rumery	Wesely
Duis	Johnson	Maresh	Schmit	

Voting in the negative, 1:

Stoney

Present and not voting, 2:

Carsten	Labedz

Excused and not voting, 7:

Clark	Hoagland	Lewis	Pirsch
Dworak	Kelly	Newell	

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

LEGISLATIVE BILL 111.

A BILL FOR AN ACT to amend sections 29-2206 and 29-2412, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to increase the rate per day a prisoner shall be credited on a fine and costs as prescribed; to change imprisonment provisions; and to repeal the original sections.

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

Voting in the affirmative, 40:

Beutler	Duis	Kennedy	Marsh	Sieck
Brennan	Fitzgerald	Keyes	Marvel	Simon
Burrows	Fowler	Koch	Merz	Stoney
Carsten	Goodrich	Kremer	Murphy	Venditte
Chambers	Haberman	Labedz	Newell	Vickers
Cope	Hasebroock	Lamb	Reutzel	Wagner
Cullan	Hefner	Landis	Rumery	Warner
DeCamp	Johnson	Maresh	Schmit	Wesely

Voting in the negative, 0.

Present and not voting, 3:

George	Kahle	Nichol

Excused and not voting, 6:

Clark	Hoagland	Lewis
Dworak	Kelly	Pirsch

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

MOTION - Return LB 117 to Select File

Mr. Chambers moved to return LB 117 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 9 ayes, 22 nays, 13 present and not voting, and 5 excused and not voting.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 6, Sec. 7(a,b,c,d) and vote on LB 117 on Final Reading.

Mr. DeCamp asked unanimous consent to withdraw his motion.

Mr. Koch objected.

Mr. Koch withdrew his objection.

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

MOTION - Return LB 117 to Select File

Mr. Chambers moved to return LB 117 to Select File for the following specific amendment:
To reduce amount to $750.

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

Voting in the affirmative, 20:

Burrows	Fitzgerald	Koch	Marvel	Simon
Chambers	Haberman	Labedz	Murphy	Stoney
Cullan	Kennedy	Lamb	Nichol	Venditte
DeCamp	Keyes	Lewis	Sieck	Vickers

Voting in the negative, 23:

Beutler	Fowler	Hefner	Kremer	Newell
Brennan	George	Hoagland	Landis	Pirsch
Carsten	Goodrich	Johnson	Maresh	Reutzel
Cope	Hasebroock	Kahle	Marsh	Rumery

Schmit	Wagner	Warner

Present and not voting, 3:

Duis	Merz	Wesely

Excused and not voting, 3:

Clark	Dworak	Kelly

The motion lost with 20 ayes, 23 nays, 3 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 117.

A BILL FOR AN ACT to amend section 24-524, Reissue Revised Statutes of Nebraska, 1943, and section 24-522, Revised Statutes Supplement, 1978, relating to the Small Claims Court; to increase the jurisdiction of the court; and to repeal the original sections.

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

Voting in the affirmative, 31:

Beutler	George	Kremer	Newell	Wagner
Brennan	Goodrich	Lamb	Nichol	Warner
Burrows	Hasebroock	Landis	Pirsch	Wesely
Carsten	Hefner	Lewis	Reutzel	
Cope	Hoagland	Maresh	Rumery	
DeCamp	Johnson	Marsh	Schmit	
Fowler	Kahle	Merz	Simon	

Voting in the negative, 13:

Chambers	Fitzgerald	Koch	Murphy	Vickers
Cullan	Haberman	Labedz	Stoney	
Duis	Kennedy	Marvel	Venditte	

Present and not voting, 2:

Keyes Sieck

Excused and not voting, 3:

Clark Dworak Kelly

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

LEGISLATIVE BILL 148.

A BILL FOR AN ACT to amend section 25-2301, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide an exception as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

Beutler	Fowler	Keyes	Merz	Stoney
Brennan	George	Koch	Murphy	Venditte
Burrows	Goodrich	Kremer	Newell	Vickers
Carsten	Haberman	Labedz	Nichol	Wagner
Chambers	Hasebroock	Lamb	Pirsch	Warner
Cope	Hefner	Landis	Reutzel	Wesely
Cullan	Hoagland	Lewis	Rumery	
DeCamp	Johnson	Maresh	Schmit	
Duis	Kahle	Marsh	Sieck	
Fitzgerald	Kennedy	Marvel	Simon	

Voting in the negative, 0.

Excused and not voting, 3:

Clark Dworak Kelly

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

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 145, 178, 248, 287, and 411.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 23, 1979, at 9:41 a.m., were the following bills: 13, 31, and 56.

(Signed) Hazel Kaltenberger, Enrolling Clerk

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 467. Placed on General File.

LEGISLATIVE BILL 408. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Urban Affairs

LEGISLATIVE BILL 176. Placed on General File.
LEGISLATIVE BILL 495. Placed on General File.

LEGISLATIVE BILL 456. Indefinitely postponed.

(Signed) Walter George, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 208. Placed on General File as amended.
Standing Committee amendments to LB 208:

1. Strike section 1 and insert:

"Section 1. That section 84-906.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-906.02. There are hereby created, within the ~~office of the Revisor of Statutes~~ Legislative Council, the office of Revisor of Regulations and the position of Revisor of Regulations.

Sec. 2. This act shall become operative on July

1, 1979.

Sec. 3. That original section 84-906.02, Reissue Revised Statutes of Nebraska, 1943, and also section 84-906.04, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT to amend section 84-906.02, Reissue Revised Statutes of Nebraska, 1943, relating to the Revisor of Regulations; to remove the office and position of Revisor of Regulations from the office of Revisor of Statutes; to provide an operative date; to repeal the original section, and also section 84-906.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.".

(Signed) Orval A. Keyes, Chairman

EASE

The Legislature was at ease from 10:20 a.m. until 10:26 a.m.

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused from 10:30 a.m. until 11:00 a.m. No objections. So ordered.

MOTION - Overrule Speaker's Order

Mr. Venditte moved to overrule the Speaker's order to take up LB 316 today.

Mr. Venditte asked unanimous consent to withdraw his motion.

Mr. Chambers objected.

Mr. Venditte moved to withdraw his motion.

Mr. Chambers withdrew his objection.

Mr. Venditte asked unanimous consent to withdraw his motion. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 146. E & R amendments found in the Journal on page 557 for the Thirty-Second Day were adopted.

Mr. Wesely offered the following amendment:

1. In the committee amendments, page 2, line 11 strike "three" and insert "two".
2. On page 5, line 20, after "permit" insert ", one dollar of which shall be retained by the city or village clerk and one dollar shall be forwarded to the Department of Motor Vehicles".

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 127. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 129. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 114A. 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 17. Title read. Considered.

Standing Committee amendments found in the Journal on page 431 for the Twenty-Fourth Day were adopted with 25 ayes, 9 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 13 nays, and 19 not voting.

Mr. Lewis asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

MOTION - Suspend Rules

Mr. Kremer moved to suspend the rules, Rule 3, Section 5, that LB 574 be set for public hearing in Room 1515 at 12 Noon on February 28, 1979.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 574	Wednesday, February 28, 1979	12 Noon

(Signed) Maurice A. Kremer, Chairman

MOTION - Suspend Rules

Mr. Schmit moved to suspend the rules, Rule 3, Section 5, to allow for re-scheduling of LB 571.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 571	Thursday, March 8, 1979(Cancel)	1:30 p.m.
LB 571	Wednesday, February 28, 1979(Reset)	7:30 p.m.

(Signed) Loran Schmit, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 28
February 20, 1979

Dear Senator Johnson:

You have asked us several questions with respect to LB 152. We will answer your questions in the order they were asked.

In your first question you ask whether a "pickle" falls within the definition of a lottery as set forth in LB 152. LB 152 contains a three-part definition of the term "lottery" in section 1(3). That is the player agrees to pay something of value for chances differentiated by numbers, one or more of which will be designated the winning number. The winning chances are to be determined by a drawing or a

method based on an element of chance. The holder is to receive something of value. A "pickle" card is purchased, it contains numbers differentiating one card from another, the numbers are determined by a method based on the element of chance, that is, the specific card will be a winner if it so provides and it is drawn by chance by the person paying the money for the card. If it is a winning card, the player receives money. These acts satisfy the definition of a lottery as contained in section 1(3) of LB 152.

In your second question you ask whether churches and nonprofit organizations selling "pickles" to support their regular activities would preclude the use of pickle proceeds in the support of a church or church related school. Article III, Section 24, of the Constitution of the State of Nebraska in part provides:

> "The Legislature . . . may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises. . . ."

The question to be determined is whether or not a church or church related school serves either a charitable or community betterment purpose. Some guidance exists in this area in that the Nebraska Supreme Court has held that the donation of money by will to "the Divinity School of Drake University" was a valid charitable testamentary disposition." Further, a number of cases have held that bequests to schools serve as appropriate charitable gifts. It may also be argued that schools serve a community betterment function in the training and education of children. It is clear, though, that furtherance of education, even where under public control and supported generally by taxation, is a charitable purpose. See School Dist. No. 70, Red Willow County v. Wood, 144 Neb.241, 13 N.W. 2d 153 (1944). It is clear under these and other cases in the State of Nebraska that the operation of or the donation of money to schools serves a charitable purpose. It is likewise clear that charitable gifts may be made to churches.

In In re Estate of Douglass, 94 Neb. 280, 143 N.W. 299 (1913), the decedent had devised to the First Congressional Church Society of Seward the income from bank stock and specific real estate within the city. The real estate was subject to certain conditions. The court said:

> "We think it needless to multiply authorities. The gift to the church in question seems clearly to be a gift for charitable purposes. . . ."

The court in Douglass cited several cases to this effect. In essence they held that a church serves a broader purpose in the community than

simply furthering its specific sectarian ideals, and thus is well within the parameters of charitable institutions to which gifts may be made.

We believe that the Nebraska Supreme if faced with the question would construe the constitutional provisions and the provisions of the current statutes, as well as the proposals of LB 152, to include churches within the organizations which are authorized to conduct raffles, lotteries, and gift enterprises.

In the second portion of your question you point to section 9 of LB 152 and Article III, Section 24, which allows lotteries to be conducted by nonprofit organizations whose "primary activities are conducted for charitable or community betterment purposes." You then ask whether this provision would prevent a church or labor union from selling "pickles" when their principal activities are the support of religion or provision of collective bargaining.

Substantially all of your questions with respect to the church activities have been answered in the preceding paragraphs. We have been unable to find any cases or statutory provisions which would expand the treatment given to churches and church related schools to labor organizations. The Supreme Court of the State of Nebraska in State v. City Betterment Corp., 197 Neb. 575, 250 N.W.2d 601 (1977), stated:

> ". . . When the Legislature required that the 'primary activities' of a qualified organization are to be conducted for charitable and community betterment purposes before the organization may conduct lotteries, the logical and reasonable conclusion must be that the primary activities referred to are activities other than the operation of a lottery. The Legislature thus limited its authorization to qualified organizations actually conducting activities for charitable and community betterment purposes. It is reasonable to assume that the Legislature intended to require that an organization actually conduct charitable and community betterment activities rather than merely express an intent to conduct them in the future before that organization will be authorized to operate a lottery."

The court went on, however, to specifically state that they were not answering in that case whether or not the organization's activities had to be primarily charitable and community betterment oriented and thus the conducting of the lottery only secondary in importance. It was not presented and was not decided.

> ". . . The Legislature failed to impose any specific restrictions as to the size or frequency of any lottery, and there is no reasonable or logical way of comparing or measuring the relative size of activities in such diverse and unrelated fields. . . " Id. at 582.

This same situation exists under LB 152. No guidance is given for determining what primary activities means. It would appear, however, that churches would be exempt to the extent that their religious activities under the cases in Nebraska are considered charitable and thus without any prohibition as to whether their primary activities were for support of religion or not. On the question of labor unions, it would appear that, although similar reasoning might be utilized to describe their service as more broad based and thus charitable or for community betterment purposes, it would be appropriate to specify in the legislation the exact meaning of the term "primary." As we have indicated, the court has not decided that issue. However, the court did point out the failure of the Legislature to specify any criteria that could be utilized in reaching that determination. For example, "primary" could mean greater than 50 per cent or it could mean primary as among several different activities if there were three, four, or more activities, or it could refer to specific monetary sums utilized or expended by a particular organization. Thus, we are unable to answer with specificity your question. The word "primary" as presently used in the statute and as it existed at the time of City Betterment Corp., supra, is an equivocal word having no definite standards set forth in the statutes. For that reason, we would suggest that more specific limitations might be appropriate than that now contained in LB 152.

You ask whether section 9 of LB 152 would prevent taverns and profit making enterprises from selling pickles or conducting other kinds of lotteries on behalf of a nonprofit organization. We believe not if they operate within the limitations expressed by section 9, that is, the expenses of such a raffle, lottery, or gift enterprise shall be limited to 25 per cent of the gross proceeds of such scheme and gross proceeds are defined to include such costs as printing, office expense, promotional expense, salaries of persons employed to operate the scheme, rental or lease expense, or any fee paid to any person associated with the operation of such a scheme. The Nebraska Supreme Court in City Betterment Corp., supra, stated that:

> ". . . It also contends that any person or firm performing any functions for a promoting organization cannot profit or be paid for such services because of the constitutional prohibition against profit to the promoter. In essence, such a definition would mean that all services would have to be donated, including even the printing of lottery tickets. Any such interpretation would make it difficult, if not impossible, to hold a legal lottery except for a very small local lottery, and it could make dozens, or even hundreds, of helpful but unwary persons subject to criminal responsibility in the event legal boundaries were breeched. . . ." Id.at 583, 584.

It seems clear from this ruling tavern owners and other profit making enterprises could sell "pickle" tickets as long as the expense prohibition contained within section 9 was strictly complied with.

In your final question you ask whether LB 152 entirely eliminates criminal sanctions for individuals who aid, are accessories to, or advance gambling activities such as touts, financiers, accountants, lessors of gambling parlors, etc. Such individuals would be subject to the same prosecution as the principals under the sections of the statutes relating to aiding and abetting, section 28-206, R.S.Supp., 1978, conspiracy provisions of sections 28-202 and 203, R.S.Supp., 1978, and section 28-204, R.S.Supp., 1978.

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

PRO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp, Johnson, Hoagland, and Landis asked unanimous consent to print the following amendments to LB 316 in the Journal. No objections. So ordered.

1. On page 2, line 8 after "intent" insert "and result".
2. On page 5, line 7 strike "situation"; in line 17 after "physician" insert "or in the best judgment of the woman"; and after line 26 insert "For purposes of any criminal prosecution under this act viability is reached when, in the good faith judgment of the attending physician on the particular facts of the case before him or her, there is a reasonable likelihood of the unborn child's sustained survival outside the womb, with or without artificial support, and such judgment shall be conclusive.".
3. On page 6, line 5 strike "whenever possible", show as stricken and insert "when compatible with preserving the woman from an imminent peril that substantially endangers her life or health".
4. On page 7, strike lines 20 through 24 and show as stricken.
5. On page 8, strike lines 1 and 2 and show as stricken.
6. In the DeCamp amendments page 1, line 14

strike beginning with "in" through "physician".

7. In the DeCamp amendments page 2, line 11 after "unless" insert "in the best medical judgment of the physician or the best judgment of the woman".

8. In the DeCamp amendments page 3, strike beginning with "in" in line 24 through line 26 and insert "in line 25 strike "(10)" and insert "~~(10)~~ (6)", and strike".

9. In the DeCamp amendments page 4, strike beginning with "On" in line 2 through "(10)" in line 4 and insert "on page 8 after line 2 insert "; and (7)".

10. Insert the following new sections:

"Sec. 10. That section 28-345, Revised Statutes Supplement, 1978, be amended to read as follows:

28-345. The Department of Health shall prepare and keep on permanent file compilations of the information submitted on the abortion reporting forms pursuant to such rules and regulations as established by the Department of Health, which compilations shall be a matter of public record. Under no circumstances shall the compilations of information include the name of any attending physician or identify in any respect facilities where abortions are performed. The Department of Health, in order to maintain and keep such compilations current, shall file with such reports any new or amended information.

Sec. 11. This act shall become operative thirty days after its effective date.".

11. In the bill, on page 9, line 2 strike "and", and after "28-343," insert "and 28-345,".

12. Renumber remaining sections accordingly.

EXPLANATION OF VOTE

Had I been present at the time the vote was taken on LR 16, I would have voted "aye".

(Signed) Larry Stoney

MOTION - Place LB 456 on General File

Mr. Fowler moved to place LB 456 on General File notwithstanding the Committee action.

Motion pending.

MOTION - Reconsider Action on LB 63

Mr. Chambers moved to reconsider action on LB 63.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lewis asked unanimous consent to print the following amendment to LB 108 in the Journal. No objections. So ordered.

1. On page 3, line 9 strike the second underscored comma and insert "and"; in line 10 strike "and the University of Nebraska,", and after "all" insert "faculty"; in line 15 strike "(1)"; and strike beginning with "and" in line 16 through line 20 and insert "This section shall not apply to the University of Nebraska and shall not be construed so as to require systemwide bargaining units for nonfaculty employees.".

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 294. Placed on General File as amended.
Standing Committee amendments to LB 294:

1. Insert a new section 1 as follows:

"Section 1. That section 77-348, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-348. The committee shall meet at least four times each year or upon call of the ~~chairman~~ chairperson or any five members at a time and place to be announced by the Tax Commissioner. Any five members may petition the Governor for a joint meeting between the Ad Valorem Advisory Committee and the State Board of Equalization and Assessment. Upon receipt of such a signed petition, the Governor shall call such a joint meeting between the committee and the board to be held within ten days. The Governor shall approve the agenda for such a joint meeting. Unless there is an affirmative vote of two-thirds of the members of the Ad Valorem Advisory Committee and the State Board of Equalization and Assessment present and voting, such a meeting shall not last more than one calendar day.".

2. On page 2, line 5 reinstate the stricken matter and after the reinstated "Commissioner" insert "and"; in line 13 after "the" insert "Tax Commissioner and the"; in lines 15 to 18 strike the new matter and reinstate the stricken matter; in line 16 after the

reinstate "Commissioner" insert "or the board"; in lines 22 and 23 reinstate the stricken matter; and in lines 24 to 26, strike the new matter.

3. On page 3, line 18 after "sections" insert "77-348," and after "77-349" insert a comma; and strike beginning with "and" in line 19 through the second comma in line 21.

(Signed) Calvin F. Carsten, Chairman

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 575 for the approval of the Nebraska State Legislature.

LB	Committee
575	Public Works

(Signed) Frank Lewis, Chairman
Executive Board

VISITORS

Visitors to the Chamber were 19 eleventh and twelfth grade students from Murdock School; and 6 third through seventh grade students, parents and teachers from Seventh Day Adventist School, Arnold, Nebraska.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Rumery, the Legislature adjourned until 9:30 a.m., Monday, February 26, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - FEBRUARY 26, 1979

LEGISLATIVE JOURNAL

THIRTY-SIXTH DAY - FEBRUARY 26, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 26, 1979

Pursuant to adjournment, the Legislature met at 9:33 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God, when someone asks us our religious preference, maybe we're tempted to say, "I'm a Jehovah's Bystander" - I was asked to be a Jehovah's Witness, but I just didn't want to get involved. Sometimes it's that way with us, not only in our religious preferences, but in our political preference, and our personal preference - we just don't want to get involved. And yet, that's the name of the game as far as we're concerned in this Legislature, we've been willing to get involved, by our campaigning, by our electionings, by our speeches and by our voting. Help us to understand that that's what it means to be a leader of the people, to be involved, in everything that involves the people of this State. Since we've gone this far in our involvement, help us to go all the way, dear God, that we, individually, and as committee members, and as a Legislature, may be involved with each other, with the concerns of this State, with the needs of our constitutents, and with You, so that we may not only be involved, but may revolve around that which is important, and evolve the kind of legislation which You can bless. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, DeCamp, Dworak, Fowler, Goodrich, Hoagland, Johnson, Lewis, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fifth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 26. Placed on Select File as amended.
E & R amendment to LB 26:

1. Pursuant to the DeCamp and Kremer amendments, on page 12, line 23, insert "three-fourths of" after the stricken matter.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 234. Placed on General File as amended.
Standing Commitee amendments to LB 234:

1. On page 2, line 22 reinstate "~~twenty-one~~", and strike "eighteen".
2. On page 11, strike beginning with "and" in line 21 through "age" in line 22.
3. On page 18, line 8 strike "clerk of the court" and insert "jury commissioner"; strike lines 22 through 25; and in line 26 strike "(2)" and insert "(1)".
4. On page 19, line 1 strike "(3)" and insert "(2)".

LEGISLATIVE BILL 237. Placed on General File as amended.
Standing Committee amendments to LB237:

1. On page 2, line 15 and page 4, lines 2 and 24, after "is" insert ", on the effective date of appointment,".
2. On page 2, line 12, page 3, lines 3 and 26, page 4, line 21, page 6, line 12, and page 7, line 3, strike "active".
3. On page 3, line 8 and page 6, line 17, after "Is" insert ", on the effective date of appointment,".

LEGISLATIVE BILL 241. Placed on General File as amended.
Standing Committee amendment to LB 241:

1. On page 2, line 4 strike "or" and insert ","; in line 5 after "court" insert ", or a municipal court"; in line 7 strike "or" and before the period insert ", or a municipal court judge".

LEGISLATIVE BILL 373. Placed on General File as amended.
Standing Committee amendment to LB 373:

1. On page 3, line 3 strike "in the county jail" and show as stricken.

LEGISLATIVE BILL 374. Placed on General File.

LEGISLATIVE BILL 33. Indefinitely postponed.
LEGISLATIVE BILL 238. Indefinitely postponed.
LEGISLATIVE BILL 239. Indefinitely postponed.
LEGISLATIVE BILL 247. Indefinitely postponed.
LEGISLATIVE BILL 384. Indefinitely postponed.

(Signed) William E. Nichol, Chairman

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 5. Placed on General File.

Committee Statement

Committee on Constitutional Revision and Recreation

LR 5 Introduced by Senator J. R. Murphy
Public Hearing held on February 9, 1979

INTENT:	LR 5, introduced by the Senator Murphy, proposes that Article V, section 11, of the Nebraska Constitution, relating to vacancies in elective offices, be amended to permit the Governor to fill the office of Lieutenant Governor by appointment should a vacancy occur.
PROPONENTS:	No one testified in favor of LR 5, however, a letter from Lt. Governor Roland A. Luedtke was read into the record supporting the resolution.
OPPONENTS:	No one testified in opposition of LR 5.
AMENDMENTS:	None.
COMMITTEE ACTION:	On motion by Senator Koch, seconded by Senator Carsten, the Committee voted to advance LR 5 to General File. Those in favor of advancing LR 5 to General File were: Senators Carsten, George, Hefner, Koch, Pirsch, Stoney, and Reutzel.

LR 5 was advanced to General File.

LEGISLATIVE BILL 436. Placed on General File.

LEGISLATIVE BILL 320. Indefinitely postponed.

(Signed) Barry Reutzel, Chairman

MESSAGES FROM THE GOVERNOR

February 23, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 13, 31 and 56.
These bills were signed by me on February 23, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

February 7, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill No. 150.
This bill was signed by me on February 6, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

UNANIMOUS CONSENT - Member Excused

Mr. Kennedy asked unanimous consent to be excused Tuesday and Wednesday, February 27 and 28, 1979. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Merz asked unanimous consent to print the following amendments to LB 90 in the Journal. No objections. So ordered.

(1)
On page 2 line 6, strike and show as stricken "three" and insert "five"; on line 9, strike and show as stricken "two" and insert "three"; on line 16, strike and show as stricken everything following the comma; strike and show as stricken line 17; on line 18 strike and show as stricken "for a term of four years," and insert "three members shall be appointed to four years in 1979 and two members shall be appointed to four year terms in 1981. No person currently a member of the commission shall be prevented from serving the term to which he was appointed. No more than two members shall reside in the same Congressional District."

(2)
On page 2, line 6, after "members" insert ", one from each Congressional District,"; on line 18, insert after the period "No person currently a member of the commission shall be prevented from serving the term to which he was appointed."

ATTORNEY GENERAL'S OPINION

Opinion No. 30
February 23, 1979

Dear Senator Wesely:

You have asked if LB 63 of the Eighty-Sixth Legislature, First Session(1979), which is scheduled for hearing Monday morning, February 26, 1979, is constitutional.

LB 63, supra, as amended, would require local school authorities to instruct all pupils in all schools in a comprehensive health education program in the absence of a written objection thereto by a parent or guardian. It would also require the Commissioner of Education to prepare such teaching aids and materials as may be necessary for an effective course in comprehensive health education. We see no constitutional problems in connection therewith. Hence in our opinion, LB 63, supra, is constitutional.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ksf
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

UANIMOUS CONSENT - Change of Hearing Rooms

Mr. Cullan announced that the Public Health and Welfare Committee will hold their public hearing on March 5, 1979, in Room 1113. The Judiciary Committee will hold their public hearing on March 5, 1979, in Room 1019.

MOTION - Adopt Report

Mr. Simon moved the adoption of the Committee on Committees report found in the Journal on page 610 on the following Governor appointments: Ivan Abdouch, Michael Booth, William Lovejoy, Gary Lund, Larry Morris, John J. Peterson, Duane Schmidt, and Sheriff Dan Schneiderheinz.

Voting in the affirmative, 32:

Brennan	Hasebroock	Lamb	Nichol	Stoney
Burrows	Kelly	Landis	Pirsch	Wagner
Carsten	Kennedy	Maresh	Reutzel	Warner
Cope	Keyes	Marsh	Rumery	Wesely
Cullan	Koch	Merz	Schmit	
Duis	Kremer	Murphy	Sieck	
Haberman	Labedz	Newell	Simon	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Fitzgerald	Hefner	Marvel	Vickers
Clark	George	Kahle	Venditte	

Excused and not voting, 8:

Chambers	Dworak	Goodrich	Johnson
DeCamp	Fowler	Hoagland	Lewis

The Chair declared the appointments confirmed.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 22. With Emergency.

A BILL FOR AN ACT to amend section 23-379, Reissue Revised Statutes of Nebraska, 1943, relating to garbage or waste disposal; to provide powers of the county 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, 41:

Beutler	George	Kremer	Newell	Venditte
Brennan	Haberman	Labedz	Nichol	Vickers
Burrows	Hasebroock	Lamb	Pirsch	Wagner
Carsten	Hefner	Landis	Reutzel	Warner
Clark	Kahle	Maresh	Rumery	Wesely
Cope	Kelly	Marsh	Schmit	
Cullan	Kennedy	Marvel	Sieck	
Duis	Keyes	Merz	Simon	
Fitzgerald	Koch	Murphy	Stoney	

Voting in the negative, 0.

Excused and not voting, 8:

Chambers	Dworak	Goodrich	Johnson
DeCamp	Fowler	Hoagland	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 53.

A BILL FOR AN ACT relating to professional or labor organizations; to permit certain deductions from wages as prescribed; and to provide duties of school districts.

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

Voting in the affirmative, 25:

Beutler	Johnson	Lewis	Pirsch	Stoney
Brennan	Kelly	Maresh	Reutzel	Venditte
Burrows	Keyes	Marsh	Rumery	Vickers
Fitzgerald	Koch	Marvel	Sieck	Warner
Haberman	Landis	Newell	Simon	Wesely

Voting in the negative, 15:

Clark	Duis	Kahle	Labedz	Nichol
Cope	Hasebroock	Kennedy	Lamb	Schmit
Cullan	Hefner	Kremer	Murphy	Wagner

Present and not voting, 3:

Carsten	George	Merz

Excused and not voting, 6:

Chambers	Dworak	Goodrich
DeCamp	Fowler	Hoagland

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

LEGISLATIVE BILL 67. With Emergency.

A BILL FOR AN ACT to amend section 48-1102, Revised Statutes Supplement, 1978, relating to the Nebraska Fair Employment Practice Act; to redefine a term; to provide for suits against the state; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 36:

Beutler	Clark	Fitzgerald	Johnson	Kremer
Brennan	Cope	Haberman	Kelly	Labedz
Burrows	Cullan	Hasebroock	Keyes	Landis
Carsten	Duis	Hefner	Koch	Lewis

Maresh	Newell	Schmit	Venditte
Marsh	Pirsch	Sieck	Wagner
Marvel	Reutzel	Simon	Warner
Merz	Rumery	Stoney	Wesely

Voting in the negative, 4:

George	Kennedy	Lamb	Vickers

Present and not voting, 3:

Kahle	Murphy	Nichol

Excused and not voting, 6:

Chambers	Dworak	Goodrich
DeCamp	Fowler	Hoagland

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 215.

Mr. Johnson asked unanimous consent to pass over LB 215. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 316. E & R amendments found in the Journal on page 601 for the Thirty-Fourth Day were adopted.

Mr. Nichol renewed his pending amendment found in the Journal on page 620.

Mr. Kremer asked unanimous consent to be excused for one hour. No objections. So ordered.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

Mr. Venditte moved for a Call of the House. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. DeCamp requested a record vote on the Nichol amendment.

The Chair declared the Call raised.

Vote on Nichol amendment:

Voting in the affirmative, 22:

Beutler	Cullan	Hefner	Maresh	Venditte
Burrows	Duis	Kahle	Murphy	Warner
Carsten	George	Kennedy	Nichol	
Clark	Haberman	Keyes	Pirsch	
Cope	Hasebroock	Lamb	Reutzel	

Voting in the negative, 22:

Brennan	Fowler	Landis	Rumery	Vickers
Chambers	Hoagland	Lewis	Schmit	Wagner
DeCamp	Johnson	Marsh	Sieck	
Dworak	Koch	Marvel	Simon	
Fitzgerald	Labedz	Newell	Stoney	

Present and not voting, 3:

Kelly	Merz	Wesely

Excused and not voting, 2:

Goodrich	Kremer

The Nichol amendment lost with 22 ayes, 22 nays, 3 present and not voting, and 2 excused and not voting.

Mr. Venditte renewed his pending amendment (1) found in the Journal on page 620.

Mr. Johnson offered the following amendment to the Venditte amendment (1):

By adding after "judgment" in Sec. (1) the words "of the attending physician".

MR. LEWIS PRESIDING

The Johnson amendment to the Venditte amendment (1) was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The Venditte amendment (1), as amended, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Venditte renewed his pending amendment (2) found in the Journal on page 620.

SPEAKER MARVEL PRESIDING

Mr. Johnson offered the following amendment to the Venditte amendment (2):

By adding after judgment "of the attending physician when compatible with preserving the woman from an imminent peril that substantially endangers her life and health."

Mr. Johnson moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The Chair declared the Call raised.

The Johnson amendment to the Venditte amendment (2) was adopted with 25 ayes, 5 nays, 18 present and not voting, and 1 excused and not voting.

The Venditte amendment (2), as amended, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Mr. Venditte withdrew amendment (3) found in the Journal on page 620.

Messrs. DeCamp, Johnson, Hoagland, and Landis renewed their pending amendments found in the Journal on pages 638 and 639.

Amendment (1) was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Amendment (2) portion which reads: On page 5, line 7 strike "situation" was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. DeCamp offered the following amendment:

On page 5, in line 10 strike "or" through the period at the end of line 11 and show as stricken. In line 10, insert an underscored period after "consent."

The amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Maresh asked unanimous consent to be excused. No objections. So ordered.

The DeCamp amendments (10) and (11) lines 9 through 27 found in the Journal on page 639 were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Messrs. Hasebroock and Duis asked unanimous consent to be excused. No objections. So ordered.

The DeCamp amendment (7) found in the Journal on page 639 is pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 102 in the Journal. No objections. So ordered.

On Page 4, line 6, after "Lynx," insert "THETA CHI, Phi Mu,"

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 385	Thursday, March 8, 1979	1:30 p.m.
LB 561	Thursday, March 8, 1979	1:30 p.m.

(Signed) Jerome Warner, Chairman

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 249. Placed on General File as amended.
Standing Committee amendments to LB 249:

1. Strike the original sections and insert two new sections as follows:

"Section 1. That section 17-938, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-938. The mayor and city council or the board of trustees of such city or village are hereby empowered to levy a tax not to exceed ~~two~~ one and one half mills on the dollar upon the assessed value of all taxable property in such city or village, except intangible property, for any one year for improving, adorning, protecting, and caring for such cemetery. All certificates to any lot or lots, upon which no interments shall have been made, and which have been sold for burial

purposes under the provisions of section 17-941, may be declared forfeited and subject to resale if, for more than three consecutive years, all charges and liens, as provided herein or by any of the rules, regulations, or by-laws of said association, are not promptly paid by the holders of said certificates. All certificates to any lot or lots sold shall contain a forfeiture clause to the effect that if no interment shall have been made on said lot or lots and all liens and charges paid, as provided herein or by ordinance or in the by-laws of the association, such certificate and the rights under the same may, at the option of the cemetery board, with the sanction of the mayor and council, or of the chairman and board of trustees, as the case may be, be declared null and void and the said lot or lots be subject to resale as in the first instance; Provided, that when any lots have been transferred by warranty deed or by a deed conveying a fee simple title, the above provision in regard to forfeiture and resale shall not apply.

Sec. 2. That original section 17-938, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title, line 2 strike "12-402" and insert "17-938".

(Signed) Walter George, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 127, 129, and 146.

(Signed) Don Wesely, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 17.

Introduced by Koch, 12th District.

WHEREAS, Arvon Engel has taught school in Nebraska's Centennial District for twelve years; and

WHEREAS, Mr. Engel has developed a wide range of science courses and provided his students with excellent learning experiences in the classroom and in the community; and

WHEREAS, Mr. Engel's involvement with his community is expressed by his membership as a Utica Village Trustee, President of

the Utica Chamber of Commerce, and past president of the Centennial Education Association; and

WHEREAS, Arvon Engel's dedication to his craft, his students and his community has been recognized by proclamation identifying him as Nebraska's 1979 Teacher of the Year.

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

1. That the Legislature recognizes Arvon Engel's outstanding achievements in the field of education, and extend congratulations upon his selection as 1979 Teacher of the Year.

2. That a copy of this resolution be presented to Mr. Engel's together with the best wishes of the Legislature.

Laid over.

ANNOUNCEMENT

Mr. Schmit announced that the Agriculture and Environment Committee will meet in executive session Tuesday morning at 8:00 a.m. in Room 1105.

VISITORS

Visitors to the Chamber were Herta Haider, District Mayor of Vienna's Fourth District; Emmy Schwarzl, Secretary General of the Austrian Section of the European Union of Women; Irene Scott, Guide and Interpreter for U.S. State Department; Nancy Regier, Lincoln Hostess representing Mayor's Committee on International Friendship; 9 Chadron State College Graduate Students and Professor from Chadron, Nebraska; Don and Julie Leu; former Senator Dick Fellman; 50 eighth grade students and teacher from Ft. Calhoun, Nebraska; Mr. Larry Norguard from Crawford, Nebraska; Millie Heiser, and Isabelle Dryden from Chadron, Nebraska.

ADJOURNMENT

At 12:10 p.m., on a motion by Mr. Keyes, the Legislature adjourned until 9:00 a.m., Tuesday, February 27, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - FEBRUARY 27, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 27, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God, we know You have created our universe, and just now we are dazzled by the eclipse of the sun, and amazed that so vast a source of light and warmth could be blocked out by so small and cold an obstruction as the moon and yet it's often that way with our minds. If we hold a dollar bill very close to our eyes it can blot out the sun, if we hold some personal truth too closely to our vision we can miss the larger truth. Help us these days while we are seeking to gain the larger view of this Legislature, and to focus on that which is important, not to allow anything of lesser significance to come so close to our line of sight as to block our view or distort our perspective on the things we really need to see. So guide us this day in what we read, what we see, and what we focus on, not just to have the microscopic view that sees the fine print, but the telescopic view that gives the larger picture, and then the talk, to debate, and to vote according to that truth. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, DeCamp, Fowler, George, Lewis, Newell, and Reutzel who were excused until they arrive; and Mr. Kennedy who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 114A. Placed on Select File.

LEGISLATIVE BILL 17. Placed on Select File as amended.
E & R amendments to LB 17:

1. On page 2, lines 4 and 5 and lines 8 and 9, strike beginning with "exemptions" through "rates" and insert "tax expenditures"; and in line 9 strike the comma.

2. In committee amendments, page 1, insert "vehicle" at the end of line 25.

3. In committee amendments, page 2, insert "deferrals" at the end of line 10: and in line 19, strike "a" and insert "any".

4. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to adopt the Tax Expenditure Reporting Act of 1979; to amend section 77-202.03, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

Correctly Enrolled

The following bills were correctly enrolled: 10, 22, 45, 53, 67, 91, 111, 117, and 148.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 10, 22, 45, 53, 67, 91, 111, 117, and 148.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 315. Placed on General File as amended.
Standing Committee amendments to LB 315:

1. On page 2, line 16 strike "or" and insert "~~or~~ ,", and after "sheriff" insert ", or such other person as may be charged with the administrative direction of a jail or jail facility".

2. Strike original section 5.

3. Insert a new section as follows:

"Sec. 5. That section 47-401, Revised Statutes Supplement, 1978, be amended to read as follows:

47-401. (1) Any person sentenced to a city or county jail upon conviction for a misdemeanor, felony, contempt, or nonpayment of any fine or forfeiture may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

~~(1)~~ (a) Seeking employment;

~~(2)~~ (b) Working at his employment;

~~(3)~~ (c) Conducting such person's own business or other self-employed occupation including housekeeping and attending to the needs of such person's family;

~~(4)~~ (d) Attending any high school, college, university or other educational or vocational training program or institution;

~~(5)~~ (e) Serious illness or death of a member of the prisoner's immediate family; or

~~(6)~~ (f) Medical treatment.

(2) Any person sentenced to a city or county jail upon conviction for a misdemeanor or nonpayment of any fine or forfeiture may be granted the privilege of serving the sentence or a part of the sentence at a house of correction, community residential center, work release center, halfway house, or other place of confinement properly designated as a jail facility in accordance with this act.".

4. On page 3, line 19 after the second comma insert "and section 47-401, Revised Statutes Supplement, 1978,".

(Signed) William E. Nichol, Chairman

MESSAGES FROM THE GOVERNOR

February 23, 1979

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Nebraska Educational Television Commission for four year terms expiring January 9, 1983, requiring legislative confirmation:

Reappointment of:
Philip Heckman, 535 Boswell, Crete 68333
James D. Johnson, 414 West 27th Street, Kearney 68847
Appointment of:
Robert Monke, RFD, Arlington, 68002
Vance D. Rogers, 6000 Old Cheney Road, Lincoln 68516
Gayle Stock, 722 Hackberry Road, Omaha 68132
Jack Langford, 1717 West 26th Street, Kearney 68847
Jan Carlson, Lodgepole 69149

I respectfully submit these appointments for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

February 23, 1979

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

Dear Mr. President and Senators:

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

Monroe Usher, Jr., 1920 Beatrice, Lincoln 68506 - succeeding Herman Brockmeier, resigned, term expiring August 4, 1983.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: Monroe Usher, Jr.
Committee on Committees
Department of Personnel
State Personnel Board

COMMUNICATION

Acknowledged receipt of House Joint Resolution No. 1 of 1979 from the Arkansas General Assembly regarding federal budget.

MOTION - Rule Change

Mr. Duis offered the following rule change:
To amend Rule 5 Section 6 by deleting (b).

Referred to the Rules Committee.

NOTICE OF COMMITTEE HEARING
Public Works

LB 575 Thursday, March 8, 1979 1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 255. Placed on General File.

LEGISLATIVE BILL 202. Indefinitely postponed.
LEGISLATIVE BILL 347. Indefinitely postponed.
LEGISLATIVE BILL 400. Indefinitely postponed.
LEGISLATIVE BILL 420. Indefinitely postponed.
LEGISLATIVE BILL 431. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 38.

A BILL FOR AN ACT to amend sections 81-1108.41 and 81-1108.43, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to change provisions relating to use of agency services and work forces; 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:

Beutler	Fitzgerald	Keyes	Marvel	Venditte
Brennan	Goodrich	Koch	Merz	Vickers
Burrows	Hasebroock	Kremer	Murphy	Wagner
Clark	Hefner	Labedz	Nichol	Warner
Cope	Hoagland	Lamb	Rumery	Wesely
Cullan	Johnson	Landis	Schmit	
Duis	Kahle	Maresh	Sieck	
Dworak	Kelly	Marsh	Simon	

Voting in the negative, 2:

Carsten Stoney

Present and not voting, 2:

Haberman Pirsch

Excused and not voting, 8:

Chambers	Fowler	Kennedy	Newell
DeCamp	George	Lewis	Reutzel

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

LEGISLATIVE BILL 85. With Emergency.

A BILL FOR AN ACT to amend section 33-120, Reissue Revised Statutes of Nebraska, 1943, relating to fees; to provide that an additional officer may require advance payment for certain services; 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:

Beutler	Duis	Johnson	Lamb	Nichol
Brennan	Dworak	Kahle	Landis	Pirsch
Burrows	Fitzgerald	Kelly	Maresh	Rumery
Carsten	Goodrich	Keyes	Marsh	Schmit
Clark	Hasebroock	Koch	Marvel	Sieck
Cope	Hefner	Kremer	Merz	Simon
Cullan	Hoagland	Labedz	Murphy	Stoney

Venditte	Vickers	Wagner	Warner	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 8:

Chambers	Fowler	Kennedy	Newell
DeCamp	George	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 115. With Emergency.

A BILL FOR AN ACT to amend sections 23-1901.01 and 32-308, Reissue Revised Statutes of Nebraska, 1943, relating to county surveyors; to change provisions relating to employment and election of surveyors 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, 41:

Beutler	Fowler	Koch	Murphy	Venditte
Burrows	Goodrich	Kremer	Nichol	Vickers
Carsten	Hasebroock	Labedz	Pirsch	Wagner
Clark	Hefner	Lamb	Reutzel	Warner
Cope	Hoagland	Landis	Rumery	Wesely
Cullan	Johnson	Maresh	Schmit	
Duis	Kahle	Marsh	Sieck	
Dworak	Kelly	Marvel	Simon	
Fitzgerald	Keyes	Merz	Stoney	

Voting in the negative, 0.

Present and not voting, 2:

Brennan	Haberman	

Excused and not voting, 6:

Chambers	George	Lewis
DeCamp	Kennedy	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 194.

A BILL FOR AN ACT to amend sections 77-2417 and 85-131, Reissue Revised Statutes of Nebraska, 1943, relating to appropriations; 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.

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

Voting in the affirmative, 40:

Beutler	Dworak	Keyes	Marvel	Sieck
Brennan	Fitzgerald	Koch	Merz	Simon
Burrows	Goodrich	Kremer	Murphy	Stoney
Carsten	Hasebroock	Labedz	Nichol	Venditte
Clark	Hefner	Lamb	Pirsch	Vickers
Cope	Hoagland	Landis	Reutzel	Wagner
Cullan	Johnson	Maresh	Rumery	Warner
Duis	Kahle	Marsh	Schmit	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Fowler	Haberman	Kelly

Excused and not voting, 6:

Chambers	George	Lewis
DeCamp	Kennedy	Newell

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

LEGISLATIVE BILL 232. With Emergency.

A BILL FOR AN ACT relating to appropriations; to provide what constitutes a valid 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, 42:

Beutler	Dworak	Kelly	Merz	Stoney
Brennan	Fitzgerald	Keyes	Murphy	Venditte
Burrows	Fowler	Koch	Nichol	Vickers
Carsten	Goodrich	Kremer	Pirsch	Wagner
Clark	Hasebroock	Labedz	Reutzel	Warner
Cope	Hefner	Lamb	Rumery	Wesely
Cullan	Hoagland	Landis	Schmit	
DeCamp	Johnson	Maresh	Sieck	
Duis	Kahle	Marvel	Simon	

Voting in the negative, 0.

Present and not voting, 2:

Haberman Marsh

Excused and not voting, 5:

Chambers	George	Kennedy	Lewis	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 233. With Emergency.

A BILL FOR AN ACT relating to state budgets; to define encumbrance; to provide what constitutes a valid encumbrance; to provide when an encumbrance shall be paid and when it shall be lapsed; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Beutler	Dworak	Kahle	Marsh	Sieck
Brennan	Fitzgerald	Kelly	Marvel	Simon
Burrows	Fowler	Keyes	Merz	Stoney
Carsten	Goodrich	Koch	Murphy	Venditte
Clark	Haberman	Kremer	Nichol	Vickers
Cope	Hasebroock	Labedz	Pirsch	Wagner
Cullan	Hefner	Lamb	Reutzel	Warner
DeCamp	Hoagland	Landis	Rumery	Wesely
Duis	Johnson	Maresh	Schmit	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	George	Kennedy	Lewis	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.

MR. NICHOL PRESIDING

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #828).

The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 576. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Labedz, 5th District; Hasebroock, 18th District; Cope, 36th District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to change provisions for start of social security coverage; to provide for administrative expenses of a bureau; to change authorities

and duties of the State Capitol custodian and administrator; to create a fund; to change cash funds to revolving funds; to change authority of the Accounting Administrator; to change provisions for reimbursement for expenses; to amend sections 68-603, 68-613, 81-1108.17, 81-1108.22, 81-8111, and 84-306.02, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1108.18, 84-306.01, and 84-306.03, Revised Statutes Supplement, 1978; to repeal the original sections; and to declare an emergency.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #846).

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 577. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Marsh, 29th District; Labedz, 5th District; Fowler, 27th District; Hasebroock, 18th District; Cope, 36th District.

A BILL FOR AN ACT to amend Laws 1978, LB 953, section 16, and Laws 1978, LB 965, section 2, with appropriations reduced by line-item veto; to increase an appropriation; to remove a limitation; to repeal the original sections; and to declare an emergency.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #853).

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 578. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Labedz, 5th District; Hasebroock, 18th District; Cope, 36th District.

A BILL FOR AN ACT to amend section 84-306.01, Revised Statutes Supplement, 1978, relating to claims against the state; to provide provisions for reimbursement of certain expenses as prescribed; to repeal the original section; and to declare an emergency.

SPEAKER MARVEL PRESIDING

MOTION - Return LB 159 to Select File

Mr. Dworak moved to return LB 159 to Select File for the specific amendment found in the Journal on page 583.

The motion prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 159. The Dworak specific amendment found in the Journal on page 583 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 159 to Select File

Mr. Carsten moved to return LB 159 to Select File for the following specific amendment:

1. On page 1 of the Dworak amendments found in the Journal on page 584, line 16, strike "Each" and insert "Until such time as the Supreme Court, pursuant to an appeal prosecuted pursuant to section 77-510, Reissue Revised Statutes of Nebraska, 1943, may rule otherwise, each"

The motion prevailed with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 159. The Carsten specific amendment found in this day's Journal was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 119 in the Journal. No objections. So ordered.

(1)

Page 2, Line 7: Reinstate stricken language
Page 2, Line 8: Reinstate stricken language
Page 2, Line 9: Reinstate stricken language, and after the word "limits"
add the words "adding a unit of less than twenty six megawatts"

(2)

Page 2, Line 7: Reinstate stricken language
Page 2, Line 8: Reinstate stricken language
Page 2, Line 9: Reinstate stricken language, and after the word "limits"
add the words "replacing an existing facility"

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 35. Placed on General File as amended.
Standing Committee amendments to LB 35:

1. On page 2, line 25 strike "county" and insert "regional".
2. On page 3, line 1 strike "county during the year." and insert "region. The regions established under section 71-5002, Reissue Revised Statutes of Nebraska, 1943, shall be used in determining such cost and shall give consideration to both rural and urban areas and the possible differences in the cost of necessities in such areas."; in line 16 after "service" insert "but shall not include long distance service or extra equipment charges"; strike all of subdivision (5) and insert
"(5) Food necessary to meet minimum nutritional requirements;"; and in line 22 strike "recreation,".
3. On page 4, line 9 strike "county" and insert "regional"; and in lines 12, 13, and 14 strike "county" each time it appears and insert "region".
4. Strike original sections 7, 11, and 12.
5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 259. Placed on General File as amended.
Standing Committee amendments to LB 259:

1. Insert a new section 5 as follows:
"Sec. 5. If any person shall be found in a state of

intoxication, or under the influence of alcoholic liquor, he shall be guilty of a Class III misdemeanor, and any peace officer shall without warrant take such person into custody and detain him until a complaint can be filed before a judge and a warrant be issued for his arrest.".

2. Renumber original sections 5 to 9 as sections 6 to 10.

3. On page 4, line 1, strike "and 7" and insert "5, and 8"; in line 3 strike "8" and insert "9"; in line 9 after "That" insert "section 5 of this act and"; and in line 10 strike "is" and insert "are".

LEGISLATIVE BILL 344. Placed on General File as amended.
Standing Committee amendments to LB 344:

1. On page 3, lines 6 and 7, strike "State Board" and insert "Department".

2. On page 4, line 14 after "act." insert "The Department of Health shall consult with interested persons and professional organizations before promulgating such rules and regulations."; in lines 11, 15, and 22 strike "State Board" and insert "Department"; and in line 24 strike "repeated violations" and insert "any violation".

LEGISLATIVE BILL 355. Placed on General File as amended.
Standing Committee amendments to LB 355:

1. On page 2, line 20 after "Therapy" insert a semicolon and strike beginning with the comma in line 20 through line 22.

2. On page 3, line 7 strike "certified" and insert"noncertified"; in line 10 after activities insert a period and strike beginning with "as" in line 10 through the period in line 11; in line 13 strike "the" and insert "a"; in line 14 strike "or physical therapists assume" and insert "assumes"; in line 15 strike the second "the" and insert "a"; in lines 19 and 20 strike "or physical therapists"; in line 23 after "shall" insert "also"; and in line 25 strike "responsible".

3. On page 4, line 1 after "board" insert "; and"; and strike beginning with the period in line 1 through line 3.

4. On page 5, lines 1 and 2 strike "or physical therapists"; in line 5 strike "responsible"; in line 11 strike "such" and insert "the", and after "office" insert "of the physical therapist"; and in lines 14 and 15 strike "or physical therapists".

5. On page 6, line 9 strike "or physical therapists"; and in line 18 strike "the board is satisfied that".

6. On page 7, line 4 after "Nebraska" insert "for"; and in line 17 strike "I" and insert "III".

7. On page 8, line 9 after "by" insert "a"; and strike beginning with "Rules" in line 10 through the period

in line 15.

8. On page 9, lines 13 and 14 strike "or physical therapists".

9. Strike original section 12.

10. Renumber the remaining sections accordingly.

(Signed) Samuel Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 15	Tuesday, March 6, 1979	12:00 Noon
LB 135	Tuesday, March 6, 1979	12:00 Noon
LB 416	Tuesday, March 6, 1979	12:00 Noon

(Signed) William H. Hasebroock, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Wednesday, February 28, 1979. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 10, LB 45, LB 91, and LB 111.

Had I been present, I would have voted "aye" on LB 13, LB 56, and LB 31.

Had I been present, I would have voted "nay" on LB 53.

(Signed) Donald Dworak

Had I been present, I would have voted "aye" on LB 85.

(Signed) Barry Reutzel

Had I been present, I would have voted "aye" on LB 115, LB 38, LB 85e, LB 194, and LB 232e.

(Signed) Rex Haberman

Had I not been detained in Omaha at a meeting I would have voted "aye" on LB's 38, 85e, 115e, 194, 232e, and 233e.

(Signed) Dave Newell

Had I been present, I would have voted "aye" on LB 53 during Final Reading.

(Signed) John W. DeCamp

Had I been present for Final Reading on Monday, February 26, 1979, I would have voted "aye" on LB 53.

(Signed) Peter Hoagland

MOTION - Reconsider Action on LB 141

Mr. Koch renewed his pending motion found in the Journal on page 595 to reconsider action on indefinitely postponing LB 141.

MR. NICHOL PRESIDING

Mr. Koch moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

SPEAKER MARVEL PRESIDING

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

Voting in the affirmative, 25:

Beutler	Dworak	Keyes	Marsh	Rumery
Brennan	Fitzgerald	Koch	Marvel	Sieck
Burrows	Fowler	Kremer	Newell	Simon
Cope	George	Landis	Pirsch	Warner
DeCamp	Hoagland	Lewis	Reutzel	Wesely

Voting in the negative, 19:

Carsten	Haberman	Kahle	Murphy	Venditte
Clark	Hasebroock	Labedz	Nichol	Vickers
Cullan	Hefner	Lamb	Schmit	Wagner
Duis	Johnson	Maresh	Stoney	

Present and not voting, 2:

Kelly Merz

Absent and not voting, 1:

Goodrich

Excused and not voting, 2:

Chambers Kennedy

The motion prevailed with 25 ayes, 19 nays, 2 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 316. Mr. DeCamp renewed his pending amendment (7) found in the Journal on page 639.

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

Mr. Venditte moved for a Call of the House. The motion prevailed with 8 ayes, 2 nays, and 39 not voting.

Mr. Venditte requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 5:

Fowler	Johnson	Landis	Marsh	Wesely

Voting in the negative, 38:

Beutler	Duis	Kahle	Maresh	Simon
Brennan	Dworak	Kelly	Marvel	Stoney
Burrows	Fitzgerald	Keyes	Merz	Venditte
Carsten	George	Koch	Newell	Vickers
Clark	Haberman	Kremer	Pirsch	Wagner
Cope	Hasebroock	Labedz	Reutzel	Warner
Cullan	Hefner	Lamb	Rumery	
DeCamp	Hoagland	Lewis	Schmit	

Present and not voting, 3:

Murphy	Nichol	Sieck

Absent and not voting, 1:

Goodrich

Excused and not voting, 2:

Chambers Kennedy

The DeCamp amendment (7) lost with 5 ayes, 38 nays, 3 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Fitzgerald asked unanimous consent to be excused. No objections. So ordered.

Mr. Lewis asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. DeCamp withdrew his remaining amendments found in the Journal on page 638 and 639.

Mr. DeCamp offered the following amendment:

1. In the DeCamp amendments found on pages 564 to 566 of the Journal, on page 1, in line 14 strike beginning with "in" through "physician".

2. In the bill on page 5, line 17 after "physician" insert "or in the best judgment of the woman".

The amendment lost with 15 ayes, 20 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Venditte offered the following amendment:

Amend the Hoagland etc. amendment found on page 639 of the Journal. "Strike" all underscored language in lines 17-20.

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 Venditte amendment lost with 5 ayes, 24 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Kelly moved to reconsider action on the Nichol amendment found in the Journal on page 620.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Kelly motion to reconsider action prevailed with 28 ayes, 4 nays, 13 present and not voting, and 4 excused and not voting.

The Nichol amendment found in the Journal on page 620 was adopted with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Wesely requested a record vote to advance LB 316.

Voting in the affirmative, 35:

Beutler	Dworak	Keyes	Merz	Simon
Brennan	George	Koch	Murphy	Stoney
Burrows	Goodrich	Kremer	Newell	Venditte
Carsten	Haberman	Labedz	Pirsch	Vickers
Clark	Hasebroock	Lamb	Reutzel	Wagner
Cope	Hefner	Maresh	Rumery	Warner
DeCamp	Kahle	Marvel	Schmit	Wesely

Voting in the negative, 4:

Fowler	Johnson	Landis	Marsh

Present and not voting, 6:

Cullan	Hoagland	Nichol
Duis	Kelly	Sieck

Excused and not voting, 4:

Chambers	Fitzgerald	Kennedy	Lewis

Advanced to E & R for Engrossment with 35 ayes, 4 nays, 6 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 158. Placed on General File as amended.
Standing Committee amendments to LB 158:

1. Insert a new section 1 as follows:

"Section 1. That section 18-2101.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2101.01. Cities of all classes and villages of this state are hereby granted power and authority to create a community development agency by ordinance, which agency may consist of the governing body of the city or

village or a new or existing municipal division or department, or combination thereto. When such an agency is created, ~~through the establishment of a municipal division or department or combination thereof,~~ it shall function in the manner prescribed by ordinance and may exercise all of the power and authority granted to an urban renewal authority in sections 18-2101 to 18-2144. Any such city or village is also granted power and authority to do all community development activities, and to do all things necessary to cooperate with the federal government in all matters relating to community development program activities as a grantee, or as an agent or otherwise, under the provisions of the federal Housing and Community Development Act of 1974, Public Law 93-383, 93rd Congress. Whenever such a city exercises the power conferred in this section, it may levy taxes for the exercise of such jurisdiction and authority and may~~, as otherwise provided by law or home rule charter,~~ issue general obligation bonds, general obligation notes, revenue bonds, and revenue notes including general obligation and revenue refunding bonds and notes for the purposes set forth in such sections and under the power granted to any authority described.".

2. On page 3, strike beginning with "in" in line 8 through "of" in line 9, show as stricken, and insert "consisting of one or more"; and strike beginning with the comma in line 21 through "of" in line 23, show as stricken, and insert "consisting of one or more deteriorated or deteriorating structures, or which by reason of the existence of".

3. On page 5, line 16 after "plan" insert "notwithstanding that such value may be less than the cost of acquiring and preparing such property or assets for redevelopment"; and in line 23 strike "for dwelling use or related facilities" show as stricken and insert "for any use described in this section".

4. On page 7, strike beginning with the second "the" in line 25 through "contains" in line 26; and in line 27 after "authorized" insert "in", and strike "9" and insert "10".

5. On page 8, lines 9 and 12 strike "9 to 13" and insert "10 to 14".

6. On page 16, lines 13 and 25 strike "12" and insert "13".

7. On page 17, lines 11, 15, and 16 strike "9 to 12" and insert "10 to 13".

8. On page 18, line 24 strike "shall" and insert "~~shall~~ may".

9. On page 20, line 27 strike "9 to 13" and insert "10 to 14".

10. On page 21, strike beginning with the third underscored comma in line 7 through "government" in line 10; and in line 17 strike "9 to 13" and insert "10 to 14".

11. On page 24, line 27 strike ", after the effective date of the".

12. On page 25, line 1 strike "ordinance approving the redevelopment plan,"; and in line 3 strike "adoption of".

13. On page 26, line 2 strike " adoption of a redevelopment plan which contains"; in line 3 strike "9" and insert "10"; and in line 20 strike "10" and insert "11".

14. On page 27, line 13 strike "9" and insert "10".

15. On page 28, line 4 strike "person" and insert "redeveloper"; and in line 7 strike "9" and insert "10".

16. Insert two new sections as follows:

"Sec. 16. The powers conferred by this act shall be in addition and supplemental to the powers conferred by sections 18-2101 to 18-2144, Reissue Revised Statutes of Nebraska, 1943, and by any other law and shall be independent of and in addition to any other provision of the laws of the State of Nebraska with reference to the matters covered hereby. The provisions of this act and all grants of power, authority, rights, or discretion herein made to a city or village and to an authority created under the provisions of this act shall be liberally construed, and all incidental powers necessary to carry into effect the provisions of such sections are hereby expressly granted to and conferred upon a city or village or an authority created pursuant hereto.

Sec. 17. 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.".

17. On page 29, line 1 after "sections" insert "18-2101.02,".

18. Renumber the remaining sections accordingly.

(Signed) Walter George, Chairman

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 576 through 578, inclusive, for the approval of the Nebraska State Legislature.

LB	Committee
576	Appropriations
577	General File
578	Appropriations

(Signed) Frank Lewis, Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 576	Thursday, March 8, 1979	1:30 p.m.
LB 578	Thursday, March 8, 1979	1:30 p.m.

(Signed) Jerome Warner, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 18.

Introduced by Keyes, 3rd District.

WHEREAS, the citizens of the State of Nebraska have a substantial investment in public power districts in the form of retained earnings or reserves; and

WHEREAS, recent litigation has prompted several questions regarding these districts financial reserves; and

WHEREAS, there seems to be a need for closer scrutiny of the finances of the public power districts.

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

1. That a special committee be formed for the purpose of reviewing certain public power districts financial reserves and rates for service. Such committee should determine the need for a financial audit of these districts.

2. That at least two members of such committee be members of the legislature's revenue committee.

3. That such committee develop a proposal for a financial examination of such districts with the results of such study to be

presented to the Legislature at the beginning of the Session of the 86th Legislature. Such proposal should suggest a course of action for the Legislature including what, if any, legislative powers should be used, and what financing method should be chosen for such a study.

Referred to the Executive Board.

EXPLANATION OF VOTE

Had I been present yesterday, February 26, 1979, I would have voted "aye" on Final Reading of LB 53.

(Signed) Steve Fowler

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 316 in the Journal. No objections. So ordered.

1. In the DeCamp amendments found on pages 564 to 566 of the Journal, on page 1, in line 14 strike beginning with "in" through "physician".
2. In the bill on page 5, line 17 after "physician" insert "or in the best judgment of the woman".

VISITORS

Visitors to the Chamber were 30 sixth grade students and sponsors from Sacred Heart School, Lincoln; Betty Abbott, former councilwoman from Omaha; 3 eighth grade students and 2 teachers from Mickle Jr. High, Lincoln.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Wednesday, February 28, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - FEBRUARY 28, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 28, 1979

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, as our inward thoughts in this moment reveal our souls, so also shall the words we speak on this floor, and the decisions we make as leaders of the people. May these Senators, therefore, have about them a sense of history and a knowledge of the past. May they remember how others have acted in similar times of crisis and decision, but free us from a mere worship of old decisions so that we may not be coasting in a day like this, but rather marking new trails of needed action today.
>
> In thinking of Thee, no thought is lost; may we think on. In talking with Thee, no words are lost; may we talk on. In working for Thee, no energy is lost; may we work on, by the power of Thy Spirit. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Kennedy, and Koch who were excused; and Mr. Venditte who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

BIRTHDAYS

The Chair announced the birthdays of Messrs. Fitzgerald and Sieck.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 159. Replaced on Select File as amended.
E & R amendment to LB 159:

1. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT to amend sections 77-509, 77-1301.01, 77-1301.13, 77-1330, and 77-1336, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to require compliance with prescribed manuals and guides in the appraisal and reappraisal of property; to make valuations determined by the State Board of Equalization and Assessment binding on counties; and to repeal the original sections.".

Correctly Enrolled

The following bills were correctly enrolled: 38, 85, 115, 194, 232, and 233.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 38, 85, 115, 194, 232, and 233.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 28, 1979, at 8:47 a.m., were the following bills: 10, 45, 91, 111, 117, 148, 22, 53, and 67.

(Signed) Hazel Kaltenberger, Enrolling Clerk

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 27, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Boswell, Hobart - Lincoln, Nebraska State Association of Firefighters
Crosby, Guenzel, Davis, Kessner & Kuester:
(Crosby, Robert B.) - Lincoln, American Home Shield Corporation
(Sedgwick, James L.) - Lincoln, American Home Shield Corporation
Daniel, Scott E. - Lincoln, Associated Grocers of Nebraska Cooperative, Inc.
Moriarty, J. Michael - Omaha, Nebraska Committee on the Age of Responsibility
Noren and Burns:
(Noren, Charles F.) - Lincoln, Nebraska Workman's Compensation Court Judges Association
Norgard, Lorenzo E. - Crawford, Save Nebraska Water
Skochdopole, R. A. - Omaha, Governors of the Knights of Ak-Sar-Ben
Tews and Radcliffe:
(Radcliffe, Walter H.) - Lincoln, (withdrawn 2/26/79) Nebraska Restaurant Employers
(Tews, David D.) - Lincoln, (withdrawn 2/26/79) Nebraska Restaurant Employers
Whelan, Gerald T. - Lincoln (withdrawn 2/19/79) Nebraska Restaurant Employers

COMMUNICATION

Received actuarial valuations of the following retirement systems from the Public Employees Retirement Board: Nebraska State Patrolmen's Retirement System, Nebraska Judges Retirement System, Nebraska School Retirement System, Nebraska State Employees Retirement System, and Nebraska County Employees Retirement System.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 458. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Mr. Nichol asked unanimous consent to be excused for a short time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 90. Mr. Merz renewed his pending amendment (1) found in the Journal on page 646.

Mr. Merz moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Merz requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Beutler	DeCamp	Johnson	Lewis	Reutzel
Brennan	Fitzgerald	Keyes	Maresh	Schmit
Burrows	Fowler	Labedz	Merz	Simon
Carsten	George	Lamb	Newell	Wesely
Cullan	Hefner	Landis	Pirsch	

Voting in the negative, 16:

Clark	Hasebroock	Marvel	Stoney
Cope	Kahle	Murphy	Vickers
Duis	Kelly	Rumery	Wagner
Dworak	Marsh	Sieck	Warner

Present and not voting, 2:

Chambers Kremer

Absent and not voting, 2:

Goodrich Hoagland

Excused and not voting, 5:

Haberman	Kennedy	Koch	Nichol	Venditte

The Merz amendment (1) lost with 24 ayes, 16 nays, 2 present and voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Merz renewed his pending amendment (2) found in the Journal on page 646.

The amendment lost with 15 ayes, 15 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Lewis requested a machine vote to advance LB 90.

Advanced to E & R for Engrossment with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 90A. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 537. Placed on General File.
LEGISLATIVE BILL 548. Placed on General File.
LEGISLATIVE BILL 564. Placed on General File.

(Signed) Loran Schmit, Chairman

Judiciary

LEGISLATIVE BILL 536. Placed on General File as amended.
Standing Committee amendment to LB 536:

1. On page 10, strike beginning with "district" in line 21 through "district" in line 22, show the old matter stricken, and insert "Nebraska Probation System Committee"; and in line 24 strike "judges deem", show as stricken, and insert "committee deems".

LEGISLATIVE BILL 565. Placed on General File as amended.
Standing Committee amendment to LB 565:

1. On page 2, line 10 after "(3)" insert "(a)"; in line 17 strike "(a)" and insert "~~(a)~~ (i)"; in line 19 strike "(b)" and insert "~~(b)~~ (ii)"; in line 20 strike "(c)" and insert "~~(c)~~ (iii)"; in line 22 strike "(d)" and insert "~~(d)~~ (iv)"; in line 23 strike the semicolon and insert "~~;~~ ."; and after line 23 insert:

"(b) Law enforcement officer shall not include employees of the Department of Correctional Services, probation officers under the Field Probation Service or appointed under section 43-236, Reissue Revised Statutes of Nebraska, 1943, or parole officers appointed by the Parole Administrator;".

LEGISLATIVE BILL 83. Indefinitely postponed.

(Signed) William E. Nichol, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendments to LB 112 in the Journal. No objections. So ordered. (Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2651).

SELECT FILE

LEGISLATIVE BILL 112. Laid over.

LEGISLATIVE BILL 211. E & R amendment found in the Journal on page 557 for the Thirty-Second Day was adopted.

Mr. Keyes moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 322. E & R amendment found in the Journal on page 601 for the Thirty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 132. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 425. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 130. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 25. 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 140. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 81. Title read. Considered.

Mr. Maresh offered the following amendment:

1. Insert the following new sections:

"Sec. 2. That section 60-311.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.14. The Department of Motor Vehicles shall, without the payment of any fee, issue license

plates for one motor vehicle ~~with a carrying capacity of ten passengers or less and~~ not used for hire, which plates shall carry the internationally accepted wheelchair symbol, which symbol is a respresentation of a person seated in a wheelchair surrounded by a border six units wide by seven units high, and such other letters or numbers as the Director of Motor Vehicles may prescribe to any person who applies for such plates and proves that he or she is a paraplegic. Such plates shall be used by such person in lieu of the usual license plates.

Sec. 3. That section 60-334, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-334. For registration purposes a tractor and semitrailer unit and a commercial trailer shall be considered as separate units. The registration fee of the tractor shall be the fee provided for trucks and truck-tractors. Each semitrailer and each commercial trailer shall be registered upon the payment of a fee of one dollar. The Department of Motor Vehicles shall provide an appropriate license plate or, where appropriate, renewal tab to identify such semitrailers; Provided, that if any truck or truck-tractor, operated under the classification designated as local, farm, local commercial or A, or with plates issued under section 60-311.14, shall be operated outside of the limits of its respective classification, it shall thereupon come under the classification of commercial trucks.".

2. On page 2, line 10 after "original" insert "sections 60-311.14 and 60-334, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 11 strike "is" and insert "are".

3. Renumber remaining section accordingly.

MR. LEWIS PRESIDING

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Maresh offered the following amendment:
Add the emergency clause.

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 Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Standing Committee amendments found in the Journal on page 435 for the Twenty-Fourth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Hasebroock asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Simon asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb offered the following amendment:

1. On page 2, line 8 after "for" insert "an annual", and after "fishing" insert "permit, four dollars for a three day fishing permit,".

Mr. Lamb moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Beutler	George	Kremer	Murphy	Sieck
Clark	Hefner	Lamb	Nichol	
Cope	Kahle	Maresh	Pirsch	
DeCamp	Kelly	Merz	Rumery	

Voting in the negative, 22:

Brennan	Dworak	Labedz	Newell	Wagner
Burrows	Fitzgerald	Landis	Reutzel	Warner
Carsten	Fowler	Lewis	Schmit	
Chambers	Goodrich	Marsh	Stoney	
Duis	Johnson	Marvel	Vickers	

Present and not voting, 1:

Cullan

Absent and not voting, 3:

Hoagland	Keyes	Wesely

Excused and not voting, 6:

Haberman	Kennedy	Simon
Hasebroock	Koch	Venditte

The Lamb amendment lost with 17 ayes, 22 nays, 1 present and not voting, 3 absent 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.

The Chair declared the Call raised.

LEGISLATIVE BILL 434. Title read. Considered.

Standing Committee amendments found in the Journal on page 436 for the Twenty-Fourth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

MOTION - Return LB 90 to Select File

Mr. Chambers moved to return LB 90 to Select File for the following specific amendment:

Reconsideration of the Merz amendment found on page 646 of the Journal.

Motion pending.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Maresh asked unanimous consent to add his name to LB 81. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 267. Placed on General File as amended.
Standing Committee amendment to LB 267:

1. On page 2, line 15 after "consolidation" insert "study", and in line 17 after "appropriate" insert "including, but not limited to,those dealing with rail and water transportation".

LEGISLATIVE BILL 273. Placed on General File as amended.
Standing Committee amendments to LB 273:

1. On page 2, strike lines 6 through 15, show the old matter stricken, and insert

"(1) Disabled person shall mean a person who has lost the use of or has undergone amputation of two or more extremities or has undergone amputation of one or more extremities and has lost the use of one or more extremities; and"; in line 16, strike "(3)" and insert "~~(3)~~ (2)", and strike "veteran", show as stricken, and insert "person"; in line 19 strike "section" and insert "sections", and strike the comma and insert "and 77-202.24,"; and in line 20, strike "is" and insert "are".

2. Insert a new section as follows:

"Sec. 2. That section 77-202.24, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.24. The following classes of personal property shall be exempt from taxation:

(1) A mobile home owned and occupied by a ~~paraplegic, multiple amputee~~ disabled or blind person; ~~honorably discharged veteran of the United States armed forces;~~ and

(2) One motor vehicle owned and used for his or her personal transportation by a ~~paraplegic, multiple amputee~~ disabled or blind person. ~~honorably discharged veteran of the United States armed forces.~~".

3. Renumber remaining sections.

LEGISLATIVE BILL 414. Placed on General File as amended.
Standing Committee amendments to LB 414:

1. On page 2, line 6 strike "seven" and insert "~~seven~~ eight"; in line 7 after "one" insert "such"; and in line 12 after the period insert "One member of the board shall be a lay person.".

2. Strike original section 3 and insert four new sections as follows:

"Sec. 2. That section 23-1609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1609. Such examination shall be conducted in conformity with generally accepted auditing standards applied on a consistent basis and shall develop the county's financial condition, the condition of each fund and the disposition of all money collected or received. Such audits shall be full and complete audits of the cash receipts and disbursements, shall include a checking of ~~all~~ claims paid as against the record of claims kept by the county clerk, and against the record of the county board with respect to ~~said~~ such claims, shall include a checking of ~~all~~ claims paid as against the levy, and shall reflect the state of the fund from which the respective claims are payable. The audit shall also

include a report as to the regularity of each such claim examined but shall contain no conclusion or opinion as to its validity or legality.

Sec. 3. That section 79-546, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-546. In each Class II, III, IV, V, and VI school district, and upon petition of ten qualified electors or five per cent of the qualified electors, whichever number is less, of a district that does not offer a high school program, the board of education shall cause to be examined annually by a public accountant or by a certified public accountant all financial records which are maintained directly or indirectly in the administration and management of public school funds. Rules and regulations governing the scope, extent, pattern, and report of the examination shall be adopted and prescribed by the State Board of Education with the advice and counsel of the Auditor of Public Accounts. A copy of the report shall be filed with the Commissioner of Education and with the Auditor of Public Accounts on or before November 15. No distributable state or federal funds shall be allocated for a given fiscal year to any school district which has failed, after due notice, to comply with this provision by January 15.

Sec. 5. That section 84-304, Revised Statutes Supplement, 1978, be amended to read as follows:

84-304. It shall be the duty of the Auditor of Public Accounts:

(1) To give information in writing to the Legislature, whenever required, upon any subject relating to the fiscal affairs of the state, or in regard to any duty of his office;

(2) To furnish offices for himself and all fuel, lights, books, blanks, forms, paper, and stationery required for the proper discharge of the duties of his office;

(3) To examine, or cause to be examined, at such time as he shall determine, books, accounts, vouchers, records, and expenditures of all state officers, state bureaus, state boards, state commissioners, state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, except when required to be performed by other officers or persons, and to report promptly to the Director of Administrative Services and the appropriate standing committee of the Legislature the fiscal condition shown by such examinations, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds

or property, and any improper system or method of bookkeeping or condition of accounts; and to this end the Auditor of Public Accounts shall, with the approval of the Legislature, appoint an expert accountant (a) whose entire time shall be devoted to the service of the state as directed by the auditor, (b) who shall be an individual of recognized qualifications in his profession, with at least five years' experience, (c) who shall be selected without regard to party affiliation or to his place of residence at the time of his appointment, (d) who shall promptly report in duplicate to the auditor the fiscal condition shown by each examination, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property and any improper system or method of bookkeeping or condition of accounts, and it shall be the duty of the auditor to file promptly with the Governor a duplicate of such report, and (e) who shall qualify by taking an oath, which oath shall be filed in the office of the Secretary of State; and

(4) Conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement, to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency. The auditor shall deposit the receipts for such audits and services in the cash fund maintained for the making of cooperative audits.

Sec. 6. The Auditor of Public Accounts shall establish minimum audit standards for all auditors conducting audits of any agency of state government. Such standards shall be established to achieve the goals of assuring a proper level of competency and of uniformity in auditing and shall be distributed to all agencies of state government. No agency of state government shall employ any person as an auditor who fails to meet such minimum standards.".

3. On page 4, line 3, after "1-107" insert "23-1609, 79-546,"; in line 4 after "1943," insert "and section 84-304, Revised Statutes Supplement, 1978,".

4. Renumber original sections 2 and 4 as section 4 and 7.

5. In the title strike lines 2 through 10 and insert:

"FOR AN ACT relating to accountants and audits; to amend sections 1-107, 23-1609, 79-546, and 81-1117.02, Reissue Revised Statutes of Nebraska, 1943, and section 84-304, Revised

Statutes Supplement, 1978; to remove the Auditor of Public Accounts from a board; to change membership on a board as prescribed; to provide access to certain data in computer files as prescribed; to provide for partial cost reimbursements as prescribed; to reverse audit requirements; to require the filing of certain audit reports with the Auditor of Public Accounts; to provide for reports to a standing committee of the Legislature; to provide for minimum standards for the employment of auditors by state agencies; and to repeal the original sections.".

LEGISLATIVE BILL 43. Indefinitely postponed.
LEGISLATIVE BILL 110. Indefinitely postponed.
LEGISLATIVE BILL 274. Indefinitely postponed.
LEGISLATIVE BILL 295. Indefinitely postponed.
LEGISLATIVE BILL 296. Indefinitely postponed.
LEGISLATIVE BILL 343. Indefinitely postponed.
LEGISLATIVE BILL 424. Indefinitely postponed.
LEGISLATIVE BILL 466. Indefinitely postponed.

(Signed) Orval Keyes, Chairman

Agriculture and Environment

LEGISLATIVE BILL 538. Placed on General File as amended.
Standing Committee amendments to LB 538:

1. Strike the original sections and insert:

"Section 1. This act shall be known and may be cited as the Nebraska Agricultural Products Marketing Act.

Sec. 2. The Legislature hereby finds that the general welfare of the people of Nebraska will significantly benefit from the conduct of programs designed and intended to enhance the effective marketing of Nebraska's many agricultural commodities.

The Legislature further finds that the meaningful realization of such benefits will result through the administration of programs and policies conceived, desired, and formulated by and for those persons who produce, process, or distribute such commodities as an integral part of their livelihood. It is necessary, however, that the programs conducted by and for the various segments of the agricultural industry be efficiently coordinated, so that the marketing efforts expended on behalf of each commodity will compliment the marketing programs in the state.

The intent of this act is to authorize the Department of Agriculture to create and staff a Division of Agricultural Marketing.

Sec. 3. For purposes of this act, unless the context otherwise requires, the definitions found in sections 4 to 8 of this act shall be used.

Sec. 4. Agricultural product or commodity shall include all products resulting from the conduct of farming or ranching activities, dairying, beekeeping, poultry or egg production, or comparable activities, and any by-products resulting from such activities.

Sec. 5. Department shall mean the Department of Agriculture.

Sec. 6. Division shall mean the Division of Agricultural Marketing created by this act.

Sec. 7. Director shall mean the Director of Agriculture or his or her designee.

Sec. 8. Marketing shall include any and all activities intended to directly or indirectly facilitate the sale, exchange, or other distribution of a product or commodity in an economic, efficient, and profitable manner, including research, market development, publicity, promotion, education, product utilization, and comparable activities.

Sec. 9. There is hereby established a Division of Agricultural Marketing in the department. The division shall be responsible for the administration of this act. The division may be headed by a chief and staffed with such deputies and assistants as are appointed by the director.

Sec. 10. The activities of the division shall include, but not be limited to, the following:

(1) Coordinating the various marketing programs and policies of each of the state's agricultural commodities so that they will compliment one another;

(2) Assisting the producers, processors, and distributors of agricultural products and commodities in conducting and administering marketing programs and policies conceived, desired, and formulated by and for such persons;

(3) Conducting activities designed to locate and study trade barriers adversely affecting the marketing of Nebraska agricultural products, and conducting activities aimed at eliminating or mitigating any such barriers;

(4) Collecting and disseminating information relevant and beneficial to the economical, efficient, and profitable marketing of agricultural products by the Nebraska producers, processors, and distributors thereof;

(5) Assisting in matching up potential buyers and sellers of agricultural products produced in Nebraska;

(6) Cooperating with other local, state, or national agricultural marketing entities, public or private, in carrying out this act, and entering into such contracts as may be necessary;

(7) Adopting such reasonable rules and regulations as are necessary to effectively carry out the intent of this act;

(8) Accepting funds or fees from any source, federal, state, public, or private, to be used in carrying out the provisions of this act;

(9) Expending funds for purposes of carrying out the provisions of this act; and

(10) Conducting any other programs for the development, utilization, and marketing of agricultural products grown or produced in the state.

Sec. 11. (1) This act shall not be construed as altering the provisions of any other act or acts dealing with the marketing of agricultural products, or as detracting from the authorities provided for in any such acts.

(2) This act shall not be construed as empowering the department to require cooperative marketing efforts of persons or groups within any segment of the agriculture industry, but shall be construed only to authorize such cooperative marketing efforts.

(3) This act shall not be construed as empowering the department to purchase or otherwise obtain agricultural products or commodities for the purpose of resale.".

2. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to adopt the Nebraska Agricultural Products Marketing Act.".

LEGISLATIVE BILL 540. Placed on General File as amended.
Standing Committee amendment to LB 540:

1. On page 6, after line 1 insert a new subdivision (17) as follows:

"(17) On or before June 1 of each year, notify all persons who have registered any weighing or measuring device of the amount of fees which are due and that such fees shall be delinquent after July 1 of each year."; and in line 2 strike "(17)" and insert "~~(17)~~ (18)".

(Signed) Loran Schmit, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 457. Placed on General File as amended.
Standing Committee amendments to LB 457:

1. Strike original sections 2 to 5 and insert the following new sections:

"Sec. 2. A public power district may not increase its electrical rates until:

(1) All customers of the district have been notified in writing, by mail, that a rate increase will be considered by the board of directors of the district. Such notice shall be mailed within ninety days of, but not later than thirty days prior to, initial consideration by the board of directors of such rate increase;

(2) The proposal for a rate increase has been considered at two regular public board meetings;

(3) During the first such public board meeting, the district shall cause to be introduced, for the record, copies of existing and available written information to be used by the board in giving consideration to possible rate change, including but not limited to annual budgets, estimated future costs, cost of service studies done by utility staff or consultants, memoranda prepared for board members, and any detailed cost analysis provided to the board; and

(4) During the second such public board meeting, and prior to any public vote by the board, the board shall provide an opportunity for public comment and presentation by any customer or customer representative.

Sec. 3. After January 1, 1980 a municipal electric utility may not increase its electrical rates until:

(1) All customers of the municipality have been notified in writing, by mail, that a rate increase will be considered by the city council. Such notice shall be mailed within ninety days of, but not later than thirty days prior to, consideration by the city council of such rate increase;

(2) The proposal for a rate increase has been considered at two regular public city council meetings;

(3) During the first such public city council meeting, the municipality shall cause to be introduced, for the record, copies of existing and available written information to be used by the city council in giving consideration to possible rate change, including but not limited to annual budgets, estimated future costs, cost of service studies done by utility staff or consultants, memoranda prepared for council members, and any detailed cost analysis provided by the council; and

(4) During the second such public city council meeting, and prior to any public vote by the council, the council shall provide an opportunity for public comment and presentation by any customer or customer representative.".

2. Renumber remaining sections accordingly.

(Signed) Dave Newell, Chairman

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 435. Title read. Considered.

Standing Committee amendments found in the Journal on page 437 for the Twenty-Fourth Day were adopted with 25 ayes, 5 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 4 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 437. Title read. Considered.

Standing Committee amendment found in the Journal on page 437 for the Twenty-Fourth Day was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused at 11:15 a.m. No objections. So ordered.

Mr. Reutzel asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

LEGISLATIVE BILL 119. Title read. Considered.

Mr. Fowler offered the following amendment to LB 119:

1. On page 2, line 12 after "required" insert "(1)"; and in line 19 after "board" insert "or (2) for generation facilities when the board finds that: (a) Such facility is being constructed to replace a generating plant owned by the municipality with a capacity not greater than

that of the plant being replaced, (b) such facility will generate less than 25 thousand kilowatts of electric energy at rated capacity, and (c) the applicant will not use the plant or transmission capacity to supply wholesale power to customers outside the applicant's existing retail service area or chartered territory".

The amendment was adopted with 26 ayes, 7 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Lamb withdrew his pending amendment found in the Journal on page 598.

Mr. Kelly withdrew his pending amendments (1) and (2) found in the Journal on page 668.

Advanced to E & R for Review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

MR. LEWIS PRESIDING

LEGISLATIVE BILL 66. Title read. Considered.

Standing Committee amendments found in the Journal on page 443 for the Twenty-Fifth Day were adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 223. Title read. Considered.

Standing Committee amendments found in the Journal on page 448 for the Twenty-Fifth Day were adopted with 26 ayes, 0 nays, 16 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 - Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 133 in the Journal. No objections. So ordered.

1. On page 2, line 21 strike "may be" and insert "are".

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 489. Placed on General File as amended.
Standing Committee amendments to LB 489:

1. On page 2, line 22 reinstate the stricken matter and before "under" insert "for which a disqualification has been assessed under subdivision (b) of section 48-628, and not more than one reduction may be made";
in line 24 after "year" insert "for any disqualification assessed under subdivision (a) of section 48-628".

2. On page 4, lines 8 and 14, strike "seven" and insert "~~seven~~ five";
and in lines 8 and 9 and 14 and 15 reinstate the stricken matter.

3. On page 5, line 2 strike "seven" and insert "~~seven~~ five"; and in lines 2 and 3 reinstate the stricken matter.

(Signed) Richard Maresh, Chairman

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 390	Tuesday, March 20, 1979(Cancel)	Noon
LB 390	Tuesday, March 6, 1979(Reset)	4:00 p.m.

(Signed) John DeCamp, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 32
February 22, 1979

Dear Senator Schmit:

You have requested the opinion of this office concerning whether LB 321 contains more than one subject in violation of Article III, Section 14 of the Nebraska Constitution. Further you inquired, "[i]f there are two subjects, would the problem be remedied by amending the title to include a reference to the Council members?"

Article III, Section 14 of the Nebraska Constitution provides in pertinent part:

". . . No bill shall contain more than one subject, and the same shall be clearly expressed in the title. . . ."

The analysis required to determine whether or not legislation violates the above quoted portion of Article III, Section 14, was articulated in Van Horn v. State, 46 Neb. 62, 64 N.W.365 (1895), wherein the court stated:

"We, therefore, look to the bill itself to ascertain whether or not it contains more than one subject, and having ascertained that it contains but one, then we look to the title to see if that subject is clearly expressed therein. If so, the constitutional provision we are here discussing is not violated." 64 N.W. at 368.

In Midwest Popcorn Co. v. Johnson, 152 Neb. 867, 872, 43 N.W.2d 174 (1950), the court stated:

". . . An act, no matter how comprehensive, is valid as containing but one subject if a single main purpose is within its purview and nothing is included within it except that which is naturally connected with and incidental to that main purpose. . . ."

See also, Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967); Van Horn v. State, supra; 1975-76 Attorney General's Opinion, No. 76, p. 89.

The main purpose of LB 321 is environmental protection and all sections of the bill are incidental and germane to that purpose. In our opinion LB 321 contains but one subject as required by Article III, Section 14 of the Nebraska Constitution.

Having reached the conclusion that the bill involves one subject, the question arises whether that subject is clearly expressed in the title. The Nebraska Supreme Court in Duerfeldt v. State, 184 Neb. 242, 245, 166 N.W.2d 737 (1969), stated:

". . .'Where the title of an act fairly gives expression to the general subject-matter contained in the act, such act will not be held invalid as being broader than its title.'. . . 'The provisions of the Constitution relating to titles are to be liberally construed so as to admit of the insertion in a legislative act of all provisions which, although not specifically expressed in the title, are comprehended within the objects and purposes of the act as expressed in the title,. . .'. . ."

In Thompson v. Commercial Credit Equipment Corp., 169 Neb. 377, 99 N.W.2d 761 (1959), the court stated that the purpose of this constitutional requirement:

". . .'is to give notice, through the title of the bill, to the members of the legislature and the public, of the subject matter of the projected law,—in other words, that the title should clearly indicate the legislation embraced in the bill.'. . ."

See also, Blackledge v. Richards, 194 Neb. 188, 231 N.W.2d 319 (1975); 1977 Attorney General's Opinion, No. 26.

Even though the court has historically given a liberal interpretation to Article III, Section 14, it is our opinion that there is a substantial question as to the validity of LB 321. The title to LB 321 specifically enumerates the subject matter of the bill, with the exception of the provisions of Section 3. Said section eliminates the requirement that individuals appointed to the Environmental Control Council be reconfirmed by the Legislature after serving two years.

Due to the restrictive nature of the present title to LB 321, it is questionable whether this title is broad enough to encompass the contents of Section 3. It is difficult to predict with any degree of certainty whether or not the act would be upheld by our court if challenged under Article III, Section 14. However, we would advise a revision of the present title so that the contents of Section 3 are specifically mentioned therein. With this revision, in our opinion the act would comply with the requirements of Article III, Section 14 of the Nebraska Constitution.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Rae Fritz
Assistant Attorney General

LRF:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 33
February 23, 1979

Dear Senator Nichol:

This is in response to your request for an opinion concerning the constitutionality of the classification which would be established by LB 93. You stated that ". . . the purpose of LB 93 is to allow governing bodies of city and villages which furnish certain utilities to establish rates for services which are less than the standard rates, for elderly people. . . ."

The class which would be established by LB 93 consists of elderly persons whose income is below a certain level. Elderly persons for purposes of the act are defined as: (1) those persons who are sixty-two years of age or older and are drawing social security or railroad retirement benefits, and (2) all persons who are sixty-five years of age and older. To be a member of the class, the elderly must have an

income which is less than a minimum income level determined by the governing board of the city or village to be necessary to enable such persons to pay the standard rate for utilities.

The state may prescribe reasonable rates to be charged by public service companies. 16 A C.J.S. Constitutional Law subsection 519, p. 379-382. Where there is a rational basis for the distinction, a particular patron may be exempted from charges. Id. at 381. For example, a statute providing for free or reduced transportation for certain classes of persons is not invalid as denying equal protection of the laws where there is a reasonable ground for the classification and the law affects equally all persons similarly situated under similar circumstances. Id. at 382; see, State ex rel Sorenson v. Chicago B & Q Railroad Company, 112 Neb. 248, 199 N.W. 534 (1924). While it is not required that a classification do perfect justice under all circumstances, the classification must be reasonable and it cannot arbitrarily allow different rates for different consumers. 64 Am.Jur.2d, Public Utilities, section 117, p. 643.

The issue of whether low income elderly persons constitute a reasonable classification has been considered by courts in other jurisdictions, albeit in a different context. In State ex rel Harvey v. Morgan, 30 Wis.2d 1, 139 N.W.2d 585 (1966), an income tax credit for elderly needy persons was challenged in part on equal protection grounds. The court rejected the argument that the statute was unconstitutional because it discriminated against other younger needy persons. The court stated that the fact that the legislature in the exercise of a proper police power function did not attempt to alleviate all the evils of poverty in a single legislative act did not render the classification unreasonable. The classification of needy elderly persons living on fixed incomes has also been upheld in other cases. Property Owners Association v. Township of North Bergen, 74 N.J. 327, 378 A.2d 26 (1977) (ordinance found unconstitutional on other grounds); Grubb Inc.v.Iowa Housing Finance Authority, 255 N.W.2d 89 (Iowa, 1977). See, 45 A.L.R.3rd 1153.

Assuming that the legislature may single out elderly needy persons for special treatment, the issue becomes whether the classification created by LB 93 is constitutionally permissible. A substantial constitutional question is presented because the criteria employed in LB 93 results in the establishment of an underinclusive class. There may be persons between the ages of 62 and 65 who are living on fixed minimum incomes but who are not eligible for social security or railroad benefits. Although such persons appear to be within the articulated purpose of this legislation, they are excluded from the class entitled to beneficial treatment because of the criteria employed to define the class.

In Botsch v. Reisdorff, 193 Neb. 165, 226 N.W.2d 121 (1975), the court considered the issue of whether a statutory classification was constitutionally permissible under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. The court stated:

> "The test,. . . when a state statute operates to single out a class of people for special treatment, is whether the suspect classification bears some rational relationship to the legitimate purposes of the legislation. In Dandridge v. Williams, 397 U. S. 471, 90 S.Ct. 1153, 25 L.Ed.2d 491 (1970), a very recent case, the United States Supreme Court said: 'In the area of economics and social welfare, a State does violate the Equal Protection Clause merely because the classifications made by its laws are imperfect. If the classification has some 'reasonable basis,' it does not offend the Constitution simply because the classification 'is not made with mathematical nicety or because in practice it results in some inequality. ***The problems of government are practical ones and may justify, if they do not require, rough accommodations—illogical, it may be, and unscientific. ***A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it. ***But the Equal Protection Clause does not require that a State must choose between attacking every aspect of a problem or not attacking the problem at all. ***It is enough that the State's action to be rationally based and free from invidious discrimination.'. . ." Id. at 169-170.

It is difficult to predict with any degree of certainty whether our courts would hold that the classification of low income persons between the ages of 62 and 65 who are receiving social security or railroad retirement benefits is reasonably related to the legislative purpose. There appears to be no rational justification for denying beneficial treatment to other persons of that age living on a low fixed income. However since the social security system encompasses the vast majority of retired persons, it may be a reasonable criteria. As noted above, a classification is not unconstitutional because it is imprecise or because in practice it results in some inequality.

All laws adopted by the Legislature are presumed to be constitutional. While the underinclusive classification created by LB 93 raises a difficult question, in our opinion it is probably constitutionally permissible.

Although not specifically mentioned in your request for an opinion, LB 93 also poses problems involving vagueness and ambiguity, particularly in the computation of the income standard. For example, without statutory guidelines it is unclear how the standard is affected

by two or more elderly persons living together and sharing utility costs. In other words, it is unclear whether the income standard is calculated by the use of the family income or the income of the person in whose name the utilities are charged. Further, there are no statutory guidelines to determine the income standard in a family where one person is within the classification and another is excluded. Such problems would at least render the provisions difficult to administer and possibly subject to challenge as being unconstitutionally vague. See generally, Blue Flame Gas Assn. v. McCook Public Power District, 186 Neb. 735, 186 N.W.2d 498 (1971).

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Rae Fritz
Assistant Attorney General

LRF:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 34
February 26, 1979

Dear Senator Wesely:

You have asked us for our opinion as to whether LB 161 violates Article III, Section 14, of the Nebraska Constitution by containing more than one subject. We conclude that it does not.

The title to the bill describes it as an act relating to older Nebraskans, to adopt the Older Nebraskans Act, to create the Administrative Advisory Committee for Older Nebraskans, and to provide for its membership and duties, and to change the retirement age.

The first section of the bill sets out certain rights the Legislature deems older Nebraskans are entitled to, including adequate income, the best possible health, suitable housing, opportunity for employment without discrimination because of age, retirement in health, honor, and dignity, pursuit of meaningful activity, efficient community services, including access to low-cost transportation, and freedom and independence in planning and managing their own lives.

Not all of the matters referred to in section 1 are dealt with directly in the rest of the bill, nor, for that matter, in the title to the bill, but this, we believe, has no significance. Section 1 is merely an expression of the feelings of the Legislature, and has no legal effect.

Section 2 amends section 48-1003, R.R.R. 1943, a part of the Act Prohibiting Unjust Discrimination in Employment Because of Age, sections 48-1001 to 48-1009, R.R.S. 1943. The act now prohibits discrimination because of age of persons between the ages of 40 and 65 years. LB 161 would amend section 48-1003 to raise the upper limit to 70 years.

Section 3 of the bill would amend section 84-1317, R.R.S. 1943, a part of the State Employees Retirement Act, by removing the provision providing for mandatory retirement of state employees because of age.

Sections 4 through 8 of the bill create the Administrative Advisory Committee for Older Nebraskans, and provides for its composition. Section 5 provides that the committee shall prepare an annual comprehensive plan for aging services on a statewide basis, to be presented to the Governor no later than January 1 of each year.

We see no problems at all with the bill, so far as any conflict with the provision of Article III, Section 14, requiring a bill to contain only one subject is concerned. All of the provisions deal with problems of older citizens in this state. The Nebraska Supreme Court has been very liberal in construing what may be included in "one subject." As a matter of fact, there appears to have been no case in which the court has held an act void as containing more than one subject. The purpose of the act appears to be to alleviate problems older Nebraskans may have. One of these is in the area of employment, with which the bill deals directly. Other areas, apparently, will be dealt with by the committee in its reports to the Governor. We are confident the court would hold this to be only one subject.

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

RESOLUTION

LEGISLATIVE RESOLUTION 19.

Introduced by Schmit, 23rd District; Kelly, 35th District; Lamb, 43rd District; Maresh, 32nd District; George, 16th District; Duis, 39th District.

WHEREAS, many citizens of the state own and operate their own aircraft; and

WHEREAS, such general aviation operations are important to the economy of the state; and

WHEREAS, any curtailment or restriction of general aviation in the state will not be beneficial to the state.

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

1. That the recently announced program of the Federal Aviation Administration to drastically increase the national airspace in which air traffic control is required (proposed "Controlled Visual Flight" rules, docket number 18605) is not in the best interests of the people of Nebraska.

2. That such program will adversely affect general aviation.

3. That such program is being fostered in apparent disregard of the importance of general aviation to the national interest and the interests of the people of Nebraska.

4. That the Clerk of the Legislature forward a copy of this resolution to the Federal Aviation Administration for inclusion in the record of its proceedings relating to the proposed visual flight rules.

Laid over.

INVITATION

The Nebraska School Activities Association extends an invitation to the members of the Unicameral to attend the Nebraska High School Girls' State Basketball Tournament to be held in Lincoln, March 1, 2, and 3.

VISITORS

Visitors to the Chamber were 8 Nigerian State Legislation Employees, 2 United States Escorts, International Friendship Committee, Lincoln, and Jan Wahl; Mr. Harry Cullan from Hemingford; Mr. Ray Rempe of Milligan and Darrel Malesker of Hastings; and 44 members of the Save Nebraska Water Committee from the Panhandle.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Schmit, the Legislature adjourned until 9:30 a.m., Monday, March 5, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 5, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 5, 1979

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord, our God, in the midst of the perplexities which confuse us, doubts which torment us, and rivalries which divide us, give us a faith and a compassion which will unite us.
>
> We are grateful for the differences represented in this Legislature, differences which alone can focus new light on our issues. May we debate with fervor and disagree with understanding, but underneath our differences wilt Thou show us anew that a house that remains divided cannot stand, let alone lead our people to unity and peace and prosperity.
>
> With all our differences, may we still be "one people under God, indivisible, with liberty and justice for all." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Duis, Hefner, Kremer, Lewis, and Murphy who were excused; Mr. George who was excused until he arrives; and Mr. Kelly who was excused until 11:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 316. Replaced on Select File as amended.
E & R amendments to LB 316:

1. In lieu of the Venditte amendment 1, as amended by the Johnson amendment, on page 5, strike lines 22 to 26 as amended and insert:

"28-329. No abortion shall be performed ~~or prescribed~~ after the time at which, according to standard medical practice and sound medical judgment of the attending physician, the unborn child ~~has~~ clearly appears to have reached viability, except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health.".

2. In lieu of the Venditte amendment 2, as amended by the Johnson amendment, on page 6, line 5, strike "whenever possible" and insert "~~whenever possible~~ in accord with the standard medical practice and sound medical judgment of the attending physician when compatible with preserving the woman from an imminent peril that substantially endangers her life and health".

3. In lieu of the DeCamp amendment to page 5, strike "and show as stricken".

4. On page 5, line 10, strike the comma.

5. Renumber original section 8 as section 11, new section 11 added by the DeCamp amendments adopted 2/26 as section 12, and original sections 9 to 11 as sections 13 to 15.

6. In the title, line 3, strike "and 28-343" and insert "28-343, and 28-345,"; and in line 11 insert "to provide an operative date;" after the first semicolon.

LEGISLATIVE BILL 25. Placed on Select File.

LEGISLATIVE BILL 140. Placed on Select File as amended.
E & R amendment to LB 140:

1. In the title, line 5, insert "to eliminate a certification requirement;" after the first semicolon.

LEGISLATIVE BILL 81. Placed on Select File as amended.
E & R amendment to LB 81:

1. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT to amend sections 60-311.14 and 60-334, Reissue Revised Statutes of Nebraska, 1943, and section 60-311.10, Revised Statutes Supplement, 1978, relating to motor vehicle registration; to authorize prestige license plates for motorcycles; to eliminate a capacity limitation; to provide for enforcement; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 78. Placed on Select File as amended.
E & R amendment to LB 78:

1. In committee amendment 1, line 2, insert a comma after "1977".

LEGISLATIVE BILL 434. Placed on Select File as amended.
E & R amendment to LB 434:

1. In the title, line 3, insert "and sections 37-202 and 37-214.04, Revised Statutes Supplement, 1978," after the second comma; in line 4 insert "to provide additional permits that do not expire annually;" after the semicolon and strike "an exemption" and insert "exemptions"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 435. Placed on Select File as amended.
E & R amendment to LB 435:

1. In the title, line 4, insert "to harmonize an exemption;" after the semicolon.

LEGISLATIVE BILL 437. Placed on Select File.

LEGISLATIVE BILL 119. Placed on Select File as amended.
E & R amendment to LB 119:

1. In the Fowler amendments, insert "any" at the end of line 2; and in line 3 strike "facilities" and insert "facility"

LEGISLATIVE BILL 66. Placed on Select File as amended.
E & R amendment to LB 66:

1. In the title, strike beginning with "to" in line 6 through "and" in line 9; and in line 10 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 223. Placed on Select File as amended.
E & R amendments to LB 223:

1. On page 5, line 11, strike "to" and insert "of".

2. On page 6, line 13, insert an underscored comma after "for".

3. On page 7, line 5, strike the second "with" and insert "of".

4. In committee amendment 3, line 1, strike "page 4" and insert "page 7".

5. In the title, line 2, insert "70-1007," after "sections"; and in line 5 insert "to provide an additional standard;" after the semicolon.

Correctly Engrossed

The following bills were correctly engrossed: 90, 90A, 130, 132, 322, and 425.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 5, 1979, at 8:42 a.m., were the following bills: 38, 85, 115, 194, 232, and 233.

(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 16.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 275. Indefinitely postponed.
LEGISLATIVE BILL 277. Indefinitely postponed.

(Signed) Orval Keyes, Chairman

MESSAGE FROM THE GOVERNOR

February 28, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 22, 45, 91, 111, 117 and 148.

These bills were signed by me on February 28, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

EXPLANATION OF VOTE

Had I been present at the time the vote was taken on LR 16, I would have voted "aye".

(Signed) Carol M. Pirsch

UNANIMOUS CONSENT - Corrected Committee Statement

Mr. Reutzel asked unanimous consent to have a corrected committee statement placed in the bill books on LR 5. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 316 in the Journal. No objections. So ordered.

(REQ 2661)

1. Page 6, line 22 strike "and" insert "or"
2. Page 7, line 2 strike "good" insert "standard"; after "practice," insert "and sound medical judgment of the attending physician,"

COMMUNICATION

Received maps of the State Highway systems from David O. Coolidge, Director - State Engineer pursuant to Section 39-1311.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 35
February 28, 1979

Dear Senator Brennan:

This is in response to your request for an opinion concerning the scope of a recent Nebraska Supreme Court case, Wentz Heating & Air Conditioning Co. v. Kiene, 202 Neb. 202, ___ N.W.2d ___, (1979). We understand that your request involves a legislative purpose, as the issue raised herein may potentially be the subject of proposed legislation.

Wentz, supra, held that an employee, who refuses an employment offer due to a union work list rule, is thereby barred from receiving unemployment compensation benefits. You have inquired as to the effect of this decision on "written referral procedures" which may be contained in collective bargaining agreements. In other words, you

have inquired whether an employee, who refuses an employment offer because of a "written referral procedure" or a work list rule which is embodied in a collective bargaining agreement, would thereby be precluded from receiving unemployment compensation benefits.

You noted that certain language in the case, indicates that the court may have reached a contrary conclusion if the work list rule was included in the collective bargaining agreement. However, you state that the concluding remarks of the opinion are susceptible to a different interpretation.

Upon articulating the issue presented, the court in Wentz, supra, stated:

> "We first examine the collective bargaining agreement and the evidence with respect to it to determine whether Wentz agreed to or took any action with respect to the work list practice of the union such as might estop or prohibit it from challenging the continued payment of benefits. . . ." Id. at 204.

The court noted that the collective bargaining agreement did not mention a work list procedure nor was there any evidence that the employer knew or acquiesced in the use of such a procedure. The court stated:

> ". . .We find nothing in either the collective bargaining agreement or in the acts and conduct of the employer and the union to justify a finding that the union's work list rule was the hiring practice agreed to by both parties, especially with respect to an employer's request for a specific worker. There is nothing in either the agreement or the conduct of the employer and the union which would estop or prohibit the employer from raising the question of Kiene's right to subsequent unemployment benefits." Id. at 205.

The court then turned to the issue of whether or not the defendant was entitled to unemployment compensation benefits, pursuant to section 48-628, R.R.S. 1943. The court concluded that the defendant was no longer entitled to benefits. The court further stated:

> "We believe the trial court was in error in suggesting this situation is solely between the employer and the union because they have a collective bargaining agreement. This case involves the rights and limitations to unemployment compensation which are not a part of any agreement between the employer and the union but are created and defined by the statute. The case must be decided in that context." Id. at 209.

In our opinion, this case does not affect the status of written referral or work list procedures included in collective bargaining agreements. The right to unemployment compensation benefits is statutory, therefore the existence of that legal right in a particular

situation is determined by analyzing the statute creating and defining that right rather than a collective bargaining agreement. However the substance of the agreement may be determinative of the employer's ability to challenge the continued receipt of benefits.

An employer who enters into a collective bargaining agreement which establishes an out of work list procedure is bound thereby. If the employer offers reemployment to a prior employee in violation of the agreement, he cannot then challenge the continuation of unemployment benefits to such employee who refused the offer in reliance on the agreed upon procedure. This prohibition is premised on notions of estoppel, which in a general sense, operate to preclude or bar a person, who by his deed or conduct induces another to act in a particular manner, from adopting an inconsistent position which causes loss or injury to the other. The purpose of estoppels is to prevent inconsistency and fraud resulting in injustice, but estoppel does not make valid the thing complained of, it merely precludes the complainant from asserting it. 31 CJS Estoppel, section 1, p. 288.

In our opinion, if an employee refuses an offer of reemployment made by an employer in violation of a procedure articulated in a collective bargaining agreement, the employee is not thereby precluded from receiving unemployment compensation benefits.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Rae Fritz
Assistant Attorney General

LRF:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 36
February 27, 1979

Dear Senator Schmit:

In your letter of February 9, 1979, you requested our opinion on the constitutionality of LB 515, legislation intended to ratify the Interstate Compact on Agricultural Grain Marketing. According to the introducer's statement of purpose, the compact set out in LB 515:

> ". . . is the culmination of a number of meetings held in Topeka, Kansas over the [legislative] interim.
>
> "The purpose of the compact is to protect, preserve and enhance the production and marketing of grain."

In commenting upon the constitutionality of this legislation, the overriding question is whether or not the United States Congress has given its assent, or will give its assent, expressly or by implication, to this compact between two or more states.

The United States Constitution, at Article I, section 10, clause 3, forbids any state of the union, without the consent of Congress, to enter into any agreement or compact with another state. Subject to the consent of Congress, however, it is well settled that states may enter into such compacts as they see fit. 72 Am.Jur.2d, States section 5 at 410 (1974). Consequently, such compacts have been upheld against various federal and state constitutional objections. Among the class of compacts which have been recognized and upheld by the courts are agreements between states in regard to boundary lines, water rights and fishing privileges, construction and maintenance of bridges, the creation of a council of state governments, the adjustment of land grants, and the creation of interstate commissions to control river pollution. 72 Am.Jur.2d, supra at 411.

The consent of Congress to compacts between two or more states may be sufficiently indicated, when it is not necessary to be made in advance, by the adoption or approval of proceedings taken under the compact. Moreover, the approval of Congress in regard to a compact between the states need not be an express and formal statement or assent to the agreement, but rather such approval may be illustrated by satisfactory inference from a congressional act which implies such consent. Id. Consequently, the states which are parties to a compact assume, by accepting the compact and acting under it, any conditions which Congress, acting under the United States Constitution, has attached, expressly or impliedly, to the compact. Id.; Petty v. Tennessee-Missouri Bridge Commission, 359 U.S. 275, 3 L.Ed.2d 804, 79 S.Ct. 785 (1959).

In the Petty decision, the United States Supreme Court explained the legal rationale and historical basis for requiring congressional consent before such compacts become effective upon the membership states.

> "Historically the consent of Congress, as a prerequisite to the validity of agreements by States, appears as the republican transformation of the needed approval by the Crown. But the Constitution plainly had two very practical objectives in view in conditioning agreement by States upon consent of Congress. For only Congress is the appropriate organ for determining what arrangements between States might fall within the prohibited class of "Treaty, Alliance, or Confederation", and what arrangements come within the permissive class of "Agreement of Compact." But even the permissive agreements

may affect the interests of States other than those parties to the agreement: the national, and not merely a regional, interest may be involved. Therefore, Congress must exercise national supervision through its power to grant or withhold consent, or to grant it under appropriate conditions. . . .'" Petty v. Tennessee-Missouri Bridge Commission, supra, 3 L.Ed.2d at 810, n. 7.

Therefore, while on its face LB 515 does not appear to raise this constitutional problem, we would caution you that the express or implied consent of Congress is necessary before the referenced compact between the states can become enforceable and binding upon the various members of the compact.

We have, however, noted a constitutional problem in respect to the provisions of Article III of LB 515 wherein the bill provides for procedures for the appointment of members to the Interstate Agricultural Grain Marketing Commission. The bill allows for one member of the Commission to be appointed by the Governor, and further provides as follows:

". . . one senator appointed in the manner prescribed by the senate of such state, except that two senators may be appointed from the unicameral legislature of the state of Nebraska;. . ."

The power to appoint persons to offices which are established or created by law is generally reserved to the chief executive officer of a state, the Governor. Section 10 of Article IV of the Constitution of Nebraska provides, in pertinent part, as follows:

"The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature. . . ." (Emphasis added.)

In interpreting the foregoing provision, the Nebraska Supreme Court has held, for example, that the designation by the Legislature of University of Nebraska officers as members of a natural resources commission was a legislative appointment in violation of the Nebraska Constitution. Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672, 217 N.W.2d 166 (1974).

In light of the above constitutional and judicial guidelines, we are of the opinion that that portion of Article III of LB 515, which provides that two senators may be appointed from the unicameral, would probably not survive a constitutional challenge in the courts of Nebraska.

We would add one other cautionary note in respect to the creation of and powers given to the Interstate Agricultural Grain Marketing

Commission at Article III of LB 515. We note that the legislation provides that the Commission may require by subpoena the attendance of persons domiciled within the membership states in respect to studies or investigations conducted by the Commission. Requiring such attendance for the purpose of giving testimony, or requiring by subpoena ducus tecum the production of certain documents is effectuated by the Commission's application to a court of proper jurisdiction. We would simply point out that, in our opinion, the ability of the Commission to require testimony or documentary production, by application to a court of competent jursidiction, is no greater than any other party's ability to implement the judicial process. In other words, a compact between various states, or between a state and the United States, cannot enlarge or diminish constitutional rights. 72 Am.Jur2d, supra, at 413. We assume, therefore, that Article III of LB 515 reserves the power of requiring testimony and documentary production to the courts, as opposed to the Commission.

We trust that the above discussion has answered the questions you raised in your correspondence of February 9, 1979.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Robert F. Bartle
Assistant Attorney General

RFB:sjr
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Mr. Venditte asked unanimous consent to be excused until 10:30 a.m. No objections. So ordered.

MOTION - Place LB 450 on General File

Messrs. Johnson and DeCamp renewed their pending motion found in the Journal on page 618 to place LB 450 on General File notwithstanding the action of the committee.

Mr. Johnson 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.

Voting in the affirmative, 24:

Beutler	Clark	Hoagland	Marsh	Sieck
Brennan	Cope	Johnson	Merz	Simon
Burrows	DeCamp	Keyes	Newell	Stoney
Carsten	Fowler	Koch	Pirsch	Wesely
Chambers	Hasebroock	Landis	Reutzel	

Voting in the negative, 16:

Dworak	Kahle	Maresh	Schmit
Fitzgerald	Kennedy	Marvel	Vickers
Goodrich	Labedz	Nichol	Wagner
Haberman	Lamb	Rumery	Warner

Present and not voting, 1:

Cullan

Excused and not voting, 8:

Duis	Hefner	Kremer	Murphy
George	Kelly	Lewis	Venditte

The Johnson/DeCamp motion lost with 24 ayes, 16 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 200. Placed on General File.

LEGISLATIVE BILL 52. Placed on General File as amended.
Standing Committee amendments to LB 52:

1. On page 2, after line 11 insert "(2) Department shall mean the Department of Insurance;"; in line 12 strike "(2)" and insert "(3)", and after "person" insert ", as defined in section 49-801, Revised Statutes Supplement, 1978,"; and in line 16 strike "(3)" and insert "(4)".
2. On page 4, line 22 after "form" insert "of an insurer whose purpose according to its articles of incorporation is restricted to transacting legal expense insurance and business reasonably related thereto".
3. On page 5, strike subsection (1) of section 7 and insert the following:

"(1) Provider contracts, and changes thereto, made between an insurer, whose purpose is restricted to

transacting legal expense insurance and business reasonably related thereto, and providing attorneys or other providers of services covered by the legal expense insurance policy shall be filed with the director and shall not become effective until approved by the director."; and in line 16 strike "it maintains" and insert "they maintain".

4. Strike the original section 8 and insert the following:

"Sec. 8. (1) An insurer whose purposes according to its articles of incorporation are restricted to transacting legal expense insurance and business reasonably related thereto shall deposit with the director securities eligible for deposit by an insurance company, which shall have at all times a market value of not less than one hundred and fifty thousand dollars, or as provided by subsection (7) of this section. A deposit under this section shall be held to assure the faithful performance of the insurer's obligations to its policy holders.

(2) In lieu of any deposit of securities required under subsection (1) of this section, the insurer may file with the director a surety bond in the amount of one hundred fifty thousand dollars, or as provided by subsection (7) of this section. The bond shall be one issued by an insurance company authorized to do business in the State of Nebraska. The bond shall be for the same purposes as the deposit in lieu of which it is filed, and it shall be subject to the director's approval. No such bond shall be cancelled or subject to cancellation unless at least thirty days' advance notice thereof, in writing, is filed with the director.

(3) Securities or bond posted by the insurer pursuant to subsection (1) or (2) of this section shall be for the benefit of and subject to action thereon in the event of insolvancy of the insurer by any person or persons sustaining an actionable injury due to the failure of the insurer to faithfully perform its obligations to its policyholders.

(4) The State of Nebraska shall be responsible for the safekeeping of all securities deposited with the director under this section. The securities shall not, on account of being in this state, be subject to taxation.

(5) The depositing insurer shall, during its solvency, have the right to exchange or substitute other securities of a like quality and value for securities on deposit, to receive the interest and other income accruing on such securities, and to inspect the deposit at all reasonable times.

(6) The deposit or bond shall be maintained unimpaired as long as the insurer continues in business in this state. Whenever the insurer ceases to do business and furnishes to the director proof satisfactory to the director that the insurer adequately provided for all of its obligations to its policyholders or contract holders in this state, the director shall release the deposited securities to the parties entitled thereto, on presentation of the director's receipts for such securities, or shall release any bond filed with it in lieu of such deposit.

(7) The director may reduce the minimum market value of securities required under subsection (1) of this section or the amount of the surety bond required under subsection (2) of this section if he or she finds that the reduction is justified by:

(a) The terms and number of existing contracts with subscribers;

(b) Support by financially sound public or private organizations or agencies;

(c) Agreements with lawyers or paralegal personnel for the providing of legal services;

(d) Agreements with other persons for insuring the payment of the cost of legal services or the provision for alternative coverage in the event the insurer is unable to perform its obligations; or

(e) Other reliable financial guarantees.".

5. On page 6, strike beginning with "relations" in line 11 through "maintained" in line 16 and insert "attorney in the exercise of his or her professional judgment"; and in line 21 strike "or guarantee treaties".

6. On page 11, strike beginning with "A" in line 15 through "act" in line 16 and insert "An insurer whose purposes according to its articles of incorporation are restricted to transacting legal expense insurance and business reasonably related thereto"; and strike beginning with "a" in line 24 through "act" in line 25 and insert "an insurer whose purposes according to its articles of incorporation are restricted to transacting legal expense insurance and business reasonably related thereto".

7. On page 12, line 7 strike "reasonable".

8. Insert the following new sections:

"Sec. 22. The Department of Insurance may appoint any deputy or examiner or other persons who shall have the power of visitation and examination into the affairs of any corporation organized under sections 12 and 13 of this act. Such deputy or examiner shall have free access to all the books, papers, and documents that relate to the business of the corporation, and may summon

and qualify witnesses under oath to examine its officers, agents, or employees or other persons in relation to the affairs, transactions, and condition of such corporation.

Sec. 23. Any dissolution or liquidation of a corporation organized under sections 12 and 13 of this act shall be conducted under the supervision of the department which shall have all powers with respect thereto under the provisions of law with respect to the dissolution and liquidation of an insurance company. Provisions of section 44-127.25, Revised Statutes Supplement, 1978, shall be applicable to the liquidation of a corporation organized under sections 12 and 13 of this act.

Sec. 24. Each corporation organized under sections 12 and 13 of this act shall annually on March 1, file with the department its statement for the preceding calendar year, and in the form prescribed by the director, showing all premiums received by it for the issuance of legal expense insurance in this state. Such annual statements may use accounting principles common to its business, but such accounting principles must enable the director to ascertain whether the reserve required by section 17 has been maintained.

Sec. 25. Any corporation organized under sections 12 and 13 of this act neglecting to file the annual statement in the form and within the time provided by section 24 shall forfeit one hundred dollars for each day during which such neglect continues, and, upon notice by the director to that effect, its authority to do business in this state shall cease while such default continues.

Sec. 26. In addition to an annual statement, the director may require of licensees, under oath and in the form prescribed by him or her, such additional regular or special reports as he or she may deem necessary to the proper supervision of corporations under sections 12 and 13 of this act.

Sec. 27. Any corporation organized under sections 12 and 13 of this act shall also be subject to the taxation provisions of Chapter 77, article 9, to the extent that direct writing premiums are subject to taxation under such article.".

9. Renumber original section 22 as section 28.

LEGISLATIVE BILL 180. Placed on General File as amended.
Standing Committee amendments to LB 180:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req #2640.)

LEGISLATIVE BILL 197. Placed on General File as amended.
Standing Committee amendments to LB 197:

1. On page 2, line 9 after "transacting" insert "workmen's compensation insurance".

2. On page 3, strike beginning with "promptly" in line 10 through "Treasurer" in line 15 and insert "in accordance with section 81-118, Reissue Revised Statutes of Nebraska, 1943, except when there is a dispute as to the amount payable, the proceeds shall be deposited into a suspense account in the State Treasury".

LEGISLATIVE BILL 220. Placed on General File as amended.
Standing Committee amendments to LB 220:

1. Insert three sections as follows:

"Section 1. That section 8-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-110. The department shall require ~~every executive officer, and all employees whom it considers necessary so to do, of~~ each state bank to obtain a surety bond ~~execute to such~~ naming the bank and ~~to~~ the State of Nebraska, jointly, as obligees, ~~a surety bond~~ in an amount to be fixed by the department. ~~, which bond~~ Such bonds shall be conditioned to protect and indemnify the bank from loss which ~~the bank~~ it may sustain, of money or other personal property, including that for which the bank is responsible, through or by reason of the fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction, misapplication or misappropriation, or any other dishonest or criminal act of or by any of its ~~such executive~~ officers or employees. Such bond may contain a deductible clause in an amount to be approved by the director. ~~equaling the following: Banks having capital stock of twenty-five thousand dollars to fifty thousand dollars may maintain a deductible amount of one thousand dollars; banks whose capital stock is fifty thousand dollars to one hundred thousand dollars may maintain a deductible amount of five thousand dollars; and for each additional one hundred thousand dollars in capital stock an additional five thousand dollars in the deductible amount may be maintained.~~ The bond shall be filed with and approved by the director and shall remain a part of the records of the department. The bond shall always be open to public inspection during the office hours of the department.

Sec. 2. That section 8-140, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-140. No director, officer, or employee of any bank, no corporation in which an officer of the bank is the owner of a controlling interest, and no partnership

in which an officer of the bank is a member, shall be permitted to borrow any of the funds of the bank, directly or indirectly, without first having secured the approval of the board of directors at a meeting thereof, the record of which shall be made and kept as part of the records of such bank. An active officer or employee may, with such approval, borrow from the funds of the bank an amount not to exceed ~~five~~ ten thousand dollars, except that subject to the provisions of sections 8-141 and 8-152 and with the specific prior approval of the board of directors, a bank may (1) make an additional loan not exceeding ~~fifty~~ eighty thousand dollars to any officer or employee of the bank, if at the time the loan is made it is secured by a first lien on a dwelling which is, after making of the loan, to be owned by the officer or employee and used by him or her as a residence~~.~~ and (2) may make an additional loan not exceeding twenty thousand dollars to any officer or employee of the bank to finance the education of such officer or employee's children. Such loans shall be subject to the lending limit set forth in section 8-141, Reissue Revised Statutes of Nebraska, 1943. A director who is not an officer and any honorary or inactive officer may borrow from the funds of the bank such amount as the board of directors shall approve. If any officer of any bank borrows from or if he or she be or becomes indebted to any other bank, ~~he~~ such officer shall make a written report to the board of directors of the bank of which he or she is an officer, stating the date and amount of such loan or indebtedness, the security therefor, and the purpose for which the proceeds have been or are to be used. Loans made prior to November 18, 1965 may be renewed or extended for a period expiring not more than five years from November 18, 1965. No person connected with the department shall be permitted to borrow money from any state bank. Any officer, director, or employee of a bank, or any examiner, or other person who shall violate the provisions of this section, or who shall aid, abet, or assist in a violation thereof, shall be guilty of a Class IV felony.

Sec. 4. That section 8-153, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-153. All checks, unless sent to banks as special collection items, shall have preprinted the magnetically encoded routing and transit symbol of the bank and either the name of the maker or the magnetically encoded account number of the maker. Except for checks sent to banks as special collection items, all checks drawn on any bank organized under the laws of this state

shall be cleared at par by the bank on which they are drawn.".

2. On page 5, line 21 strike "section 8-152" and insert "sections 8-110, 8-140, 8-152, and 8-153"; and in line 22 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 3 and 5 respectively.

4. In the title strike lines 2 through 6 and insert:

"FOR AN ACT to amend sections 8-110, 8-140, 8-152, and 8-153, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to change provisions relating to bonds as prescribed; to change provisions relating to loans to officers and employees of banks as prescribed; to change the manner of computing aggregate indebtedness; to specify markings on checks; and to repeal the original sections.".

LEGISLATIVE BILL 301. Placed on General File as amended.
Standing Committee amendments to LB 301:

1. On page 2, line 9 after "fires" insert "or explosions"; in lines 10 and 13 after "fire" insert "or explosion"; in line 13 strike the period and insert "; and"; and after line 13 insert a new subdivision (4) as follows:

"(4) A local law enforcement agency in the county where the fire occurred.".

2. On page 3, lines 4, 14, and 24 after "loss" insert "or explosion loss".

3. On page 4, lines 4 and 7 after "loss" insert "or explosion loss".

4. Insert a new section 18 as follows:

"Sec. 18. 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 334. Placed on General File as amended.
Standing Committee amendments to LB 334:

1. On pages 2 and 3 strike the new matter and reinstate the stricken matter.

2. On page 3, line 12 in the reinstated matter strike "up to but not more than", show as stricken, and insert "an amount equal to", and strike the reinstated "accrued and", and show as stricken; in line 13 strike the reinstated "unpaid" and show as stricken, and after the reinstated period insert "If, however, the amount withdrawn has remained on deposit for three months or less, all interest shall be forfeited.".

3. Insert 12 new sections as follows:

"Section 1. That section 8-403, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

8-403. Every industrial loan and investment company hereafter organized, prior to the commencement of any business except its own organization, shall:

(1) File its articles of incorporation in the office of the Secretary of State and in the office of the county clerk in the county of its principal place of business and pay the filing fees therefor in the amount required of other corporations;

(2) Pay to the department the fee prescribed by section 8-602 for investigation of the application, and also pay the actual cost of an examination to determine the financial condition of the applicant if the department should deem such examination necessary; and

(3) File an application with the department in writing under oath and in the form prescribed by the department, which application shall show (a) the name and address of the applicant and the name and place of residence of each of the incorporators and of each director, (b) the amount of the applicant's capital and surplus which shall not be less than the minimum required by the provisions of section 8-403.01, (c) the par value of the stock, (d) the applicant's place of transacting business, (e) copy of articles of incorporation and by-laws of the applicant, (f) a complete and detailed statement of the proposed plan of business, (g) a statement that at least twenty per cent of the amount stated in subdivision (b) of this section has been paid in to the corporation by its stockholders, and ~~(g)~~ (h) such other information as the department may require.

Sec. 2. That section 8-403.01, Revised Statutes Supplement, 1978, 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 date for hearing the application shall not be more than ninety days after filing the application and not less than thirty days after the last publication of notice. 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~~ 8-403.02, 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,~~ upon payment of required fees and upon the filing with the department of a statement under oath of the president, secretary, or treasurer, that the paid-up capital stock, surplus, and undivided profits have been paid in as determined by the department, 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 subdivisions (1) to (5) 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. 3. That section 8-403.02, Revised Statutes Supplement, 1978, 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 one hundred thousand dollars in cities and villages having a population of less than twenty-five hundred inhabitants; not less than one hundred fifty thousand dollars in cities having a population of twenty-five hundred and less than twenty-five thousand inhabitants; not less than two hundred thousand dollars in cities having a population of twenty-five thousand and less than one hundred thousand inhabitants; not less than five hundred fifty thousand dollars in cities having a population of one hundred 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.

Such company shall also have minimum paid-in undivided profits of not less than twenty per cent of its paid-up capital.

Sec. 4. That section 8-407.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-407.01. Industrial loan and investment companies shall maintain a cash reserve as provided in section 5 of this act of three per cent on paid-up certificates and ten per cent on installment certificates. Fifty per cent of the cash reserve may be carried in obligations of the United States government or any agency thereof at their market value.

Sec. 5. The cash reserve referred to in section 8-407.01, shall consist of cash on hand and balances due from solvent banks approved by the Department of Banking and Finance. Cash shall include lawful money of the United States and cash items in process of collection through any solvent bank. Cash items shall mean checks or drafts received and presented for payment on the next business day after receipt. Process of collection shall mean to present for payment within twenty-four hours of receipt. Any item returned not collected shall be excluded from cash items in process of collection. When any industrial loan and investment company shall fail to maintain the cash reserve as set forth in section 8-407.01, the Department of Banking and Finance shall assess such company an assessment of the deficiency at a rate of eight per cent per annum for the days deficient plus five dollars per day of such deficiency. The Director of Banking and Finance may waive the five dollars per day assessment. Such assessment may be collected in the manner prescribed for the collection of fees for the examination of such companies.

Sec. 7. No director, officer or employee of an industrial loan and investment company, no corporation in which an officer of the industrial loan and investment company is the owner of a controlling interest, and no partnership in which an officer of the industrial loan and investment company is a member, shall borrow any of the funds of the industrial loan and investment company, directly or indirectly, without first having secured the approval of the board of directors of such industrial loan and investment company. The approval shall be made at a meeting of the board and a record of such approval shall be made and kept as part of the records of such company. The amount of any loan shall be limited as provided in section 8 of this act and section 8-409, Revised Statutes Supplement, 1978.

Sec. 8. An active officer or employee may

borrow from the funds of the industrial loan and investment company:

(1) Ten thousand dollars or less for personal uses;

(2) Twenty thousand dollars or less for financing the education of his or her children; and

(3) Sixty thousand dollars or less if at the time the loan is made it is secured by a first lien on a dwelling which is to be owned by such officer or employee and used by him or her as a residence.

Sec. 9. A director who is not an officer and any honorary or inactive officer may borrow from the funds of an industrial loan and investment company such amount as the board of directors shall approve.

Sec. 10. If an officer of an industrial loan and investment company borrows from, or is or becomes indebted to, any other financial institution, he or she shall make a written report to the board of directors of the industrial loan and investment company of which he or she is an officer. The report shall state the date and amount of such loan or indebtedness, the security therefore, and the purpose for which the proceeds have been or are to be used.

Sec. 11. Loans made prior to the effective date of this act may be renewed or extended for a period of not more than five years from such date.

Sec. 12. Any officer, director, or employee of an industrial loan and investment company, or any other person who shall violate sections 7 to 11 of this act, or who shall aid, abet, or assist in such violation shall be guilty of a Class IV felony.

Sec. 13. That original sections 8-403 and 8-407.01, Reissue Revised Statutes of Nebraska, 1943, and sections 8-403.01, 8-403.02, and 8-410, Revised Statutes Supplement, 1978, are repealed.".

4. Renumber original section 1 as section 6.

5. Strike original section 2.

6. In the title strike lines 2 through 7 and insert as follows:

"FOR AN ACT to amend sections 8-403 and 8-407.01, Reissue Revised Statutes of Nebraska, 1943, and sections 8-403.01, 8-403.02, and 8-410, Revised Statutes Supplement, 1978, relating to banks and banking; to provide an additional application requirement; to change the time for setting a hearing and for issuing a license; to change requirements for issuing a license; to require undivided profits as prescribed; to provide cash reserve requirements as prescribed; to change

provisions relating to payment of certificates of indebtedness before maturity as prescribed; to provide duties; to restrict certain loans as prescribed; and to repeal the original sections.".

LEGISLATIVE BILL 341. Placed on General File as amended.
Standing Committee amendment to LB 341:

1. On page 2, line 11 strike "department" and insert "director".

LEGISLATIVE BILL 478. Placed on General File as amended.
Standing Committee amendments to LB 478:

1. On page 2 strike beginning with "if" in line 18 through the underscored comma in line 21.

2. On page 4 line 9 strike "changed" and insert "charged".

(Signed) John W. DeCamp, Chairman

Public Works

LEGISLATIVE BILL 282. Placed on General File as amended.
Standing Committee amendments to LB 282:

1. On page 2, strike line 6, show the old matter as stricken, and insert "of not to exceed fifty dollars per day for each day that a director attends meetings of the board or is engaged in matters concerning the district, but not to"; strike beginning with "The" in line 8 through the underscored period in line 11; in line 15 strike "established by the board" and insert "not to exceed that paid state employees pursuant to section 84-306.03, Revised Statutes Supplement, 1978".

LEGISLATIVE BILL 330. Placed on General File as amended.
Standing Committee amendments to LB 330:

1. Insert the following new section:

"Sec. 3. That section 39-669.26, Revised Statutes Supplement, 1978, be amended to read as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide — 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as

disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense — 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another — 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident — 4 points, otherwise — 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or with ten-hundredths of one per cent or more by weight of alcohol in body fluids in violation of any city or village ordinance or of section 39-669.07 — 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-669.05 — 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 39-669 — 4 points;

(8) Negligent driving in violation of any city or village ordinance — 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 39-669.01 — 5 points;

(10) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit — 1 point; (b) more than five miles per hour but not more than ten miles per hour over the speed limit — 2 points; (c) more than ten miles per hour over the speed limit — 3 points; Provided, ~~that no points shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limit on any part of the National System of Interstate and Defense Highways; and provided further,~~ that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon

conviction of exceeding by more than fifteen miles per hour, the speed limits provided for in subdivision (2) (c) or (d) of section 39-662 or subdivision (1)(c), (d), or (e), (2)(c), (d), or (e), or (4)(c) or (d) of section 39-666; ~~except as provided in the first proviso in this subdivision;~~ and

(11) All other traffic violations involving the operation of motor vehicles by the operator, for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle protective headgear violations, or overloading of trucks — 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had.

In all cases, the forfeiture of bail, not vacated, shall be regarded as equivalent to the conviction of the offense with which the operator was charged.''.

2. On page 8, line 13 strike ''and'' and insert a comma; and in line 14 after the first comma insert ''and 39-669.26,'', and after ''1978,'' insert ''and also section 36-662.02, Revised Statutes Supplement, 1978,''.

3. Renumber remaining section accordingly.

(Signed) Robert L. Clark, Vice Chairman

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused March 6 and 7, 1979. No objections. So ordered.

MOTION - Withdraw LB 126

Mr. Koch moved to withdraw LB 126.

Motion pending.

MOTION - Suspend Rules

Mr. Chambers moved to suspend the rules, Rule 7, Sec. 7a, sentence 2 to allow the body to take up the Reconsideration Motion of LB 63 found on Page 640 of the Journal.

Mr. Wesely moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Wesely requested a roll call vote.

Voting in the affirmative, 29:

Beutler	Dworak	Keyes	Marvel	Schmit
Brennan	Fitzgerald	Koch	Merz	Sieck
Burrows	Fowler	Labedz	Newell	Simon
Chambers	Haberman	Landis	Pirsch	Warner
Cullan	Hoagland	Maresh	Reutzel	Wesely
DeCamp	Johnson	Marsh	Rumery	

Voting in the negative, 12:

Carsten	Goodrich	Kennedy	Stoney
Clark	Hasebroock	Lamb	Vickers
Cope	Kahle	Nichol	Wagner

Excused and not voting, 8:

Duis	Hefner	Kremer	Murphy
George	Kelly	Lewis	Venditte

The Chambers motion lost with 29 ayes, 12 nays, and 8 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 90 to Select File

Mr. Chambers renewed his pending motion found in the Journal on page 687 to return LB 90 to Select File to reconsider action on the Merz amendment on page 646.

The motion lost with 17 ayes, 11 nays, 13 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 39. Placed on General File as amended.
Standing Committee amendments to LB 39:

1. On page 2 strike the new matter in lines 5 to 7 and 11 to 16.

2. Strike original section 3.

3. Insert a new section 4 as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 138. Placed on General File as amended.
Standing Committee amendment to LB 138:

1. On page 2, strike beginning with "fifteen" in line 10 through "States" in line 15 and insert "seventeen and one half per cent commencing July 1, 1979, (2) fifteen per cent commencing July 1, 1980, (3) twelve and one half per cent commencing July 1, 1981, (4) ten per cent commencing July 1, 1982, and (5) seven and one half per cent commencing July 1, 1983. Commencing July 1, 1984, and each year thereafter, the county shall pay five per cent of the cost of such medical assistance".

LEGISLATIVE BILL 161. Placed on General File as amended.
Standing Committee amendments to LB 161:

1. On page 3, strike beginning with "(b)" in line 12 through "(c)" in line 19, show as stricken, and insert "or (b)".

2. On page 4 reinstate the stricken matter in lines 4 through 14; in line 5 strike the reinstated "sixty-fifth", show as stricken, and insert "seventieth"; and reinstate the stricken matter in lines 18 to 20.

3. On page 5 strike lines 1 through 9 and insert

"(1) The Director-State Engineer;
(2)The Director of Public Welfare;
(3) The Director of Health;
(4) The Commissioner of Labor;
(5) The Executive Director of the Nebraska Commission on Aging; and
(6) The Director of Public Institutions.";

in line 12 after the underscored period insert "The plan shall recognize and comply, to the maximum extent possible, with the objectives stated in section 1 of this act."; and in line 12 after "Governor" insert "and the Legislature".

LEGISLATIVE BILL 268. Placed on General File as amended.
Standing Committee amendments to LB 268:

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

"Section 1. That section 23-394, Revised Statutes Supplement, 1978, be amended to read as follows:

23-394. 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 or any Class A or Class B evidence as defined under section 71-617, Reissue Revised Statutes of Nebraska, 1943, and (3) pays a fee of three dollars and fifty cents to the county treasurer.

Sec. 2. That original section 23-394, Revised Statutes Supplement, 1978, is repealed.".

2. In the title, strike lines 2 through 4 and insert:

"FOR AN ACT relating to identification cards; to change application requirements as prescribed; and to repeal the original section.".

LEGISLATIVE BILL 418. Placed on General File as amended.
Standing Committee amendments to LB 418:

1. Strike original section 6.
2. On page 24, line 16 strike "71-4609,".
3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 407. Indefinitely postponed.
LEGISLATIVE BILL 523. Indefinitely postponed.
LEGISLATIVE BILL 531. Indefinitely postponed.
LEGISLATIVE BILL 532. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairman

Agriculture and Environment

LEGISLATIVE BILL 342. Placed on General File as amended.
Standing Committee amendments to LB 342:

1. On page 7, strike beginning with "Provided" in line 13 through the semicolon in line 15, and show as stricken.

2. On page 8, line 7 strike ", and to establish an appropriate" and insert "for a", and after "fee" insert "not to exceed five dollars".

3. On page 13, lines 23 and 24, strike "and to establish" and insert "for"; in line 24 strike "appropriate" and insert "not to exceed five dollars".

4. On page 20, strike beginning with "be" in

line 7 through "or" in line 14; in lines 14 and 15 strike "five thousand" and insert "one hundred"; and in line 20, strike "July 1, 1977," and insert "the effective date of this act".

(Signed) Loran Schmit, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 145.

A BILL FOR AN ACT to amend section 15-840, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to remove a publication requirement; and to repeal the original section.

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

Voting in the affirmative, 38:

Beutler	DeCamp	Keyes	Merz	Simon
Brennan	Dworak	Koch	Newell	Stoney
Burrows	Fitzgerald	Labedz	Nichol	Vickers
Carsten	Haberman	Lamb	Pirsch	Wagner
Chambers	Hasebroock	Landis	Reutzel	Warner
Clark	Johnson	Maresh	Rumery	Wesely
Cope	Kahle	Marsh	Schmit	
Cullan	Kennedy	Marvel	Sieck	

Voting in the negative, 0.

Present and not voting, 3:

Fowler	Goodrich	Hoagland

Excused and not voting, 8:

Duis	Hefner	Kremer	Murphy
George	Kelly	Lewis	Venditte

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

LEGISLATIVE BILL 178.

A BILL FOR AN ACT to amend section 23-927, Reissue Revised Statutes of Nebraska, 1943, and section 79-2210, Revised Statutes Supplement, 1978, relating to budgets; to change the date for filing a budget statement; 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:

Beutler	DeCamp	Kahle	Marsh	Schmit
Brennan	Dworak	Kennedy	Marvel	Sieck
Burrows	Fitzgerald	Keyes	Merz	Simon
Carsten	Goodrich	Koch	Newell	Stoney
Chambers	Haberman	Labedz	Nichol	Vickers
Clark	Hasebroock	Lamb	Pirsch	Wagner
Cope	Hoagland	Landis	Reutzel	Warner
Cullan	Johnson	Maresh	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Fowler

Excused and not voting, 8:

Duis	Hefner	Kremer	Murphy
George	Kelly	Lewis	Venditte

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

LEGISLATIVE BILL 248.

A BILL FOR AN ACT to amend section 85-125, Reissue Revised Statutes of Nebraska, 1943, relating to the University of Nebraska; to change provisions relating to the use of the University Cash Fund as prescribed; and to repeal the original section.

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

Voting in the affirmative, 40:

Beutler	DeCamp	Johnson	Maresh	Schmit
Brennan	Dworak	Kahle	Marsh	Sieck
Burrows	Fitzgerald	Kennedy	Marvel	Simon
Carsten	Fowler	Keyes	Merz	Stoney
Chambers	Goodrich	Koch	Newell	Vickers
Clark	Haberman	Labedz	Nichol	Wagner
Cope	Hasebroock	Lamb	Reutzel	Warner
Cullan	Hoagland	Landis	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

Excused and not voting, 8:

Duis	Hefner	Kremer	Murphy
George	Kelly	Lewis	Venditte

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

LEGISLATIVE BILL 287. With Emergency.

A BILL FOR AN ACT to amend section 39-6,182, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,181 and 60-331, Revised Statutes Supplement, 1978, relating to motor vehicles; to provide that a vehicle being operated under a special permit shall not be required to be reregistered; 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:

Beutler	Cullan	Hasebroock	Lamb	Nichol
Brennan	DeCamp	Johnson	Landis	Pirsch
Burrows	Dworak	Kahle	Maresh	Reutzel
Carsten	Fitzgerald	Kennedy	Marsh	Rumery
Chambers	Fowler	Keyes	Marvel	Schmit
Clark	Goodrich	Koch	Merz	Sieck
Cope	Haberman	Labedz	Newell	Simon

Stoney	Venditte	Vickers	Wagner	Warner

Voting in the negative, 1:

Wesely

Present and not voting, 1:

Hoagland

Excused and not voting, 7:

Duis	Hefner	Kremer	Murphy
George	Kelly	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 411.

A BILL FOR AN ACT relating to the deferred compensation plan for state employees; to provide an alternative method for disbursing of payments or benefits as prescribed; to amend section 84-1506, 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, 40:

Beutler	DeCamp	Johnson	Marsh	Sieck
Brennan	Dworak	Kahle	Marvel	Simon
Burrows	Fitzgerald	Kennedy	Merz	Stoney
Carsten	Fowler	Koch	Newell	Venditte
Chambers	Goodrich	Labedz	Nichol	Vickers
Clark	Haberman	Lamb	Reutzel	Wagner
Cope	Hasebroock	Landis	Rumery	Warner
Cullan	Hoagland	Maresh	Schmit	Wesely

Voting in the negative, 2:

Keyes	Pirsch

Excused and not voting, 7:

Duis	Hefner	Kremer	Murphy
George	Kelly	Lewis	

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

SELECT FILE

LEGISLATIVE BILL 27. Laid over.

LEGISLATIVE BILL 84. E & R amendments found in the Journal on page 408 for the Twenty-Second Day were adopted.

Mr. Johnson renewed his pending amendment found in the Journal on page 439.

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 112. Laid over.

LEGISLATIVE BILL 211. Mr. Keyes renewed his pending motion found in the Journal on page 684 to indefinitely postpone.

Mr. Keyes moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Keyes requested a roll call vote.

Voting in the affirmative, 21:

Brennan	Fowler	Kennedy	Marvel	Wagner
Chambers	Goodrich	Keyes	Merz	
Cullan	Haberman	Labedz	Pirsch	
Dworak	Hasebroock	Lamb	Schmit	
Fitzgerald	Kahle	Maresh	Vickers	

Voting in the negative, 22:

Beutler	Cope	Kelly	Newell	Sieck
Burrows	DeCamp	Koch	Nichol	Simon
Carsten	Hoagland	Landis	Reutzel	Stoney
Clark	Johnson	Marsh	Rumery	Venditte

Warner Wesely

Excused and not voting, 6:

Duis	Hefner	Lewis
George	Kremer	Murphy

The Keyes motion to indefinitely postpone lost with 21 ayes, 22 nays, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Carsten offered the following amendment:

1. On page 3, line 13 after the period insert "Any county treasurer who furnishes statements and an accounting of expenses to political subdivisions under this section shall not be required to furnish any additional statements or reports to such political subdivisions which cover the same information.".

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305. Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 20.

Introduced by Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Johnson, 8th District; Kelly, 35th District; Wagner, 41st District; Merz, 1st District; Landis, 46th District.

WHEREAS, the Legislature has recognized and declared that it is essential to the health and welfare of the people of the State of Nebraska to conserve, protect, develop, and manage the natural resources of this state; and

WHEREAS, the Legislature has declared that the most efficient and economical method of accelerating these achievements is by the creation of natural resource districts; and

WHEREAS, the Legislature intended for natural resource districts to be managed by a board of directors elected from the various geographic, geological, project, and hydrological areas in the district; and

WHEREAS, the Legislature intended for these boards to be viable representative entities of the district; and

WHEREAS, in a significant number of natural resource districts there has been an alarming lack of voter and candidate participation for postitions to these boards.

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

1. That this Legislature's Committee on Government, Military and Veterans Affairs is hereby authorized to conduct an interim study to examine the election process of natural resource districts.

2. That such study shall include, but not be limited to the following:

(a) Review the level of voter participation in natural resource district elections.

(b) Review the level of candidate participation in natural resource district elections.

(c) Confer with natural resource districts officials, county election officials, and interested citizens to identify problems and recommendations.

(d) Examine alternative processes to provide board members for natural resource district boards.

3. That the committee shall organize their recommendations into acceptable form to be presented to the next regular session of the Legislature for consideration.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 108 in the Journal. No objections. So ordered.

Insert a new section as follows:

There shall exist a presumption in favor of a systemwide unit in case of public postsecondary education such as technical community colleges, Nebraska State Colleges and University of Nebraska unless consideration of the following factors could indicate it to be more appropriate to establish separate units.

"The following factors shall be considered in determining the appropriate bargaining unit for such institutions, (a) the possibility of overfragmentation of bargaining units, (b) prior bargaining history, (c) centralization of management and labor policy, (d) the extent of faculty interchange between campuses, (e) the degree of interdependence of economy of the campuses, (f) differences or similarities in skills or functions of the employees, (g) geographical

location of the campuses in relation to each other, (h) uniformity of wages, benefits, and conditions of employment, (i) current means of governing the educational institution, (j) established policies of the employer, and (k) community of interest of employees."

Mr. DeCamp asked unanimous consent to print the following amendments to LB 316 in the Journal. No objections. So ordered.

(REQ 2661)

1. Page 3, line 11 strike "best" insert "sound"
2. Page 5, line 20 strike "best" insert "sound"
3. Page 6, line 2 strike "best" insert "sound", line 22 strike "and" insert "or"
4. Page 7, line 2 strike "good" insert "standard", after "practice" insert "and sound medical judgment of the attending physician,"

Mr. DeCamp asked unanimous consent to print the following amendment to LB 506 in the Journal. No objections. So ordered.

1. Strike Standing Committee amendment 2.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 11. Placed on General File as amended.
Standing Committee amendments to LB 11:

1. On page 4, line 23 after "form" insert ", for taxable year 1979 and thereafter,"; in line 25 strike "or", and before "of" insert ", or a greater amount".
2. On page 5, line 6 after "Act" insert "; Provided, that not more than fifty per cent of each year's contributions shall be used for personal services and related travel and equipment expenses".

LEGISLATIVE BILL 175. Placed on General File as amended.
Standing Committee amendments to LB 175:

1. On page 2, strike the new matter in lines 19 through 27 and insert "The Legislature, by general law and upon any terms, conditions, and restrictions as prescribed, may provide, for a period not to exceed five years, relief from taxation of the increase in the assessed valuation of existing structures.".
2. On page 4, line 3 strike "property" and insert "existing structures".

(Signed) Barry Reutzel, Chairman

Agriculture and Environment

LEGISLATIVE BILL 571. Placed on General File as amended.
Standing Committee amendments to LB 571:

1. On page 2, line 2, strike "grain"; in line 5 strike "a grain" and insert "an"; and in lines 6, 11, 24, and 25 strike "grain"; and in line 17 strike "Grain".

2. On page 3, lines 17 and 18 strike "grain".

3. On page 4, line 10 strike "grain"; and in line 12 strike "eighteen" and insert "twenty-four".

4. On page 5, line 16 strike "Grain".

(Signed) Loran Schmit, Chairman

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 102. Title read. Considered.

Mr. Burrows withdrew his amendment found in the Journal on page 619.

Mr. Burrows renewed his pending amendment found in the Journal on page 653.

The amendment was adopted with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendment to LB 102:

Insert 3 new sections as follows:

"Sec. 2. In lieu of compliance with section 21-1966, Reissue Revised Statutes of Nebraska, 1943, relating to the admission of foreign corporations to transact business in Nebraska, any corporation organized under the laws of any other state or states, territory or territories, which has heretofore filed, or which may hereafter file, with the Secretary of State of this state, a copy certified by the Secretary of State or other proper officer of the state, territory, district, or country under the laws of which such foreign corporation is formed, of its charter or articles of association, or incorporation, together with all amendments to such date and the street address of its registered agent in Nebraska, which street address shall be identical, on filing with the Secretary of State a certified copy of a resolution adopted by its board of directors, including the date the resolution was adopted,

accepting and agreeing to be bound by the provisions of sections 21-1901 to 21-19,109, Reissue Revised Statutes of Nebraska, 1943, with respect to its property and business operations within the State of Nebraska, shall become and be a body corporate of this state.

Sec. 3. Any foreign corporation, which has domesticated pursuant to section 2 of this act, may cease to be a domesticated corporation by filing with the Secretary of State a certified copy of a resolution adopted by its board of directors, renouncing its domestication and withdrawing its acceptance and agreement aforesaid.

Sec. 4. If a foreign corporation, which has domesticated under section 2 of this act, surrenders its foreign corporate charter, and files, records and publishes notice of amended articles of incorporation in the manner, time, and places required by sections 21-1928, 21-1929, and 21-1980, Reissue Revised Statutes of Nebraska, 1943, such corporation shall thereupon become and be a domestic corporation organized under sections 21-1901 to 21-19,109, Reissue Revised Statutes of Nebraska, 1943.".

2. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

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

LEGISLATIVE BILL 323. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 474. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 245. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 133. Title read. Considered.

Mr. Koch offered the following amendment:
On page 2 line 12, strike the word "upon" and on page 2 line 13, strike the words "the pupil's graduation or"

The amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Dworak renewed his pending amendment found in the Journal on page 696.

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 Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 423. Placed on General File.

LEGISLATIVE BILL 348. Placed on General File as amended.
Standing Committee amendment to LB 348:

1. On page 2, lines 1 and 5 strike "private" and insert "restricted"; strike beginning with "state" in line 7 through "found" in line 9 and insert "and state that the owner of the motor vehicle is to see the owner of the parking for information about towing costs and the location where the vehicle may be found"; and in line 13 after the period insert "anyone towing a car away pursuant to this act and holding the car for more than twenty-nine days shall, on the thirtieth day, renotify the local law enforcement agency of the car's license number for the purpose of ascertaining whether the car has been reported stolen or missing. Such renotification shall be repeated each thirty days while the car is held by the tower or until such time as the tower has placed a lien on the car as provided by section 4 of this act.".

LEGISLATIVE BILL 514. Placed on General File as amended.
Standing Committee amendment to LB 514:

1. On page 2, line 25 reinstate the stricken matter.

(Signed) Dave Newell, Chairman

VISITORS

Visitors to the Chamber were Edley Deans, Secretary, Jamaica Branch, Commonwealth Parlimentary Association; Jerry and Alma Rajewich, Ord, Nebraska, (Parents of Senator Newell's wife); Mrs. Evelyn Love, Lincoln; and Matt Larson, Mitchell, Nebraska.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Stoney, the Legislature adjourned until 9:00 a.m., Tuesday, March 6, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 6, 1979

LEGISLATIVE JOURNAL

FORTIETH DAY - MARCH 6, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 6, 1979

Pursuant to adjournment, the Legislature met at 9:06 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal Father, our purposes, actions and thoughts change so easily, we are tempted to assume the views of the last person who talked to us, and we are anxious to please those who can most influence our political lives. So we pause at the beginning of another day asking for an inner integrity by which to live, praying to You Who are the same yesterday, today and forever. May something of Your steadfast love and integrity find its way into our weathervane way of thinking and behaving.
>
> Strengthen us to develop our latent potentials so we may be of maximum service to You and to our fellowmen.
>
> In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; and Mrs. Labedz, Messrs. Beutler, Lewis, Newell, and Wagner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 84. Replaced on Select File as amended.
E & R amendments to LB 84:

1. In the title, line 2, insert "77-1809, 77-1824," after the first comma.

2. In line 2 of E & R 3, adopted 3/5, strike "relating" and insert "to".

(Signed) Don Wesely, Chairman

MESSAGES FROM THE GOVERNOR

March 5, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 53.

This bill was signed by me on March 2, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

March 5, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 67.

This bill was signed by me on March 5, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

UNANIMOUS CONSENT - Member Excused

Mr. Merz asked unanimous consent to be excused at 9:15 a.m. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 37
March 5, 1979

Dear Senator Johnson:

In your February 14, 1979, letter you asked for an opinion on the constitutionality of LB 215, specifically as to denial of due process to payors of medical bills who are denied the right to be a party to the Workmen's Compensation Court proceeding in which the Court orders reimbursement by the employer to the payors.

The Workmen's Compensation Act provides the exclusive remedy for employees against their employers as to injuries arising out of and in the course of their employment. Section 48-111, R.R.S. 1943. The Workmen's Compensation Court has the exclusive jurisdiction to determine the rights of the parties including the reasonableness and amount of medical services to be paid on the employee's behalf. Section 48-152 and 48-120, R.R.S. 1943.

While other payors, such as Medicare, Veterans Administration, and various private insurance carriers, may first pay for some or all of the medical services which are ultimately determined by the Workmen's Compensation Court to be compensable under the act, there now appears to be no provision for the payor to intervene in the proceeding to enforce his right of subrogation. Even if the payor were a party, his interest would be to show payment of a certain amount and seek reimbursement to the extent of any payment or obligation of the employer. It does not appear that he would have any right to litigate or advocate the rights of the employee against the employer in Workmen's Compensation Court. Further, the payor would retain whatever rights he has now against the employee whose bills were paid. Those rights are not changed by LB 215.

Therefore, it appears that LB 215 provides a reasonable, expeditious method for the Court to order reimbursement to payors where the records show that payment has been made without taking

away any existing rights of the payors. This is consistent with the general purpose of the Workmen's Compensation Act to provide an efficient, expeditious method to determine employee's right to compensation for job related injuries, avoiding multiplicity of litigation. In short, LB 215 does not take any rights away from the payors but rather grants to the Court an additional power consistent with its purposes. For this reason, we believe that LB 215 would not violate the due process of the payors.

Since, in our opinion, the payor is bound by the determination of the Court as to the extent of the employer's obligation, the payor cannot seek additional reimbursement from the employee as to the workmen's compensation claim. That would not preclude the payor from seeking additional reimbursement in a proper way with respect to payments from others such as negligent third persons.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John R. Thompson
Deputy Attorney General
Claims Division

JRT:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 17. Read. Considered.

LR 17 was adopted with 34 ayes, 0 nays, and 15 not voting.

Mr. Sieck asked unanimous consent to add his name to LR 17. No objections. So ordered.

MOTION - Withdraw LB 126

Mr. Koch renewed his pending motion found in the Journal on page 728 to withdraw LB 126.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 19. Read. Considered.

LR 19 was adopted with 31 ayes, 0 nays, and 18 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 127.

A BILL FOR AN ACT to amend section 39-6,148, Reissue Revised Statutes of Nebraska, 1943, relating to equipment of vehicles; to permit the use of flashing white lights by school transportation vehicles under certain conditions; and to repeal the original section.

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

Voting in the affirmative, 40:

Brennan	Duis	Hefner	Lamb	Schmit
Burrows	Dworak	Hoagland	Landis	Sieck
Carsten	Fitzgerald	Johnson	Maresh	Simon
Chambers	Fowler	Kelly	Marvel	Stoney
Clark	George	Kennedy	Murphy	Venditte
Cope	Goodrich	Keyes	Nichol	Vickers
Cullan	Haberman	Koch	Reutzel	Warner
DeCamp	Hasebroock	Kremer	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Kahle Pirsch

Excused and not voting, 7:

Beutler	Lewis	Merz	Wagner
Labedz	Marsh	Newell	

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

LEGISLATIVE BILL 129. With Emergency.

A BILL FOR AN ACT to amend section 79-601, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change when the

terms of members of the school board in certain districts of Class I begin; 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:

Brennan	Duis	Hoagland	Lamb	Schmit
Burrows	Dworak	Johnson	Landis	Sieck
Carsten	Fitzgerald	Kahle	Maresh	Simon
Chambers	George	Kelly	Marvel	Stoney
Clark	Goodrich	Kennedy	Nichol	Venditte
Cope	Haberman	Keyes	Pirsch	Vickers
Cullan	Hasebroock	Koch	Reutzel	Warner
DeCamp	Hefner	Kremer	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Fowler Murphy

Excused and not voting, 7:

Beutler	Lewis	Merz	Wagner
Labedz	Marsh	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.

MOTION - Return LB 146 to Select File

Mr. Johnson moved to return LB 146 to Select File for the following specific amendment:

In the final reading copy, page 4, strike beginning with "Class" in line 7 through "misdemeanor" in line 8 and insert "traffic infraction as defined in section 39-602, Reissue Revised Statutes of Nebraska, 1943, and shall be subject to the penalties and procedures set forth in section 39-6,112, Revised Statutes Supplement, 1978".

The motion prevailed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 146. The Johnson specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Stoney asked unanimous consent to print the following amendment to LB 125 in the Journal. No objections. So ordered.

1. In the Committee amendments on page 1, line 20 after "election" insert "or in a Class V district the petition shall be signed by at least twenty-five per cent of the total number of votes cast within the particular district in which such member was elected".

MOTION - Reconsider Action on LB 450

Mr. Dworak moved to reconsider action on the body's action on the motion to place LB 450 on General File notwithstanding the action of the committee.

Motion pending.

NOTICE OF COMMITTEE HEARING
Appropriations

Tuesday, March 13, 1979 7:00 p.m.

Public hearing on the appropriation required for the accelerated state water program

(Signed) Jerome Warner, Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 38
March 5, 1979

Dear Senator DeCamp:

This is in response to your request for an opinion, dated February 28, 1979, wherein you inquired as to the constitutionality of LB 316, as amended. You requested that we give particular attention to the

provision requiring a forty-eight hour waiting period before a woman can obtain an abortion. In addition, you have inquired whether the forty-eight hour waiting period provision is severable, if the court determines that it is unconstitutional.

Initially, we note that you have requested receipt of our opinion prior to March 6, when this legislation comes up for final vote. We will hereinafter discuss the principal constitutional issues which are raised by LB 316, however, time constraints combined with the complexity of the issues preclude an exhaustive analysis of this legislation.

Informed Consent: Section 2 of LB 316, prohibits an abortion in the absence of an informed consent, unless the woman is unable to consent and in the physician's best judgment the woman's life is substantially endangered. Informed consent is defined in section 1 of LB 316 and includes a statement that the woman has been informed of: a) reasonably possible medical and mental consequences of abortion, childbirth and pregnancy; b) possible alternatives to abortion including childbirth and adoption and the existence of agencies available to assist her to carry her pregnancy to natural term; and c) the abortion procedures to be used.

In a recent Attorney General's Opinion, No. 55, March 24, 1977, we considered the constitutionality of a substantially similar provision. Essentially we concluded, based on the Supreme Court's opinion in Planned Parenthood of Central Missouri v. Danforth, 428 U.S.52, 49 L.Ed.2d 788, 96 S.Ct. 2831(1976), that the constitutionality of the provision could probably be upheld since it promotes a legitimate state interest without, in our opinion, posing an undue burden upon the decision to be made by the woman and her physician.

The rationale and conclusion reached in our prior opinion is equally applicable to the informed consent provision contained in LB 316. In addition, the Supreme Court since Danforth, supra, summarily affirmed a district court's decision upholding an informed consent provision substantially similar to that contained in LB 316. Planned Parenthood Ass'n. v. Fitzpatrick, 401 F.Supp. 554 (ED Pa 1975) aff'd sub. nom., Franklin v. Fitzpatrick, 428 U.S.901, 96 S.Ct. 3202, 49 L.Ed.2d 1205(1976).

Forty-eight Hour Waiting Period: Section 2 of LB 316 prohibits an abortion without a forty-eight hour waiting period after the woman gives her informed consent, ". . .unless, in the best medical judgment of the physician, an emergency situation exists." The term, "emergency situation" is defined in section 1 as, ". . .a condition exists that in the best medical judgment of the physician the abortion should be performed without delay so as not to adversely affect the best physical or mental health of the woman."

The forty-eight hour waiting period applies to all stages of pregnancy, including the first trimester. Thus, it is subject to constitutional challenge based on the Supreme Court's decision in Roe v. Wade, 410 U.S. 113, 35 L.Ed.2d 147, 93 S.Ct. 705(1973). Therein the court held: "For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician." 410 U.S. at 164.

The analysis does not end with Roe v. Wade, supra, since in Danforth, supra, the court upheld the statutory requirements of informed consent which applied to the first trimester. This requirement was challenged on the ground that it imposed an additional layer of regulation which burdened the abortion decision. The court emphasized that the abortion decision is an important, often stressful one. The court held that the state had a legitimate interest in assuring that the woman's decision was made with full knowledge of its nature and consequences. The court upheld the provision despite the fact that apparently under Missouri law a written statement of informed consent was not required for other surgical procedures.

The issue to be addressed is whether the forty-eight hour waiting period requirement overly burdens the abortion decision or whether it permissibly effectuates a state interest. The issue is not capable of easy resolution.

The statutory exception for "emergency situations" renders the requirement less burdensome. The purpose of the requirement of a delay is to prevent hasty decisions. As such, it addresses a similar consideration as that involved in the informed consent requirement. In other words, it purports to promote a state interest in assuring that the woman's decision is made after thoughtful consideration of its nature and consequences. However, the effect of the delay is more speculative and its promotion of the state interest in assuring informed decision-making is more tenuous than the informed consent requirement.

In Wolfe v. Schroering, 541 F.2d 523 (6th Cir. 1976), a Kentucky statute which required a twenty-four hour waiting period between the woman's consent and the abortion unless an emergency situation presented imminent danger to the woman's life was attacked on constitutional grounds. The court upheld the provision on the basis of the reasoning in Danforth, supra.

In Wynn v. Scott, 448 F.Supp. 997 (ED Ill., 1978), a forty-eight hour waiting period between a minor's consent and the abortion was upheld as being not "unreasonably burdensome." Id. at 1006.

In our opinion, the forty-eight hour waiting period requirement raises a substantial constitutional question. However, we believe that it may pass constitutional muster as promoting a legitimate state interest without unduly burdening the woman's right to decide to terminate her pregnancy.

Severability: Section 13 of LB 319 provides:

> "If any section in this act or any part of any section shall be declared invalid, such declaration shall not affect the validity or constitutionality of the remaining portions thereof."

State law is controlling on the issue of severability. Wynn v. Scott, supra, 449 F.Supp. at 1314. The principles emphasized in this jurisdiction to determine whether the remainder of a statute should be upheld if portions of the statute are held unconstitutional were articulated in Chase v. County of Douglas, 195 Neb. 838, 851 241 N.W.2d 334(1976), wherein the court, quoting from State ex rel. Meyer v. County of Lancaster, 173 Neb. 195, 209-10, 113 N.W.2d 63 (1962), stated:

> "Does this invalidity void the entire act? The fact that a part of a law is invalid does not always require that the entire law be treated as void. If the part that is bad is independent of and separable from the balance of the law, or if the invalid part was not an inducement to the passage of the act, or if the remainder of the act is not so connected with the invalid portion that it cannot be upheld without doing violence to the legislative intent as a whole or result in putting into effect a law which the Legislature would not have passed had its attention been called to the invalid parts, the portion of the act that is valid may be sustained and given effect."

A severability clause contained in a legislative act is a declaration of the intent of the Legislature and the basic rule of statutory interpretation is to effectuate the legislative intent if it is a lawful one. State ex rel. Meyer v. County of Lancaster, supra, at 210.

In the context of the present inquiry, the remainder of LB 316 is in no sense dependent upon the forty-eight hour waiting period provision. Nor is there any indication that upholding the remainder of the act would violate the legislative intent, rather the opposite is true. Therefore, in our opinion, if the forty-eight hour waiting period provision is found unconstitutional, it is severable and the remainder of the act could be upheld.

Prohibition of Abortion Post-Viability: Section 3 of LB 316 prohibits an abortion, ". . .after the time at which, according to standard medical practice and sound medical judgment of the attending physician, the unborn child clearly appears to have reached viability, except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health."

Viability as defined in section 1 of LB 316, is consistent with the definition articulated in Roe v. Wade, supra, 410 U.S. at 160, 163 and Danforth, supra, 428 U.S. at 63, 64. Abortion as defined in section 1 of LB 316, requires knowledge and intent, which appear to enhance the constitutionality of the sections using that term.

In our opinion, section 3 of LB 316, may possibly be subject to constitutional attack on grounds of vagueness because of the inclusion of what appears to be both an objective and subjective standard, neither of which are defined, to determine the time at which an unborn child clearly appears to have reached viability. In Danforth, supra, the court indicated that the determination of viability must be a matter for the judgment of the attending physician. 428 U.S. 64. See also, Collautti v. Franklin, ___ U.S. ___, 99 S.Ct. 675, ___ L.Ed.2d ___ (1979). We are uncertain whether a state may constitutionally include an additional objective standard as a condition of criminal liability. This concern is equally applicable to the language in section 4 of LB 316.

Parental Consultation: Section 6 of LB 316, prohibits an abortion on an unemancipated woman who is under the age of eighteen, unless, in addition to her informed consent, she signs a statement indicating that she has consulted with her parents or guardian. The requirement of parental consultation is not applicable in an emergency situation, as defined in section 1. Section 6 also contains provisions to insure the confidentiality of the informed consent and parental consultation statements.

Since this section applies to all stages of pregnancy, including the first trimester, it is also subject to attack as unconstitutional state interference under Roe v. Wade, supra.

In the previously mentioned Attorney General's Opinion, No. 55, March 24, 1977, we also considered the constitutionality of a similar provision requiring parental consultation. We concluded therein that, in our opinion, a requirement of parental consultation could be successfully defended against constitutional attack. Our prior conclusion and the rationale employed are equally applicable to this provision in LB 316. We point out, however, that this conclusion is not without uncertainty, as there is some support for the opinion that Belloti v. Baird, 428 U.S. 132, 96 S.Ct. 2857, 49 L.Ed.2d 844 (1976), may be interpreted to require an alternative to parental consultation for a mature minor capable of giving informed consent. Wynn v. Scott, supra, 448 F.Supp. at 1005.

In contrast to the provision which we considered in our prior opinion, section 6 of LB 316 refers to an "unemancipated" woman. The term "unemancipated" is not statutorily defined. The statement of consultation form found in section 6 refers to "a minor". A minor

is defined in section 38-101, R.R.S. 1943, as an unmarried person under the age of nineteen. Since section 7 provides for criminal penalties if an abortion is performed without the written statement required by section 6, in our opinion the discrepancy in terms may render the section subject to a constitutional challenge on the ground of vagueness.

Recordkeeping: Section 9 of LB 316 enumerates certain specific information which must be reported to the Department of Health when an abortion is performed. The reporting form, which may not include the patient's name, must be kept confidential except upon court order. Section 10 requires the Department of Health to prepare compilations from the reporting forms. The compilations may not identify the attending physician or the facility where the abortion was performed. The compilation is a matter of public record.

Although recordkeeping provisions apply to abortions performed during the first trimester of pregnancy, the Supreme Court in Danforth, supra, upheld such a provision in the Missouri statute. In so holding, the court in Danforth, supra, stated:

> "Recordkeeping and reporting requirements that are reasonably directed to the preservation of maternal health and that properly respect a patient's confidentiality and privacy are permissible." 428 U.S. at 80.

The court indicated that the requirements of confidentiality and retention for a seven year period, assisted in persuading it that the Missouri statute was constitutional.

Sections 9 and 10 of LB 316 do not specify a period of time for maintaining the required records. However, these provisions appear to satisfy the general standards articulated in Danforth, supra. In our opinion, the recordkeeping provisions in LB 316 are constitutionally defensible.

To summarize, in our opinion, the informed consent provision of section 2 of LB 316 would likely be upheld if challenged on constitutional grounds; the forty-eight hour waiting period provision of section 2 is constitutionally defensible, but if it is struck as unconstitutional, it is severable; the prohibitions in section 3 and section 4 of LB 316 may raise a constitutional question as to vagueness due to the use of an additional, undefined objective standard of determining viability; the parental consultation provision of section 6 is constitutionally defensible, except for a substantial vagueness question raised by the discrepancy in the use of the undefined terms, minor and unemancipated; and the recordkeeping provisions of section 9 of LB 316 are constitutionally sound.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Rae Fritz
Assistant Attorney General

LRF:ksf
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 40
March 2, 1979

Dear Senator Schmit:

In your letter of February 14, 1979, you requested our opinion on the constitutionality of LB 399. We have examined the provisions of this legislation and have concluded that LB 399 violates the Commerce Clause, Article I, Section 8 of the Constitution of the United States.

LB 399 basically requires the labeling and identification of any meat imported from outside the United States. Section 2 of LB 399 provides that:

> ". . . any person, persons, association, firm, or corporation, who knowingly sells or offers for sale any meat imported from without the boundaries of the United States, or any meat product containing imported meat, without labeling such meat or meat product, stating that it is imported or contains imported meat, naming the country of its origin, in letters not less than one quarter of an inch in height, and date of exportation regardless of the place of packaging . . . shall be guilty of a Class III misdemeanor."

It additionally provides that restaurants or other business establishments serving foods for consumption on the premises must give notice to customers if any meat products contain imported meat.

LB 399 authorizes the Bureau of Dairies, Food and Drugs and the weights and measures division of the Department of Agriculture to aid in the enforcement of the act. The Director of Agriculture is authorized to adopt such regulations as are necessary to enforce the provisions of the act. Violations of LB 399 are punishable as Class III misdemeanors.

LB 399 requires that any meat imported from outside the United States be labeled and identified as such. The primary constitutional question raised is whether this requirement violates the Commerce Clause, Article I, Section 8 of the Constitution of the United States. This issue has been previously addressed by the United States District Court for the District of Nebraska, in a case involving legislation

nearly identical to that of LB 399. Armour & Co. v. State of Nebraska, 270 F.Supp. 941 (D.C.Neb. 1967). Also see, Thurlow Co. v. Moss, 252 F.Supp. 641 (D.C.M.D.Tenn. 1966); Ness Produce Co. v. Short, 263 F.Supp. 586 (D.C.Ore. 1966); International Packers, 271 F.Supp. 430 (D.C.S.D.Ia. 1967).

In Armour, the three-judge district court held that a Nebraska statute requiring labels, upon any products in which any imported meats were used, to state that imported meat was contained therein, the name of the country of its origin, and the date when it was exported, violated the Commerce Clause of the Constitution of the United States and was unenforceable. The district court stated:

> "As appears from the portion of LB 169 which has been previously quoted herein, the Nebraska statute subjects the sale of imported meat to an even greater burden in labeling than that imposed by the statutes of the three States which have just been discussed. It requires the label upon a product in which any such meat is used not only to state that imported meat is contained therein and to name the country of its origin, but also to set out the date when the meat involved was exported.
>
> "A labeling requirement that imported meat be identified 'as a foreign product and naming the country of its origin'—which the court held as to the Tennesee statute was 'exceedingly burdensome' and constituted as to the commingling thereof into food products a 'practical impossibility'— would have its onerousness materially increased by the further need under the Nebraska statute of keeping track of and carrying forward the exportation date of the meat, from the commencement of its foreign-commerce course, through its continuance into the commingling channel, and until the reaching of its marketing and distributional goal.
>
> "But even beyond this, such exportation-date labeling could hardly in fact represent anything but an artificial and discriminatory requirement in the situation. With admittedly no question being involved as to the condition of the meat, all that the exportation date could be contended to relevantly convey would be some indication of the extent of the meat's refrigeration and storage. If, however, extent of refrigeration and storage could represent a legitimate state interest in relation to commerce as a matter of consumer information, then the State could hardly any less have concern that the consumer also be provided with information making some corresponding indication as to domestic meat from other states or meat slaughtered within the state, which similarly was the subject of product use and as to which there similarly could be varying refrigeration and storage involved.

"What the court said in the Oregon case was the manifest purpose of that statute—to strike at the importation of meat by burdening and making difficult its sale—is equally true and apparent as to the Nebraska statute on its provisions as discussed above and from its legislative history.

". . . .

"While the desire of the Nebraska Legislature to serve the interest of the cattle industry of the State is both proper and commendable, it could not, of course, in its attempt to strike at imported meat resort to means which were designed or had the effect to unreasonably burden or prevent commerce in such meat, when weighed in relation to legitimate state police-power interest. A State cannot, as said in the Ness Produce case, supra, 263 F.Supp. at 589 and the cases there cited, act wholly 'to insulate its citizens from outside competition'. Whatever insulative result it may achieve can only be incidental to some reasonable exercise of its police power in legitimate welfare protection.

"Here, while the discussion on the legislative floor could leave no possible doubt as to what the real object of LB 169 was, some interjections of of purported justification were made as to a housewife having the right to know the nature of the product she was buying. Assuming that there can be a legitimate state interest in having a purchaser informed by some reasonable indication of the fact that the products here involved contained in part imported meat, the difficulty with LB 169 is that it goes far beyond such means and burdens as would be necessary to provide this information for consumer choice." Id. at 944-45.

Based on the rationale of the Armour decision, it is our opinion that LB 399 would violate the Commerce Clause of the Constitution of the United States.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Paul E. Hofmeister
Assistant Attorney General

PEH;sjr
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 41
March 2, 1979

Dear Senator Keyes:

You have asked our opinion as to whether LB 339 violates either Article XI, Section 1, or Article XIII, Section 3, of the Nebraska Constitution. It is our opinion that it does not.

The bill would amend section 21-1316.01, R.R.S. 1943, by adding counties to the list of political subdivisions authorized to deposit public funds in cooperative credit associations. We point out at the outset that the prohibitions of both constitutional provisions you have referred to apply to cities, towns, villages, townships, and school districts just as much as they do counties. Yet the above itemized political subdivisions are now authorized by section 21-1316.01 to make such deposits. If we were to say that there were constitutional deficiencies in LB 339, we would almost necessarily be saying that section 21-1316.01 in its present form had the same deficiencies. We do not think it does. Article XI, Section 1, of the Constitution provides:

> "No city, county, town, precinct, municipality, or other subdivision of this state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association."

Our Supreme Court recently held that this provision prevented a political subdivision from depositing money in a savings and loan association. The court discussed the effect of a deposit in a savings and loan association, pointing out that such a deposit gives the depositor a right to share in the control of the association and in the profits or losses upon its liquidation. The court therefore held that a deposit in such association constituted the acquisition of an ownership interest in the association, and therefore was prohibited to political subdivisions by Article XI, Section 1. See Nebraska League of Savings & Loan Associations v. Mathes, 201 Neb. 122, 266 N.W.2d 720 (1978).

Ordinarily, a deposit in a cooperative credit association creates the same type of ownership interest in the depositor as the court described in Mathes, since section 21-1311(8) provides that a deposit shall not be received from any person until a qualifying share has been fully paid for and issued to such person. However, section 21-1316.01 provides that the political subdivisions mentioned therein shall not be required to purchase shares in the cooperative credit association or become members thereof. This, we believe, eliminates the objections based on Article XI, Section 1, which the court found decisive in Mathes.

We believe there is no problem with Article XIII, Section 3, which provides that the credit of the state shall never be given or loaned in aid of any individual, association, or corporation. A deposit by a political subdivision pursuant to section 21-1316.01 is substantially indistinguishable from a deposit by the same subdivision in a bank. A cooperative credit association is required to perform all of the conditions precedent required of state and federal banks to qualify them to receive deposits of public funds.

Chapter 77, article 23, of the Nebraska statutes has for many years authorized the state and political subdivisions to deposit funds in state and national banks. The Nebraska Supreme Court has frequently interpreted sections so providing, and has never hinted that any conflict with Article XIII, Section 3, is involved. We can see no basis for drawing a distinction between a cooperative credit association and a bank in this respect, in view of the provisions of section 21-1316.01. We therefore conclude that neither LB 339 nor section 21-1316.01 as it now reads violates that constitutional provision.

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

GENERAL FILE

LEGISLATIVE BILL 297. 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 105. Title read. Considered.

Standing Committee amendment found in the Journal on page 461 for the Twenty-Sixth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

MR. NICHOL PRESIDING

LEGISLATIVE BILL 404. Title read. Considered.

Standing Committee amendment found in the Journal on page 461 for the Twenty-Sixth 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, 2 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 59. Title read. Considered.

Standing Committee amendments found in the Journal on page 464 for the Twenty-Seventh Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Koch offered the following amendment:
To amend LB 59 by reinstating the stricken matter in lines 11 through 14 of page 2 of the Committee amendment.

Mr. Chambers offered the following amendment to the Koch amendment:
In line 12, strike "physical examination or"

The Chambers amendment was adopted with 14 ayes, 12 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Koch amendment, as amended, was adopted with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers offered the following amendment:
(committee amendment)
Subdivision (3), line 1, reinstate the stricken "may", and strike "shall" in line 2. On line 3 after "and" insert "shall require".

The amendment was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Review with 27 ayes, 6 nays, 12 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 359. Title read. Considered.

The Schmit motion to advance pending.

MESSAGE FROM THE GOVERNOR

March 5, 1979

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

Dear Mr. President and Senators:

I hereby return LB 10 without my signature and with my objections.

LB 10 would require the Nebraska Game and Parks Commission to give refunds for deer, antelope and turkey permits if the holder died before the hunting season started.

While I am not wholly unsympathetic with the aim of the bill, it would, in my opinion, be bad public policy.

If we start down this road, we would soon have to consider partial refunds for drivers' licenses, real estate licenses, electrician licenses, and on and on. We would soon have an administrative nightmare where the expense of making and collecting the refunds might well exceed the size of the refund itself.

I respectfully request that the Legislature sustain my veto of LB 10.

Sincerely,
(Signed) Charles Thone
Governor

CT:dsm

MOTION - Override Veto on LB 10

Mr. Reutzel moved that LB 10 become law notwithstanding the objections of the Governor.

Motion pending.

MOTION - Rule Change

Mr. Landis offered the following rule change:

1. Amend Rule 3, section 9 as follows:
"Sec. 9. 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. No person shall present closing discussion at any public hearing on any bill on which he or she is not an introducer.".

Referred to the Rules Committee.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 569 Friday, March 16, 1979 1:30 p.m.

(Signed) Dave Newell, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 211 and 305.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 26 in the Journal. No objections. So ordered.

1. On page 12, line 26 after "area" insert
", except that the amount collected under such levy shall not exceed the amount derived by taking the number of wells in the control area controlled by the district times fifty dollars".

RESOLUTIONS

LEGISLATIVE RESOLUTION 21.

Introduced by Kelly, 35th District; Beutler, 28th District; Burrows, 30th District; Chambers, 11th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Haberman, 44th District; Hasebroock, 18th District; Hefner, 19th District; Hoagland, 6th District; Johnson, 8th District; Kahle, 37th District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marvel, 33rd District; Newell, 13th District; Pirsch, 10th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Simon, 31st District; Venditte, 7th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, libraries in our state provide valued access to information and ideas; and

WHEREAS, such access is indispensable to the development of human potential, the advancement of society, and the continuance of enlightened self government; and

WHEREAS, our libraries are a rich source of entertainment and education; and

WHEREAS, libraries of Nebraska have potential to meet the special research needs of our people.

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

1. That the Legislature commend the libraries of the state for the excellent service provided to our citizens.

2. That the Legislature support the libraries in their attempts to extend and improve library services for all Nebraskans.

3. That the Legislature encourage libraries of all types to work cooperatively together to:

a. ensure maximum benefit of the state's library resources,

b. develop state-wide networks for the effective retrieval and transfer of information,

c. maintain high standards for the continued training and education of library staff,

d. designate appropriate libraries to collect special materials to meet the research needs of the citizens, from prairie grasses to para-natural phenomena, and

e. share knowledge and expertise in the adoption of new technology for library operations.

4. That the Clerk of the Legislature send a copy of this resolution to the Nebraska Library Commission for distribution to all libraries of our state.

Laid over.

LEGISLATIVE RESOLUTION 22.

Introduced by Newell, 13th District.

Whereas the deregulation of the trucking industry is a matter of great concern to the people of the State of Nebraska; and

Whereas the deregulation of trucking may have significant negative impact on rural states such as Nebraska; and

Whereas thorough study and consideration should be given as to the impact deregulation of trucking would have on the various states; and

Whereas the opportunity should exist for all interested parties to have input on the matter of deregulation of the trucking industry;

Now therefore be it resolved by the members of the eighty-sixth Legislature, first session, that,

1. The Legislature of the State of Nebraska opposes the deregulation of the trucking industry by means of agency fiat by the Interstate Commerce Commission.

2. Any deregulation of the trucking industry should be done by the standard decision making procedures of the U. S. Congress thus allowing all interested parties to have the opprortunity to present their views before Congress. This will insure Congress has the opportunity to explore the need, merits and ramifications of such action.

3. That a copy of this resolution be presented to the members of the Nebraska Congressional Delegation.

Laid over.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 250. Placed on General File as amended.
Standing Committee amendments to LB 250:

1. On page 2, line 7, strike "(1)"; and in lines 9 through 11 strike the new matter and reinstate the stricken matter.

2. On page 3, line 10, strike "(1)"; and in lines 11 and 12 strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 356. Placed on General File as amended.
Standing Committee amendments to LB 356:

1. On page 3 line 6 after "acquired" insert "and the cost is ten thousand dollars or less"; strike beginning with "any" in line 9 through "machinery" in line 11 and show as stricken; and in line 26 after "some" insert "legal".

2. On page 5 line 8 after "acquired" insert "and the cost is ten thousand dollars or less"; and in line 14 after "contract" insert "other than one for personal property with a cost less than ten thousand dollars".

(Signed) Walter George, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 257. Placed on General File as amended.
Standing Committee amendments to LB 257:

1. On page 3, strike lines 24 through 26 and insert "(14) Installs or uses an automatic dialing-announcing device without first obtaining a permit issued pursuant to sections 2 to 5 of this act.".

2. Insert 5 new sections as follows:

"Sec. 2. No person shall connect any automatic dialing-announcing device to any telephone line without first obtaining a permit from the Public Service Commission. Each person desiring such a permit shall make a written application to the Public Service Commission. Such application shall be in the form prescribed by the Public Service Commission and shall require the applicant to provide information as to the type of automatic dialing-announcing device proposed to be connected, the time of day such telephone calls are proposed to be placed using such device, the anticipated number of calls proposed to be placed during the specified calling period, the average length of a completed call, and such additional information as the Public Service Commission may require. Upon receiving such an application for service, the Public Service Commission may deny the application or modify the application and grant the application as so modified.

Sec. 3. Prior to issuing a permit pursuant to section 2 of this act the Public Service Commission shall require each applicant to agree to: (1) Include, on all calls made on the automatic dialing-announcing device, a statement of the nature of the call and the name, address, and telephone number of the business or organization being represented, if any, and (2) as soon as the serving telephone company's central office equipment allows, disconnect the automatic

dialing-announcing device from the telephone line upon the termination of the call by either the person calling or the person called. Failure to comply with the provisions of such an agreement shall, after ten days' notice and a hearing, be grounds for revocation or suspension of a permit.

Sec. 4. The Public Service Commission shall adopt and promulgate all rules and regulations necessary to carry out the provisions of this act. Such rules and regulations shall include, but not be limited to, limitations on the length of messages and the time of day when calls can be made.

Sec. 5. It is the intent of the Legislature that this act shall apply to any automatic dialing-announcing devices connected to any telephone line both prior and subsequent to the effective date of this act.

Sec. 6. That section 87-303.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-303.08. Any person who violates any of the provisions of section 87-302 or 87-303.01, or sections 2 to 5 of this act shall be guilty of a Class III misdemeanor. ~~and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.~~".

3. On page 4, line 7 strike "section 87-302" and insert "sections 87-302 and 87-303.08"; and in line 8 strike "is" and insert "are".

4. Renumber remaining sections accordingly.

(Signed) Dave Newell, Chairman

VISITORS

Visitors to the Chamber were Mr. Clarence Basil from Wahoo, Nebraska; Mr. Ken Sweeney from North Platte, Nebraska; Mary Jane Rambo of the Midwestern Office Council of State Government; Mrs. Judy Zabel from Western, Nebraska; 30 sophomores from Pius X, Lincoln, Nebraska; Pro-life group from all over Nebraska; and Gene Beck and Harold Ahrendts from Kearney, Nebraska.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Wednesday, March 7, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 7, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 7, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father God, again at the dawn of a new day we turn unfilled to Thee. Take Thou the dimness of our souls away. Facing fresh duties, we would first search our own souls. May Thy holy powers of renewal be felt in every heart, and may all that has been withered in us be spiritually restored. May weights of despair be changed to wings of hope. May disappointments be changed into radiant expectations. May any bitterness of selfishness lurking in our hearts be transformed into a love that thinketh no evil and seeketh not its own. Scorning expediency and false compromise, may we be true to all truth the world denies, not tongue-tied by any lies, or persuaded by the wrong pressures, but faithful to the light which Thou has placed within us. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Lewis, Simon, Warner, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fortieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 102. Placed on Select File as amended.
E & R amendments to LB 102:

1. In the DeCamp amendments, page 1, line 14, strike the first comma; and strike beginning with "which" in line 16 through the comma in line 17.

2. In the DeCamp amendments, page 2, line 7, strike "aforesaid" and insert "provided for in section 2 of this act"; and in line 10 strike the first comma and insert an underscored comma after "records".

3. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT relating to corporations; to provide alternate procedure for the domestication and withdrawal of domestication of foreign corporations; to make additional designations as corporations; to amend section 21-608, Reissue Revised Statutes of Nebraska, 1943; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 323. Placed on Select File.
LEGISLATIVE BILL 474. Placed on Select File.
LEGISLATIVE BILL 245. Placed on Select File.

LEGISLATIVE BILL 133. Placed on Select File as amended.
E & R amendment to LB 133:

1. Show as stricken the matter stricken in the Koch amendment.

Correctly Enrolled

The following bills were correctly enrolled: 127, 129, 145, 178, 248, 287, and 411.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 127, 129, 145, 178, 248, 287, and 411.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 43
March 1, 1979

Dear Senator Pirsch:

You have forwarded to us a copy of Legislative Bill 421 which deals generally with an amendment to section 32-210.01, and changes the compensation paid to certain election officials from an exact amount to an amount based upon the federal minimum wage.

You indicate in your letter of referral that you have some concern as to whether or not such would be constitutional. We share this concern with you and are of the opinion that such an attempt to base a wage of an election official upon a future act of the United States Congress is most likely unconstitutional.

The Nebraska Supreme Court has held that a state statute containing, as a condition precedent, future acts of the United States Congress is an unconstitutional delegation of legislative authority. Smithberger, et al, v. Banning, 129 Neb. 651, 262 N.W. 492 (1935).

The Nebraska Supreme Court in 1967 in the case of Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322, had occasion to review an act of the legislature passed in 1967, known generally as the Nebraska Revenue Act of 1967, which made future laws of the United States relating to the federal income tax automatically applicable to the Nebraska income tax. In Anderson, supra, the Supreme Court set forth the principles outlined above from Smithberger, supra, and suggested that such was the state of the law in this jurisdiction and was controlling absent specific constitutional authorization.

Prior to the enactment of the Nebraska Revenue Act, the Nebraska voters in 1966 had adopted an amendment to article VIII of the Nebraska Constitution which provided: "When an income tax is adopted by the Legislature, the Legislature may adopt an income tax based upon the laws of the United States." The question in Anderson, supra, was whether or not this constitutional language included future acts of the United States Congress as well as those already in existence. The Supreme Court held that the intent of the Legislature was to include future acts of Congress and that, therefore, provision for such being found specifically within our Constitution such a contingency as that contained within the Nebraska Revenue Act was constitutional.

In the matter about which you inquire, we find no specific constitutional authority for such a delegation and conclude that such would be unconstitutional. In 1975, we had occasion to consider a similar question concerning a legislative act which would have been contingent upon changes in the federal consumer price index. There

we were of the opinion that such would be an impermissible delegation of the legislative authority. See opinion no. 71, dated April 23, 1975, found in the Reports of the Attorney General for 1975-76 on page 82. A copy of this opinion is included for your reference and use.

Therefore, in conclusion we believe that it would be constitutionally improper for the Legislature to base the wages paid these election officials upon the federal minimum wage given the fact that Congress is free to adjust this either upward or downward from its present level and therefore, by enacting such a statute, the Legislature, in effect, is delegating to the United States Congress the authority to set the wages of these officials. It is this kind of delegation in which we believe the Nebraska Legislature may not constitutionally engage.

If we can be of further assistance to you on this matter, please let us know.

Very truly yours,
PAUL L. DOUGLAS
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:ksf
CC: Pat O'Donnell
Clerk of the Legislature

Opinion No. 46
March 5, 1979

Re: Possible Role of HSAs in
Certificate of Need Program

Dear Senator Cullan:

You have asked who is making the decision if the decision of a health service agency (HSA) can be overtuned by the Department of Health only if it is arbitrary and capricious or not supported by the evidence. The HSA is. The department is being limited to judicial review of the decision of the HSA. See Scott v. State of Nebraska ex rel. Board of Nursing, 196 Neb. 681, 244 N.W.2d 683 (1976), for the scope of judicial review in licensing cases.

You have asked whether the Legislature can authorize a private nonprofit corporation such as the HSA to make such decisions. We have concluded that it cannot.

A certificate of need program is an exercise of the police power. The power is an attribute of sovereignty. It may be exercised by the Legislature directly or it may be exercised indirectly by conferring the power upon agencies created by the Legislature. See Chicago v.

O'Connell, 278 Ill. 591, 116 N.E. 210 (1917). (In Fisher v. Board of Regents, 108 Neb. 666, 673, 189 N.W. 161 (1922), the power was given to an agency created by the Constitution, but whose duties are prescribed by law.)

The health service agencies in Nebraska are not agencies created by the Legislature or by the Constitution. They are private nonprofit corporations under the direction of their boards of directors. See sec. 21-1916, R.R.S. 1943. Also one of the terms of their designation as HSAs by the federal government is that they are not a subsidiary of, or otherwise controlled by, any other private or public corporation or other legal entity. See 42 USC section 300*l*-1.(b) (1) (A).

This autonomy would not be violated if the Department of Health were authorized to contract with HSAs. The HSAs could then decide whether to enter the contract tendered.

The department could be authorized to contract with the HSAs to make preliminary findings of fact and advisory recommendations as they do now under the federal program. This fact plus the expertise of any agency limited by 42 USC section 300*l*-1. (b) (1) (A) to health planning and development functions should save such authorization from unconstitutionality as special legislation favoring HSAs over other nonprofit corporations. See City of Scottsbluff v. Tiemann, 185 Neb. 256, 266, 175 N.W.2d 74 (1970).

The department could not be authorized to delegate the making of the final decision to HSAs. The Legislature would then be doing indirectly what it could not do directly. Also courts in other jurisdictions have held that the duty of finding facts cannot be delegated (Burk Bros. v. National Labor Relations Board, 117 F.2d 686 (3rd Cir. 1941)), that the duty to determine a case on all the evidence cannot be delegated (Dillon v. Schapp Beef Co., 5254 App.Div. 790, 4 N.Y.S.2d 85 (1938)), and that the agency given the power to make a decision cannot impose a prior restraint on its decision by contract (Johnson et al. v. Board of Commissioners, 192 N.C. 561, 135 S.E. 618 (1926), and Gaddis v. Cherokee County Road Commissioner, 195 N.C. 107, 141 S.E. 358 (1928).)

In Thiles v. County Board of Sarpy County, 189 Neb. 1, 200 N.W.2d 13 (1972), the Nebraska court discussed the limitation on the power of a county board to contract with individuals for services:

> ". . . [C]ounty boards may not hire a person to perform (1) unauthorized acts, (2) official discretionary duties of the board, or (3) statutory official duties of the board or another county or state official . . ." Supra at 6.

The court would probably reach a similar decision in regard to administrative agencies such as the Department of Health.

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

MBH:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

March 7, 1979

The Committee on Committees will meet at 12:10 p.m., Wednesday, March 14, 1979, in Room 1520, for the purpose of hearing appointments by Governor Charles Thone as follows:

John B. Barrette - Board of Parole
John Knight - Director, Department of Public Welfare
William E. Mountford - Nebraska Political Accountability and Disclosure Commission
Edward Narjes - Environmental Control Council
Vance D. Rogers - Nebraska Educational Television Commission
Gayle Stock - Nebraska Educational Television Commission
Monroe Usher, Jr. - State Personnel Board
George Van Pelt - Game and Parks Commission

(Signed) Shirley Marsh, Chairperson

MOTION - Recommit LB 458

Mr. Vickers moved to recommit LB 458 back to the Public Works Committee for further consideration.

Motion pending.

MOTION - Introduce Bill

Mr. Maresh moved the introduction of a new bill by the Business and Labor Committee (Req. #863).

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 579. By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Landis, 46th District; Simon, 31st District; Fitzgerald, 14th District; Brennan, 9th District; DeCamp, 40th 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.

MOTION - Introduce Bill

Mr. Maresh moved the introduction of a new bill by the Business and Labor Committee (Req. #864).

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 580. By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Landis, 46th District; Simon, 31st District; DeCamp, 40th District; Brennan, 9th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to disallow certain claims against the state.

Mr. Cullan asked unanimous consent to be excused at 9:30 a.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 87. Title read. Considered.

Mr. DeCamp offered the following amendment:

(1)

1. Strike everything after "c)" through the word "full" on line 25.
2. Strike "(ii)" on line 25.
3. Amend line 25 beginning with the word "If" through the word "loan" on line 27 to read as follows:

"If the contract is prepaid in full by cash, a new loan,"

4. Strike "(iii)" line 12, page 7.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendment:

(2)

On page 3, line 27, strike "and" and reinstate the comma. On Page 4, line 3, before "on" insert "on that part of the principal balance on any loan in excess of one thousand dollars and not in excess of five thousand dollars and fifteen percent per annum"

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Cope asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. DeCamp offered the following amendment:

(3)

Page 12, Line 25 after (3) strike "no" and show the same as stricken and insert "except as provided in section 45-137(2)(a), no"
Page 13, line 3 after "dollars" insert a period and strike the comma and strike on line 3 the new language beginning with "or" through line 6.
Page 13, Line 6, before "if" insert "Except as provided in section 45-137(2)(a), no licensee shall enter into any contract under sections 45-114 through 45-155, under which any borrower agrees to make any payment of principal more than sixty calendar months from the date of making such contract when the principal balance is more than three thousand dollars but not more than five thousand dollars or more than one hundred and twenty calendar months from the date of making such contract when the principal balance is more than five thousand dollars,"

Messrs. Fowler, Cullan, Hoagland, Burrows, Dworak, and Koch offered the following amendment to the DeCamp amendment (3):

1. amend the new language for page 13 of the bill lines 3-6 by after "three thousand dollars" strike "but not more than five thousand dollars or more than one hundred twenty calendar months from the date of making such contract when the principal balance is more than five thousand dollars,"
2. to add amendments to the bill as follows:
   page 3, line 19, strike "ten" and insert "seven"
   page 12, line 4, strike "ten" and insert "seven"

page 12, line 13, strike "ten" and insert "seven"

Mr. Newell requested a record vote on the Fowler et al amendment.

Voting in the affirmative, 25:

Beutler	Haberman	Kremer	Nichol	Venditte
Burrows	Hoagland	Lamb	Pirsch	Vickers
Chambers	Kahle	Landis	Reutzel	Wagner
Dworak	Keyes	Maresh	Rumery	Warner
Fowler	Koch	Newell	Sieck	Wesely

Voting in the negative, 12:

Clark	Goodrich	Johnson	Merz
DeCamp	Hasebroock	Kelly	Murphy
Duis	Hefner	Kennedy	Stoney

Present and not voting, 6:

Brennan	Fitzgerald	Marvel
Carsten	George	Schmit

Excused and not voting, 6:

Cope	Labedz	Marsh
Cullan	Lewis	Simon

The amendment was adopted with 25 ayes, 12 nays, 6 present and not voting, and 6 excused and not voting.

The DeCamp amendment (3) as amended was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendments (4) through (15):

(4)

Page 11, Lines 7 & 8, strike "except as the result of an accidental and bona fide error" and show the same as stricken.
Page 11, line 12 after "collected" insert "or contracted for" and strike "forfeit and" and show the same as stricken.
Page 11, line 13 after "collected" insert ", and shall not collect all interest and other charges thereafter due".
Page 11, line 14 strike the period and insert ", as liquidated damages, and the licensee or its assignee, if found liable, shall pay the costs of any action relating thereto, including a reasonable attorney's fee; provided however, no licensee shall be found liable under the

provisions of this subsection if the licensee shows by a preponderence of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid any such error."

(5)

Page 14, Line 14, after "collected" insert "or contracted for".
Page 14, line 14, after the comma insert "the licensee shall refund to the borrower"
Page 14, Line 15, Strike "shall be forfeited and refunded" and show the same as stricken, and insert: "which have been collected, and shall not collect thereafter any interest or other charges contracted for and thereafter due, on the loan involved, as liquidated damages, and the licensee or its assignee, if found liable, shall pay the costs of any action relating thereto, including a reasonable attorney's fee; provided however, no licensee shall be found liable under the provisions of this subsection if the licensee shows by a preponderence of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid any such error."

(6)

Page 14, Line 2 after "collected" insert "or contracted for".
Page 14, Line 3, strike "forfeit and" and show the same as stricken.
Page 14, Line 4 after "collected" insert ", and shall not collect thereafter any interest or other charges contracted for and thereafter due".
Page 14, Line 5, strike the period and insert ",as liquidated damages, and the licensee or its assignee, if found liable, shall pay the costs of any action relating thereto, including a reasonable attorney's fee; provided, however, no licensee shall be found liable under the provisions of this subsection if the licensee shows by a preponderence of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid any such error."

(7)

Strike Section 6 on Page 14 through section 15 on page 19.
Page 4, lines 10-17, Strike the new language.

(8)

Page 21, Line 3, insert "(1)" before "sections".
Page 21, Line 5, strike "(1)" and insert "(a)"
Page 21, Line 8, strike "(2)" and insert "(b)".

Page 21, Line 10, strike "(3)" and insert "(c)".
Page 21, after line 12, insert a new subsection to read as follows:
"(2) In connection with the collection of any loan a licensee may not:
(a) Use or threaten to use violence.
(b) Use obscene or profane language.
(c) Causing a telephone to ring or engage a person in telephone conversation at times known to be inconvenient to the borrower.
(d) Falsely represent the character, amount, or legal status of any debt.
(e) Falsely represent that an individual is an attorney when he or she is not.
(f) Falsely represent that nonpayment of any debt will result in the arrest or imprisonment of the borrower or any member of the borrower's household.
(g) Threaten to take any action that the licensee knows cannot legally be taken at the time the threat is made.
(h) Falsely represent that the borrower committed any crime when he or she did not.
(i) Communicate or threaten to communicate to any person credit information which is known to be false.
(j) Use or distribute any written communication which falsely represents that it is a document authorized, issued, or approved by any court, official, or agency of the United States or any State.
(k) Collect any amount, including any interest, fee charge, or expense incidental to the principal obligation, unless such amount is expressly authorized by the loan agreement or permitted by law.

(9)

(l) Accept by a licensee from any person of a check or other payment instrument postdated by more than five days unless such person is notified in writing of the licensee's intent to deposit such check or instrument not more than ten nor less than three business days prior to such deposit.
(m) Solicit by a licensee of any postdated check or other postdated payment instrument for the purpose of threatening or instituting criminal prosecution.
(n) Deposit or threaten to deposit any postdated check prior to the date on such check.
(o) Cause charges to be made to any person for communications by concealment of the true purpose of the communication, including, but are not limited to, collect telephone calls and telegram fees.
(p) Communicate with a borrower regarding a debt by postcard.
(q) Communicate with a borrower at the borrower's place of employment if the licensee has received actual notice that the

borrower's employer prohibits the borrower from receiving such communication."

(10)

P. 22, Line 13 strike the first "and" and on Line 14 strike the period and insert, "and that any credit insurance issued in connection with the loan contract may be cancelled unless the borrower cures the default."

(11)

Amend L.B. 87, page 23, line 14 by inserting after "dwelling" insert "or a locked, unoccupied motor vehicle,"

(12)

P. 24, line 14 strike beginning with "the" and through "one" in line 16 and insert "at the time thereof the unpaid balance due on the loan is three."

(13)

Amend LB 87, page 25 by inserting after line 20 but before line 21 a new paragraph which reads as follows:

"Upon written request of a borrower, the licensee shall provide a written statement of the dates and amounts of payments made and amount of default and deferrment charges assessed preceeding the month in which the request is received and the total amount unpaid as of the end of the period covered by the statement of the dates and amounts of payments made and amount of default and deferrment charges assessed preceeding the month in which the request is received and the total amount unpaid as of the end of the period covered by the statement, a copy of the loan agreement, security agreement, and if requested a facisimile of the insurance certificate issued as part of the transaction, if applicable. The licensee may charge a reasonable fee for such copies, not to exceed fifty cents per page."

(14)

P. 26, lines 8 and 9 strike "a penalty" and insert "an award of liquidated damages"

P. 26, line 10 strike the first "one" and insert "five"

P. 26, line 11 after dollars strike the period and insert: "in any legal action brought pursuant to this section in which the licensee is found liable the court shall award costs and reasonable attorneys' fees to the borrower."

P. 26, line 11 strike "for a penalty"

P. 26, line 26 strike "forty-five" and insert "thirty"

(15)
AMEND LB 87 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 shall not affect the validity or constitutionality of the remaining portions thereof."

The amendments (4) through (15) were adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 3 nays, 13 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 314. Placed on General File.

(Signed) John DeCamp, Chairman

Judiciary

LEGISLATIVE BILL 292. Placed on General File.

(Signed) William E. Nichol, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 59 in the Journal. No objections. So ordered.

1. Insert a new section as follows:
"Sec. 3. That section 79-1270, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
79-1270. Provisions shall be made by the proper local school authorities for instructing the pupils in all schools in a comprehensive health education program which shall include instruction (1) as to the physiological, psychological, and sociological aspects of drug use, misuse, and abuse and (2) on mental retardation and other developmental disabilities, such as cerebral palsy, autism, and epilepsy, their causes, and the prevention thereof. Drugs are defined as any and all biologically active substances used in the treatment of illnesses, or for recreation or pleasure. Special emphasis shall be placed upon the commonly abused drugs

of: Tobacco, alcohol, marijuana, hallucinogenics, amphetamines, barbiturates, and narcotics.".

2. On page 4, line 1 strike "section 79-444" and insert "sections 79-444 and 79-1270"; in line 2 strike "is" and insert "are".

3. Renumber original section 3 as section 4.

4. In the title, line 2 strike "section 79-444" and insert "sections 79-444 and 79-1270"; in line 7 after the semicolon insert "to require health education instruction as prescribed;"; and strike line 8 and insert "sections.".

MR. NICHOL PRESIDING

MOTION - Adopt Rule Changes

Mr. Fowler moved the adoption of the rule change found in the Journal on page 320-321, as acted on by the Rules Committee on page 509.

The rule change was adopted with 30 ayes, 0 nays, and 19 not voting.

Mr. Fowler moved the adoption of the Beutler rule change found in the Journal on page 158 as acted on by the Rules Committee on page 509.

Mr. Fowler 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. George requested a roll call vote on the Beutler rule change.

Mr. Beutler moved for a Call of the House. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mr. Beutler requested a roll call vote on his rule change.

Voting in the affirmative, 30:

Beutler	Fitzgerald	Hoagland	Marvel	Rumery
Carsten	Fowler	Kahle	Murphy	Sieck
Clark	George	Kelly	Newell	Stoney
Cope	Goodrich	Kennedy	Nichol	Venditte
Cullan	Haberman	Lamb	Pirsch	Vickers
Duis	Hefner	Maresh	Reutzel	Wagner

Voting in the negative, 17:

Brennan	Dworak	Koch	Merz	Wesely
Burrows	Hasebroock	Kremer	Schmit	
Chambers	Johnson	Landis	Simon	
DeCamp	Keyes	Lewis	Warner	

Excused and not voting, 2:

Labedz Marsh

The Beutler rule change was adopted with 30 ayes, 17 nays, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Fowler moved the adoption of the Executive Board rule change found in the Journal on page 476 as acted on by the Rules Committee on page 509.

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 Executive Board rule change was adopted with 32 ayes, 6 nays, and 11 not voting.

MOTION - Return LB 211 to Select File

Mr. Murphy moved to return LB 211 to Select File for the following specific amendment:
In the Standing Committee report Amendment #1 add "school districts".

The motion prevailed with 27 ayes, 5 nays, 15 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 211. The Murphy specific amendment found in this day's Journal was adopted with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Wesely requested a machine vote to advance LB 211.

Advanced to E & R for Re-Engrossment with 25 ayes, 10 nays, 12 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Duis and Clark asked unanimous consent to be excused Friday, March 9, 1979. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 579 and 580 for the approval of the Nebraska State Legislature.

LB	Committee
579	Business and Labor
580	Business and Labor

(Signed) Frank Lewis, Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 579	Wednesday, March 14, 1979	1:30 p.m.
LB 580	Wednesday, March 14, 1979	1:30 p.m.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Reutzel asked unanimous consent to print the following amendment to LB 435 in the Journal. No objections. So ordered.

At page 1, lines 6-10, strike the underscored material and insert "bona fide farmer or rancher who owns, leases, or resides upon a farm or ranch land, or a member of the immediate family of such farmer or rancher, while hunting on such farm or ranch land."

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 550. Placed on General File as amended.
Standing Committee amendments to LB 550:

1. On page 3, line 18 after "bills" insert

", legislative bills that result in the reduction of revenue to the General Fund,".

2. On page 4, strike beginning with "For" in line 1 through the period in line 4.

LEGISLATIVE BILL 214. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

Revenue

LEGISLATIVE BILL 365. Placed on General File as amended. Standing Committee amendments to LB 365:

1. On page 2, line 17, after "by" insert "an amount not to exceed"; in line 21 strike "may", show as stricken, and insert "shall"; in line 22, after "primary" insert "or general", strike "1978", show as stricken, and insert "1980"; in line 25, after "primary" insert "or general"; in line 27, after "primary" insert "or general", strike "1978", show as stricken, and insert "1980".

2. On page 3, strike beginning with "May" in line 2 through the period in line 16, show as stricken, and insert "the last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this section shall remain in effect after December 31, 1980."; in line 18, strike "1983" and insert "1981".

3. On page 4, line 2, strike "1984" and insert "1982"; in line 15, strike "1984" and insert "1982".

LEGISLATIVE BILL 551. Placed on General File.
LEGISLATIVE BILL 452. Placed on General File.
LEGISLATIVE BILL 455. Placed on General File.

(Signed) Calvin F. Carsten, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 112 in the Journal. No objections. So ordered.

1. On page 2 reinstate the stricken matter in lines 11 through 14; in line 14 after the reinstated "load" insert ", except that a tractor and semitrailer combination when hauling agricultural products, as

defined in section 60-301, shall not exceed a length of sixty-five feet, extreme overall dimensions, inclusive of front and rear bumpers including load"; strike the new matter and reinstate the stricken matter in lines 15 and 16; in lines 24 and 26 strike the new matter and reinstate the stricken matter.

2. On page 3 line 1 strike the new matter and reinstate the stricken matter.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 7, 1979, at 10:25 a.m., were the following bills: 127, 129, 145, 178, 248, 287, and 411.

(Signed) Hazel Kaltenberger, Enrolling Clerk

BILL ON FIRST READING

The following bill was read for the first time by title:

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

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

VISITORS

Visitors to the Chamber were 50 fourth grade students and teachers from Mt. Claire School, Omaha; Scott Pederson of North Platte; 5 seniors and instructor from Exeter High School, Exeter; 50 fourth grade students and teacher from Mt. Claire School, Millard; Carroll Carsten from North Platte and Ruth Carsten, son and wife of Senator Carsten; Raleigh Trisdale from Ogallala; a group of delegates of the Nebraska Council of Youth's attending Youth Government Day; and 4 visitors from Indianola, 38th District.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Lewis, the Legislature adjourned until 9:00 a.m., Thursday, March 8, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 8, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 8, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father, in the midst of the complicated situations of life in the unsolved problems of our State, deliver Thy servants from any sense of futility. Let them feel the support and the prayers of the many citizens of this State who are sincerely interested in the best interests of all, and above all, the uplift of the everlasting arms.
>
> Cause them to understand that God's power has never been obstructed by difficulties, nor His love limited by the confusion of human plans. May the very failures of man's best resources lead us to seek the resources of God.
>
> Cleanse our hearts of selfishness. Grant that all questions immediately before us may be made so plain that we shall have no forebodings as we make our decisions nor vain regrets after they are made. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Burrows, Kelly, Lewis, and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 784, delete lines 29 and 30 and insert:
LEGISLATIVE BILL 452. Indefinitely postponed.

LEGISLATIVE BILL 455. Indefinitely postponed.
The Journal for the Forty-First Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 297. Placed on Select File.

LEGISLATIVE BILL 105. Placed on Select File as amended.
E & R amendments to LB 105:

1. On page 2, insert "section" at the end of line 19.

2. On page 3, line 15, strike the underscored comma.

3. On page 9, line 21, insert an underscored comma after "assessment".

4. On page 10, line 27, insert an underscored comma after "shall".

5. On page 11, line 2, strike the comma and show as stricken.

6. On page 23, line 11, strike "(4)" and insert the same after "and".

LEGISLATIVE BILL 404. Placed on Select File as amended.
E & R amendment to LB 404:

1. In the title, line 5, insert "to provide an additional fee;" after the semicolon.

LEGISLATIVE BILL 59. Placed on Select File as amended.
E & R amendments to LB 59:

1. In committee amendments, page 2, line 11, strike the underscored period; and in line 12 show as stricken the matter stricken by the first Chambers amendment.

2. In committee amendments, page 3, line 8, insert an underscored comma after "or".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 211.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 298. Placed on General File as amended.
Standing Committee amendments to LB 298:

1. On page 3, line 12 after the semicolon insert "and"; strike beginning with the second "and" in line 14 through the semicolon in line 16; strike beginning with "physician's" in line 18 through "paramedic" in line 22 and insert "certified advanced emergency medical technician-I, certified advanced emergency medical technician-II, or certified advanced emergency medical technician-paramedic".

2. On page 4, line 20 after "of" insert "a certified advanced emergency medical technician-I, certified advanced emergency medical technician-II, or certified advanced emergency medical technician-paramedic;"; and strike beginning with "a" in line 20 through line 26.

3. On page 5, strike lines 1 through 27.

4. On page 6, strike lines 1 through 23 and insert

"(9) Certified advanced emergency medical technician-I shall mean a person who:

(a) Renders advanced first aid, rescue, and resuscitation services;

(b) Meets all the requirements for certification as a duly certified ambulance attendant pursuant to the provisions of Chapter 71, article 51;

(c) Is trained in an approved program by an approved licensed physician to administer intravenous solutions, and perform endotracheal airway management and other authorized aids to ventilation, under the direct supervision of an approved licensed physician or physician surrogate specifically designated by such physician, during both training and after certification; and

(d) Has been examined and certified as a certified advanced emergency medical technician-I by the Board of Advanced Emergency Medical Care and the Department of Health;

(10) Certified advanced medical technician-II shall mean a person who:

(a) Renders advanced first aid, rescue, and resuscitation services;

(b) Meets all the requirements for certification as a duly certified advanced emergency medical technician-I pursuant to the provisions of subsection (9) of this section;

(c) Is trained in an approved program by an

approved licensed physician to administer parenteral and other medications, under the direct supervision of an approved licensed physician or physician surrogate specifically designated by such physician, during both training and after certification; and

(d) Has been examined and certified as a certified advanced emergency medical technician-II by the Board of Advanced Emergency Medical Care and the Department of Health;

(11) Certified advanced emergency medical technician-paramedic shall mean a person who:

(a) Meets all the requirements for certification as a duly certified advanced emergency medical technician - II pursuant to subsection (10) of this section;

(b) Is trained in an approved program by an approved licensed physician to provide advanced cardiac life support, to administer drugs under written or oral authorization of a licensed physician, and to perform any of the procedures described in section 2 of this act, under the direct supervision of a licensed physician or physician surrogate specifically designated by such physician, during both training and after certification; and

(c) Has been examined and certified as a certified advanced emergency medical technician - paramedic by the Board of Advanced Emergency Medical Care and the Department of Health; and".

5. Strike pages 7 and 8.

6. On page 9, strike lines 1 through 7.

7. Insert a new section as follows:

"Sec. 2. Notwithstanding any other law to the contrary, a certified emergency medical technician - paramedic, during both training and after certification, where voice contact or a telemetered electrocardiogram is monitored by a licensed physician or a physician surrogate where authorized and directly supervised by a licensed physician, and where direct communication is maintained, upon order of such physician or such physician surrogate, may do any of the following:

(1) Render advanced first aid, rescue, and resuscitation services;

(2) Administer intravenous solutions;

(3) Perform gastric or tracheal suction or intubation;

(4) Administer airway intubation by esophageal tube or endotracheal tube;

(5) Perform pulmonary ventilation by use of esophageal airway or endotracheal tube, or other authorized aids to ventilation;

(6) Perform aspiration of the chest;

(7) Perform venipuncture to draw blood specimens for analysis;

(8) Apply rotating tourniquets;

(9) Administer any of the following classes of drugs or solutions:

(a) Antiarrhythmic agents;

(b) Vagolytic agents;

(c) Chronotropic agents;

(d) Analgesic agents;

(e) Alkalinizing agents;

(f) Vasopressor agents;

(g) Anticonvulsive agents;

(h) Inotropic agents;

(i) Narcotic antagonists;

(j) Diuretics;

(k) Opthalmic agents;

(l) Oxytocic agents;

(m) Antihistaminics;

(n) Bronchodilators;

(o) Emetics; or

(p) Other drugs or solutions which may be deemed necessary and ordered by a licensed physician.

(10) Perform cardiac electrical countershock; and

(11) Perform other emergency procedures deemed necessary and ordered by a licensed physician.".

8. On page 10, lines 1 to 3, 9 to 12, 16 to 18, and 25 to 27, and page 11, lines 13 to 15, and 21 to 23, strike beginning with "physician's" through "paramedics" and insert "certified advanced emergency medical technicians-I, certified advanced emergency medical technicians-II, and certified advanced emergency medical technicians-paramedics".

9. On page 12, lines 5 to 8, and 22 to 24, and page 13, lines 8 to 10, strike beginning with "physician's" through "paramedics", show any old matter as stricken, and insert "certified advanced emergency medical technicians-I, certified advanced emergency medical technicians-II, and certified advanced emergency medical technicians-paramedics".

10. On page 11, lines 5 to 9, page 14, lines 23 to 27, page 16, lines 26 and 29, page 17, line 1, and page 18, lines 15 to 19, strike beginning with "physician's" through "paramedic" and insert "certified advanced emergency medical technician-I, certified advanced emergency medical technician-II, or certified advanced emergency medical technican-paramedic".

11. On page 13, line 27, page 14, lines 1 to 4, and 10 to 14, page 15, lines 9 to 13, and 24 to 27, page 17, lines 9 to 11, and 22 to 26, page 17, line 27, and page 18, lines 1 to 4 strike beginning with "physician's"

through "paramedic" and insert "certified advanced emergency medical technician-I, certified advanced emergency medical technician-II, or certified advanced emergency medical technician-paramedic".

12. On page 10, line 3 after the semicolon insert "certification and"; and in line 6 after "examination" insert "or either a written or practical performance examination,".

13. On page 14, line 15 after "paramedic" insert "or technician"; in line 16 after "paramedic's" insert "or technician's"; and in line 27 before "at" insert ", or to any trainee in an approved program,".

14. On page 15, line 3 after the comma insert "nor any trainee in an approved program following such orders,"; in line 13 after the first comma insert "trainee in an approved program,"; and in line 27 after the comma insert "or of any trainee in an approved program,".

15. On page 16, lines 7 and 12 after the comma insert "any trainee in an approved program,".

(Signed) Sam Cullan, Chairman

MESSAGE FROM THE GOVERNOR

March 7, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 38, 85, 115, 232 and 233.

These bills were signed by me on March 6, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

ATTORNEY GENERAL'S OPINIONS

Opinion No. 47
March 6, 1979

Dear Senator Carsten:

You have asked certain questions in regard to LB 285, 86th Legislature, First Session 1979. You state that you are attempting to take action on this bill which would delete provisions (1)(a) and (1)(b) of LB 1, 85th Legislature, First Special Session 1978.

In your first question you asked: "As used in LB 1, 1978 Special Session, what is an ad valorem tax?" As you correctly point out, LB 1 places a seven percent limitation upon that portion of the budget funded by ad valorem taxation of political subdivisions. Section 1 (3) in part defines the portion of the budget limited in the following terms:

> "For the purposes of this section, the term budget funded by ad valorem taxes shall include all funds the source of which is an ad valorem tax regardless of the purpose of such funds. . . ."

While the Nebraska Supreme Court has never engaged in an extended discussion of the meaning of the term ad valorem taxation, they have in State ex rel. Meyer v. Story, 173 Neb. 741, 114 N.W.2d 769 (1962), stated:

> "The phrase 'ad valorem' means literally 'according to the value,' and is used in taxation to designate an assessment of taxes against property at a certain rate upon its value. . . ."

They cite cases from Arizona and Texas for this quote. In Powell v. Gleason, 50 Ariz. 542, 74 P.2d 47, (1937), the Supreme Court of Arizona in part said:

> ". . .Taxes fall into many different classes, and the tests as to their validity frequently differ in accordance with their nature. The three principal forms now in use are ad valorem property, excise, and income taxes. The 'ad valorem' means, literally, 'according to the value,' and is used in taxation to designate an assessment of taxes against property at a certain rate upon its value. Webster's New International Dictionary. An ad valorem property tax is invariably based upon ownership of property, and is payable regardless of whether it be used or not, although of course the value may vary in accordance with such factor. It is neither intended nor expected that it be passed on, though under some circumstances, as with rental property, this may be done. . . . An excise tax, on the other hand, is a direct tax laid on merchandise or commodities, which is generally meant to be passed on to the consumer. It may or may not have an ad

valorem factor therein. . . . Income taxes are precisely what the name signifies; taxes based on income in money, gross or net. . . ."

With this basis it can be said that an ad valorem tax is one imposed according to value, what is commonly referred to in Nebraska as a property tax. A tax imposed upon real or personal property based on the value of that property.

In your second question you ask "are receipts from the following sources to be considered as receipts from an ad valorem tax?" You thereafter list seven separate items from which tax receipts flow to political subdivisions.

The first tax to which you refer is that imposed upon real property. Real property tax is a tax imposed upon the valuation of the property made for the purposes of imposing a tax. The valuation made is to be actual value. Tax on real property is ad valorem tax.

The second tax you identify is the personal property tax. Under the statutes, personal property returns are filed by taxpayers which state the value of the property subject to taxation. The tax is then imposed based upon those values. The property may be of any sort, income producing, nonincome producing, or of some other nature. Irrespective of the nature of the property the tax is based upon the value of the property. The tax that is imposed according to the value of the property.

Your next cite, taxes imposed upon motor vehicles. Section 77-1238, et. seq., R.R.S. 1943, as amended, set out the method by which taxes are imposed upon motor vehicles. In section 77-1238(4) it is stated:

"Motor vehicle tax shall mean a tax imposed upon motor vehicles in lieu of an ad valorem tax;"

Subsequently in section 77-1239, R.S.Supp., 1978, the following language appears:

"(1) The Tax Commissioner shall prepare a schedule of actual values upon the several types of motor vehicles already manufactured or being manufactured, . . . in accordance with section 77-201."

Under the scheme provided these values are reported to the county treasurer who then applies the appropriate mill levy to each of the motor vehicles. In section 77-1240.01, R.R.S. 1943, in part it is provided:

". . . , which motor vehicle tax shall be in lieu of all ad valorem taxes to which such motor vehicles would otherwise be subject. . . ."

Thus we have an anomaly, the tax is to be in lieu of ad valorem taxes, yet is a tax imposed according to value. The method used is to

establish the actual value of a class of motor vehicles and return that value to the counties. The counties then apply that value to all motor vehicles of the same class regardless of the actual value of any particular vehicle. The tax is according to the average value of the class. It may be that the method selected is simply a variation upon the ad valorem system or a different system. The individual vehicle may have a value greater or lesser than the value upon which the tax is imposed. Thus to an extent the tax is not on the basis of value. It is probably safer to assume that the motor vehicle tax is an ad valorem tax, since it does not easily fit into other categories. Although the Legislature has stated the tax is in lieu of an ad valorem tax, the legislative statement of the nature of a tax will not control over the actual nature of the tax. State ex rel., McGuire v. MacFarland, 104 Neb. 42, 175 N.W. 663.

The next tax to which you refer is the Local Option (city) sales tax. The authorities generally agree that a sales tax is not an ad valorem or property tax, but rather is an excise tax. An excise tax can generally be said to be one that is layed upon the manufacture, sale or consumption of commodities, on licenses or occupations, or occupations or corporate privilages. The sales tax is not an ad valorem tax.

Finally, you identify three funds made up of state revenues which are intended to reimburse local subdivisions for revenue lost because of exemptions provided by the Legislature or as an aid in support of local subdivisions. These are: Personal Property Tax Relief Fund, the Homestead Exemption Replacement Fund, and State Aid to Schools. Each of the replacement funds are raised through the general revenues of the state. No part of the revenues is derived from an ad valorem tax. Payments are made to governmental subdivisions on the basis of the amount of revenue forgone or other factors. See section 77-202.22, R.R.S. 1943, and section 77-202.30, R.S.Supp. (1978). For purposes of state aid to schools, see section 79-1330 et. seq., R.R.S. 1943.

As it relates to LB 1, it is important to determine whether these three classes of income to local subdivisions are in the nature of an ad valorem taxation. If they are in the nature of ad valorem taxation, they would be subject to the limitation provided under LB 1, exclusive of sections 1(a) and (b), and if not, they would be subject to that limitation.

The personal property and homestead exemption payments made to counties are based upon the amount of revenue the county would have received had the property exempted by the legislative action been subject to property taxation. The money is raised through the general sales and income tax as well as all other income that goes to make up

the general fund of the State of Nebraska. No property tax is levied to raise the money the state returns to the subdivisions. The only purpose of determining the valuation of the property upon which the tax would have been placed is to set up a system for proration of the payments among the subdivisions. For this reason, we feel it cannot be said that an ad valorem basis exists for this taxation. Thus, these funds would not be subject to the limitations provided for in LB 1.

With respect to the school aid sections, a somewhat more complicated system exists. However, the nature of the money from which the payments are made, is based upon primarily sales and income tax revenues and not other revenues. Although the distribution formula takes into account property valuations of the school districts, those valuations are relevant only for purposes of the division of the funds appropriated by the Legislature. The actual source of the revenue is not ad valorem, thus they are outside of the limitations provided by LB 1.

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

PTO/cmb
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 48
March 6, 1979

Dear Senator Carsten:

You have asked that we review LB 285, Eighty-Sixth Legislature, First Session. LB 285 seeks to amend LB 1, Eighty-Fifth Legislature, First Special Session, 1978. In your first question you ask "Does the limitation on the budgets of political subdivisions imposed by LB 1 (1978 Special Session), apply to that portion of the total adopted budget funded only by ad valorem taxes?" The provision of LB 1 dealing with this subject is section 1 and it provides:

> "Every political subdivision authorized to levy a tax or cause a tax to be levied may adjust that portion of its budget funded by ad valorem taxes for the upcoming fiscal year so as not to exceed an increase of more than seven per cent of the current year's budget funded by ad valorem taxes. . ." (Emphasis added.)

The phrase "that portion of its budget funded by ad valorem taxes" coupled with the phrase "current year's budget funded by ad valorem taxes" can only mean that the portion of the total budget which is funded by ad valorem taxes is limited by LB 1. Thus meaning less than the entire budget.

Most local subdivisions receive revenue from a variety of sources. For instance, a county will receive money from real and personal property taxation, from federal grants, from state payments from inheritance taxation, from license fees and a variety of other activities. All of these income sources to some extent support the budget. The limitation adopted under LB 1 applies only to that portion of the budget which is funded by ad valorem taxation. That portion of the budget supported by non ad valorem taxes or income other than from tax sources, is not limited by LB 1.

In your second question you ask "Does the limitation imposed by LB 1 apply to the budget as a whole, regardless of the source of the tax receipts which, when lumped together, make up the entire budget?"

At first glance your second question may seem to be identical to your first question. However, it is important to distinguish between having an effect on the whole budget and applying to the whole budget. Were the seven percent limitation applicable to the entire budget of a local subdivision, the use of the term "current year's budget funded by ad valorem taxation" would be superfluous. It is necessary in construing statutes to give effect and meaning to the entire statute and to not reach a conclusion which would make ineffective any portion of the statute. Thus, it must be concluded that the limitation is solely as to the portion of the budget funded by ad valorem taxation.

That is not to say, however, that the seven percent limitation does not affect the entire budget. The effect of the seven percent limitation arises by virtue of the provisions of subsections (a) and (b) of section (1). Subsection (a) allows the budget limit to be exceeded where there are reduced receipts from state sources. Subsection (b) requires that the budget limitation be reduced where there are increased receipts from state general fund sources.

To the extent that the state authorizes any increase in state support the effective limit will be seven percent minus the increase in state general fund support. For example, assume a subdivision receives 50 percent of its revenues from state general fund sources and 50 percent from property tax revenue. If the Legislature increases state funding support by 7 percent, the subdivision would not be able to increase their ad valorem tax funded portion of the budget at all for that year. Effectively they would have a 3.5 percent budget limit. Other examples could be cited which would show that there is an effect on

the total budget of any subdivision by the imposition of a limit on a portion of the budget. However, an effect should not be confused with a limit.

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

PTO:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 49
March 7, 1979

Re: LB 119

Dear Senator Lamb:

This is in reply to your inquiry concerning your proposed amendment to LB 119, which would require a "cancellation permit" from the Nebraska Power Review Board before a supplier of electricity could cancel the construction of any electric generation facility previously approved by the board.

You first asked if the proposed amendment would have the effect of depriving the elected board of directors of the utility of their authority to make decisions which would be in the best interests of the rate payers and thus, unconstitutional. In this regard we call to your attention the provisions of section 70-626, R.R.S. 1943, which, among other things, grants to a public power district the authority (subject to the approval of the Power Review Board per section 70-1012) to construct generation facilities. To the same effect is section 70-704 with regard to electric cooperative corporations.

In our opinion, the power and authority to construct a generation facility carries with it the power and authority to not construct such a facility. To that extent, your proposed amendment is in direct conflict with the existing law and does not explicitly repeal it.

Although we do not find any constitutional prohibition against what you are attempting to accomplish by your proposed amendment, we might suggest that failure to reconcile the differences between the authority which we believe the power districts have under the present statutes, with the authority which your proposed amendment would confer upon the Power Review Board might cause some serious legal problems.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP/cmb
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 159. E & R amendment found in the Journal on page 680 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 316. E & R amendments found in the Journal on page 706 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 84. E & R amendments found in the Journal on page 745 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw LB 316 Amendments

Mr. DeCamp asked unanimous consent to withdraw his pending amendments to LB 316 found in the Journal on page 709 and 739. No objections. So ordered.

MOTION - Return LB 316 to Select File

Mr. DeCamp moved to return LB 316 to Select File for the following specific amendment:

(All amendments are to the white copy, req. 2661)

1. On page 3, line 11 strike "best" and insert "sound".

2. On page 5, line 20 strike "best" and insert "sound".

3. On page 6, line 2 strike "best" and insert "sound"; strike beginning with "according" in line 8 through "and" in line 9 and insert "in the"; in line 18 strike "shall be taken" and show as stricken; in line 19 strike "standard medical practice and" and insert "the"; in line 20 strike "when" and insert "and"; in line 22 strike "and" and insert "or"; and after the comma insert

"shall be taken".

4. On page 7, line 2 strike "keeping with good medical practice" and insert "accord with the sound medical judgment of the attending physician"; and in line 13 strike "unemancipated pregnant woman" and insert "minor".

The motion prevailed with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 316. The DeCamp 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 Engrossment.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 316 to Select File

Mr. Venditte moved to return LB 316 to Select File for the following specific amendment:

Page 9, Sec. 9, 28-343, Line 9, after the word "shall" insert the words "be a matter of public record and . . .";
Sec. 9, Lines 20 and 21 shall be reinserted into the bill; and on p. 10, beginning with line 18, after the period, strike all language on line 18, 19, 20 and 21.

Mr. Venditte requested a record vote.

Voting in the affirmative, 12:

Brennan	Kelly	Merz	Pirsch
Carsten	Labedz	Murphy	Schmit
Goodrich	Lamb	Nichol	Venditte

Voting in the negative, 22:

Chambers	Fowler	Landis	Rumery	Warner
Cope	Hoagland	Maresh	Simon	Wesely
Cullan	Johnson	Marsh	Stoney	
DeCamp	Kahle	Newell	Vickers	
Dworak	Koch	Reutzel	Wagner	

Present and not voting, 13:

Beutler	Duis	Haberman	Keyes	Sieck
Burrows	Fitzgerald	Hasebroock	Kremer	
Clark	George	Hefner	Marvel	

Excused and not voting, 2:

Kennedy Lewis

The Venditte motion lost with 12 ayes, 22 nays, 13 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Withdraw LB 316 Amendment

Mr. Koch asked unanimous consent to withdraw his pending amendment to LB 316 found in the Journal on page 678. No objections. So ordered.

MOTION - Return LB 316 to Select File

Mr. Koch moved to return LB 316 to Select File for the following specific amendment:

Amend white copy Req. #2661 on Pg. 6 line 2 after the word "physician" insert "or in the best judgement of the women".

Mr. Koch moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

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

Voting in the affirmative, 18:

Beutler	DeCamp	Haberman	Landis	Sieck
Burrows	Duis	Hoagland	Marsh	Wesely
Carsten	Fowler	Johnson	Marvel	
Chambers	George	Koch	Reutzel	

Voting in the negative, 28:

Brennan	Goodrich	Kremer	Nichol	Venditte
Clark	Hasebroock	Labedz	Pirsch	Vickers
Cope	Hefner	Lamb	Rumery	Wagner
Cullan	Kahle	Lewis	Schmit	Warner
Dworak	Kelly	Maresh	Simon	
Fitzgerald	Kennedy	Murphy	Stoney	

Present and not voting, 3:

Keyes Merz Newell

The Koch motion lost with 18 ayes, 28 nays, and 3 present and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 217. Placed on General File.

LEGISLATIVE BILL 281. Placed on General File as amended.
Standing Committee amendments to LB 281:

1. On page 3, strike beginning with "At" in line 15 through line 18, show as stricken, and insert "The"; strike lines 22 through 24 and insert "1980, the councilman elected as the commissioner of the department of public works and the councilman elected as the commissioner of the department of parks and recreation shall each serve a term of four years. In the event a city elects to adopt the commission form of government after 1980, the councilman elected as the commissioner of the department of public works and the councilman elected as the commissioner of the department of public accounts and finances shall each serve a term of four years and the councilman elected as the commissioner of the department of streets, public improvements, and public property and the councilman elected as the commissioner of the department of parks and recreation shall".

2. On page 6, line 21 strike "utilities" and insert "works".

3. On page 8, lines 6, 7, 9, 11, 12, and 13, strike "superintendent", if old matter show as stricken, and insert "commissioner"; in line 9 after "of" insert "the department of"; in lines 11 and 12 after "of" insert "the department of"; and in line 11 strike "utilities" and insert "works".

LEGISLATIVE BILL 419. Indefinitely postponed.
LEGISLATIVE BILL 432. Indefinitely postponed.

(Signed) Walter George, Chairman

Appropriations

LEGISLATIVE BILL 60. Placed on General File.

LEGISLATIVE BILL 116. Placed on General File as amended.
Standing Committee amendments to LB 116:

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

"Section 1. This act shall be known and may be cited as the Nebraska Art Collection Act.

Sec. 2. The purpose of this act is to assist and encourage the artistic creations of Nebraska artists through the purchase and display of works of art, to beautify public places by increasing the availability of works of art for exhibition, and to foster appreciation and understanding of art by making it more accessible to the public.

Sec. 3. As used in this act, unless the context otherwise requires:

(1) Art shall mean the conscious use of skill, taste, and creative imagination in the production of aesthetic objects and may include sculpture, painting, photography, prints, tapestries, weavings, film, videotape, folk arts and crafts, graphic design, pottery, architectural sketches, and other items considered to be art; and

(2) Nebraska artists shall mean artists born in Nebraska, artists who have worked in or received a portion of their training in Nebraska, or artists living in Nebraska at the time of purchase of their works of art.

Sec. 4. The Board of Trustees of the Nebraska State Colleges may establish a Nebraska Art Collection program at Kearney State College. The Nebraska Art Collection shall be administered by the Board of Trustees of the Nebraska State Colleges and the president of Kearney State College. The Board of Trustees shall designate a curator for the collection. The Board of Trustees shall appoint any advisory committees it deems necessary to aid in the administration of the art collection.

Sec. 5. The collection shall be one that is representative of various mediums, styles, and periods of Nebraska artists and shall be representative of Nebraska's ethnic, racial minority, and cultural groups.

Sec. 6. Art collected under this act may be displayed in museums, government buildings, schools, hospitals, libraries, public malls, community theaters, colleges and universities, state and county fairs, city halls, county courthouses, and other public places. It may be placed on temporary loan or displayed through traveling displays. Efforts should be made to display the art as widely throughout the state as possible in places where it is accessible to the public.

Sec. 7. The Board of Trustees of the Nebraska State Colleges and the president of Kearney State College shall approve procedures for the acceptance of donations or loans of art that meet the criteria of this act.

Sec. 8. The Board of Trustees of the Nebraska State Colleges and the president of Kearney State College through the curator, may apply for and receive aid or grants from state sources, private foundations, local art organizations, or the federal government.''.

LEGISLATIVE BILL 560. Placed on General File as amended.
Standing Committee amendments to LB 560:

1. On page 4, after line 9 insert ''Such system of charges shall be annually reviewed by the Legislature's Committee on Appropriations.''.

2. On page 5, lines 5 and 9 strike ''Cash'' and insert ''~~Cash~~ Revolving''.

(Signed) Jerome Warner, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 69. Placed on General File as amended.
Standing Committee amendments to LB 69:

1. Strike the original sections and insert the following:

''Section 1. That section 8-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-901. ~~Sections 8-901 to 8-904~~ This act shall be known and may be cited as The Bank Holding Company Act. ~~of 1963.~~

Sec. 2. That section 8-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-902. As used in ~~sections 8-901 to 8-904~~ this act, unless the context otherwise requires:

(1) Bank shall mean any national bank doing

business in this state or any bank which is chartered to conduct a bank in this state as provided by sections 8-115 and 8-116;

(2) Company shall mean any corporation, business trust, association, or similar organization, but shall not include:

(a) ~~An~~ Any individual;

(b) Any partnership; or

(c) Any corporation, the majority of shares of which are owned by the United States or any state; and

(3) Bank holding company shall mean any company:

(a) Which directly or indirectly owns or controls twenty-five per cent or more of the voting shares of each of two or more banks;

(b) Which controls in any manner the election of the majority of the directors of each of two or more banks; or

(c) For the benefit of whose shareholders or members twenty-five per cent or more of the voting shares of each of two or more banks or a bank holding company is held by trustees.

Notwithstanding the foregoing:

(1) No estate, trust, guardianship or conservatorship or fiduciary thereof shall be a bank holding company by virtue of its ownership or control of shares of stock of banks as herein defined; Provided, such trust is not a business trust or voting trust; and provided further, that it shall be unlawful for any such estate, trust, guardianship or conservatorship to acquire, by purchase, ownership or control of twenty-five per cent or more of the shares of any additional bank;

(2) No company shall be a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of bank shares and which are held only for such period of time as will permit the sale thereof on a reasonable basis; and

(3) No company shall be a bank holding company by virtue of its ownership or control of shares acquired and held in the ordinary course of securing or collecting a debt previously contracted in good faith.

Sec. 3. That section 8-903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-903. It shall be unlawful for any action to be taken after March 12, 1963 which results in a company becoming a bank holding company as defined in ~~sections 8-901 to 8-904, and it shall be unlawful for a bank holding company operating in this state to acquire ownership or control of twenty-five per cent or more of the voting shares of any bank operating in this state.~~

this act, and no bank holding company operating in this state shall directly or indirectly acquire ownership or control of more than five per cent of the voting shares of any bank, or the power to control in any manner the election of a majority of the directors of any bank if, upon becoming a bank holding company or upon such acquisition, the banks so owned or controlled by the company and other banks in which the company owns or controls any voting shares would have, in the aggregate, more than twelve per cent of the total deposits, both time and demand, as determined by the Director of Banking and Finance on the basis of the most recent calendar yearend reports of the banks in the state to their supervisory authorities which are available on the date of application specified in this section. For purposes of this section percentage of total deposits shall be determined as of the date on which a company files with the Federal Reserve Board an application for approval of action which would result in such company becoming a bank holding company as defined in section 8-902, Reissue Revised Statutes of Nebraska, 1943, or for an acquisition which would be regulated by this section, and all banks which are the subject of any such applications by the company which are pending before such board on that date shall be considered in making such determination.

Sec. 4. Any bank holding company, or company which would thereby become a bankholding company, which proposes to directly or indirectly acquire ownership or control of the voting shares of any bank, and which upon such acquisition would own or control more than five per cent of the voting shares of the bank, shall provide to the Director of Banking and Finance a copy of any original application to the Federal Reserve Board for permission to take such action, and a copy of any subsequent amendment to such application, at the same time the application or amendment is transmitted to the Federal Reserve Board. The Director of Banking and Finance may conduct such investigation into and evaluation of the proposed action as he or she deems necessary and appropriate, and may submit to the Federal Reserve Board any information so obtained together with his or her own comments or recommendations regarding the proposed acquisition.

Sec. 5. Nothing in this act shall be construed to authorize a bank holding company which is, with respect to the State of Nebraska, an out-of-state bank holding company, as defined or referred to in 12 United States Code 1842 (d), as amended to January 1, 1971, to acquire any of the voting shares of, any interest in, all or substantially all of the assets of, or power to

control in any manner the election of any of the directors of any bank in this state, unless such bank holding company was on January 1, 1971, registered with the Federal Reserve Board as a bank holding company, and on that date owned at least two banks in this state.

Sec. 6. Every bank holding company formed after the effective date of this act shall register with the Department of Banking and Finance within one hundred eighty days after October 1, 1979, or within one hundred eighty days after becoming a bank holding company, whichever is later, on forms provided by the Department of Banking and Finance.

Sec. 7. Each existing bank holding company shall register within one hundred eighty days after October 1, 1979, and shall include such information with respect to the financial condition and operations, management, and intercompany relationship of the bank holding company and its subsidiaries, and related matters, as the Director of Banking and Finance may deem necessary or appropriate to carry out the purposes of this act. The Director of Banking and Finance may extend the time within which a bank holding company shall register, and may accept copies of federal registration in lieu of state requirements.

Sec. 8. The Director of Banking and Finance may adopt such rules and regulations as may be necessary to enable him to administer and carry out the purposes of this act and which do not in any way conflict with any of the provisions of law.

Sec. 9. No individual or partnership shall acquire more than five per cent of the voting shares of any bank, of any bank holding company, or of any one-bank holding company as defined in section 8-1202, Reissue Revised Statutes of Nebraska, 1943, if at the time of such acquisition such individual or partnership owns more than five per cent of the shares of any other bank, bank holding company, or one-bank holding company and as if as a result of such acquisition all banks and bank subsidiaries of the holding companies in which such individual or partnership owns more than five per cent of the voting shares would have, in the aggregate, more than twelve per cent of the total deposits, both time and demand, of all banks in this state, as defined in section 3 of this act and as determined by the Director of Banking and Finance on the basis of the most recent calendar year reports of the banks in this state to their supervisory authorities which are available on the date specified in this section. For the purpose of this section percentage of total deposits shall be determined as of the date of acquisition except that if an

individual or partnership proposing to acquire such shares or an agent of such individual or partnership files with the Director of Banking and Finance a request for prior determination of such percentage then the date such percentage is determined by the Director of Banking and Finance shall be controlling with respect to the banks named in the request for a period of not to exceed three months following such determination. The Director of Banking and Finance shall make such a prior determination promptly upon request. The term bank subsidiary of a holding company as used in this section shall mean a bank in which the holding company owns more than five per cent of voting shares.

Sec. 10. That section 8-904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-904. Any company or individual who willfully violates or participates in the violation of any provision of ~~sections 8-901 to 8-904~~ this act shall be guilty of a Class I misdemeanor.

Sec. 11. That original sections 8-901, 8-902, 8-903, and 8-904, Reissue Revised Statutes of Nebraska, 1943, are repealed.''.

LEGISLATIVE BILL 492. Placed on General File as amended.
Standing Committee amendment to LB 492:

1. On page 2, strike beginning with ''vehicles'' in line 11 through ''or'' in line 12 and insert ''farm machinery, irrigation equipment, construction equipment, or any truck of truck-tractor having a gross vehicular weight designated by the manufacturer of over fifteen thousand pounds and any semitrailer or trailer designed for use in combination with any truck-tractor, or any truck, truck-tractor, semitrailer, or trailer''.

(Signed) John W. DeCamp, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 302A. By Revenue Committee: Carsten, 2nd District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 302, Eighty-sixth Legislature, First Session, 1979.

LEGISLATIVE BILL 17A. By Newell, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 17, Eighty-sixth Legislature, First Session, 1978.

UNANIMOUS CONSENT - Member Excused

Mr. Hoagland asked unanimous consent to be excused Friday, March 9, 1979. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 316

Mr. DeCamp asked unanimous consent to expedite LB 316. No objections. So ordered.

Mr. Sieck asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 17. E & R amendments found in the Journal on page 657 for the Thirty-Seventh Day were adopted.

Mr. Warner offered the following amendments:

1. In the committee amendments page 2, lines 6 and 7 strike ", as a part of the Governor's budget message,"; in line 18 after the period insert "The report prepared by the department shall be delivered to the Executive Board of the Legislative Council and to the chairpersons of the Legislature's Revenue and Appropriations Committees at the times designated in section 6 of this act.".

2. In the committee amendments page 3, line 3 strike "Prior to the Governor's budget message of 1980" and insert "On or before October 15, 1979"; in line 6 strike "Prior to the Governor's budget message of 1981"; and insert "On or before October 15, 1980"; in line 9 strike "Prior to the Governor's budget message of 1982" and insert "On or before October 15, 1981"; in line 20 strike "Governor's budget message" and insert "department's report"; and in lines 23 and 24 strike "become part of the Governor's budget message" and insert "be made and summarized in a report submitted to the Executive Board of the Legislative Council and to the chairpersons of the Legislature's Revenue and Appropriations Committee on or before October 15, of such odd-numbered year".

The amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Newell requested a roll call vote to advance LB 17.

Voting in the affirmative, 25:

Beutler	Cope	Johnson	Landis	Newell
Brennan	Cullan	Keyes	Lewis	Reutzel
Burrows	Fitzgerald	Koch	Maresh	Simon
Carsten	Fowler	Kremer	Marsh	Warner
Chambers	Hoagland	Labedz	Merz	Wesely

Voting in the negative, 20:

Clark	Goodrich	Kahle	Marvel	Rumery
Duis	Haberman	Kelly	Murphy	Schmit
Dworak	Hasebroock	Kennedy	Nichol	Vickers
George	Hefner	Lamb	Pirsch	Wagner

Present and not voting, 3:

DeCamp	Stoney	Venditte

Excused and not voting, 1:

Sieck

Advanced to E & R for Engrossment with 25 ayes, 20 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 25. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 140. E & R amendment found in the Journal on page 706 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 81. E & R amendment found in the Journal on page 706 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 78. E & R amendment found in the Journal on page 707 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 434. E & R amendment found in the Journal on page 707 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 437. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 119. E & R amendment found in the Journal on page 707 for the Thirty-Ninth Day was adopted.

Mr. Lamb offered the following amendment:

1. Insert a new section as follows:

"Sec. 2. In the event a supplier terminates construction of electric generation facilities after receiving approval for the facilities from the Nebraska Power Review Board, the supplier shall file with the board within thirty days of the action taken to terminate construction, a statement of the factors or reasons relied upon by the supplier in taking such action. Within ten days after receipt of such filing, the board shall give notice of the filing to such other suppliers as it deems interested or affected by such action and it may hold a hearing for the purpose of obtaining such additional information as the board deems advisable or necessary to inform other suppliers and the public of the reasons for such termination. Notice of any such hearing shall be given to those suppliers previously given notice of the filing. The board shall not have authority to approve or deny the action of a supplier terminating construction, and any such filing or hearing shall be advisory and solely for the purpose of informing the board, other suppliers, and the ratepayers of this state of the factors or reasons relied upon in taking action to terminate construction. Nothing in this section shall constitute or be construed as a defense to any cause of action, including a claim for breach of contract, resulting from such termination.".

2. Renumber original section 2 as section 3.

3. In the title, line 6 after the semicolon insert "to provide procedures to be followed when terminating certain construction contracts;".

Mr. Koch offered the following amendment to the Lamb amendment:
Amend on line 11 after "it" strike "may" and insert "shall"

MR. NICHOL PRESIDING

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Koch amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

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.

The Lamb amendment, as amended, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 223. E & R amendments found in the Journal on page 707 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 102. E & R amendments found in the Journal on page 769 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 323. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 474. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 245. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 133. E & R amendment found in the Journal on page 769 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 305 to Select File

Mr. George moved to return LB 305 to Select File for the specific amendment found in the Journal on page 413.

SPEAKER MARVEL PRESIDING

The George motion lost with 9 ayes, 21 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

MOTION - Reconsider Action on LB 450

Mr. Dworak renewed his pending motion found in the Journal on page 750 to reconsider action on placing LB 450 on General File notwithstanding the committee action.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 18 nays, and 18 not voting.

The Dworak motion is pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Reutzel asked unanimous consent to print the following amendments to LB 435 in the Journal. No objections. So ordered.

1. At page 3, lines 26-27, strike "and shot not larger than number four" and insert "or .22 rimfire rifle or handgun".
2. At page 4, line 1, strike "waterfowl hunters or to".
3. Strike amendment 2, lines 4-10, and insert the following:

2. At page 4, line 2, strike the underscored material and insert "bona fide farmer or rancher who owns, leases, or resides upon farm or ranch land, or a member of the immediate family of such farmer or rancher, while hunting on such farm or ranch land."

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 16. Placed on General File.
LEGISLATIVE BILL 44. Placed on General File.

(Signed) Calvin F. Carsten, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 288. Placed on General File.

(Signed) John W. DeCamp, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Johnson asked unanimous consent to print the following amendment to LB 19 in the Journal. No objections. So ordered.

1. On page 3, strike lines 20 to 23 and insert:
"(3) Custody proceeding shall mean:
(a) Proceedings in which a custody determination is one of several issues such as an action for dissolution, separation, or annulment of a marriage, or an action involving a doubtful marriage;
(b) Proceedings in a juvenile court in which a person under the age of eighteen years is alleged to be a child as described in subdivision (1), (2), or (4) of section 43-202, Revised Statutes Supplement, 1978;
(c) Proceedings to establish the rights of the father of a child born out-of-wedlock as such rights are allowed by sections 43-104.05 and 43-104.06, Revised Statutes Supplement, 1978; and
(d) Proceedings to determine custody as provided by section 43-111.01, Reissue Revised Statutes of Nebraska, 1943, after a court has denied a petition for adoption;".

2. On page 6, strike lines 24 to 26 and insert:
"(a) In the manner specified in subdivision (2) or (4) of section 42-355, Reissue Revised Statutes of Nebraska, 1943, for dissolution, separation, annulment, or doubtful marriage proceedings; or
(b) In the manner specified in section 25-540, Reissue Revised Statutes of Nebraska, 1943, for all other proceedings.".

3. On page 7, strike lines 1 to 9; and in line 11 strike "ten" and insert "fourteen".

4. On page 16 after line 14 insert a new subsection (3) as follows:
"(3) If a person seeks to enforce in this state a custody decree of another state with respect to child support or other monetary or property obligations contained in such decree as well as to enforce the custody determination of such decree, the person may commence any proceeding allowed by law for the enforcement in this state for such support or other obligation and may include in such proceeding a request for appropriate enforcement of the custody determination.

In such proceeding, the court shall recognize and treat the custody determination in accordance with the provisions of this act.".

VISITORS

Visitors to the Chamber were 28 students and teacher from St. John Lutheran School, Seward; 95 high school students and teacher from West Point; 7 Buffalo County Farm Bureau young farmers and ranchers; Mr. and Mrs. Henry Specht of Scottsbluff; Mr. and Mrs. Dick Mercer and son Scott from Kearney; 16 senior high school students and teacher from Brownell-Talbot School, Omaha.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Kelly, the Legislature adjourned until 9:00 a.m., Friday, March 9, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 9, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 9, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Lord, show us the headlines and help us to understand them. Transcend geography, span distance, O Lord. Bring the city near to the farm. Bring the west into the east, the white to the black. Transcend the gaps of race and culture and generation. Make the stranger like a brother, the widow like a mother, the convict like a son, and the hero like a neighbor. Show us the headlines. Take us into the world, in the laws we pass, in the rumors we stop, in the risks we take, in the convictions we show, in the issues we face, in the lives we redeem, in the sins we confess, and in the beliefs which we express through our votes. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Duis, Hoagland, Kelly, Lamb, and Merz who were excused; and Messrs. Fowler, Koch, Kremer, Newell, Venditte, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

MESSAGE FROM THE GOVERNOR

March 8, 1979

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

Dear Mr. President and Senators:

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

James D. Keenan, 2202 Birchwood, North Platte - succeeding W. D. "Twist" Newberry, resigned, term expiring September 14, 1983.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh
cc: James D. Keenan
Committee on Committees
Highway Commission

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 8, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Achelpohl, Steven - Omaha, Mid-West Retail Farm Equipment Association
Blacketer, Vicki L. _ Lincoln, Nebraska Association of Public Employees
Boyce, William R. - Beatrice, Gage County Board of Supervisors

Briggs, Larry L. - Lincoln, Nebraska Association of Public Employees
Burns, Steven D. - Lincoln, Nebraska Association of Public Employees
Crosby, Guenzel, Davis, Kessner & Kuester:
Crosby, Robert B. - Lincoln, Shell Oil Company
Dalton, Matthew R. - Lincoln, Shell Oil Company
Daugherty, Shirley S. - Lincoln, Nebraska Association of Public Employees
Elmshauser, Ronald D. - Lincoln, Nebraska Association of Public Employees
Gray, Richard W., Jr. - Lincoln, Nebraska Association of Public Employees
Gunderson, Fred L. - Lincoln, Nebraska Association of Public Employees
Johnson, Martin - Lincoln, City of Lincoln
Moors, H. Jack - Lincoln, Facility Bill Committee
Moylan, James H. - Omaha, Omaha Police Union, Local #1
Remynse, Louis C., Jr. - Kalamazoo, Mich., UpJohn Healthcare Services
Royle, Robert W. - St. Louis, Mo., UpJohn Healthcare Services
Tews and Radcliffe:
Radcliffe, Walter H. - Lincoln, Glass Packing Institute
Tews, David D. - Lincoln, Glass Packing Institute

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 17 and LR 19.

MOTION - Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Agriculture and Environment Committee (Req. No. 834).

The motion lost with 19 ayes, 0 nays, and 30 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 14A. By Nichol, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 14, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 50
March 8, 1979

Dear Senator Carsten:

In your letter of March 6, 1979, you ask whether the amendment to Article VIII, Section 1, of the Nebraska Constitution adopted at the 1978 general election is self-executing. We conclude that it is.

The amendment provides that when a political subdivision authorized to levy a tax or cause a tax to be levied lies in two or more counties, and one or more of such counties have not completed a general reappraisal of all land and improvements within two years of one another, the State Board of Equalization and Assessment shall fix separate and distinct tax levies so that the county which has most recently completed a general reappraisal of all lands and improvements shall provide the same percentage of the political subdivision's budget as it provided prior to such reappraisal. The amendment further provides that for all tax years commencing on or after January 1, 1981, the state board shall not be empowered to fix separate and distinct levies, but shall annually review and equalize assessments of property among counties.

LB 242 is, for all intents and purposes, in the exact language of the constitutional provision. Your question is whether the passage of LB 242 is necessary to make the constitutional provision operative. We conclude that it is not.

Our court has, from time to time, held various constitutional provisions to be either self-executing or not self-executing. In Maher v. State, 144 Neb. 463, 133 N.W.2d 641 (1944), the court held that the constitutional provision for a speedy trial was self-executing, and that the interpretation of that provision was for the court, but that since the time fixed by the Legislature was not unreasonable the court would adopt it as its own.

On the other hand, in Gentry v. State, 174 Neb. 515, 118 N.W.2d 643 (1962), the court held that a constitutional provision that the state may sue and be sued, and the Legislature should provide by law in what manner and in what courts suit shall be brought was not self-executing. As you will note, the constitutional provision in that case specifically provided for legislative action. No such action is mentioned in the constitutional provision we are concerned with, and,

as a matter of fact, in view of the specific directions given in the constitutional provision, we do not see how any leeway is left for legislative alterations. This is pointed up by the fact that the statute to implement the constitutional provision is in the exact words of that provision. We do not therefore believe that LB 242 would in any way affect the duties of the state board, as outlined in the constitutional amendment.

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. 51
March 6, 1979

Re: Rule 1 of the Board of Examiners in Embalming

Dear Senator Duis:

You have asked for clarification of our opinion dated February 6, 1979, on the above subject.

Notwithstanding our reservations about your committee acting to determine the validity of any administrative rule, we answered your question about whether the Board of Examiners in Embalming had the authority to adopt Rule 1(3)(a). We said it did not have express authority to do so. We also pointed out that an agency which did have such authority had adopted the same rule. Since you are still concerned about whether the board had authority to adopt Rule 1(3)(a), we assume you want to know if it had any authority other than express authority to adopt such a rule. We have concluded that it did not.

Section 71-1333(2)(1), R.R.S. 1943, makes violation of "any regulation of the department or other body having regulatory powers, relating to the handling, custody, care or transportation of dead human bodies" grounds for denying, revoking or suspending the license of a funeral director or funeral establishment. However, that section is not a grant of rule-making power. It can be carried into effect without the board itself making such rules and regulations. So can the remaining provisions of secs. 71-1325 to 71-1328. Thus the

board has no implied power under section 71-1326, R.R.S. 1943, to make such rules and regulations in order to carry into effect those sections.

This lack of statutory authority was not raised as an objection by our office either when Rule 1 was approved on June 14, 1973, or when it was approved for re-filing without any changes in August 1975. Any reluctance by the board to withdraw Rule 1(3)(a) is no doubt in reliance on our approval of it.

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

MBH/cmb
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 52
March 7, 1979

Re: LB 26, Eighty-Sixth Legislature, First Session, 1979.

Dear Senator Kremer:

You ask whether or not section 77-1355, R.S.Supp., 1978, as amended by LB 1, section 1, Eighty-Fifth Legislature, First Special Session, 1978, would take precedence over LB 26. We believe that there is not an inherent conflict between the existing statute, section 77-1355 as amended and the proposed Legislative Bill 26.

Section 77-1355, provides, in essence, that a political subdivision authorized to levy an ad valorem tax when determining the budget to be funded by an ad valorem tax may increase that portion of the budget for the upcoming fiscal year not to exceed more than 7% of the current year's budget or the average increase by percentage of the three preceding budgets, which ever is greater. It should be pointed out that what section 77-1355 as amended limits is a budget increase not to exceed 7% or the average increase by percentage of the previous three budgets. Section 77-1355 does not limit the rate of the ad valorem tax. However, the Ground Water Management Act which is found at section 46-656 et seq., does, at this time, contain a one quarter of a mill ad valorem tax maximum limit which may be imposed by a natural resource district for the administration of a

control area. Section 5 of LB 26 proposes to increase this leving authority of the district to one full mill maximum. Such an increase is not inherently conflicting with section 77-1355.

As an example let us suppose that a natural resource district currently is expending the totality of the receipts from the one quarter of a mill ad valorem tax which may be imposed by a natural resource district under section 46-673. Under section 5 of LB 26 the natural resource district would be allowed to increase its mill levy to one full mill. However, that portion of the natural resource district budget which was supported by ad valorem taxes may not be increased by more than 7% of the previous year's budget or the average increase by percentage for the three preceding budgets. Thus, while LB 26 may authorize an increase in the mill levy to one full mill, the 7% or average increase by percentage for the three previous years' limitation would mandate that less than the full one mill ad valorem tax be levied in order to fund that portion of the budget derived from a mill levy. In other words, where the Legislature may, by the passage of LB 26 authorize a natural resource district to levy a one full mill ad valorem tax, the provisions of section 77-1355 would in all likelihood preclude the natural resource district from leving that one full mill levy the first year it attempted to increase its budget.

If in fact the intent of LB 26 is to allow a natural resource district to not only levy a one full mill ad valorem tax but also to expend an increase in its budget by whatever figure results because of the three quarter mill increase, then specific language would have to be included in LB 26 authorizing a district to exceed the budget limitations provided for in section 77-1355.

Special note should also be made of section 77-1356, R.S.Supp., 1978, as amended by LB 1, section 2, Eighty-Fifth Legislature, First Special Session, 1978. Section 77-1356 as amended provides that a governing body of a political subdivision may, if it determines that a budget funded from an ad valorem tax higher than is permitted by section 77-1355 is needed, by resolution call for a special election to determine whether the budget increase above the limit permitted by section 77-1355 may be adopted. Therefore, even without further amendments to LB 26, it is possible under the existing statutes to increase a portion of the budget funded by ad valorem taxes beyond the limitations provided for in section 77-1355. However, if it is the intent of the Legislature to allow for an increase in that portion of a natural resource district's budget, which is funded by ad valorem taxes without calling for the special election, then the amendment to LB 26 as mentioned above, would be required.

In conclusion, it is our opinion that section 77-1355, as amended, and LB 26 as currently proposed are not necessarily in conflict.

However, if it is the desire of the Legislature to allow a natural resource district to increase that portion of its budget funded by ad valorem taxes beyond the limitations placed upon that subdivision by section 77-1355 without a special election, then further amendments to LB 26 must be made to provide that a natural resource district could exceed the budget limitations found in section 77-1355.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Paul W. Snyder
Assistant Attorney General

PWS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68508

SELECT FILE

LEGISLATIVE BILL 297. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 105. E & R amendments found in the Journal on page 787 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 404. E & R amendment found in the Journal on page 787 for the Forty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 114A. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 278. Placed on General File as amended.
Standing Committee amendments to LB 278:

1. Strike original section 4 and insert the following new sections:

"Sec. 4. That section 1-135, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

1-135. Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or partnership of

certified public accountants, or by a public accountant or a partnership of public accountants, or by one registered under the provisions of section 1-125, or a corporation, shall be registered annually under the provisions of sections 1-106 to 1-169 with the board, but no fee shall be charged for ~~such~~ registration of the first office. An annual fee of fifty dollars shall be charged for the registration of the second and all subsequent offices registered by such accountant or accountants. Each such office shall be under the supervision of a manager who may be either a principal or a staff employee holding a permit under the provisions of section 1-136, which is in full force and effect; Provided, that the title or designation certified public accountant or the abbbreviation C.P.A. shall not be used in connection with such office unless such manager is the holder of a certificate as a certified public accountant under the provisions of sections 1-114 to 1-124 and a permit issued under the provisions of section 1-136, both of which are in full force and effect. Such manager may serve in such capacity at one office only. The board shall by regulation prescribe the procedure to be followed in effecting such registrations.

Sec. 5. That section 1-136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

1-136. Permits to engage in the practice of public accounting in this state shall be issued by the board to persons who are holders of the certificate of certified public accountant issued under the provisions of sections 1-114 to 1-124 and who have met the experience requirements of section 1-136.02 and to persons and partnerships registered under the provisions of sections 1-125 to 1-133 and the corporations registered under the provisions of section 1-134; Provided, all offices of such certificate holder or registrant are maintained and registered as required under the provisions of section 1-135. There shall be an annual permit fee in an amount to be determined, from time to time, by the board, not to exceed ~~fifty~~ one hundred dollars. All permits shall expire on ~~the last day of December~~ June 30 of each year and may be renewed annually for a period of one year by certificate holders and registrants in good standing upon payment of an

annual renewal fee of not to exceed ~~fifty~~ one hundred dollars. Failure of a certificate holder or registrant to apply for such annual permit to practice within (1) three years from the expiration date of the permit to practice last obtained or renewed or (2) three years from the date upon which the certificate holder or registrant was granted ~~his~~ a certificate or registration if no permit was ever issued to ~~him~~ such person, shall deprive him or her of the right to renewal, unless the board, in its discretion, determines such failure to have been due to excusable neglect. In such case the renewal fee or the fee for the issuance of the original permit as the case may be shall be such amount as the board shall from time to time determine, but not in excess of ~~fifty~~ one hundred dollars. Any certificate holder or registrant, who has not lost his or her right to issuance or renewal and who is not actively engaged in the practice of public accounting in this state, may file a written application with the board to be classified as inactive. A person so classified shall not be issued a permit to engage in public accounting, nor be deemed the holder of a live permit as defined in section 1-151, but shall be carried upon an inactive roll to be maintained by the board, upon the payment of an annual inactive fee of one half the fee charged persons actively engaged in the practice of public accounting as provided in this section. A person so classified shall not be deprived of the right of issuance or renewal of permit and may, upon application to the board, and upon payment of the current annual permit fee, be granted a current annual permit. Every permitholder shall furnish a corporate bond in the amount of ~~fifty~~ one hundred thousand dollars, conditioned for the payment of any judgment or judgments which may be assessed against such person because of any act of negligence or any incompetency of such person occurring while he or she is the holder of such permit; Provided, that the aggregate liability of the surety for all such judgments shall in no event exceed the amount of such bond. In lieu of such ~~fifty~~ one hundred thousand dollar bond, such permitholder may file a certification from an insurance carrier that such permitholder is insured, as an individual or a member of a partnership, under an accountancy liability policy ~~in an equal or greater amount~~ of at least one hundred thousand dollars, except that any such insurance policy may provide for a

deductible clause ~~not exceeding one thousand dollars.~~ based on the size of the office. For an office with ten or less employees a deductible of one thousand dollars may be allowed, for an office with eleven to twenty employees a deductible of two thousand five hundred dollars maybe allowed, for an office with twenty-one to fifty employees a deductible of five thousand dollars may be allowed, for an office with fifty-one to one hundred fifty employees a deductible of ten thousand dollars may be allowed, and for an office with one hundred fifty-one or more employees a deductible of twenty-five thousand dollars may be allowed. If any such bond or insurance shall by its terms expire, or if it is canceled by the surety or insurer, the surety or insurer shall within ten days thereafter give notice of such cancellation to the official issuing such permits, who shall thereupon notify, by mail, the holder of such permit whose bond or insurance has so expired or been canceled, that ~~he~~ such person may no longer act under the authority of such permit.

Sec. 6. That section 1-136.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

1-136.01. As a condition for renewal of a permit pursuant to section 1-136, the board may require permit holders to furnish evidence of participation in continuing education in accounting, auditing, or related areas for fifteen days within the preceding ~~three-year period~~ three calendar years. The board may adopt rules and regulations regarding such continuing education, and such rules and regulations shall be subject to the provisions of section 1-112.

Sec. 7. That section 84-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-301. The Auditor of Public Accounts shall reside and keep his office at the seat of government. The auditor shall be a certified public accountant.''.

2. On page 6 line 4 strike ''and 1-136'' and insert ''1-135, 1-136.01, and 84-301''.

3. In the title strike lines 2 through 6 and insert

''FOR AN ACT relating to accounting; to amend sections 1-119, 1-120, 1-124, 1-135, 1-136, 1-136.01, and 84-301, Reissue Revised Statutes of

Nebraska, 1943; to change provisions relating to fees as prescribed; to provide for a fee for registration of certain offices; to increase a bond requirement; to provide for an insurance policy as prescribed; to change the expiration date for permits; to clarify dates relating to continuing education; to provide an additional qualification for the Auditor of Public Accounts; and to repeal the original sections.".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 312. Placed on General File as amended.
Standing Committee amendments to LB 312:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2700)

LEGISLATIVE BILL 313. Placed on General File as amended.
Standing Committee amendments to LB 313:

1. On page 2, line 7 strike "(16)" and insert "~~(16)~~ (17)".

2. On page 3, strike beginning with "share" in line 24 through "certificates" in line 25, show the old matter as stricken and insert "shares, certificates, or deposit accounts"; in line 27 strike "any federal or state savings and loan", show the old matter as stricken, and insert "a federal savings and loan association, or a building and loan or savings and loan association chartered or organized according to the laws of any state or the District of Columbia which is insured by the Federal Savings and Loan Insurance Corporation".

3. On page 4, strike beginning with "association" in line 1 through "organized" in line 2 and show as stricken.

4. Insert three new sections as follows:

"Sec. 2. That section 44-311.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-311.03. In addition to the investments otherwise authorized and without being subject to the limitations of sections 44-310.01 and 44-310.02, every domestic legal reserve life insurance company may invest such portion of its funds as is in excess of its total liabilities except capital, as shown by the 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 real, 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 list of those investments currently qualified only pursuant to this section.

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 list of those investments currently qualified only pursuant to this section.

Sec. 4. That section 44-321, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-321. No investment, sale or loan, except loans on its own policies, shall be made, unless authorized or approved by a majority of the members of the board of directors or a committee thereof charged with the duty of investing or loaning the funds of the company; nor shall any deposit be made in a bank or banking institution in excess of the sum of two thousand dollars, unless ~~such bank has first been~~ authorized or approved as a bank of deposit by a majority of the members of the board of directors or ~~such~~ a committee thereof, and unless ~~a~~ the vote of a majority of the members of the board, or ~~such~~ committee thereof, authorizing or approving such investment, sale, loan, or bank ~~approval of the place~~ of deposit ~~has been~~ is duly recorded in the books of the company.".

5. On page 23, line 26 strike "section 44-309," and insert "sections 44-309, 44-311.03, 44-311.04, and 44-321,"; and in line 27 strike "is" and insert "are".

6. Renumber remaining sections accordingly.

LEGISLATIVE BILL 417. Placed on General File as amended.
Standing Committee amendment to LB 417:

1. On page 2, strike beginning with "nor" in line 21 through the first comma in line 25 and show as stricken; and in line 26 after the period insert "Officers and employees of such association shall be hired by the board of directors. All salaries of such officers and employees shall be approved by the board, but in no case shall such salaries exceed ten dollars per day.".

(Signed) John W. DeCamp, Chairman

UNANIMOUS CONSENT - Withdraw Motion on LB 450

Mr. Dworak asked unanimous consent to withdraw his motion found in the Journal on page 750 to reconsider action on placing LB 450 on General File. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 22. Read. Considered.

Mr. DeCamp moved to refer LR 22 to the Reference Committee for referral to a committee.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The DeCamp motion prevailed with 31 ayes, 4 nays, and 14 not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 87. Placed on Select File as amended.
E & R amendments to LB 87:

1. Renumber original sections 16 to 30 as sections 6 to 20, the new section as section 21, and original section 31 as section 22.

2. On page 3, line 4, strike "31" and insert "20".

3. In line 3 of the amendment to page 4, line 3, insert an underscored comma after "dollars".

4. Show old matter stricken in all amendments as stricken.

5. In the new matter to page 6, line 27, strike the second comma.

6. On page 7, line 1, insert an underscored comma after "date"; and in line 4, strike ", or" and insert "or,".

7. On page 10, strike the new matter.

8. On page 11, line 8, strike the comma and show as stricken.

9. In line 2 of the amendment to page 11, line 13, strike "all interest and" and insert "any interest or".

10. In line 1 of the amendment to page 11, line 14, strike "strike the period and"; in line 4 strike "; provided however, no" and insert ". No"; and in the last line strike the period and at the end of the line insert "after involved".

11. Because of the Fowler et al amendment 2, on page 11, line 24, strike "ten" and insert "seven".

12. In line 2 of the amendment to page 12, line 25,

and in lines 1 and 2 of the new matter inserted in line 6 of page 13, strike "section 45-137 (2) (a)" and insert "subdivision (2) (a) of section 45-137".

13. In line 3 of the new matter inserted in line 6 of page 13, strike "through" and insert "to".

14. On page 14, line 10, strike "30" and insert "20".

15. In line 1 of the amendment to page 14, line 5, strike "strike the period and"; in lines 3 and 4 strike "; provided, however, no" and insert ". No"; and in the last line strike the period and at the end of the line insert "after involved".

16. In lines 6 and 7 of the amendment to page 14, line 15, strike "; provided however, no" and insert ". No"; in line 8 strike "subsection" and insert "section"; and in the last line strike the period.

17. On page 14, line 10, strike "30" and insert "20".

18. On page 20, line 3, strike "16" and insert "6"; and in line 27 strike "20 and 21" and insert "10 and 11".

19. On page 21, lines 3 and 13, strike "16 to 21" and insert "6 to 11"; and in line 16 insert an underscored comma after "judgment".

20. In new subsection (2) of section 10, strike the period at the end of subdivisions (a) to (o) and insert an underscored semicolon; at the end of subdivision (p) strike the period and insert "; or"; in line 1 insert an underscored comma after "loan"; in line 1 of subdivision (1) strike "by a licensee" and insert "of"; and in line 1 of subdivision (m) strike "by a licensee of".

21. On page 22, line 7, strike the second "the"; and in line 26 strike "deferring" and insert "offering".

22. In line 2 of the amendment to page 22, line 14, insert an underscored comma before "and".

23. On page 23, line 6, insert an underscored comma after "cure".

24. In line 3 of the amendment to page 24, line 14, strike the period.

25. On page 25, line 13, strike the comma.

26. In line 1 of the first amendment to page 26, line 11, strike "after dollars strike the period and" and strike "in" and insert "In"; insert an underscored comma at the end of line 2; and at the end of line 3 insert "after the period".

27. In the fifth amendment to page 26, strike "line 26" and insert "line 16".

28. On page 26, line 3, strike "16 to 29" and insert "6 to 19".

29. In the title, line 4, insert "installment" after the first "to"; and strike lines 5 to 8 and insert "change interest rates; to increase the maximum of loans that may be made; to regulate collection procedures; to provide severability; and to repeal the original sections.".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 146.

Correctly Engrossed

The following bill was correctly engrossed: 316.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 360. Indefinitely postponed.
LEGISLATIVE BILL 528. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

GENERAL FILE

LEGISLATIVE BILL 359. Considered.

Mrs. Marsh moved to indefinitely postpone.

Mr. Schmit moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Schmit requested a roll call vote on the Marsh motion.

Voting in the affirmative, 21:

Cope	George	Landis	Reutzel	Wesely
Cullan	Hasebroock	Marsh	Sieck	
Dworak	Hefner	Newell	Stoney	
Fitzgerald	Johnson	Nichol	Vickers	
Fowler	Kahle	Pirsch	Wagner	

Voting in the negative, 16:

Beutler	Goodrich	Lewis	Rumery
Brennan	Kennedy	Maresh	Schmit
Chambers	Keyes	Marvel	Simon
DeCamp	Labedz	Murphy	Warner

Present and not voting, 3:

Burrows Carsten Haberman

Excused and not voting, 9:

Clark	Hoagland	Koch	Lamb	Venditte
Duis	Kelly	Kremer	Merz	

The Marsh motion to indefinitely postpone prevailed with 21 ayes, 16 nays, 3 present and not voting, and 9 excused and not voting.

ANNOUNCEMENTS

Mr. Kremer announced the public hearing on the appropriation required for the accelerated state water program, to be held on Tuesday, March 13, 1979, at 7:00 PM will be held in Room 1515.

Mr. Carsten announced the Revenue Committee gives notice of an executive session on Monday, March 12, 1979, at 1:30 P.M. in Room 1520.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 567. Placed on General File.

LEGISLATIVE BILL 28. Indefinitely postponed.
LEGISLATIVE BILL 206. Indefinitely postponed.
LEGISLATIVE BILL 482. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 15. Placed on General File as amended.
Standing Committee amendments to LB 15:

1. On page 2, line 1 after "colleges" insert ", technical community colleges, and the University of Nebraska"; and in line 3 strike beginning with "Any" through line 9.

2. Insert a 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."

LEGISLATIVE BILL 135. Placed on General File as amended.
Standing Committee amendments to LB 135:

1. On page 2, line 7, strike "seven", show as stricken and insert "nine"; in line 10 strike "two", show as stricken, and insert "three"; in line 11 strike

the first "one" and insert "two" and strike "a certified teacher", and insert "from the certified staff"; in line 12 strike "a noncertified employee" and insert "from the classified staff", and strike "two", show as stricken, and insert "three".

LEGISLATIVE BILL 416. Placed on General File as amended.
Standing Committee amendments to LB 416:

1. On page 3, line 23 strike "not less than three nor more than" and insert "three, three and one half, four, or"; in line 24 after "his" insert "or her"; and after the period insert "Each county board shall, on or before January 1 of each year, determine the annual contribution rate to be paid by each employee who is a member of the retirement system.".

2. On page 4, lines 8 and 9 strike the new matter, reinstate the stricken matter, and in line 8 strike the reinstated "two", show as stricken, and insert "eight".

(Signed) William H. Hasebroock, Chairman

Judiciary

LEGISLATIVE BILL 372. Indefinitely postponed.
LEGISLATIVE BILL 511. Indefinitely postponed.

(Signed) William E. Nichol, Chairman

Urban Affairs

LEGISLATIVE BILL 251. Placed on General File as amended.
Standing Committee amendments to LB 251:

1. On page 2, line 2 strike "Downtown" and insert "Business".

2. On page 4, lines 7 and 12 strike "downtown" and insert "business".

3. On page 5, lines 8, 18, 20, 21, 24, and 25 strike "downtown" and insert "business".

4. On page 8, line 20 strike "downtown" and insert "business".

LEGISLATIVE BILL 252. Placed on General File as amended.
Standing Committee amendments to LB 252:

1. On page 2, line 6 strike "September 30" and insert "December 31"; in line 8 after "or" insert ", if none,"; in line 10 strike "found" and insert "located"; in line 12 strike "September 30", show as stricken, and insert "December 31"; in line 19 strike "s he" and insert

"the"; strike beginning with ", when" in line 19 through "statements" in line 20, show as stricken, and insert "distribute the most recent statement filed in accordance with this section"; and in line 22 after the period insert "The statement shall be distributed on or before the date on which the purchaser becomes obligated to purchase such real estate.".

2. Strike original section 3.
3. On page 10, line 12 after "a" insert "legal".
4. On page 14, line 26 strike "31-735,".
5. Renumber remaining sections accordingly.

(Signed) Walter George, Chairman

The Chair declared the Call raised.

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 36. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 6 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 307. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 196. Title read. Considered.

Standing Committee amendment found in the Journal on page 470 for the Twenty-Seventh Day was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 269. Title read. Considered.

Standing Committee amendments found in the Journal on page 470 for the Twenty-Seventh Day were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 65. Title read. Considered.

Standing Committee amendments found in the Journal on page 473 for the Twenty-Seventh Day were adopted with 25 ayes, 2 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Newell renewed his pending amendment found in the Journal on page 577. 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 441. Title read. Considered.

Standing Committee amendment found in the Journal on page 480 for the Twenty-Eight 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 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 9, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 194.
This bill was signed by me on March 8, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 285 in the Journal. No objections. So ordered.

1. Strike the original sections and insert the following:

"Sections 1. This act shall be known and may be cited as the Political Subdivision Tax Limit Act of 1979.

Sec. 2. The Legislature hereby finds and declares that it will serve the best interests of the people of the State of Nebraska to provide limitations on the allowable annual increase permitted in the tax receipts of the political subdivisions in the State of Nebraska as provided for in this act.

Sec. 3. For the purposes of this act, unless the context otherwise requires, the definitions found in sections 4 to 7 of this act shall be used.

Sec. 4. The terms governing body, fiscal year, tax, and adopted budget statement shall be used as defined in section 23-922, Reissue Revised Statutes of Nebraska, 1943.

Sec. 5. Current fiscal year shall mean the present fiscal year for which an adopted budget statement is in effect. The term current fiscal year shall be used in a manner of consistent with the provisions of subdivision (2) of section 23-923, Reissue Revised Statutes of Nebraska, 1943.

Sec. 6. Prior fiscal year shall mean the immediately preceding fiscal year for which an adopted budget statement is no longer in effect. Prior fiscal year shall be used in a manner consistent with the provisions of subdivisions (1) of section 23-923, Reissue Revised Statutes of Nebraska, 1943.

Sec. 7. The term ensuing fiscal year shall mean the immediately upcoming fiscal year for which an adopted budget has, or will be authorized pursuant to the provisions and requirements of the Nebraska Budget Act. The term ensuing fiscal year shall be used in a manner consistent with the provisions of subdivision (3) of section 23-923, Reissue Revised Statutes of Nebraska, 1943.

Sec. 8. No governing body of any political subdivision shall adopt a budget statement pursuant to section 23-925, Reissue Revised Statutes of Nebraska,

1943, in which the anticipated receipts from the tax the governing body is authorized to levy or cause to be levied for the ensuing fiscal year exceeds an increase of more than seven per cent above the base tax limit. For the purposes of this section, base tax limit shall mean that amount that is or would have been the anticipated receipts from the tax the governing body levied or caused to be levied for the current fiscal year if the current fiscal years anticipated receipts are or would have been increased by seven per cent above the anticipated receipts from the tax the governing body levied or caused to be levied for the prior fiscal year, except that for the first fiscal year of any such political subdivision commencing on or after July 1, 1979, the governing body of the political subdivision may elect to use that amount anticipated to be received from the tax the governing body has levied or caused to be levied for the current fiscal year as the base tax limit.

Sec. 9. For the purpose of this act, any anticipated receipts from a tax the governing body is authorized to levy or cause to be levied shall not include (1) receipts for any fund used for retiring, refinancing, or repayment of the principal and interest on bonded indebtedness approved prior to the effective date of this act, or approved by the voters of any political subdivision after the effective date of this act, (2) receipts from any sales tax a political subdivision is authorized by law to impose, and (3) receipts from the increased tax levied or caused to be levied pursuant to the authority granted under section 11, 12, or 13 of this act.

Sec. 10. Any political subdivision that is authorized by the Legislature to levy a tax or cause to be levied a tax, which tax is in addition to the tax such political subdivision is authorized to levy or cause to be levied on the effective date of this act, shall not include the anticipated receipts from such newly authorized levy for the first fiscal year for which such newly authorized levy generates tax receipts, but thereafter such newly authorized tax receipts shall be included in determining anticipated receipts from a tax the political subdivision levied or caused to be levied.

Sec. 11. Any political subdivision may increase the limit established pursuant to section 8 of this act by the percentage that the population in the political

subdivision for the ensuing fiscal year is anticipated to exceed the population of such political subdivision for the current fiscal year if such increase is more than seven per cent. If the anticipated population increase does not occur, then that portion of the receipts from the tax increase due to the anticipated population increase which did not occur shall not be spent but shall be carried forward to the next fiscal year and treated as a receipt from a tax levied or caused to be levied by such political subdivision. Except for the public schools and the technical community college areas, population shall be determined by census or population projections approved by the governing body of the political subdivision and the Auditor of Public Accounts. For any school district, population shall be based on enrollments as determined as provided in section 79-1333.01, Reissue Revised Statutes of Nebraska, 1943, and for any technical community college area, population shall be based on full-time equivalent student enrollments as provided in section 79-2637, Revised Statutes Supplement, 1978.

Sec. 12. In the event an emergency situation is proclaimed by the Governor, the governing body of any political subdivision affected by such emergency may, upon a two-thirds vote, authorize an increase in the limit provided for in section 8 of this act. The governing body shall certify to the Auditor of Public Accounts and the Governor that (1) the additional expenditures which necessitated such increase in the limit were brought about by an extraordinary event or occurrence which could not reasonably have been foreseen or prevented and which required immediate expenditure of public funds to preserve the health or safety of the people within such political subdivision, and (2) such increased expenditures were consistent with the roles, functions, or purposes of such political subdivision.

Sec. 13. That section 77-1356, Revised Statutes Supplement, 1978, as amended by section 2, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, be amended to read as follows:

77-1356. (1) If the governing body of any political subdivision ~~authorized to levy a tax or cause a tax to be levied determines that a budget funded from ad valorem taxes higher than is permitted by section 77-1355 is needed, it shall~~ determines that the portion of the

budget funded from the tax such political subdivision is authorized to levy or cause to be levied needs to be higher than is permitted under section 8 of this act, the governing body of such political subdivision shall, by resolution call for a special election of such political subdivision for that purpose. The ~~budget~~ increase above the limit permitted by section ~~77-1355~~ 8 of this act may be adopted if approved by a majority of those voting in such special election.

(2) The resolution calling for the election and the election notice shall refer to ~~section 77-1355~~ this act and state that the limitations contained therein are proposed to be exceeded and show the proposed increase in the ~~budget amount~~ anticipated tax receipts in terms of dollars and percentages over the limitation as computed in section ~~77-1355~~ 8 of this act, and in terms of dollars and per cent increase over the ~~current budget~~ anticipated tax receipts adopted for the current fiscal year and shall give the date of the election. The election shall be held prior to August 1, ~~during~~ preceding the year in which taxes will be levied to fund ~~the~~ such budget.

(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 the political subdivision at least fifteen days prior to such election. If no newspaper is published in or of general circulation in the political subdivision, notice shall be posted in each of three public places therein.

(4) The governing body of the political subdivision shall prescribe the form of the ballot to be used at the election, and the proposition appearing on such ballot shall state the percentage increase which is proposed to be adopted as compared to the percentage limitation imposed by this act. The form of submission upon the ballot shall be as follows:

For exceeding the statutory ~~budget~~ tax limit

Against exceeding the statutory ~~budget~~ tax limit.

Sec. 14. The Auditor of Public Accounts shall promulgate rules and regulations to assist the political subdivisions in complying with this act.

Sec. 15. 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. 16. That original section 77-1356, Revised Statutes Supplement, 1978, as amended by section 2, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, and also section 77-1355, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, are repealed.

Sec. 17. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

NOTICE OF COMMITTEE HEARING
Revenue

LB 285 Friday, March 16, 1979 12:00 noon
(REQ 2685 Amendments)

(Signed) Calvin F. Carsten, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 25, 78, 81, 133, 140, 323, 434, and 474.

(Signed) Don Wesely, Chairman

VISITORS

Visitors to the Chamber were the daughters of Senator and Mrs. Kahle, Sharilyn and LaNita and grandchildren, Becky, Allison, Mandy, and Eddie; John Cox, North Platte; and 68 eighth grade students and instructor from Raymond Central School, Raymond.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Fitzgerald, the Legislature adjourned until 9:30 a.m., Monday, March 12, 1979.

Patrick J. O'Donnnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 12, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 12, 1979

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Gracious God, we admit that the pressures of life sometimes come close to getting the best of us. One group tries to squeeze us into its mold; another group tries to squeeze us into a contradictory mold. Person after person wants something from us. Help us to give a hearing to the groups and individuals that clamor for our attention. But also deliver us from letting them call our moves. Remind us, merciful God, we fulfill our humanity only when we affirm our freedom and make our responsible choices as leaders of the people. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler and Warner who were excused; and Messrs. Kremer and Sieck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

42nd Day
Page 807, line 4 of the amendment to LB 492, delete "of" and insert "or".
The Journal for the Forty-Second Day was approved as corrected.
The Journal for the Forty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 17. Replaced on Select File as amended.
E & R amendment to LB 17:

1. Because of the Warner amendments, in committee amendments, page 3, line 21, strike "1982" and insert "1981".

LEGISLATIVE BILL 159. Replaced on Select File as amended.
E & R amendments to LB 159:

1. Renumber sections 1 to 3 added by committee amendments as sections 2 to 4, sections 2 and 3 added by the Dworak amendments as sections 5 and 6, original section 1 to section 7, and section 5 added by the Dworak amendment as section 8.

2. In lieu of previous amendments thereto, on page 2 strike lines 12 and 13 and insert:

"Sec. 9. That original sections 77-509, 77-629, 77-1241.09, 77-1250, 77-1301.01, 77-1301.13, 77-1330, and 77-1336, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

3. In line 2 of the title as amended, insert "77-629, 77-1241.09, 77-1250," after the first comma.

Correctly Engrossed

The following bills were correctly engrossed: 84, 102, 105, 114A, 119, 223, 245, 297, 404, and 437.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 517. Indefinitely postponed.
LEGISLATIVE BILL 520. Indefinitely postponed.

(Signed) William E. Nichol, Chairman

Public Works

LEGISLATIVE BILL 219. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 506A. By Maresh, 32nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 506, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

MOTION - Introduce Bill

Mr. Maresh moved the introduction of a new bill by the Business and Labor Committee (Req. #820).

The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 581. By Business and Labor Committee: Maresh, 32nd District, Chairman; Kahle, 37th District; Brennan, 9th District; Fitzgerald, 14th District; Landis, 46th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 48-602, 48-604, 48-628, and 48-628.02, Revised Statutes Supplement, 1978, relating to employment security; to redefine terms; to clarify benefit disqualification provisions; to provide that certain aliens are disqualified from receiving benefits as prescribed; and to repeal the original sections.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 215. With Emergency.

A BILL FOR AN ACT to amend section 48-120, Revised Statutes Supplement, 1978, relating to workmen's compensation; to provide power for the court to order payment or reimbursement as prescribed; to provide who may not be party to actions; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 44:

Brennan	Dworak	Johnson	Lewis	Reutzel
Burrows	Fitzgerald	Kahle	Maresh	Rumery
Carsten	Fowler	Kelly	Marsh	Simon
Chambers	George	Kennedy	Marvel	Stoney
Clark	Goodrich	Keyes	Merz	Venditte
Cope	Haberman	Koch	Murphy	Vickers
Cullan	Hasebroock	Labedz	Newell	Wagner
DeCamp	Hefner	Lamb	Nichol	Wesely
Duis	Hoagland	Landis	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 4:

Beutler	Kremer	Sieck	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 90.

A BILL FOR AN ACT to amend section 57-904, Reissue Revised Statutes of Nebraska, 1943, relating to oil and gas conservation; to raise the compensation for members of the Nebraska Oil and Gas Conservation Commission; and to repeal the 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:

Carsten	DeCamp	Fowler	Hasebroock	Kelly
Clark	Duis	George	Hoagland	Kennedy
Cope	Dworak	Goodrich	Johnson	Keyes
Cullan	Fitzgerald	Haberman	Kahle	Koch

Labedz	Marsh	Nichol	Simon	Vickers
Lewis	Marvel	Reutzel	Stoney	Wagner
Maresh	Murphy	Rumery	Venditte	Wesely

Voting in the negative, 9:

Burrows	Hefner	Landis	Newell	Schmit
Chambers	Lamb	Merz	Pirsch	

Present and not voting, 1:

Brennan

Excused and not voting, 4:

Beutler	Kremer	Sieck	Warner

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

LEGISLATIVE BILL 90A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, Eighty-sixth Legislature, First Session, 1979.

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

Voting in the affirmative, 34:

Carsten	Fowler	Kelly	Maresh	Simon
Clark	Goodrich	Kennedy	Marsh	Stoney
Cope	Haberman	Keyes	Marvel	Venditte
Cullan	Hasebroock	Koch	Murphy	Vickers
DeCamp	Hoagland	Labedz	Nichol	Wagner
Duis	Johnson	Landis	Reutzel	Wesely
Dworak	Kahle	Lewis	Rumery	

Voting in the negative, 9:

Burrows	Fitzgerald	Lamb	Newell	Schmit
Chambers	Hefner	Merz	Pirsch	

Present and not voting, 2:

Brennan George

Excused and not voting, 4:

Beutler Kremer Sieck Warner

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

LEGISLATIVE BILL 130.

A BILL FOR AN ACT relating to schools; to provide when bids shall be advertised for public school construction 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:

Brennan	Dworak	Kahle	Maresh	Schmit
Burrows	Fitzgerald	Kelly	Marsh	Simon
Carsten	George	Kennedy	Marvel	Stoney
Chambers	Goodrich	Keyes	Merz	Venditte
Clark	Haberman	Koch	Newell	Vickers
Cope	Hasebroock	Labedz	Nichol	Wagner
Cullan	Hefner	Lamb	Pirsch	Wesely
DeCamp	Hoagland	Landis	Reutzel	
Duis	Johnson	Lewis	Rumery	

Voting in the negative, 0.

Present and not voting, 2:

Fowler Murphy

Excused and not voting, 4:

Beutler Kremer Sieck Warner

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

LEGISLATIVE BILL 132.

A BILL FOR AN ACT to amend section 79-2645, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to transfer the Fire Service and Safety Training Program as prescribed; and to repeal the original section.

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

Voting in the affirmative, 42:

Brennan	Dworak	Johnson	Maresh	Simon
Burrows	Fitzgerald	Kahle	Marsh	Stoney
Carsten	Fowler	Kelly	Marvel	Venditte
Chambers	George	Kennedy	Merz	Vickers
Clark	Goodrich	Koch	Murphy	Wagner
Cope	Haberman	Labedz	Newell	Wesely
Cullan	Hasebroock	Lamb	Nichol	
DeCamp	Hefner	Landis	Reutzel	
Duis	Hoagland	Lewis	Schmit	

Voting in the negative, 1:

Keyes

Present and not voting, 2:

Pirsch Rumery

Excused and not voting, 4:

Beutler Kremer Sieck Warner

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

LEGISLATIVE BILL 322.

A BILL FOR AN ACT relating to reports and publications; to amend sections 2-2316.01, 2-3262, 2-3265, 19-3905, 23-2313, 24-704, 24-705, 35-702, 39-1111, 43-656, 44-113, 44-130, 48-606, 49-904, 50-422, 51-413, 55-130, 60-450, 66-468, 66-469, 68-618, 68-1104, 71-1,107.22, 71-2026, 72-240.26, 72-718.04, 72-1256, 79-1508, 81-106, 81-822, 81-8,140, 81-8,226, 81-8,251, 81-8,261, 81-1108.15, 81-1108.16,

81-1108.19, 81-1120.15, 81-1125.01, 81-1219, 81-1318, 81-1533, 83-109, 83-112, 83-163, 83-173, 83-192, 83-1,127, 83-1,149, 83-4,105, 83-907, 83-909, 84-156, 84-311, 84-702, 84-1315, and 85-911, Reissue Revised Statutes of Nebraska, 1943, and sections 28-429, 29-2252, 39-1320.01, 48-1,104, 48-1117, 48-1307, 50-429, 76-1650, 77-202.44, 77-333.01, 79-328, 81-178, 81-1,101, 81-1244, 81-1335, 81-1337, 81-1423, 81-1604, 81-1833, 84-908.01, 85-972, and 85-9,100, Revised Statutes Supplement, 1978; to change procedures for reports to the Legislature; to change deposit requirements; and to repeal the original sections.

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

Voting in the affirmative, 45:

Brennan	Dworak	Kahle	Maresh	Rumery
Burrows	Fitzgerald	Kelly	Marsh	Schmit
Carsten	George	Kennedy	Marvel	Sieck
Chambers	Goodrich	Keyes	Merz	Simon
Clark	Haberman	Koch	Murphy	Stoney
Cope	Hasebroock	Labedz	Newell	Venditte
Cullan	Hefner	Lamb	Nichol	Vickers
DeCamp	Hoagland	Landis	Pirsch	Wagner
Duis	Johnson	Lewis	Reutzel	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Fowler

Excused and not voting, 3:

Beutler Kremer Warner

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

MOTION - Return LB 425 to Select File

Mr. Simon moved to return LB 425 to Select File for the following specific amendment:

Final Reading Copy

1. On page 3, line 20 after "school" insert ", except that a board of education may by majority vote prescribe situations in which more than one such allowance may be made; each such allowance may be full or partial, however the total payment to any family which contracts for transportation service shall not be greater than the actual cost to such family for such service".

The motion prevailed with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 305.

A BILL FOR AN ACT to amend section 79-902.01, Revised Statutes Supplement, 1978, relating to schools; to provide for review of school board district boundaries 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:

Brennan	Dworak	Johnson	Lewis	Rumery
Burrows	Fitzgerald	Kahle	Maresh	Schmit
Carsten	Fowler	Kelly	Marsh	Sieck
Chambers	George	Kennedy	Marvel	Simon
Clark	Goodrich	Keyes	Merz	Stoney
Cope	Haberman	Koch	Newell	Venditte
Cullan	Hasebroock	Labedz	Nichol	Vickers
DeCamp	Hefner	Lamb	Pirsch	Wagner
Duis	Hoagland	Landis	Reutzel	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Murphy

Excused and not voting, 3:

Beutler Kremer Warner

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

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 94 in the Journal. No objections. So ordered.

1. On page 19, line 1 after "cemetery" insert "except where a funeral establishment or mortuary and cemetery are operated under one corporate structure or where a crematory is located on the premises of a funeral establishment or mortuary,"; strike beginning with "such" in line 23 through "engaged" in line 25, show as stricken and insert "any funeral director of a funeral establishment engaging"; and in line 26 strike "or" and insert "~~or~~ and".

ANNOUNCEMENT

Mr. Cullan announced that the Public Health and Welfare Committee will hold an executive session on Tuesday, March 13, 1979, at 2:00 p.m. in Room 1019.

UNANIMOUS CONSENT - Member Excused

Mr. Duis asked unanimous consent to be excused the remainder of the week. No objections. So ordered.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 225. Indefinitely postponed.
LEGISLATIVE BILL 393. Indefinitely postponed.

(Signed) Barry Reutzel, Chairman

Agriculture and Environment

LEGISLATIVE BILL 380. Placed on General File as amended.
Standing Committee amendments to LB 380:

1. Strike original sections 1 through 8 and insert the following:

"Section 1. This act shall be known and may be cited as the Nebraska Resource Conservation and Recovery Act.

Sec. 2. It is the intent of this act, and the public policy of this state, to recognize the importance

of conserving limited natural resources and energy reserves, to promote an awareness of resource recovery methods and goals and to provide an example of how these methods and goals might be utilized.

Sec. 3. As used in this act unless the context otherwise requires:

(1) Department shall mean the Department of Administrative Services; and

(2) Designated building shall mean any building which has been designated by the department to participate in the wastepaper recovery program.

Sec. 4. A source separation program for office wastepaper recovery shall be designed by the Department of Environmental Control and implemented by the Department of Administrative Services in such state-operated buildings as is determined to be practicable by the Department of Administrative Services.

Sec. 5. The department shall provide clearly labeled receptacles for use in all work areas within the designated buildings to be used solely for the collection of recyclable wastepaper. The receptacles shall be of corregated cardboard and of suitable design and capacity as determined by the department.

Sec. 6. All department heads in the buildings affected by the program shall designate employees from each work area to attend a seminar detailing the goals of the program and the employees' responsibilities toward it. The designated employees shall then instruct the remaining employees of the department, in a manner to be determined by the department head. The Department of Environmental Control shall be responsible for the scheduling, content, and performance of the seminars.

Sec. 7. In the event that an employee, not receiving such instruction, is assigned duties in a designated building, the appropriate department head shall arrange for that employee to be given the necessary instruction.

Sec. 8. All state employees having duties in the designated buildings shall adopt the source separation method as outlined by rules and regulations adopted and promulgated by the Department of Environmental Control.

Sec. 9. The department shall determine a collection schedule for the accumulated wastepaper. Such wastepaper shall be kept separate from all contaminants.

Sec. 10. The Department of Correctional Services shall provide facilities and inmate labor for a central baling site. The Department of Correctional Services shall conduct renovation necessary to such facilities, utilizing inmate labor to the fullest

possible extent.

Sec. 11. The department shall, after thirty day's notice, take public bids from persons desiring to provide the following:

(1) The sale and installation of a complete hydraulic horizontal baling system with hammermill, cyclone, and paper exhausters;

(2) Training for sorting and baling personnel on an initial and continuing basis; and

(3) Technical assistance and consultation on an initial and continuing basis.

The department shall consider only those bids offering to provide all equipment and services listed in subdivisions (1) to (3) of this section for a total dollar figure of fifty thousand dollars or less.

Sec. 12. The department shall employ work release offenders to transport the wastepaper from the designated buildings to the central baling site.

Sec. 13. The Department of Correctional Services shall employ sufficient inmate labor to sort and bale wastepaper at the central baling site and perform such other duties as may be necessary for the operation of the site.

Sec. 14. All wastepaper at the central baling site shall be sorted and baled by grade classifications commonly used in the industry as determined by the department.

Sec. 15. The department shall, after not less than thirty days' notice, take public bids from persons desiring to purchase the wastepaper described by this act. The department shall enter into an annual contract or contracts for such sales commencing on or before January 1, 1980.

Sec. 16. Award of the contract or contracts shall be made on the best dollar figure bid per ton, either as reduction from or addition to, the average market price per grade. For the purposes of this act, the average market price per grade shall be the average of the highest prices per grade quoted for the Chicago market in those issues of Official Board Market dated within the month in which the wastepaper was removed from the central baling site.

Sec. 17. If, for any reason, the publication Official Board Market becomes unavailable, a pricing method acceptable to both the contractor and the department shall be used.

Sec. 18. The department shall provide all equipment, supplies, and maintenance necessary for the completion of the program. Whenever possible equipment currently owned or operated by the state shall be used to

implement the wastepaper recycling program.

Sec. 19. All agencies shall complete their preliminary activities so that the central baling site may begin operation on or before January 1, 1980.

Sec. 20. All proceeds from the sale of wastepaper as prescribed by this act shall be placed in the Resource Conservation and Recovery Fund which is hereby created. Such fund shall be used solely for the implementation and administration of this act.

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 title, strike lines 2 through 6 and insert:

"FOR AN ACT to adopt the Nebraska Resource Conservation and Recovery Act; to create a fund; and to declare an emergency.".

LEGISLATIVE BILL 397. Indefinitely postponed.
LEGISLATIVE BILL 512. Indefinitely postponed.
LEGISLATIVE BILL 539. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 223 in the Journal. No objections. So ordered.

1. On page 3, strike line 10 and insert ", and service areas for municipalities shall be, as of the effective date of this act, automatically expanded to include the area, but not the customers, lying within the zoning jurisdiction of the respective municipality. Customers of another supplier involved in a municipality service area may be acquired by the municipality in accordance with section 70-1009."

2. Insert the following new section:

"Section 1. That section 70-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-612. Subject to the provisions of sections 70-601 to 70-672, and subject to the approval of the Department of Water Resources, the board of directors of a district ~~may~~ shall amend the petition for its creation to provide for the division of the territory of such district into a number of ~~two or more~~ subdivisions ~~for the nomination and election of some or all of the directors~~ equal to the number of directors, for purposes of nominating and electing one director from each

subdivision. Each subdivision shall be composed of one or more voting precincts, and the total number of electors in each ~~such~~ subdivision shall be approximately the same; Provided, that when no less than ninety per cent of the population of each of two or more ~~such~~ subdivisions is within the corporate limits of any city, ~~members of the board of directors~~ the directors of those particular subdivisions may be ~~nominated and~~ elected at large from such city. ~~; and provided further, that in the event a district formed comprises three or more counties, and is solely engaged in furnishing electric light and power to rural customers, or engaged in furnishing electric light and power and in the business of owning and operating irrigation works, then and in that event such subdivisions may be formed by following county boundary lines without regard to population, if in the judgment of the Director of Water Resources, for the Department of Water Resources, the interests of the rural users of electricity or of users of irrigation water service in such district will not be prejudiced thereby.~~".

3. On page 7, line 18, after "sections" insert "70-612,".

4. Renumber remaining sections accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 53
March 9, 1979

Re: LB 207

Dear Senator Beutler:

This is in reply to your inquiry concerning the proposed amendment to LB 207, which would require that disputes between suppliers and purchasers of electrical services be subject to compulsory arbitration, and that appeals of the decision of the Arbitration Board be denovo on the record direct to the Supreme Court. Your principal concern seems to be whether or not the method of selection of the Arbitration Board, of the rules of evidence to be followed by the board, and the method of appeal, satisfy the due process and equal protection requirements of the fourteenth amendment of the Constitution.

At least, insofar as the method of appeal is concerned, we call to your attention that part of Article V, section 2 of the Constitution which provides:

". . . The Supreme Court shall have . . . such appellate jurisdiction as may be provided by law. . . ."

In our opinion, this provision of the Constitution gives the Legislature sufficient latitude to authorize the decision of the Arbitration Board to be appealed directly to the Supreme Court.

With regard to the matter of the Arbitration Board, and its proposed operation, we have been unable to find any authority which would suggest that the proposed creation and jurisdiction of the Arbitration Board would not satisfy the due process and equal protection provisions of the Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP/cmb
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 21. Read. Considered.

LR 21 was adopted with 27 ayes, 0 nays, and 22 not voting.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 26. E & R amendment found in the Journal on page 643 for the Thirty-Sixth Day was adopted.

Mr. Vickers asked unanimous consent to have his pending amendments found in the Journal on page 763 laid over. No objections. So ordered.

Messrs. Schmit and Cullan offered the following amendments:

1. Strike all amendments to page 12, line 23.
2. On page 12, line 23 reinstate the stricken matter and after "annually" insert ", except that such levy may be increased to not more than three-fourths of one mill annually if such increase is approved at an election called pursuant to sections 6 to 10 of this act. Such tax shall be".
3. Insert the following new sections:

"Sec. 6. If the board of directors of a natural

resources district in which there is designated a control area shall determine that it is necessary for the proper management and operation of such control area to increase the mill levy as provided in section 46-673, the board may by resolution place the proposition for such increase on the general or primary ballot or call for a special election in such area for the purpose of approving such increased mill levy. The proposition appearing on the ballot in any election shall state the first year for which the increased mill levy becomes applicable and the amount of the mill levy increase. Such proposition shall be adopted if approved by a majority of registered voters voting on such question, and only those registered voters who are residents of such control area shall be eligible to vote.

Sec. 7. 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 the funds sought.

Sec. 8. (1) Notice of the election shall state the date on 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 the control area at least fifteen days prior to such election. If no newspaper is published in or of general circulation in the control area, notice shall be posted in at least two public places in the control area.

(2) If a special election is called, the board of directors of the natural resources district shall prescribe the form of the ballot to be used.

Sec. 9. Whenever a control area, designated pursuant to section 46-658, Revised Statutes Supplement, 1978, encompasses portions of two or more natural resources districts, the calling of an election under sections 6 to 8 of this act shall be exercised jointly and uniformly by agreement of the respective boards of directors of all natural resources districts affected.

Sec. 10. The statutes of this state relating to the calling and conduct of elections, so far as applicable, shall apply to voting on the question of changing the mill levy by the voters pursuant to sections 5 to 10 of this act.

Sec. 11. That section 77-1355, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, be amended to read as follows:

77-1355. (1) Every political subdivision authorized to levy a tax or cause a tax to be levied may adjust that portion of its budget funded by ad valorem

taxes for the upcoming fiscal year so as not to exceed an increase of more than seven per cent of the current 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 average increase by percentage for the three preceding budgets, budgets increased by a vote of the people pursuant to subsection (3) of this section shall be disregarded. When determining the budget to be funded by ad valorem taxes pursuant to this section, every such political subdivision (a) may increase such budget limit otherwise established pursuant to this section by the amount by which receipts from any state sources are reduced from the previous year's level and (b) shall reduce such budget limitation established pursuant to this section by the amount of increased receipts from state General Fund sources.

(2) Any school district may increase the limit established pursuant to subsection (1) of this section by the percentage that the anticipated enrollment in the school year for which the budget is being prepared exceeds the enrollment for the preceding year. The enrollment figures shall be determined in the same manner as is provided in section 79-1333.01. If the full anticipated enrollment increases do not occur then that portion of the budget increase due to the anticipated enrollment increase which did not occur shall not be spent but shall be carried forward to the next budget year and treated as a receipt from ad valorem taxes to be levied.

(3) When an authorized tax levy for any political subdivision has been increased by a vote of the people, the budget limitation imposed by this section shall not apply to the first year tax receipts are increased as a result of the vote, but thereafter budget limitations shall be increased to reflect the results of such vote.

~~(3)~~ (4) For the purposes of this section, the term budget funded by ad valorem taxes shall include all funds the source of which is an ad valorem tax regardless of the purpose of such funds, except such funds as are necessary to pay interest on and for retiring, funding, or servicing bonded indebtedness during the upcoming fiscal year.".

4. On page 13, line 8 after "1978," insert "and section 77-1355, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978,".

5. Renumber remaining sections accordingly.

Mr. Koch offered the following amendment to the Schmit/Cullan amendments:

Page 2 line 8 after "a" insert "legal" and in line 12 strike "two" and insert "six"

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Carsten offered the following amendment to the Schmit/Cullan amendments:

Strike Sec. 11.

The Carsten and Schmit/Cullan amendments, as amended, were laid over.

Mr. Kelly offered the following amendment:

Amend LB 26 on pg 2 line 19 strike "purpose" and insert "beneficial uses".

Amendment pending. Laid over.

LEGISLATIVE BILL 187. Mr. Maresh offered the following amendment:

Amend LB 187 page 8 line 16 strike fifteen and insert thirty.

The amendment was adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 581 for the approval of the Nebraska Legislature. Also attached you will find a copy of LR 22 which has been referred to the Miscellaneous Subjects Committee.

LB	Committee
581	Business and Labor

LR	Committee
22	Miscellaneous Subjects

(Signed) Frank Lewis, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 306. Placed on General File as amended.
Standing Committee amendments to LB 306:

1. Strike original sections 1 and 3.
2. Insert a new section as follows:

"Section 1. Upon the death of any joint owner of property, except a multiple-party account, the surviving joint owner shall be personally liable to the personal representative of the decedent for debts, taxes, and expenses of administration, including statutory allowances to the surviving spouse, minor children, and dependent children, if other assets of the estate are insufficient, to the extent of the decedent's beneficial interest in the property immediately before his or her death. No proceeding to assert this liability shall be commenced later than two years following the death of the decedent. Any sums recovered by the personal representative shall be administered as part of the decedent's estate. The beneficial interests of joint owners of property shall be in proportion to the net contributions of each joint owner, except that in no case shall the contribution of the decedent be deemed to be more than fifty per cent of the total value of the property.".

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 394. Placed on General File as amended.
Standing Committee amendments to LB 394:

1. Strike the original sections and insert:

"Section 1. It is the intention of the Legislature to provide a right of privacy as described and limited by this act, and to give to any natural person a legal remedy in the event of violation of the right.

Sec. 2. Any person, firm, or corporation that exploits a natural person, name, picture, portrait, or personality for advertising or commercial purposes shall be liable for invasion of privacy. The provisions of this section shall not apply to:

(1) The publication, printing, display, or use of the name or likeness of any person in any printed, broadcast, telecast, or other news medium or publication as part of any bona fide news report or presentation or noncommercial advertisement having a current or historical public interest and where such name or likeness is not used for commercial advertising purposes;

(2) The use of such name, portrait, photograph,

or other likeness in connection with resale or other distribution of literary, musical, or artistic productions or other articles of merchandise or property where such person has consented to the use of his or her name, portrait, photograph, or likeness on or in connection with the initial sale or distribution thereof; or

(3) Any photograph of a person solely as a member of the public and where such person is not named or otherwise identified in or in connection with the use of such photograph.

Sec. 3. Any person, firm, or corporation that trespasses or intrudes upon any natural person in his or her place of solitude or seclusion, if the intrusion would be highly offensive to a reasonable person, shall be liable for invasion of privacy.

Sec. 4. Any person, firm, or corporation which gives publicity to a matter concerning a natural person that places that person before the public in a false light is subject to liability for invasion of privacy, if:

(1) The false light in which the other was placed would be highly offensive to a reasonable person; and

(2) The actor had knowlege of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.

Sec. 5. Any publication or intrustion otherwise actionable under sections 2, 3, and 4 of this act shall be justified and not actionable under this act if the subject of such publication or intrusion expressly or by implication consents to the publicity or intrusion. If such person is a minor, such consent may be given by a parent or guardian. If the subject of the alleged invasion of privacy is deceased, such consent may be given by the surviving spouse, if any, or by the personal representative.

Sec. 6. In addition to any defenses and privileges created in this act, the statutory right of privacy created in this act shall be subject to the following defenses and privileges:

(1) All applicable federal and Nebraska statutory and constitutional defenses;

(2) As to the communications alleged to constitute an invasion of privacy, the defense that the communication was made under circumstances that would give rise to an applicable qualified or absolute privilege according to the law of defamation; and

(3) All applicable, qualified, and absolute privileges in the common law of privacy in this state and

other states.

Sec. 7. The action for invasion of privacy created by this act shall be personal to the subject of the invasion and shall in no case be assignable.

Sec. 8. The right of action for invasion of privacy created by this act, with the single exception of the action arising out of exploitation of a person's name or likeness in section 2 of this act, shall not be deemed to survive the death of the subject of any such invasion of privacy.

Sec. 9. No person shall have more than one cause of action for damages for libel or slander or invasion of privacy or any other tort founded upon any single publication or exhibition or utterance, such as any one issue of a newspaper or book or magazine or any one presentation to an audience or any one broadcast over radio or television or any one exhibition of a motion picture. Recovery in any action shall include all damages for any such tort suffered by the plaintiff in all jurisdictions.

Sec. 10. A judgment in any jurisdiction for or against the plaintiff upon the substantive merits of any action for damages founded upon a single publication or exhibition or utterance as described in section 9 shall bar any other action for damages by the same plaintiff against the same defendant founded upon the same publication, exhibition, or utterance.

Sec. 11. An action for invasion of privacy must be brought within one year of the date the cause of action arose.

Sec. 12. That section 25-840.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-840.01. (1) In an action for damages for the publication of a libel or for invasion of privacy as provided by section 4 of this act by any medium, the plaintiff shall recover no more than special damages, unless correction was requested, as herein provided, and was not published. Within twenty days after knowledge of the publication, plaintiff shall have given each defendant a notice by registered mail specifying the statements claimed to be libelous or to have invaded privacy as provided by section 4 of this act and specifically requesting correction. Publication of a correction shall be made within three weeks after receipt of the request. It shall be made in substantially as conspicuous a manner as the original publication about which complaint was made. A correction, published prior to receipt of a request therefor, shall have the same force and effect as if published after such request. The

term special damages, as used in this section, shall include only such damages as plaintiff alleges and proves were suffered in respect to his or her property, business, trade, profession or occupation as the direct and proximate result of the defendant's publication.

(2) This section shall not apply if it is alleged and proved that the publication was prompted by actual malice, and actual malice shall not be inferred or presumed from the publication.

Sec. 13. That original section 25-840.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title, line 3 after "prescribed" insert "; to amend section 25-840.01, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; and to repeal the original section".

LEGISLATIVE BILL 438. Placed on General File as amended.
Standing Committee amendments to LB 438:

1. Insert a new section as follows:

"Section 1. In order to declare the intent of the present Legislature and to effect the original intent of sections 18-1724, Revised Statutes Supplement, 1978, and 20-113, Reissue Revised Statutes of Nebraska, 1943, the Legislature finds that civil rights are a local as well as state concern and the Legislature desires to provide for the local enforcement and enactment of civil rights legislation concurrent with the authority of the State of Nebraska.".

2. On page 2, line 7 strike "48-1116" and insert "~~48-1116~~ 48-1125"; and in line 19 strike "48-1116" and insert "48-1125".

3. On page 3, line 1 strike "48-1116" and insert "~~48-1116~~ 48-1125"; and in line 4 strike "shall" and insert "~~shall~~ may".

4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 510. Placed on General File as amended.
Standing Committee amendments to LB 510:

1. On page 2, lines 10 and 27 before the period insert "if proper service is obtained within six months of such filing".

2. Strike original section 3.

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 573. Placed on General File as amended.
Standing Committee amendments to LB 573:

1. On page 4, strike beginning with "a" in line 5 through "system" in line 13 and insert "pretrial

diversion offers persons charged with criminal offenses an alternative to traditional criminal justice or juvenile justice proceedings: (1) It permits participation by the accused only on a voluntary basis; (2) the accused has access to counsel prior to a decision to participate; (3) it occurs prior to an adjudication but after arrest and a decision has been made by the prosecutor that the offense will support criminal charges; and (4) it results in dismissal of charges, or its equivalent, if the individual successfully completes the diversion process"; and in lines 15 and 16 strike "with the concurrence of the county board".

2. On page 5, line 12 strike "and"; in line 16 strike the period and insert an underscored semicolon; and after line 16 insert:

"(6) Enrollment shall not be conditioned on a plea of guilty; and

(7) Defendants who are denied enrollment in a diversion program shall be afforded an administrative review of the decision and written reasons for denial.".

LEGISLATIVE BILL 541. Indefinitely postponed.

(Signed) William E. Nichol, Chairman

Business and Labor

LEGISLATIVE BILL 318. Placed on General File as amended.
Standing Committee amendment to LB 318:

1. On page 5, line 7 strike the underscored matter; and in line 11 after "payments" insert "except that the disqualification of this subdivision for Title II Social Security Act benefits shall be fifty per cent of the amount of such benefits attributable to such individual for such week".

LEGISLATIVE BILL 51. Indefinitely postponed.
LEGISLATIVE BILL 351. Indefinitely postponed.
LEGISLATIVE BILL 463. Indefinitely postponed.
LEGISLATIVE BILL 513. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 468. Indefinitely postponed.

(Signed) Orval Keyes, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 23.

Introduced by Newell, 13th District.

WHEREAS, the original Uniform Disposition of Unclaimed Property Act was first drafted in 1955; and

WHEREAS, Nebraska adopted the Uniform Disposition of Unclaimed Property Act in 1969; and

WHEREAS, the State Treasurer has experienced certain difficulties in his administration of the act; and

WHEREAS, the Permanent School Fund receives money from the securing of unclaimed property.

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

1. That the Revenue Committee of the Legislature conduct an interim study of the provisions, administration, and enforcement of the Uniform Disposition of Unclaimed Property Act.

2. That the Committee report its findings, together with any recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Scout Troop #570 - Kevin Reilly, Brian McGill, Del Bermel, Tony Hron, Robert Mattea, Phillip Haulihan and their Scoutmaster from Omaha; 33 seniors and teachers from Scribner High School, Scribner; 26 fourth and fifth grade students and teachers from Park Elementary School, Lincoln; Mr. and Mrs. Jack Mulligan, David City; 31 freshman, sophomores and instructor from Northeast Technical Community College, Norfolk; and Mrs. Mary Novachek, Senator Venditte's mother-in-law, Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Tuesday, March 13, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 13, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 13, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Lord, what would we do without words? What would we do without speeches and reports and journals? Our language is our life. You have given to all of us so much to say, and the means to say it. We have the gift of speech. We can change our minds, also our plans, change our words, and hold to our convictions. Our language is our life. It is our way to open our minds, reveal our wills, show our feelings. Words keep us healthy and are the way we make love, invite friends, vote our convictions, and pray. O God, live in our language. Live in our words, phrases, cliches, in our stories, favorite phrases, our votes, and on our lips. Your Word is holy, O Lord, make our words holy also. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Duis who was excused; and Messrs. Fowler, Kahle, Kelly, Lewis, Newell, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 90, 90A, 130, 132, 215, 305, and 322.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 90, 90A, 130, 132, 215, 305, and 322.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 576. Placed on General File as amended.
Standing Committee amendments to LB 576:

1. On page 13, line 23 strike "approve" and insert "coordinate"; and in line 24 strike "state" and insert "state's central system".

2. On page 16, line 9 strike "policies" and insert "rules and regulations".

LEGISLATIVE BILL 578. Placed on General File.

(Signed) Jerome Warner, Chairman

Judiciary

LEGISLATIVE BILL 222. Placed on General File as amended.
Standing Committee amendments to LB 222:

1. On page 2, lines 5 and 19, page 3, lines 4, 7, 8, 10, 11, 16, 22, 25, and 26, page 4, lines 1, 11, 21, and 26, page 6, lines 1, 10, and 26, page 7, lines 6 and 15, page 8, line 20, page 9, lines 13, 15, 17, 22, and 26, page 10, lines 6, 13, 15, and 23, page 11, lines 7, 9, 13, 16, 22, and 26, page 12, lines 2, 5, 8, 9, 13, 18, and 22, page 13, lines 13 and 20, page 14, lines 6, 13, and 19, and page 15, lines 8, 13, and 25, strike "Coroner" and insert "Medical Examiner".

2. On page 4, lines 13, 18, 19, 21, 23, 24, and 27, page 5, line 1, page 6, lines 14 and 20, page 7, lines 12, 16, 18, 22, and 24, page 8, lines 4 and 6, page

9, lines 11, 19, 20, and 26, page 10, lines 2 and 7, page 11, lines 6, 23, and 26, page 12, lines 7, 8, 12, and 14, page 13, line 13, page 14, lines 6 and 19, page 15, lines 2, 9, and 14, and page 16, line 4 strike "coroner" and insert "medical examiner".

3. On page 3, lines 8 and 27, strike "coroners" and insert "medical examiners", and in line 12 strike "pathologist" and insert "physician who is certified in forensic pathology".

4. On page 4, line 11, strike "coroners" and insert "medical examiners".

5. On page 5, strike lines 22 and 23 and insert "(7) Deaths of any persons in police custody or confined in state or private institutions or in local jails;", in line 27 strike the period and insert "; and", after line 27 insert "(9) Deaths which occur to persons on the job or appear to be related to occupational diseases or hazards."

6. On page 6, line 10 strike "coroners" and insert "medical examiners".

7. On page 8, after line 16, insert "(1) The death of the individual falls within the provisions of section 8 of this act;" in line 17, strike "(1)" and insert "(2)", in line 19 strike "(2)" and insert "(3)", and in line 24, strike "(3)" and insert "(4)".

8. On page 10, line 5, after "officials" insert "except that an autopsy shall be performed when requested by a county attorney or law enforcement agency".

9. On page 13, line 9, after the period insert "All reports and records regarding final determinations made for deaths investigated under this act shall be public records.".

10. Insert 1 new section as follows:

"Sec. 29. Failure of a county attorney to report a death to the district medical examiner in the district in which the death occurred, as required by section 10 of this act, shall constitute malfeasance of office for which such county attorney may be removed from office.".

11. Renumber original sections 29 and 30 as sections 30 and 31 respectively.

(Signed) William E. Nichol, Chairman

Public Works

LEGISLATIVE BILL 469. Indefinitely postponed.
LEGISLATIVE BILL 574. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 54
March 8, 1979

Dear Senator Reutzel:

In your February 26, 1979, letter you asked:

> "If the statutes pertaining to the Nebraska Workmen's Compensation Court are amended to change the name to the Nebraska Workers' Compensation Court, is it necessary to have a constitutional amendment to change the name as it appears in Article V, section 28?"

Article V, section 1 of the Nebraska Constitution does not specifically create the Nebraska Workmen's Compensation Court but authorizes the legislature to create courts inferior to the Supreme Court. Section 48-152, R.R.S. 1943, created the Nebraska Workmen's Compensation Court pursuant to said Article V, section 1.

Since the Nebraska Workmen's Compensation Court was created by statute, its name may be changed in the same manner. Amendment of the various statutory references to the court will serve to change its name.

The only constitutional reference to the Nebraska Workmen's Compensation Court is in Article V, section 28, which provides that one member of the Commission on Judicial Qualifications shall be one of the judges of the Nebraska Workmen's Compensation Court. This constitutional provision does not create the court but requires that the Legislature provide for the Commission on Judicial Qualifications and that certain courts shall be represented as members. It does not appear there would be any confusion concerning the intent of the constitutional reference and, in our opinion, amendment of the various statutory references to the Nebraska Workmen's Compensation Court, including section 24-715, R.R.S. 1943, will be sufficient to effectively change the name of the court and no constitutional amendment would be required.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John R. Thompson
Deputy Attorney General

JRT:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

MESSAGES FROM THE GOVERNOR

March 12, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 127, 129, 145, 178, 248 and 411.

These bills were signed by me on March 9, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

March 12, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 287.

This bill was signed by me on March 8, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) Charles Thone
Governor

CT:mh

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 6b to take up LB 25, 78, 81, 133, 140, 146, 316, 323, 434, and 474 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 211. With Emergency.

A BILL FOR AN ACT to amend section 23-1601, Revised Statutes Supplement, 1978, relating to county treasurers; to impose duties on county treasurers when paying funds to political subdivisions as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 19:

Beutler	Cope	Johnson	Merz	Simon
Brennan	DeCamp	Landis	Murphy	Warner
Burrows	Fowler	Lewis	Newell	Wesely
Chambers	Hoagland	Marsh	Sieck	

Voting in the negative, 24:

Carsten	George	Kahle	Lamb	Rumery
Clark	Goodrich	Kennedy	Maresh	Schmit
Cullan	Haberman	Koch	Nichol	Vickers
Dworak	Hasebroock	Kremer	Pirsch	Wagner
Fitzgerald	Hefner	Labedz	Reutzel	

Present and not voting, 3:

Keyes	Marvel	Venditte

Excused and not voting, 3:

Duis	Kelly	Stoney

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, 17:

Beutler	Cope	Johnson	Merz	Wesely
Brennan	DeCamp	Koch	Murphy	
Burrows	Fowler	Landis	Simon	
Chambers	Hoagland	Marsh	Warner	

Voting in the negative, 26:

Carsten	Goodrich	Keyes	Newell	Vickers
Clark	Haberman	Kremer	Nichol	Wagner
Cullan	Hasebroock	Labedz	Pirsch	
Dworak	Hefner	Lamb	Reutzel	
Fitzgerald	Kahle	Maresh	Rumery	
George	Kennedy	Marvel	Schmit	

Present and not voting, 3:

Lewis	Sieck	Venditte

Excused and not voting, 3:

Duis	Kelly	Stoney

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass with the emergency clause stricken.

LEGISLATIVE BILL 25.

A BILL FOR AN ACT to repeal section 2-1401, Reissue Revised Statutes of Nebraska, 1943, relating to agricultural statistics.

Whereupon the 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:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Brennan	Fowler	Keyes	Merz	Stoney
Burrows	George	Koch	Murphy	Vickers
Carsten	Goodrich	Kremer	Newell	Wagner
Chambers	Haberman	Labedz	Nichol	Warner
Clark	Hasebroock	Lamb	Pirsch	Wesely
Cope	Hefner	Landis	Reutzel	
Cullan	Hoagland	Lewis	Rumery	
DeCamp	Johnson	Maresh	Schmit	
Dworak	Kahle	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Excused and not voting, 2:

Duis Kelly

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

LEGISLATIVE BILL 78.

A BILL FOR AN ACT to amend section 37-204, Revised Statutes Supplement, 1978, relating to permits to hunt and fish; to change provisions relating to nonresident fishing permits; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 47:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Brennan	Fowler	Keyes	Merz	Stoney
Burrows	George	Koch	Murphy	Venditte
Carsten	Goodrich	Kremer	Newell	Vickers
Chambers	Haberman	Labedz	Nichol	Wagner
Clark	Hasebroock	Lamb	Pirsch	Warner
Cope	Hefner	Landis	Reutzel	Wesely
Cullan	Hoagland	Lewis	Rumery	
DeCamp	Johnson	Maresh	Schmit	
Dworak	Kahle	Marsh	Sieck	

Voting in the negative, 0:

Excused and not voting, 2:

Duis Kelly

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

LEGISLATIVE BILL 81. With Emergency.

A BILL FOR AN ACT to amend sections 60-311.14 and 60-334, Reissue Revised Statutes of Nebraska, 1943, and section 60-311.10, Revised Statutes Supplement, 1978, relating to motor vehicle registration; to authorize prestige license plates for motorcycles; to eliminate a capacity limitation; to provide for enforcement; 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:

Beutler	Dworak	Kennedy	Marvel	Simon
Brennan	Fitzgerald	Keyes	Merz	Stoney
Burrows	Fowler	Kremer	Murphy	Venditte
Carsten	George	Labedz	Newell	Vickers
Chambers	Hasebroock	Lamb	Nichol	Wagner
Clark	Hefner	Landis	Pirsch	Warner
Cope	Hoagland	Lewis	Rumery	Wesely
Cullan	Johnson	Maresh	Schmit	
DeCamp	Kahle	Marsh	Sieck	

Voting in the negative, 2:

Goodrich Reutzel

Present and not voting, 2:

Haberman Koch

Excused and not voting, 2:

Duis 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 133. With Emergency.

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.

Whereupon the President stated: "All provisions of 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:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Brennan	Fowler	Keyes	Merz	Stoney
Burrows	George	Koch	Murphy	Venditte
Carsten	Goodrich	Kremer	Newell	Vickers
Chambers	Haberman	Labedz	Nichol	Wagner
Clark	Hasebroock	Lamb	Pirsch	Warner
Cope	Hefner	Landis	Reutzel	Wesely
Cullan	Hoagland	Lewis	Rumery	
DeCamp	Kahle	Maresh	Schmit	
Dworak	Kelly	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Johnson

Excused and not voting, 1:

Duis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 140. With Emergency.

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 eliminate a certification requirement; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 48:

Beutler	Fitzgerald	Kelly	Marsh	Sieck
Brennan	Fowler	Kennedy	Marvel	Simon
Burrows	George	Keyes	Merz	Stoney
Carsten	Goodrich	Koch	Murphy	Venditte
Chambers	Haberman	Kremer	Newell	Vickers
Clark	Hasebroock	Labedz	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Hoagland	Landis	Reutzel	Wesely
DeCamp	Johnson	Lewis	Rumery	
Dworak	Kahle	Maresh	Schmit	

Voting in the negative, 0.

Excused and not voting, 1:

Duis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 146.

A BILL FOR AN ACT to amend sections 18-1736 to 18-1742, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide for identification for vehicles used by the handicapped; to redefine a term; to provide for applications for a permit as prescribed; to provide for central issuance; to change the permit term; to provide for additional penalties; 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, 47:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Brennan	Fowler	Keyes	Merz	Stoney
Burrows	George	Koch	Murphy	Venditte
Carsten	Goodrich	Kremer	Newell	Vickers
Chambers	Haberman	Labedz	Nichol	Wagner
Clark	Hasebroock	Lamb	Pirsch	Warner
Cope	Hefner	Landis	Reutzel	Wesely
Cullan	Hoagland	Lewis	Rumery	
DeCamp	Kahle	Maresh	Schmit	
Dworak	Kelly	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Johnson

Excused and not voting, 1:

Duis

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

Messrs. Carsten and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 316 to Select File

Mr. Chambers moved to return LB 316 to Select File for the following specific amendment:
Strike Sections 6 & 7.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

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

Voting in the affirmative, 10:

Beutler	Fowler	Keyes	Landis	Nichol
Chambers	Johnson	Koch	Marsh	Wesely

Voting in the negative, 27:

Brennan	Fitzgerald	Kelly	Merz	Venditte
Clark	George	Kennedy	Pirsch	Vickers
Cope	Goodrich	Kremer	Rumery	Wagner
Cullan	Hasebroock	Labedz	Sieck	
DeCamp	Hefner	Maresh	Simon	
Dworak	Kahle	Marvel	Stoney	

Present and not voting, 10:

Burrows	Hoagland	Lewis	Newell	Schmit
Haberman	Lamb	Murphy	Reutzel	Warner

Excused and not voting, 2:

Carsten Duis

The Chambers motion lost with 10 ayes, 27 nays, 10 present and not voting, and 2 excused and not voting.

MOTION - Return LB 316 to Select File

Mr. DeCamp moved to return LB 316 to Select File for the following specific amendment:

1. On page 7, line 13 strike the first "written" and insert "~~written~~ informed"; and in line 24 strike "written" and insert "~~written~~ informed".

2. On page 8, line 2 strike "on" and insert "in" and strike "written" and insert "informed"; in line 13 before "consent" insert "informed"; strike the underscored comma in line 13, and insert "section 28-333 when the attending physician knew or should have known that the woman upon whom the abortion was performed was under the age of eighteen or was not married; and in line 14 strike the underscored comma.

SPEAKER MARVEL PRESIDING

The DeCamp motion prevailed with 37 ayes, 1 nay, 9 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 316. The DeCamp specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendments to LB 487 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2563.)

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 487 Wednesday, March 21, 1979 2:00 p.m.
(REQ. 2563 Amendments)

(Signed) Calvin F. Carsten, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 187. Replaced on Select File as amended.
E & R amendments to LB 187:
1. In lieu of the Maresh amendment, on page 8, line 16, strike "fifteen" and insert "~~fifteen~~ thirty".
2. In the title, line 3, insert "to increase an authorized levy;" after the semicolon.

LEGISLATIVE BILL 36. Placed on Select File.
LEGISLATIVE BILL 307. Placed on Select File.
LEGISLATIVE BILL 196. Placed on Select File.

LEGISLATIVE BILL 269. Placed on Select File as amended.
E & R amendment to LB 269:
1. In the title, insert "to provide an operative date;" at the end of line 4.

LEGISLATIVE BILL 65. Placed on Select File as amended.
E & R amendments to LB 65:
1. On page 5, lines 7 and 20, and page 6, line 7, insert an underscored comma after "older"; and on page 5, lines 10 and 23, and page 6, line 10, strike "tables" and insert "table".
2. On page 10, insert an underscored comma at the end of line 10.

3. On page 11, line 25, insert an underscored comma after "and".

4. On page 16, lines 3 and 4, strike "the exemption herein granted" and insert "any such exemption"; and in lines 25 and 26 strike "because of exemptions".

5. Because of LB 322, section 35, on page 18, line 14, strike "Revenue Committee" and insert "Clerk"; and at the end of line 5 insert "Each member of the Legislature shall receive a copy of such report by making a request for it to the Tax Commissioner."

6. On page 20, line 8, strike "77-202.44,".

7. In committee amendments, page 4, strike lines 11 to 21 and insert "sections 77-202.14, 77-202.15, and 77-202.16, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 5, 6, and 7, respectively, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979, section 77-202.12, Revised Statutes"; and at the end of line 23 insert "and section 77-202.44, Revised Statutes Supplement, 1978, as amended by section 35, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979,".

8. In the title, line 8, strike "77-202.14" and insert "77-202.17"; in line 10 strike "and"; in line 11 strike "77-202.12,"; in line 12 strike "77-202.44,"; and in line 13 insert ", sections 77-202.14, 77-202.15, and 77-202.16, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 5, 6, and 7, respectively, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979, section 77-202.12, Revised Statutes Supplement, 1978, as amended by section 4, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979, and section 77-202.44, Revised Statutes Supplement, 1978, as amended by section 35, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979," after "1978".

LEGISLATIVE BILL 441. Placed on Select File as amended.
E & R amendment to LB 441:

1. On page 3, line 9, insert an underscored comma after "section".

(Signed) Don Wesely, Chairman

EXPLANATION OF VOTE

I wish to be recorded of having voted aye on 81E.

(Signed) Rex Haberman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 26 in the Journal. No objections. So ordered.

(white copy request 2644)

1. On page 4, lines 12 and 13 strike "political subdivision" and insert "control area, designated pursuant to section 46-658, Revised Statutes Supplement, 1978,".

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 254. Placed on General File as amended.
Standing Committee amendments to LB 254:

1. On page 4, line 7, strike "and section 4 of this act"; and strike beginning with "and" in line 24 through "act" in line 25.
2. Strike original section 4.
3. Renumber the remaining sections accordingly.

(Signed) Maurice A. Kremer, Chairman

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 581 Tuesday, March 20, 1979 12:00 p.m.

(Signed) Richard Maresh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 323. With Emergency.

A BILL FOR AN ACT to amend section 53-118, Revised Statutes Supplement, 1978, relating to alcoholic liquors; to provide for the bottling and labeling of beer, wine and spirits; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 48:

Beutler	Fitzgerald	Kelly	Marsh	Sieck
Brennan	Fowler	Kennedy	Marvel	Simon
Burrows	George	Keyes	Merz	Stoney
Carsten	Goodrich	Koch	Murphy	Venditte
Chambers	Haberman	Kremer	Newell	Vickers
Clark	Hasebroock	Labedz	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Hoagland	Landis	Reutzel	Wesely
DeCamp	Johnson	Lewis	Rumery	
Dworak	Kahle	Maresh	Schmit	

Voting in the negative, 0.

Excused and not voting, 1:

Duis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 434.

A BILL FOR AN ACT to amend section 37-214.03, Reissue Revised Statutes of Nebraska, 1943, and sections 37-202 and 37-214.04, Revised Statutes Supplement, 1978, relating to game and fish; to provide additional permits that do not expire annually; to restrict exemptions as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 44:

Beutler	Cope	Goodrich	Kahle	Labedz
Brennan	Cullan	Haberman	Kelly	Landis
Burrows	DeCamp	Hasebroock	Kennedy	Lewis
Carsten	Dworak	Hefner	Keyes	Maresh
Chambers	Fitzgerald	Hoagland	Koch	Marsh
Clark	George	Johnson	Kremer	Marvel

Merz	Nichol	Rumery	Simon	Warner
Murphy	Pirsch	Schmit	Stoney	Wesely
Newell	Reutzel	Sieck	Venditte	

Voting in the negative, 0.

Present and not voting, 4:

Fowler	Lamb	Vickers	Wagner

Excused and not voting, 1:

Duis

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

LEGISLATIVE BILL 474.

A BILL FOR AN ACT to amend section 53-168.03, Reissue Revised Statutes of Nebraska, 1943, relating to liquor; to change a provision relating to price discounts; and to repeal the 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:

Beutler	Fitzgerald	Keyes	Marvel	Simon
Brennan	George	Koch	Merz	Stoney
Burrows	Goodrich	Kremer	Murphy	Venditte
Carsten	Haberman	Labedz	Newell	Vickers
Clark	Hefner	Lamb	Nichol	Wagner
Cope	Johnson	Landis	Reutzel	Warner
Cullan	Kahle	Lewis	Rumery	Wesely
DeCamp	Kelly	Maresh	Schmit	
Dworak	Kennedy	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Fowler	Hasebroock	Hoagland	Pirsch

Excused and not voting, 1:

Duis

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

ANNOUNCEMENT

The Speaker announced the Camp Fire Girls and leaders are serving cake in the West Lounge for the members in honor of the Camp Fire Girls 69th Birthday.

MOTION - Return LB 223 to Select File

Mr. Kelly moved to return LB 223 to Select File for the specific amendment found in the Journal on page 853.

Mr. Kelly withdrew his motion.

SELECT FILE

LEGISLATIVE BILL 27. Mr. Kremer moved to reject his pending amendment, as amended by Messrs. Maresh and Beutler, found in the Journal on page 446.

The amendment, as amended, was rejected with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Kremer renewed his pending amendment found in the Journal on page 544-545.

Mr. Sieck offered the following amendment to the Kremer amendment:

Delete item 4 of section 2 of the Kremer amendment - page 545 of Journal.

Mr. Sieck withdrew his amendment.

Mr. Kremer withdrew his pending amendment found in the Journal on page 544.

Mr. Kremer moved to recommit LB 27 to the Public Works Committee for further consideration.

The motion prevailed with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Rules

Friday March 16, 1979 12:30 p.m.

Proposed rule change by Senator Lamb
Rule 5 (b) (Journal p. 331)

Proposed rule change by Senator Carsten
Rule 5, Section 5(d) (Journal p. 427)

Proposed rule changes by Senator Fowler
Rule 7, Section 2(d) (Journal p. 484)
Rule 3, Section 21 (Journal p. 484)
Rule 1, Section 17(c) (Journal p. 484)

Proposed rule change by Senator Landis
Rule 3, Section 9 (Journal p. 763)

(Signed) Steve Fowler, Chairman

ANNOUNCEMENT

Mr. DeCamp announced that the Banking, Commerce and Insurance Committee will meet in Room 1113 today at 1:30 rather than Room 2230.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 65 in the Journal. No objections. So ordered.

1. In the Committee Amendments on page 3, line 2 strike "1965" and insert "1979"; in line 21 strike "on or before August 1, 1965, and"; in line 22 strike "thereafter"; strike beginning with "claimed" in line 23 through "exemptions" in line 24; and in line 25 strike "thereafter".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 13, 1979, at 10:25 a.m., were the following bills: 322, 305, 215, 132, 130, 90, and 90A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 552. Placed on General File.

LEGISLATIVE BILL 191. Indefinitely postponed.

(Signed) Barry L. Reutzel, Chairman

Business and Labor

LEGISLATIVE BILL 328. Placed on General File as amended.
Standing Committee amendments to LB 328:

1. Strike original section 1 and insert the following new section:

"Section 1. That section 48-634, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-634. The claimant or any other party entitled to notice of a determination as herein provided, may file an appeal from such determination with an appeal tribunal. Notice of appeal must be in writing and must be delivered and received within ~~ten~~ twenty days after the date of mailing of the notice of determination to his or her last-known address, or, if such notice is not mailed, ~~within seven days~~ after the date of personal delivery of such notice of determination. For good cause shown, the tribunal may also take jurisdiction over appeals filed outside the prescribed appeal period. Unless the appeal is withdrawn, the appeal tribunal, after affording the parties reasonable opportunities for a fair hearing, shall make findings and conclusions and on the basis thereof affirm, modify or reverse such determination; Provided, that whenever an appeal involves a question as to whether services were performed by the claimant in employment or for an employer, the tribunal shall give special notice of such issue and of the pendency of the appeal to the employer and to the commissioner, both of whom shall thenceforth be parties to the proceeding and be afforded a reasonable opportunity to adduce evidence bearing on such question. The parties shall be promptly notified of such tribunal's decision and shall be furnished with a copy of the decision and the findings and conclusions in support

thereof and such decision shall be final five days after the date of mailing of notice thereof.".

(Signed) Richard Maresh, Chairman

Revenue

LEGISLATIVE BILL 160. Indefinitely postponed.
LEGISLATIVE BILL 242. Indefinitely postponed.
LEGISLATIVE BILL 362. Indefinitely postponed.
LEGISLATIVE BILL 472. Indefinitely postponed.
LEGISLATIVE BILL 562. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

VISITORS

Visitors to the Chamber were 7 seventh through ninth grade students and leaders from Girl Scout Troop 29, Lincoln; Larry and Angie Roit from Milligan; 185 twelfth grade students from Burke High School, Omaha; 60 eleventh and twelfth grade students and teachers from Syracuse High School, Syracuse; and Ron Milner, NRD Manager from Imperial.

ADJOURNMENT

At 11:49 a.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Wednesday, March 14, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 14, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 14, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, most of us can stand up to the major challenges that come our way. But what often gets the best of us is the trivia we have to endure. We attend meetings and meetings and meetings which seem to accomplish little, if anything. We have to soothe the hurt feelings of others upon whom we depend. We are required to follow established procedures which seem to stand in the way of getting the job done. Give us for Thy mercy's sake patience to put up with that insect swarm of life's daily irritations by keeping our eyes on that which is truly important, for "What doth the Lord require of thee but to do justly, to love mercy, and to walk humbly with thy God." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Duis and Murphy who were excused; and Messrs. Johnson, Lewis, and Merz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 316.

Correctly Enrolled

The following bills were correctly enrolled: 25, 78, 81, 133, 140, 146, 323, 434, and 474.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 25, 78, 81, 133, 140, 146, 323, 434, and 474.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 253. Placed on General File.
LEGISLATIVE BILL 339. Placed on General File.

LEGISLATIVE BILL 54. Placed on General File as amended.
Standing Committee amendments to LB 54:

1. Strike original sections 1 to 8 and insert the following:

"Section 1. That section 49-14,105, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,105. There is hereby established the Nebraska Accountability and Disclosure Commission. The commission shall be composed of ~~eight~~ nine members, including the ~~Governor and the~~ Secretary of State. The appointed members serving on the commission on the effective date of this act shall serve the remainder of their terms and two additional members shall be appointed pursuant to this act. The ~~remaining six~~ eight appointed members shall be appointed, subject to ~~confirmation by the Legislature~~ the provisions of subsection (2) of section 49-14,110, as follows:

(1) ~~Three~~ Four members shall be appointed by the Governor in the following manner:

(a) One member from each of two lists submitted by the Legislature. Each list shall contain at least three individuals; and

(b) ~~One member~~ Two members from the citizenry of

the state at large; and

(2) ~~Three~~ Four members shall be appointed by the Secretary of State in the following manner:

(a) One member from a list of at least three individuals submitted by the Democrat state chairperson;

(b) One member from a list of at least three individuals submitted by the Republican state chairperson; and

(c) ~~One member~~ Two members from the citizenry of the state at large.

Sec. 2. That section 49-14,106, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,106. The Governor and Secretary of State shall make their appointments in such a manner as to assure that not more than four of the ~~six~~ eight appointed members of the commission shall be from the same political party and at least one member shall be registered as an independent. The appointments provided for in subdivisions (1) (a), (2) (a), and (2) (b) of section 49-14,105 shall be made prior to any other appointments. The appointment provided for in subdivision (1) (b) of section 49-14,105 shall precede the appointment provided for in subdivision (2) (c) of section 49-14,105.

Sec. 3. That section 49-14,109, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,109. The ~~Legislature~~ appropriate legislative committee, to be determined under the rules of the Legislature, shall conduct open ~~confirmation~~ hearings with respect to the qualifications of each person appointed to the commission and submitted for ~~confirmation~~ approval by the Governor or the Secretary of State, and under no circumstances may such hearings be closed to the public. Hearings need not be held regarding a person who has, in a written letter to the Governor, withdrawn his or her name from consideration.

Sec. 4. That section 49-14,110, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,110. (1) The lists of persons nominated for appointments to the commission shall be submitted to the Governor and Secretary of State not later than February 15, 1977. An individual may not appear upon both of the initial lists submitted by the Legislature. The Governor and Secretary of State shall submit their appointments to the Legislature not later than March 15, 1977. If the Governor and Secretary of State do not receive the lists within the prescribed period, they shall make appointments of their own choosing, subject only to the restrictions as to qualifications of members under section 49-14,105.

(2) ~~If the Legislature has not finally acted upon an initial or subsequent appointment within sixty days of its submission by the Governor or the Secretary of State, that person shall be seated as an acting member of the commission, with full powers, until the Legislature so acts.~~ All appointments whether initial or subsequent shall be subject to the approval of a majority of the members of the Legislature, if the Legislature is in session. If the Legislature is not in session, any appointment shall be temporary until the next session of the Legislature, at which time a majority of the members of the Legislature may approve or disapprove such appointment.

Sec. 5. That section 49-14,111, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,111. (1) The appointed members of the commission shall serve for terms of six years, except that, of the members first appointed:

(a) The Governor shall designate (i) one individual from a list submitted by the Legislature to serve a term of one year; (ii) the individual appointed at large to serve a term of three years; ~~and~~ (iii) one individual from a list submitted by the Legislature to serve a term of five years; and (iv) an additional individual appointed at large to serve a term of six years; and

(b) The Secretary of State shall designate (i) the individual from the list submitted by the Democrat state chairperson to serve a term of two years; (ii) the individual appointed at large to serve a term of four years; ~~and~~ (iii) the individual from the list submitted by the Republican state chairperson to serve a term of six years; and (iv) the additional individual appointed at large to serve a term of six years.

(2) 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. Each such appointment shall be made in such a manner so that by succeeding appointments the appointed membership of the commission consists of not more than three members from any one Congressional district.

Sec. 6. That section 49-14,112, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,112. (1) When a vacancy occurs by expiration of a term of office or otherwise, which vacancy is subject to an appointment from a list pursuant to the provisions of section 49-14,105, such list shall be submitted to the Governor or the Secretary of State not later than thirty days after such vacancy occurs. If

the appointment is subject to a list pursuant to subdivision (1)(a) of section 49-14,105, and the Legislature is not in session, such list may be submitted by the Executive Board of the Legislative Council. The Governor or Secretary of State shall submit his or her appointment to the Legislature, subject to the provisions of subsection (2) of section 49-14,110, not later than thirty days following the receipt of any such list. If the Governor or Secretary of State does not receive such list within thirty days of any such vacancy, the Governor or Secretary of State may make an appointment of his or her own choosing, subject to the provisions of subsection (2) of section 49-14,110. ~~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. The Governor or Secretary of State shall submit his appointment to the Legislature not later than thirty legislative days following the convening of such regular session of the Legislature. If the Governor or Secretary of State do not receive such lists within the prescribed period, the Governor or Secretary of State may make appointments of their own choosing, subject to confirmation by the Legislature.~~

(2) No individual appointed to the commission shall serve more than one full six-year term on the commission.

Sec. 7. That original sections 49-14,105, 49-14,106, and 49-14,109 to 49-14,112, Revised Statutes Supplement, 1978, are repealed.''.

2. In the title, strike lines 2 through 9 and insert:

''FOR AN ACT to amend sections 49-14,105, 49-14,106, 49-14,109 to 49-14,112, Revised Statutes Supplement, 1978, relating to the Nebraska Accountability and Disclosure Commission; to change membership; to harmonize provisions; to change vacancy provisions; and to repeal the original sections.''.

LEGISLATIVE BILL 101. Placed on General File as amended.
Standing Committee amendments to LB 101:

1. Strike original sections 1 to 12 and insert the following:

''Section 1. There is hereby created the Commission for the Hearing Impaired which shall consist of nine members to be appointed by the Governor subject to approval by the Legislature. The members of the commission shall be appointed within thirty days of the

effective date of this act. Six of the members of the commission shall be hearing impaired and all members shall be familiar with the problems of the hearing impaired community in the State of Nebraska. At least four of the six hearing impaired members shall know manual communication. When appointing members to the commission the Governor shall consider recommendations provided by the Nebraska Association of the Deaf. As used in this act, unless the context otherwise requires, commission shall mean the Commission for the Hearing Impaired.

Sec. 2. Members of the commission shall serve for terms of six years, except that of the members first appointed, three shall be appointed for terms of two years, three shall be appointed for terms of four years, and three shall be appointed for terms of six years, as designated by the Governor in the original appointment. The terms of the members shall expire on January 31 of the final year of their appointed term. As the terms of the initial appointees to the commission expire, succeeding appointees shall be representatives of the same segment of the public as the previous appointee, and such successors shall be appointed to six-year terms, except appointees to vacancies occurring from unexpired terms, in which case the successor shall serve out the term of his or her predecessor. Members whose terms have expired shall continue to serve until their successors have been appointed.

Sec. 3. Members may be removed by the Governor for inefficiency, neglect of duty, or misconduct in office, but only after delivering to the member a copy of the charges and affording such member an opportunity to be publicly heard in person, or by counsel, in his or her own defense, upon not less than ten days' notice.

Sec. 4. The members of the commission shall receive no compensation for their services as such but shall be reimbursed for their actual and necessary expenses in attending meetings of the commission and in carrying out their official duties as provided in section 84-306.01, Revised Statutes Supplement, 1978, for state employees.

Sec. 5. The commission shall hold at least six meetings a year, at a time and place fixed by the commission and shall keep a record of its proceedings, which shall be open to the public for inspection. The commission shall make rules for the holding of special meetings. Written notice of the time and place of all meetings shall be mailed in advance to the office of each member of the commission by the secretary. Six of the members of the commission shall constitute a quorum.

Sec. 6. The commission shall elect from its members a chairperson, vice-chairperson, and a secretary who shall hold office for a period of one year or until a successor is elected. The vice-chairperson shall serve as chairperson in case of the absence or disability of the chairperson.

Sec. 7. The commission shall appoint a qualified person to serve as executive director. When appointing an executive director preference may be given to a hearing impaired person.

Sec. 8. The commission may employ any other employees it considers necessary to carry out the purposes of this act.

Sec. 9. The commission shall serve as the principal state agency responsible for advocating public policies and programs which shall improve the quality and coordination of existing services for the hearing impaired and promote the development of new services when necessary. To perform this function the commission shall:

(1) Inventory services available for meeting the problems of the hearing impaired and assist hearing impaired persons in locating and securing such services;

(2) Maintain a list of persons qualified in various types of interpreting and make this information available to local, state, federal, and private organizations and to any interested person;

(3) Promote the training of interpreters for the hearing impaired;

(4) Provide counseling to hearing impaired persons or refer such persons to private or governmental agencies which provide counseling services;

(5) Conduct a voluntary census of hearing impaired persons in Nebraska and compile a current registry;

(6) Promote expanded adult educational opportunities for hearing impaired persons;

(7) Serve as an agency for the collection of information concerning the hearing impaired and for the dispensing of such information to interested persons by collecting studies, compiling bibliographies, gathering information and conducting research with respect to the education, training, counseling, placement, and social and economic adjustment of the hearing impaired and with respect to the causes, diagnosis, treatment, and methods of prevention of impaired hearing;

(8) Appoint advisory or special committees when appropriate for in-depth investigations and study of particular problems and receive reports of findings and recommendations;

(9) Evaluate and monitor programs for services to the hearing impaired and make recommendations to those state agencies providing such services regarding changes necessary to improve the quality and coordination of the services;

(10) Make recommendations to the Governor and the Legislature with respect to modification in existing services or establishment of additional services for hearing impaired persons; and

(11) Serve as an advocate for the rights of hearing impaired persons.

Sec. 10. The commission shall in fulfilling its responsibilities enumerated in section 9 of this act cooperate with the State Department of Education and any other state agency having authority related to the problems of hearing impaired persons. Such agencies are also directed to cooperate with the commission. Avoidance of unnecessary duplication of state-delivered services to the hearing impaired shall be a primary objective of such cooperation.

Sec. 11. The commission may make agreements with other state agencies and make contract with other individuals, organizations, corporations, associations, or other legal entities including private agencies or any department or agency of the federal government or the state or any political subdivision thereof, to carry out the functions and purposes of the commission.

Sec. 12. The Governor may accept gifts, grants, and donations of money, personal property, and real property for use in expanding and improving services to hearing impaired persons of this state.

Sec. 13. There is hereby created a Commission for the Hearing Impaired Fund to consist of such funds as the Legislature shall appropriate and any funds received under section 12 of this act. The fund shall be used to administer this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to Chapter 72, article 12.".

LEGISLATIVE BILL 184. Placed on General File as amended.
Standing Committee amendments to LB 184:

1. Insert the following new section:

"Sec. 9. That section 80-309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-309. (1) There is hereby established near Norfolk, Nebraska, on the site of the Norfolk Regional Center and further described as follows:

Beginning at a point located approximately one thousand nine hundred twenty feet east of, and

approximately nine hundred sixty feet south of the northwest corner of section thirteen, township twenty-four north, range one west in Madison County and thence five hundred feet south along the west curb line of Service Street, thence five hundred feet west, thence five hundred feet north, thence five hundred feet east to the place of beginning; and building number twenty-three located approximately six hundred ninety feet south and three hundred ninety-five feet east of the southeast corner of the above described lot; a facility to be known as the Nebraska Veterans' Home Annex, to be operated as part of the Nebraska Veterans' Home, Grand Island, Nebraska, and under the laws and regulations applicable to the Nebraska Veterans' Home as exists under section 80-301 and section 80-305.

(2) Until such time as suitable land can be acquired for the Nebraska Veterans' Home, Douglas County, Nebraska, there is hereby established a facility known as the Nebraska Veterans' Home Douglas County Annex, located near Omaha, Nebraska, to be operated as part of the Nebraska Veterans' Home, Grand Island, Nebraska, and under the laws and regulations applicable to the Nebraska Veterans' Home as exists under section 80-301 and section 80-305.".

2. On page 9, line 25 strike "80-308" and insert "80-309".

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 271. Placed on General File as amended.
Standing Committee amendments to LB 271:

1. On page 2, reinstate the stricken matter beginning in line 9 through "~~Nebraska~~" in line 19 and insert an underscored period after "~~Nebraska~~".

2. On page 3, strike the new matter beginning in line 2 through the underscored period in line 8.

LEGISLATIVE BILL 421. Placed on General File as amended.
Standing Committee amendments to LB 421:

1. On page 2, in lines 10, 11, and 15 through 17 strike the new matter and reinstate the stricken matter; in line 10 strike the reinstated "two" and insert "~~two~~ three"; and in line 16 after "dollars" insert "and ninety cents".

2. Insert a new section as follows:

"Sec. 2. That section 32-212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-212. The election commissioner may also appoint to the receiving board at such time as shall be

necessary, persons qualified as herein specified to serve in case of vacancy among any of the judges or clerks, or with and in addition to the officers in any election district wherein it may be deemed necessary by the election commissioner to meet any emergency to have additional officers, not exceeding two, in any election district to carry into effect the provisions of sections 32-201 to 32-232. The election commissioner may also~~, at other than general, state, and national elections,~~ where, in his or her judgment, their services are not required, excuse from serving at the elections the two clerks appointed for each election district, and in such case, the judges of election shall perform the duties of the clerks without additional compensation. The election inspector in each district may perform the duties of either a judge or clerk of election when so authorized by the election commissioner. Any additional appointees shall commence and end their duties at the time designated by the election commissioner. Each appointee shall be paid at the rate of two dollars and ninety cents per hour for each hour of service rendered.".

3. In line 23 after "section" insert "32-212, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 24 strike "is" and insert "are".

4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 465. Placed on General File as amended.
Standing Committee amendments to LB 465:

1. On page 2, line 5 strike "voters" and insert "~~voters~~ electors".

2. On page 3, line 3, strike "voter" and insert "~~voter~~ elector" and in line 26 strike "voters" and insert "persons not previously registered".

LEGISLATIVE BILL 527. Indefinitely postponed.

(Signed) Orval A. Keyes, Chairman

GENERAL FILE

LEGISLATIVE BILL 17A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 154. 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 57. Title read. Considered.

Standing Committee amendments found in the Journal on page 478 for the Twenty-Eighth Day were adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Koch offered the following amendment to LB 57:
Page 2 line 10 after supplies insert, instructional equipment.

The amendment was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 577. Title read. Considered.

Mr. Warner offered the following amendment:
On page 2, lines 6 and 8, strike "1,000,000" and insert "2,000,000". On page 3, line 5, strike "2,402,809" and insert "3,402,809"; in line 9, strike "3,911,564" and insert "4,911,564"

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 Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Warner asked unanimous consent to expedite LB 577. No objections. So ordered.

LEGISLATIVE BILL 19. Title read. Considered.

Standing Committee amendments found in the Journal on page 480 for the Twenty-Eighth Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Johnson renewed his pending amendment found in the Journal on page 813.

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 240. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 375. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 1979, at 9:57 a.m. were the following bills: 25, 78, 81, 133, 140, 146, 323, 434, and 474.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MOTION - Place LB 190 on General File

Mr. Burrows moved that LB 190 be placed on General File pursuant to Rule 3 Section 10.

Motion pending.

ANNOUNCEMENT

Mr. Keyes announced that the Government, Military and Veterans Affairs Committee will hold an executive session at 1:30 p.m., on Thursday, March 15, 1979 in Room 1113.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 154 in the Journal. No objections. So ordered.

8-319. Loans; restricted to members; secured and unsecured; purposes; limit; parity with federal associations; security; participation in other loans; exceptions; educational, insured, and mobile home loans. (1) No loan shall be made by such association except to its own members, nor shall any loan be made to any member for any sum in excess of the par value of his stock. The borrower shall pledge to the association, as security for the loan, shares of a maturity value equal to the principal of the loan and, except as otherwise

provided in this section, ample security by mortgage or deeds of trust on real estate. For the purpose of this section the terms real property and real estate shall include a leasehold or subleasehold estate in real property under a lease or sublease the term of which does not expire, or which is renewable automatically or at the option of the holder or of the association so as not to expire for at least five years beyond the maturity of the debt. Loans made upon improved real estate, except as is hereinafter stated, shall not exceed ninety-five per cent of the reasonable normal cash value thereof, and all loans made on any other real estate shall not exceed three-fourths of the reasonable normal cash value thereof.

(2) An association may make a loan or loans in an amount exceeding ninety-five per cent of the reasonable normal cash value of the real estate security (a) if such loan or loans be made to a veteran in accord with the provisions of Title 38, United States Code, as now existing or as hereafter amended, (b) if the proceeds of the loan or loans are to be used in purchasing residential property or in constructing a dwelling on unimproved property owned by such veteran to be occupied as his home, used for the purpose of making repairs, alterations, or improvements in, or paying delinquent indebtedness, taxes, or special assessments on residential property owned by the veteran and used by him as his home, or used in purchasing any land and buildings to be used by the applicant in pursuing a gainful occupation other than farming, and (c) if the Administrator of Veterans' Affairs shall guarantee that portion of such loan or loans in excess of ninety-five per cent of the reasonable normal cash value of the real estate security.

(3) An association is authorized to obtain insurance of its loans by the Federal Housing Administrator under Title II of the National Housing Act as amended, and such loans so made upon improved real estate and so insured shall not be subject to the restrictions set forth in this section with reference to the maximum authorized amount of a loan.

(4) An association may make unsecured loans to its members if such loans (a) are insured under Title I and Title II of the National Housing Act, as amended, or (b) are for property alterations, repair, or improvements; Provided, that the aggregate amount of loans made under subdivisions (a) and (b) of this subsection shall not, at any time, exceed twenty per cent of the association's assets; the amount of each loan under subdivision (b) of this subsection shall not exceed fifteen thousand dollars; and each loan made under subdivision (b) of this subsection shall be repayable in regular monthly installments within a period of fifteen years and be supported by a written property statement on forms to be prescribed by the Department of Banking.

An association may make secured loans to its members, and may make loans under Title 38, United States Code, as amended, under Chapter V, subchapter C of the Home Owners Loan Act of 1933, as amended (Title 12, United States Code), and on the security of mobile homes.

(5) The stock of such association may be accepted as security for a loan of the amount of the withdrawal value of such stock without other security.

(6) An association when so licensed may make loans to its own members upon the terms and security set forth in sections 45-114 to 45-155.

(7) Any provisions of this section to the contrary notwithstanding, an association may make any loan that a federal savings and loan association doing business in this state is or may be authorized to make.

(8) An association may invest in loans, obligations, and advances of credit, all of which are hereinafter referred to in this section as loans, made for the payment of expenses of business school, technical training school, college, or university education, but no association shall make any investment in loans under this subsection if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed five per cent of its assets. Such loans may be secured, partly secured, or unsecured, and the association may require a comaker or comakers, insurance, guaranty under a governmental student loan guarantee plan, or other protection against contingencies. The borrower shall certify to the association that the proceeds of the loan are to be used by a full-time student solely for the payment of expenses of business, technical training school, college, or university education.

(9) An association may participate with other lenders in making loans of any type that an association may otherwise make; Provided, that (a) each of the lenders is either an instrumentality of the United States government or is insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation, or, in the case of another lender, the interest of the association in such loan is superior to the participating interests of the other participants, and (b) an association whose accounts are insured by the Federal Savings and Loan Insurance Corporation, which may be a federal association or an association chartered by this state, or another association chartered by this state, which is not so insured, has otherwise complied with subsection (1) of this section with respect to loans to members.

(10) An association may sell to or purchase from any institution which is a savings association chartered by this state, or the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, a participating interest in any loan, whether or not, in the case of a purchase, the security is located within the association's regular lending area.

Source: Laws 1899, c. 17, section 8, p. 88; R.S.1913, section 493; Laws 1917, c. 10, section 3, p. 67; Laws 1919, c. 190, tit. V, art. XIX, section 9, p. 727; C.S.1922, section 8091; C.S.1929, section 8-309; Laws 1933, c. 25, section 1, p. 197; Laws 1935, c. 14, section 3, p. 84; Laws 1937, c. 14, section 1, p. 118; Laws 1941, c. 90, section 32, p. 358; C.S.Supp., 1941, section 8-309; Laws 1943, c. 14, section 1 (1), p. 78; R.S.1943, section 8-319; Laws 1945, c. 10, section 1, p. 108; Laws 1951, c. 12, section 1, p. 86; Laws 1955, c. 12, section 1, p. 79; Laws 1959, c. 21, section 2, p. 149; Laws 1965, c. 29, section 1, p. 204; Laws 1967, c. 25, section 1, p. 131; Laws 1971, LB 375, section 2; Laws 1976, LB 219, section 1.

Mr. Chambers asked unanimous consent to print the following amendment to LB 87 in the Journal. No objections. So ordered.

In Fowler, et al amendment (3-7-79),
page 3, line 19, strike "seven" and insert "six"
page 12, line 4 - the same
page 12, line 13 - the same

Mr. Carsten asked unanimous consent to print the following amendments to LB 144 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office-Req. No. 2712).

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 144 Thursday, March 22, 1979 2:00 p.m.
(REQ. 2712 Amendments)

(Signed) Calvin F. Carsten, Chairman

Committee on Committees

March 14, 1979

The Committee on Committees will meet at 12:10 p.m., Wednesday, March 21, 1979, in Room 1520, for the purpose of hearing appointments or reappointments as follows:

Dennis Oelschlager - Administrator, State Office of Highway Safety
Jan Carlson - Nebraska Educational Television Commission
Philip Heckman - Nebraska Educational Television Commission
Dr. W. J. Higgins - State Board of Health
James D. Johnson - Nebraska Educational Television Commission
Jack Langford - Nebraska Educational Television Commission
Robert Monke - Nebraska Educational Television Commission
John E. Olsson - State Board of Health
Heasty W. Reesman - Board of Public Roads Classifications and Standards
Daniel A. Rietz, D.P.M. - State Board of Health

(Signed) Shirley Marsh, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 24.

Introduced by Maresh, 32nd District; Lamb, 43rd District.

WHEREAS, Legislative Bill 322, Eighty-Sixth Legislature, First Session, provides that certain reports by state agencies, which formerly were distributed to all members of the Legislature, will be provided to members upon request and filed with the Clerk of the Legislature; and

WHEREAS, it is important to the efficient functioning of the Legislature that such reports be readily accessible to its members.

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

1. That the Clerk of the Legislature maintain a library for the filing and storage of such reports.

2. That the Clerk of the Legislature provide assistance for persons using the report library.

3. That such reports filed with the Clerk of the Legislature be available to members and employees of the Legislative Council.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 26 in the Journal. No objections. So ordered.

1. In the Schmit-Cullan amendments on page 4 strike beginning with "budget" in line 16 through "vote" in line 17 and insert "such tax receipts shall be considered a part of the budget funded by ad valorem taxes and shall be subject to the limitations provided in this section".

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 361. Placed on General File as amended.
Standing Committee amendments to LB 361:

1. On page 2, lines 6 and 21 strike "eleven" and insert "ten"; and in line 26 strike "six" and insert "five".

2. On page 3, lines 3 and 15 strike "eleven" and insert "ten".

(Signed) Calvin F. Carsten, Chairman

Judiciary

LEGISLATIVE BILL 409. Placed on General File as amended.
Standing Committee amendments to LB 409:

1. On page 5 after line 1 insert:

"(d) The child shall be given a preliminary hearing in all cases where the child is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If, as a result of such preliminary hearing, probable cause is found to exist, the child shall be entitled to a hearing before the court in accordance with subdivision (4) (b) and (4) (c) of this section.".

2. On page 6, line 12 strike "(d)" and insert "(e)"; strike the new matter and reinstate the stricken matter in lines 17 through 21; at the end of line 21 insert an underscored semicolon; and in line 24 strike "(e)" and insert "(f)".

LEGISLATIVE BILL 471. Placed on General File as amended.
Standing Committee amendments to LB 471:

1. On page 2, line 4 strike "A child born dead", show as stricken and insert "Any dead child who issues from his or her mother"; in line 7 reinstate the stricken "not", and after "which" insert ", in the best medical judgment of the attending physician based upon the particular facts of the case before him or her,"; in line 8 strike "twelfth" and insert "eighteenth"; in line 21 after "person" insert "intentionally"; and in line 23 strike "II felony" and insert "III misdemeanor".

2. Strike original section 2.

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 505. Placed on General File as amended.
Standing Committee amendments to LB 505:

1. Strike original sections 1 through 59 and insert the following:

"Section 1. That section 78-710, Revised Statutes Supplement, 1978, be amended to read as follows:

28-710. As used in sections 28-710 to 28-717 and sections 6 to 15 of this act, unless the context otherwise requires:

(1) Department shall mean the Department of Public Welfare;

(2) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities and the office of the sheriff in unincorporated areas;

(3) Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a minor child or an incompetent or disabled person to be: (a) Placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; (d) left unattended in a motor vehicle, if such minor child is six years of age or younger; or (e) sexually abused; and

(4) Division shall mean the county division of public welfare.

Sec. 2. That section 28-711, Revised Statutes Supplement, 1978, be amended to read as follows:

28-711. (1) When any physician, medical institution, nurse, school employee, social worker, or any other person has reasonable cause to believe that a child or an incompetent or disabled person has been subjected to abuse or neglect, or observes such person being subjected to conditions or circumstances which reasonably would result in abuse or neglect, he or she

shall report such incident or cause a report to be made to the proper law enforcement agency. Such report may be made orally by telephone, with the caller giving his or her name and address, and shall be followed by a written report, and to the extent available shall contain the address and age of the abused or neglected person, the address of the person or persons having custody of the abused or neglected person, the nature and extent of the abuse or neglect, or the conditions and circumstances which would reasonably result in such abuse or neglect, any evidence of previous abuse or neglect including the nature and extent, and any other information which in the opinion of the person may be helpful in establishing the cause of such abuse or neglect and the identity of the perpetrator or perpetrators.

(2) All reports, including those made to a division or law enforcement agency, that a child or an incompetent or disabled person has been subject to abuse and neglect made pursuant to this section shall be made or caused to be made immediately to a single statewide toll-free number within the department which all persons may use at any hour of the day or night, or any day of the week. Such reports shall then be immediately transmitted to the division and appropriate law enforcement agency.

Sec. 3. That section 28-712, Revised Statutes Supplement, 1978, be amended to read as follows:

28-712. ~~(1)~~ Upon the receipt of a report concerning abuse or neglect as required by section 28-711, it shall be the duty of the law enforcement agency to make a determination as to whether or not an investigation should be made and if an investigation is deemed warranted because of alleged violations of sections 28-707 and 28-708 to cause an investigation of the alleged abuse or neglect to be made, to take immediate steps to protect the abused or neglected person, and to institute legal proceedings if appropriate. The law enforcement agency shall notify the divisions if an investigation is undertaken. ~~All such reports shall be referred, whether an investigation is conducted or not, to the division not later than the next working day after the receipt of the report.~~

~~(2) When the law enforcement agency in any county of two hundred fifty thousand or more inhabitants shall receive a report concerning abuse or neglect pursuant to section 28-711, such law enforcement agency shall forward the report to the protective services unit of the county division of public welfare within one working day. The protective services unit shall forward all reports received directly by it to the appropriate law~~

~~enforcement agency immediately upon receipt.~~

Sec. 4. That section 28-713, Revised Statutes Supplement, 1978, be amended to read as follows:

28-713. (1) The division shall investigate each case of alleged abuse or neglect referred to it by ~~a law enforcement agency~~ the department and shall provide such social services as are necessary and appropriate under the circumstances to protect the abused or neglected person and preserve the family.

(2) The division may make a request for further assistance from the law enforcement agency or take such legal action as may be appropriate under the circumstances.

(3) The division shall make a written report or a case summary, as the Department of Public Welfare may require, to the proper law enforcement agency in the county and to the state Abused and Neglected Child, Incompetent and Disabled Person Registry of all reported cases of abuse or neglect and action taken with respect to all such cases on forms provided by the Department of Public Welfare.

Sec. 5. That section 28-715, Revised Statutes Supplement, 1978, be amended to read as follows:

28-715. The Department of Public Welfare shall file each report of suspected abuse or neglect in a special state Abused or Neglected Child, Incompetent and Disabled Person Registry to be maintained in such department. ~~Such files shall be confidential and access to any specific case shall be limited to a county attorney, juvenile court or county or state Director of Public Welfare in this or other states, to be used by them only for purposes connected directly with the protection of any child or incompetent or disabled person. Statistical information from such files, when not revealing names, may be released without limitation. Subject to such provisions, the records shall be maintained in accordance with regulations adopted by the Director of Public Welfare.~~

Sec. 6. There shall be a central register of child protection cases maintained in the department.

Sec. 7. Upon complying with identification requirements established by regulation of the department, any person or official legally authorized to have access to records relating to abuse and neglect may request and shall be immediately provided the information requested in accordance with the requirement of this act. The names and other identifying data and the dates and the circumstances of any persons requesting or receiving information from the central register shall be entered in the register record.

Sec. 8. All cases in the central register shall be classified in one of the following categories: (1) Court substantiated; (2) petition to be filed; (3) investigation inconclusive; or (4) unfounded report, whichever the case may be. All information identifying the subjects of unfounded reports shall be expunged from the register forthwith.

Sec. 9. At any time, the department may amend, expunge, or remove from the central register any record upon good cause shown and upon notice to the subjects of the report and the division.

Sec. 10. Upon request, a subject of a report or, if such subject is a minor or otherwise legally incompetent, the guardian or guardian ad litem of the person, shall be entitled to receive a copy of all information contained in the central register pertaining to his or her case. The department is authorized to prohibit the release of data that would be harmful or detrimental or that would identify or locate a person who, in good faith, made a report or cooperated in a subsequent investigation.

Sec. 11. At any time subsequent to the completion of the division's investigation, a subject of a report may request the department to amend, expunge identifying information from, or remove the record of the report from the register. If the department refuses to do so or does not act within thirty days, the subject shall have the right to a fair hearing within the department to determine whether the record of the report should be amended, expunged, or removed on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this act. Such fair hearing shall be held within a reasonable time after the subject's request and at a reasonable place and hour. The appropriate division shall be given notice of a fair hearing. In such hearings, the burden of proving the accuracy and consistency of the record shall be on the department and the appropriate division. A juvenile court finding of child abuse or child neglect shall be presumptive evidence that the report was not unfounded. The hearing shall be conducted by the head of the department of his or her designated agent, who is hereby authorized and empowered to order the amendment, expunction, or removal of the record to make it accurate or consistent with the requirements of this act. The decision shall be made in writing, at the close of the hearing, or within thirty days thereof, and shall state the reasons upon which it is based. Decisions of the department may be appealed under the provisions of sections 84-909 to 84-916, Reissue Revised Statutes of

Nebraska, 1943.

Sec. 12. Written notice of any amendment, expunction, or removal of any record made pursuant to this act shall be served upon such subject of such report and the appropriate division. The division or service unit, upon receipt of such notice, shall take similar action in regard to the local abuse and neglect records and shall inform for the same purpose, any other individuals or agencies which received such record pursuant to this act or in any other manner.

Sec. 13. All records concerning reports of noninstitutional child abuse and neglect, including reports made to the department, central register, division, and all records generated as a result of such reports, shall be confidential and shall not be disclosed except as specifically authorized by this act or other applicable law. Permitting, assisting, or encouraging the unauthorized release of any information contained in such reports or records shall be a Class V misdemeanor.

Sec. 14. Except as provided in this section and section 10 of this act, no person, official, or agency shall have access to such records unless in furtherance of purposes directly connected with the administration of this act. Such persons, officials, and agencies having access to such records shall include but not be limited to:

(1) A division or multicounty service unit in the furtherance of its responsibilities under this act;

(2) A law enforcement agency investigating a report of known or suspected abuse or neglect;

(3) A county attorney in preparation of an abuse, neglect, or termination petition;

(4) A physician who has before him or her a person whom he or she reasonably suspects may be abused or neglected;

(5) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused or neglected child, incompetent or disabled person, or a parent, guardian, or other person responsible for the abused or neglected child, incompetent, or disabled person's welfare who is the subject of a report; and

(6) Any person engaged in bona fide research or auditing. No information identifying the subjects of the report shall be made available to the researcher or auditor.

Sec. 15. Upon request, a physician or the person in charge of an institution, school, facility, or agency making a legally mandated report shall receive a summary of the findings of and actions taken by the division in response to his or her report. The amount of

detail such summary contains shall depend on the source of the report and shall be established by regulations of the department.

Sec. 16. That original sections 28-710 to 28-713 and 28-715, Revised Statutes Supplement, 1978, are repealed.

Sec. 17. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.''.

LEGISLATIVE BILL 236. Indefinitely postponed.
LEGISLATIVE BILL 470. Indefinitely postponed.

(Signed) William E. Nichol, Chairman

GENERAL FILE

LEGISLATIVE BILL 377. Title read. Considered.

Standing Committee amendments found in the Journal on page 480 for the Twenty-Eighth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

MR. LEWIS PRESIDING

LEGISLATIVE BILL 94. Title read. Considered.

Standing Committee amendments found in the Journal on page 481 for the Twenty-Eighth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Wesely renewed his pending amendment found in the Journal on page 850.

Mr. Wesely moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The Chair declared the Call raised.

The Wesely amendment was adopted with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

Laid over.

SPEAKER MARVEL PRESIDING

Mr. Fowler asked unanimous consent to be excused at 10:45 a.m. No objections. So ordered.

MOTION - Return LB 458 to Committee

Mr. Vickers renewed his pending motion found in the Journal on page 773 to return LB 458 to the Public Works Committee in accordance with Rule 3, Sec. 12.

Mr. Vickers moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chair declared the Call raised.

The Vickers motion prevailed with 31 ayes, 7 nays, 8 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 17. E & R amendment found in the Journal on page 842 for the Forty-Fourth Day was adopted.

Mr. Stoney requested a machine vote to advance LB 17.

Mr. Newell moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Advanced to E & R for Engrossment with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 17 to Select File

Mr. Newell moved to return LB 17 to Select File for the following specific amendment:

Amend LB 17, Section 6, line 19 insert after the period "This requirement is not intended to cause the assessment or valuation of any property used exclusively for religious, educational or charitable purposes".

The motion prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 17. The Newell specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Clark requested a machine vote to advance LB 17.

Advanced to E & R for Engrossment with 25 ayes, 14 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 159. E & R amendments found in the Journal on page 842 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 112. Mr. Kremer renewed his pending amendment found in the Journal on page 619.

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

Mr. Kremer renewed his pending amendments referred to in the Journal on page 684 printed separate from the Journal (Req. #2651).

Mr. Cullan requested a ruling on whether the Kremer amendments are germane to the bill.

The Chair ruled the amendments are not germane and out of order.

Mr. Chambers withdrew his pending amendment found in the Journal on page 784.

Mr. Wesely requested a machine vote to advance LB 112.

Advanced to E & R for Engrossment with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Simon asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

Final Reading Copy

1. In the Simon amendment on line 2 after "a" insert "Class III"; in line 3 strike "more than one such" and insert "an additional"; and in line 6 after "for" insert "or otherwise provides".

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 80. Placed on General File as amended.
Standing Committee amendments to LB 80:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2720.)

LEGISLATIVE BILL 396. Placed on General File as amended.
Standing Committee amendments to LB 396:

1. Insert a new section 1 as follows:

"Section 1. That section 23-1703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1703. Except in counties having a population of one hundred fifty thousand or more inhabitants, the ~~The~~ sheriff shall have charge and custody of the jail, and the prisoners of the same, and is required to receive those lawfully committed and to keep them himself or herself, or by his or her deputy jailer, until discharged by law.".

2. On page 2, line 22 after "jails" insert "and correctional facilities".

3. On page 3, line 6 before "In" insert "(1)"; in line 7 reinstate the stricken matter and strike the new matter; in lines 10 and 25 after "jail" insert "and correctional facilities"; and after line 15 insert a new subdivision (2) as follows:

"(2) In each county having within its boundaries a city of the primary class, the county board shall also serve as the county board of corrections. The board shall have charge of arranging for the confinement of prisoners to a jail or to correctional facilities if there is no county jail in such county. The board shall also have charge of all persons confined in a jail or confined in a correctional facility.".

4. On page 4, line 9 after the period insert "Except in a county having within its boundaries a city of the primary class: (1)"; in line 11 strike the period and insert "; ~~.~~ (2)"; in line 14 strike the period and insert "; ~~.~~ (3)"; in line 20 strike the period and insert "; ~~.~~ (4)"; and in line 25 after the period insert "Except in a county having within its boundaries a city

of the primary class, no".

5. On page 5, line 3 after "sections" insert "23-1703,".

6. Insert one new section as follows:

"Sec. 5. The county board of corrections may, pursuant to the Interlocal Cooperation Act, contract with any governmental unit for the purposes of implementing and complying with this act.".

7. Renumber sections accordingly.

(Signed) William E. Nichol, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 352. Placed on General File.

(Signed) Dave Newell, Chairman

MESSAGES FROM THE GOVERNOR

March 14, 1979

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

Dear Mr. President and Senators:

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

Glenn Wilson, 2616 Cottonwood Drive, Grand Island 68801 - for a four year term expiring January 1, 1983, succeeding Roy Robertson, term expired.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Glenn Wilson
Committee on Committees
Power Review Board

March 14, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 90, 90A and 322.
These bills were signed by me on March 13, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

March 14, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 130 and 215.
These bills were signed by me on March 14, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

RESOLUTIONS

LEGISLATIVE RESOLUTION 25.

Introduced by Newell, 13th District; Schmit, 23rd District; Wesely, 26th District; Kelly, 35th District; Hefner, 19th District; Labedz, 5th District; Carsten, 2nd District; Keyes, 3rd District; Johnson, 8th District; Sieck, 24th District.

WHEREAS, the nation's supply of non-renewable energy products for the production of conventional sources of energy is dwindling; and

WHEREAS, such energy sources are available only at continually escalating prices; and

WHEREAS, Nebraska has a large natural supply of solar, wind, and other inexhaustible energy sources; and

WHEREAS, it is in the best interests of the state to encourage and promote the development of the technology necessary to easily and effectively use such inexhaustible energy sources; and

WHEREAS, the federal government has authorized an income tax credit to aid in offsetting the costs incurred for the installation of energy-saving and solar and wind powered equipment.

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

1. That the Revenue Committee investigate the revenue impacts of energy imported into Nebraska.

2. That the Revenue Committee study the feasibility, method, and costs of enacting a tax incentive provision for the installation of inexhaustible alternative energy equipment.

3. That Senators Don Wesely and Loran Schmit may serve ex-officio with the Revenue Committee for the purposes of such investigation and study.

4. That the Committee report its findings, together with any recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 26.

Introduced by Keyes, 3rd District; George, 16th District; Kelly, 35th District; Landis, 46th District; Merz, 1st District; Chambers, 11th District; Wagner, 41st District; Haberman, 44th District; Wesely, 26th District; Johnson, 8th District.

WHEREAS, some Nebraska counties have recently found it difficult or impossible to obtain a qualified county surveyor, a position established by law; and

WHEREAS, bills dealing with the office of county surveyor are being considered by the current session of the Legislature; and

WHEREAS, it appears that the problems involving the office of county surveyor required more time for careful consideration that can be given during a session of the Legislature.

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

1. That the committee on Government, Military and Veterans Affairs conduct an interim study of the problems affecting the office of county surveyors, including an examination of all provisions of law, rules, and regulations applicable thereto, and report its findings and any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LR 22 Monday, March 26, 1979 12:00

(Signed) Dave Newell, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. George asked unanimous consent to be excused Friday, March 16, 1979. No objections. So ordered.

UNANIMOUS CONSENT - Change of Hearing Rooms

Mr. Newell asked unanimous consent to use the West Chamber for the Miscellaneous Subjects Committee hearing on Thursday, March 15, 1979. No objections. So ordered.

VISITORS

Visitors to the Chamber were 80 4th grade students, teachers and sponsors from Twinridge Elementary School, Bellevue; Mr. Ross Dogen, President of the Kansas Senate; Mr. John Crofoot, Chairman of the Kansas Agriculture Committee; Mr. Neal Arasmith, member of the Government Operation Committee, Kansas; 17 seniors and teacher from Aurora High School, Aurora; 21 5th grade students, teacher and parents from Williams Elementary School, Columbus; Terri Lewis, daughter of Sen. Frank Lewis; Duane and Shirley Christiansen, Minden; Dr. R. E. Sawyer, Waterloo; Linda Cita, Hershey, student at Creighton University.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Burrows, the Legislature adjourned until 9:00 a.m., Thursday, March 15, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 15, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, in the midst of the troubles that surround us, when compromises come home to roost and expediencies return to plague us, keep us this day from adding to the mistakes of the past. Save us from accepting a little of what we know to be wrong in order to gain of what we imagine to be right. Help us to stand up consistently and with courage for the rights of the people and the principles to which we hold. Above the many loud voices that would tell us what to do, may we listen for Thy still small voice within speaking to our hearts. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Duis and Kremer who were excused; and Messrs. Dworak, Goodrich, Hoagland, and Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 112. Replaced on Select File as amended.
E & R amendment to LB 112:

1. In the title, line 2, strike "section 39-6,179" and insert "sections 39-6,179 and 39-6,184";

and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 577. Placed on Select File.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 172. Placed on General File as amended.
Standing Committee amendments to LB 172:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2702)

(Signed) Samuel K. Cullan, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 138A. By Goodrich, 20th District; Kahle, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 138, Eighty-sixth Legislature, First Session, 1979.

Mr. Wagner asked unanimous consent to be excused at 10:00 a.m., until he returns. No objections. So ordered.

MOTION - Place LB 190 on General File

Mr. Burrows renewed his pending motion found in the Journal on page 898 for the Forty-Sixth Day to place LB 190 on General File pursuant to Rule 3, Sec. 10.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Koch requested a record vote on the Burrows motion.

Voting in the affirmative, 21:

Brennan	Chambers	Fowler	Labedz	Merz
Burrows	DeCamp	Hefner	Landis	Newell
Carsten	Fitzgerald	Johnson	Maresh	Pirsch

Reutzel	Simon	Warner
Sieck	Venditte	Wesely

Voting in the negative, 21:

Beutler	George	Keyes	Murphy	Vickers
Clark	Haberman	Koch	Nichol	
Cope	Hasebroock	Lamb	Rumery	
Cullan	Kahle	Marsh	Schmit	
Dworak	Kennedy	Marvel	Stoney	

Present and not voting, 2:

Hoagland Kelly

Excused and not voting, 5:

Duis	Goodrich	Kremer	Lewis	Wagner

The Burrows motion lost with 21 ayes, 21 nays, 2 present and not voting, and 5 excused and not voting.

LB 190 stands indefinitely postponed.

CORRECTED NOTICE OF COMMITTEE HEARING
Committee on Committees

March 15, 1979

The Committee on Committees hearing notice printed in the March 14, 1979 Legislative Journal showed that Dennis Oelschlager has been appointed as Administrator, State Office of Highway Safety.

This in fact should have read that Mr. Oelschlager has been appointed to the Nebraska Safety Center Advisory Council.

(Signed) Shirley Marsh, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 55
March 13, 1979

Dear Senator Maresh:

You have requested the opinion of this office concerning whether LB 369, which authorizes a type of agency shop, is constitutional

pursuant to the provisions of Article XV, section 13 of the Constitution of Nebraska. As you stated, ". . .the LB 369 version of an agency shop is somewhat different from the traditional concept whereby non-union members pay an amount equal to union dues. LB 369 authorizes a service fee to be paid by all employees in the bargaining unit."

Article XV, section 13 of the Constitution of Nebraska, commonly referred to as the "right to work" law, provides:

> "No person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join or affiliate with a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership in or nonmembership in a labor organization." (Emphasis ours.)

As you noted, this office considered the issue of whether the inclusion of an agency shop provision in a collective bargaining agreement would violate Article XV, section 13 in an opinion, dated March 2, 1960. Therein it was stated:

> ". . .The 'agency shop' is simply an agreement between employer and union that employees who are not union members shall, as a condition of continued employment, contribute an amount equal to the fees and dues paid by union members. . . ." Report of the Attorney General, 1959-60, No. 173, at 295.

The opinion focused on the above emphasized language of Article XV, section 13, particularly the term "affiliate". Essentially, the conclusion reached in our prior opinion was that the term, "affiliate with" employed alternatively with the term, "to join", indicated that the provision prohibited requiring union membership or, in lieu thereof, the payment of an amount equal to dues, as a condition of employment. Hence our opinion was that an agency shop provision violates Article XV, section 13.

Since our prior opinion was issued, several courts in other jurisdictions have considered the issue of whether their "right to work" laws prohibit an agency shop clause, see e.g., Schermerhorn v. Retail Clerks International Assoc., 141 So. 2d 269 (Fla. 1962); Higgins v. Cardinal Manufacturing Co., 188 Kan. 11, 360 P.2d 456 (1961); Amalgamated Association of Street, Electric R & Motor Coach Employees v. Las Vegas - Tonopah - Reno State Coach Line, Inc., 202 F.Supp. 726 (D.C. Nev. 1962); Ficek v. International Brotherhood of Boilermakers, Iron Shop Builders, Blacksmiths, Forgers and Helpers, Local #647, 219 N.W.2d 860 (N.Da., 1974); also see, 92 ALR 2d 598, 619-620. The above referenced cases held that the agency shop was prohibited by the "right to work" law of that jurisdiction.

LB 369 authorizes an agreement between the employer and the labor organization which is certified as the exclusive bargaining agent, to require all employees in the unit to pay to the labor organization a service fee, which is the equivalent to the employee's proportionate share of the organization's costs of representing the employees. We understand that LB 369 has been amended in committee to more precisely limit the required service fee to the equivalent of the employee's proportionate share of the organization's costs of "negotiating and administering a collective bargaining contract and processing grievances under a collective bargaining agreement." Thus the required service fee which would be authorized by LB 369 differs in substance from the typical agency shop provision and it could be more precisely labeled a type of "fair share" agreement.

The provisions of LB 369 draw into sharper focus the counter-veiling arguments raised in the discussions of union security agreements. The argument is advanced that a worker should not be a "free rider" who takes advantage of benefits secured by a union without contributing his share to its support. The contrary argument advanced is that a worker should not be required to support an organization to which he may be opposed and that he should be free to choose which organizations he wants to support. However these perplexing policy arguments are not at issue here, since in our opinion, that decision has already been made through the enactment of Article XV, section 13 of the Nebraska Constitution.

Article XV, section 13 was enacted in 1946 as the result of a referendum petition, thus there is no applicable legislative history. In 1947, LB 344, which contained substantially similar language, was enacted by the Legislature. The legislative history indicates that the principle concern was prohibiting closed shop provisions, although mention was made of prohibiting other forms of union security. In our opinion, the legislative history is not dispositive of the issue presented herein, since, as we noted in our prior opinion, agency shop provisions were not in common usage until after the enactment of "right to work" provisions. Report of the Attorney General, 1959-60, No. 173, at 295-96.

The Nebraska Supreme Court has stated:

> ". . . 'This court has also recognized the principle of constitutional interpretation that each and every clause in a constitution has been inserted for some useful purpose. Constitutional provisions should receive even broader and more liberal construction than statutes, and constitutions are not subject to rules of strict construction. . . .'" School District of Seward Education Association v. School District of Seward, 188 Neb. 772, 777-778, 199 N.W.2d 752 (1972), quoting from Anderson v. Tremann, 182 Neb. 393, 155 N.W.2d 322 (1967).

The court in Seward, supra, also stated:

". . . 'In construing constitutional amendments, consideration should be given to the circumstances leading to their adoption and the purpose sought to be accomplished.'" Id. at 776; quoting from Engelmeyer v. Murphy, 180 Neb. 295, 142 N.W.2d 342 (1966).

In our opinion, employing the above quoted principles of construction and the analysis of the language of Article XV, section 13 as enunciated in our prior opinion, our court may hold that the provisions of LB 369 violate Article XV, section 13 of the Nebraska Constitution. It appears to us that the purpose to be accomplished by the enactment of Article XV, section 13 was to prohibit compulsory unionism and to allow an individual employee to choose whether "to join or affiliate" with a labor organization. It appears to us that the required payment of a service fee, as defined in LB 369, while it is a less restrictive form of compulsory unionism, nevertheless, forces an employee to affiliate with a labor organization. While the issue is far from clear, it is our opinion that the provisions of LB 369 are constitutionally suspect under Article XV, section 13 of the Nebraska Constitution.

Our research has revealed only one case which considers the precise question involved herein. In Florida Education Association v. Public Employees Relations Commission, 81 LC par. 55,037 (1977), a Florida district court of appeals considered the constitutionality of a "fair share rule" under the state's "right to work" provision. The "fair share rule" at issue required employees to pay the labor organization a fee not to exceed an employee's proportionate share of the organization's costs incurred in negotiations and administration of grievance procedures. The court held that the rule was constitutionally invalid as it was repugnant to the "right to work" provision of the Florida Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Rae Fritz
Assistant Attorney General

LRF:pjs
cc: Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Opinion No. 56
March 14, 1979

Re: LB 572

Dear Senator Nichol:

This is in reply to your inquiry concerning LB 572 which would amend sections 24-345 and 24-348 to require that certain monies held by the clerk of the district court be paid to the State Treasurer for eventual deposit in the permanent school fund rather than to the county treasurer for deposit in the county general fund.

As a result of the enclosed opinion of this office dated October 1, 1975, the Unclaimed Property Act was amended in 1977 to provide that various funds be deposited in the permanent school fund rather than in the state general fund.

When the Unclaimed Property Act was enacted in 1969 it is my recollection that it was intended that all unclaimed property in the hands of various governmental agencies be delivered to the State Treasurer. In this regard note the disposition of similar funds referred to in our opinion under section 24-563. It would therefore appear that LB 572 is intended to bring unclaimed funds in the hands of the clerk of the district court in conformity with similar funds in the hands of other agencies.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORT
Committee on Committees

March 15, 1979

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Lorraine Giles - Nebraska Safety Center Advisory Council
Jim Hedrick - Nebraska Safety Center Advisory Council
Sam Jensen - Nebraska Coordinating Commission for Postsecondary Education
Lt. Col. Elmer J. Kohmetscher - Nebraska Safety Center Advisory Council
Jay Kucera - Nebraska Safety Center Advisory Council
Pat Nefzger - Nebraska Safety Center Advisory Council
Jeffrey L. Orr - Court of Industrial Relations
Ken Sieckmeyer - Nebraska Safety Center Advisory Council
C. Mickey Skinner - State Highway Commission
Bernard Sprague - Nebraska Safety Center Advisory Council
Walter D. Weaver - Department of Insurance
Jerry Bolin - Director, Department of Correctional Services
Fred Herrington - Tax Commissioner, Department of Revenue
Jack Kidder - Nebraska Safety Center Advisory Council
Dr. Kenneth Kimball - Nebraska Safety Center Advisory Council
John Lainson - Third District Public Welfare, Institutions and Corrections Advisory Committee
E. L. Laird - Nebraska Safety Center Advisory Council
Rollin D. Schnieder - Nebraska Safety Center Advisory Council

VOTE: For: Marsh, Simon, Burrows, Cope, Cullan, Labedz, Nichol, Reutzel, Wesely. (9) Against: None. Excused: Hasebroock, Lewis, Newell, Schmit. (4) Absent: None.

(Signed) Shirley Marsh, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Simon asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

In Section 2 - Paragraph 2
After the word "meetings" add or at one regular meeting and one special meeting called for the purpose of discussing the rate increase provided customers have been duly notified of such special meeting.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 553. Placed on General File as amended.
Standing Committee amendments to LB 553:

1. On pages 2 and 3 strike the new matter and reinstate the stricken matter.
2. On page 2, line 22 after the reinstated period insert "Nonresident permits for trapping or otherwise taking fur-bearing animals may be issued only to residents of states which sell similar permits to residents

of Nebraska.".

3. On page 6, strike beginning with "No" in line 8 through "1943" in line 10 and insert "Except as provided in sections 37-204 and 37-209".

4. Insert a new section as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Barry L. Reutzel, Chairman

Agriculture and Environment

LEGISLATIVE BILL 326. Placed on General File as amended.
Standing Committee amendment to LB 326:

1. On page 3 reinstate the stricken language in lines 1 through 6; in line 3 strike "an easement", and show as stricken; and in line 4 strike "providing for the", show as stricken, and insert "a".

LEGISLATIVE BILL 399. Placed on General File as amended.
Standing Committee amendments to LB 399:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. 2664.)

LEGISLATIVE BILL 62. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 17 and 159.

(Signed) Don Wesely, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 84.

A BILL FOR AN ACT to amend sections 77-207, 77-1809, 77-1824, 77-1901, and 77-1917, Reissue Revised Statutes of Nebraska, 1943, relating to delinquent taxes; to change interest rates; and to repeal the original sections.

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

Voting in the affirmative, 25:

Beutler	Dworak	Johnson	Marsh	Rumery
Carsten	Fowler	Kahle	Merz	Sieck
Clark	Haberman	Kelly	Newell	Simon
Cope	Hefner	Labedz	Nichol	Stoney
Cullan	Hoagland	Landis	Reutzel	Venditte

Voting in the negative, 16:

Burrows	Kennedy	Maresh	Schmit
Chambers	Keyes	Marvel	Vickers
DeCamp	Koch	Murphy	Warner
Hasebroock	Lamb	Pirsch	Wesely

Present and not voting, 3:

Brennan	Fitzgerald	George

Excused and not voting, 5:

Duis	Goodrich	Kremer	Lewis	Wagner

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

MOTION - Return LB 102 to Select File

Mr. DeCamp moved to return LB 102 to Select File for the following specific amendment:

(FINAL READING COPY)

1. On page 5, line 22 after "its" insert "registered office and the name and street address of its"; and in line 23 after "Nebraska," insert "which street address shall be identical,".

The motion prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Mr. DeCamp 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 105.

A BILL FOR AN ACT to amend sections 77-601 to 77-603, 77-606, 77-609 to 77-611, 77-614, 77-618 to 77-626, 77-636, 77-637, 77-640, 77-646, 77-651, 77-656, and 77-660, Reissue Revised Statutes of Nebraska, 1943, and section 77-605, Revised Statutes Supplement, 1978, relating to taxation and revenue; to change duties of the State Board of Equalization and Assessment; to change provisions relating to the assessment of railroad property; and to repeal the original sections.

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

Voting in the affirmative, 36:

Beutler	Haberman	Keyes	Newell	Venditte
Carsten	Hasebroock	Koch	Nichol	Vickers
Chambers	Hefner	Labedz	Pirsch	Warner
Cope	Hoagland	Landis	Reutzel	Wesely
Cullan	Johnson	Lewis	Rumery	
Dworak	Kahle	Marsh	Sieck	
Fitzgerald	Kelly	Marvel	Simon	
Fowler	Kennedy	Merz	Stoney	

Voting in the negative, 6:

Brennan	Lamb	Murphy
George	Maresh	Schmit

Present and not voting, 2:

Burrows Clark

Excused and not voting, 5:

Cullan	DeCamp	Goodrich	Kremer	Wagner

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

LEGISLATIVE BILL 119.

A BILL FOR AN ACT to amend section 70-1012, Reissue Revised Statutes of Nebraska, 1943, relating to the Power Review Board; to remove certain exceptions for municipalities supplying electricity as prescribed; to provide procedures to be followed when terminating certain construction contracts; and to repeal the original section.

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

Voting in the affirmative, 41:

Beutler	Fowler	Kennedy	Marvel	Stoney
Burrows	George	Keyes	Newell	Venditte
Carsten	Haberman	Koch	Nichol	Vickers
Chambers	Hasebroock	Labedz	Pirsch	Warner
Clark	Hefner	Lamb	Reutzel	Wesely
Cope	Hoagland	Landis	Rumery	
Cullan	Johnson	Lewis	Schmit	
Dworak	Kahle	Maresh	Sieck	
Fitzgerald	Kelly	Marsh	Simon	

Voting in the negative, 0.

Present and not voting, 3:

Brennan	Merz	Murphy

Excused and not voting, 5:

DeCamp	Duis	Goodrich	Kremer	Wagner

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

MOTION - Return LB 223 to Select File

Mr. Kelly moved to return LB 223 to Select File for the specific amendment found in the Journal on page 853.

Mr. Kelly withdrew his motion.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 223.

A BILL FOR AN ACT to amend sections 70-1007, 70-1008, 70-1009, and 70-1010, Reissue Revised Statutes of Nebraska, 1943, relating to power districts and corporations; to provide an additional standard; to establish certified service areas; to change rights with respect to service of customers and areas as prescribed; to provide for acquisition of and payment for facilities and customers; 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:

Beutler	George	Koch	Newell	Venditte
Brennan	Haberman	Labedz	Nichol	Vickers
Burrows	Hasebroock	Lamb	Pirsch	Wagner
Clark	Hefner	Landis	Reutzel	Warner
Cope	Hoagland	Lewis	Rumery	Wesely
Cullan	Johnson	Maresh	Schmit	
DeCamp	Kahle	Marsh	Sieck	
Fitzgerald	Kennedy	Merz	Simon	
Fowler	Keyes	Murphy	Stoney	

Voting in the negative, 4:

Carsten	Dworak	Goodrich	Kelly

Present and not voting, 2:

Chambers Marvel

Excused and not voting, 2:

Duis Kremer

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

Mr. Kelly asked unanimous consent to be excused for 45 minutes. No objections. So ordered.

LEGISLATIVE BILL 245.

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.

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

Voting in the affirmative, 45:

Beutler	Fitzgerald	Kahle	Marsh	Schmit
Brennan	Fowler	Kennedy	Marvel	Sieck
Burrows	George	Keyes	Merz	Simon
Carsten	Goodrich	Koch	Murphy	Stoney
Clark	Haberman	Labedz	Newell	Venditte
Cope	Hasebroock	Lamb	Nichol	Vickers
Cullan	Hefner	Landis	Pirsch	Wagner
DeCamp	Hoagland	Lewis	Reutzel	Warner
Dworak	Johnson	Maresh	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Duis	Kelly	Kremer

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

LEGISLATIVE BILL 297.

A BILL FOR AN ACT to amend section 71-115, Reissue Revised Statutes of Nebraska, 1943, and sections 71-113 and 71-116, Revised Statutes Supplement, 1978, relating to the Board of Examiners in Dentistry; to increase the membership of the board by adding a dental hygienist member; to prescribe the voting rights of such dental hygienist; 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:

Beutler	Fitzgerald	Kennedy	Marvel	Sieck
Brennan	Fowler	Keyes	Merz	Simon
Burrows	George	Koch	Murphy	Stoney
Carsten	Goodrich	Labedz	Newell	Venditte
Clark	Haberman	Lamb	Nichol	Vickers
Cope	Hasebroock	Landis	Pirsch	Wagner
Cullan	Hefner	Lewis	Reutzel	Warner
DeCamp	Hoagland	Maresh	Rumery	Wesely
Dworak	Johnson	Marsh	Schmit	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Kahle

Excused and not voting, 3:

Duis Kelly Kremer

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

LEGISLATIVE BILL 404.

A BILL FOR AN ACT to amend section 60-326.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle registration; to increase the amount of the fee retained by county treasurers; to provide an additional fee; and to repeal the original section.

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

Voting in the affirmative, 36:

Beutler	Fitzgerald	Hasebroock	Kennedy	Maresh
Carsten	Fowler	Hefner	Koch	Marsh
Clark	George	Hoagland	Labedz	Merz
Cope	Goodrich	Johnson	Lamb	Murphy
Cullan	Haberman	Kahle	Landis	Nichol

Pirsch	Sieck	Venditte	Warner
Reutzel	Simon	Vickers	Wesely
Rumery	Stoney	Wagner	

Voting in the negative, 9:

Brennan	Chambers	Dworak	Lewis	Newell
Burrows	DeCamp	Keyes	Marvel	

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Duis	Kelly	Kremer

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

EXPLANATION OF VOTE

I voted no on LB 404 by hitting the wrong button. I have supported LB 404 consistantly through committee action, and floor debate. I intended to vote aye on Final Reading.

(Signed) Dave Newell

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 437.

A BILL FOR AN ACT to amend section 37-215, Revised Statutes Supplement, 1978, relating to game and parks; to change a requirement for hunting deer or antelope as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

Beutler	Carsten	Cope	Dworak	George
Brennan	Chambers	Cullan	Fitzgerald	Goodrich
Burrows	Clark	DeCamp	Fowler	Haberman

Hasebroock	Koch	Marvel	Rumery	Wagner
Hefner	Labedz	Merz	Schmit	Warner
Hoagland	Lamb	Murphy	Sieck	Wesely
Johnson	Landis	Newell	Simon	
Kahle	Lewis	Nichol	Stoney	
Kennedy	Maresh	Pirsch	Venditte	
Keyes	Marsh	Reutzel	Vickers	

Voting in the negative, 0.

Excused and not voting, 3:

Duis	Kelly	Kremer

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

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and Fowler asked unanimous consent to print the following amendments to LB 87 in the Journal. No objections. So ordered.

(1)

Amendment to the DeCamp amendment number (4) on page 776 of the Legislative Journal.

Amend said amendment to Page 11, Line 13, after "charges" insert "contracted for and".

Amendment to DeCamp amendment number (5) on page 777 of the Legislative Journal.

Amend the above amendment to page 14, line 15, in the fourth line thereof after "due", strike the comma.

Amendment to E & R Amendment number 19 on page 830 of the Legislative Journal.

Amend said amendment by striking "11" and inserting "9".

Amendment to the DeCamp Amendment number (8) found on pages 777 and 778 of the Legislative Journal.

In said amendment on page 778 show "(2) in connection with the collection of any loan a licensee may not:" as new language

In said amendment subdivision (c) on page 778 amend the same by striking "Causing" and insert "Cause".

In said amendment subdivision (k) on page 778 amend the same by striking "Collect any amount, including any interest, fee charge, or

expense incidental to the principal obligation," and insert: "Charge or collect any fees, charges, or expenses incidental to the collection of any loan,"

In said amendment subdivision (1) on page 778 amend the same by striking the first "of".

Amendment to E & R Amendment number 21 on page 830 of the Legislative Journal.

Amend said amendment by striking "offering" and insert "tendering"

Amendment to the DeCamp Amendment number (13) on page 779 of the Legislative Journal.

Strike the new language in said amendment and insert the following:

"Upon written request of a borrower, the licensee shall provide a written statement of the dates and amounts of payments made and the amounts of any default and deferment charges assessed preceding the month in which the request is received and the total amount unpaid as the end of the period covered by the statement and a copy of the loan agreement, security agreement, and a facisimile of any insurance certificate issued as part of the transaction, if applicable. The licensee may charge a reasonable fee for such copies, not to exceed fifty cents per page."

(2)

Add a new section to read as follows:

Sec. __ No Licensee shall, directly or indirectly, require a borrower as a condition of granting a loan to such borrower to reaffirm or otherwise obligate himself or herself to pay a former debt to the licensee which has been discharged in bankruptcy proceedings.

Renumber original sections accordingly.

SPEAKER MARVEL PRESIDING

Messrs. Clark and Nichol asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 94. Title read. Considered.

Mr. Haberman offered the following amendment:

1. On page 19 strike the new matter beginning with "without" in line 4 through "used" in line 5.

Mr. 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 Haberman amendment lost with 11 ayes, 15 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment:

Amend page 19, lines 4 & 5, strike new language; reinstate stricken matter in lines 5-9.

Mr. Chambers moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Burrows	Hasebroock	Landis	Schmit	Wesely
Chambers	Hefner	Marvel	Simon	
Cope	Kennedy	Merz	Venditte	
George	Keyes	Murphy	Wagner	
Haberman	Lamb	Pirsch	Warner	

Voting in the negative, 17:

Beutler	Goodrich	Koch	Reutzel	Vickers
Cullan	Hoagland	Labedz	Rumery	
Dworak	Johnson	Maresh	Sieck	
Fowler	Kahle	Marsh	Stoney	

Present and not voting, 4:

Brennan	Carsten	Fitzgerald	Newell

Absent and not voting, 2:

DeCamp	Lewis

Excused and not voting, 5:

Clark	Duis	Kelly	Kremer	Nichol

The Chambers amendment lost with 21 ayes, 17 nays, 4 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Cullan moved for a Call of the House. The motion prevailed with 9 ayes, 2 nays, and 38 not voting.

Mr. Cullan requested a roll call vote to advance LB 94.

Voting in the affirmative, 23:

Beutler	Hasebroock	Lamb	Murphy	Vickers
Carsten	Hefner	Landis	Reutzel	Warner
Cope	Hoagland	Maresh	Rumery	Wesely
Cullan	Kennedy	Marsh	Sieck	
Goodrich	Koch	Marvel	Stoney	

Voting in the negative, 15:

Burrows	Fowler	Johnson	Newell	Simon
Chambers	George	Kahle	Pirsch	Venditte
Dworak	Haberman	Merz	Schmit	Wagner

Present and not voting, 4:

Brennan	Fitzgerald	Keyes	Labedz

Absent and not voting, 2:

DeCamp	Lewis

Excused and not voting, 5:

Clark	Duis	Kelly	Kremer	Nichol

Failed to advance to E & R for Review with 23 ayes, 15 nays, 4 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 379. Title read. Considered.

Standing Committee amendment found in the Journal on page 495 for the Twenty-Eighth Day was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Laid over.

ANNOUNCEMENT

The Speaker announced that any Senator wishing to attend the Basketball games can get in by showing their identification cards.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 376. Placed on General File as amended.
Standing Committee amendments to LB 376:

1. On page 2, line 13 before "City" insert "(1)"; and strike beginning with the first "to" in line 19 through the period in line 24 and insert ". An officer removing an intoxicated person from public property shall make a reasonable effort to take such intoxicated person to his or her home or to any hospital, clinic, alcoholism center, or medical doctor as may be necessary to preserve life or to prevent injury. If these measures are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that civil protective custody shall be used only as long as is necessary to preserve life or to prevent injury, and under no circumstances, longer than twelve hours.

(2) The placement of such person in civil protective custody shall be recorded at the facility or jail to which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody.

(3) The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions.

(4) The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(5) For purposes of this section, public property shall mean any public right-of-way, street, highway, alley, park, or other state, county, or municipally-owned property.".

2. Insert a new sections as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Samuel K. Cullan, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 27.

Introduced by Maresh, 32nd District; Wesely, 26th District.

WHEREAS, there are many citizens of the State of Nebraska whose national origin is Czech, and
WHEREAS, citizens of Czech heritage have made many contributions to the progress of the state, and,
WHEREAS, citizens of Czech heritage do not have a special designated holiday recognized in Nebraska, and otherwise do not receive the same attention that is accorded to other ethnic groups,
NOW, THEREFORE BE IT RESOLVED BY THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION, that the first Sunday in August shall be and hereby is designated as Official Nebraska Czech Day in the State of Nebraska.

Laid over.

VISITORS

Visitors to the Chamber were 45 ladies from Cedar County Extension Club; 33 ladies from Wayne County Extension Club; 15 senior students, teacher, and parent from Odell High School, Odell, Nebraska; 24 ladies belonging to W.I.F.E. (Women involved in Farm Economics); 37 eighth grade students, teachers, and parents from St. Mary's School, David City, Nebraska; 17 seniors and teachers from Elkhorn High School, Elkhorn, Nebraska; 39 ladies from Dixon County Extension Club; 11 seventh and eighth grade students, teachers, and parents from Saunders County, District 20, near Ashland, Nebraska; and Carl Spelts from Kearney, Nebraska.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Simon, the Legislature adjourned until 9:00 a.m., Friday, March 16, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 16, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

AN IRISH BLESSING
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.

ROLL CALL

The roll was called and all members were present except Messrs. Duis, George, Lamb, and Schmit who were excused; and Mr. Burrows who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 927, line 31, delete "Cullan" and insert "Duis".

The Journal for the Forty-Seventh Day was approved, as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 17A. Placed on Select File.
LEGISLATIVE BILL 154. Placed on Select File.

LEGISLATIVE BILL 57. Placed on Select File as amended.
E & R amendments to LB 57:

1. On page 2, line 10, reinstate the comma.

2. In committee amendments, page 3, line 9, strike "had" and insert "has".

3. In the title, line 2, strike "section 79-2201.01" and insert "sections 79-2201.01 and 79-2208"; and strike lines 4 and 5 and insert "educational service units; to provide that the units may acquire personal property or act as purchasing agents for resale as"; and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 19. Placed on Select File as amended.
E & R amendments to LB 19:

1. Renumber original section 25 as section 26 and original section 26 as section 25.

2. On page 19, line 2, strike the second "state".

LEGISLATIVE BILL 240. Placed on Select File.
LEGISLATIVE BILL 375. Placed on Select File.

LEGISLATIVE BILL 377. Placed on Select File as amended.
E & R amendment to LB 377:

1. In the title, line 2, insert "24-212, Reissue Revised Statutes of Nebraska, 1943, and section" after section"; in line 5 insert "to provide for microform copies;" after the semicolon; in line 6 insert "and copies" after "reports"; and in line 7 strike "section" and insert "sections".

Correctly Enrolled

The following bills were correctly enrolled: 84, 105, 119, 223, 245, 297, 404, and 437.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 84, 105, 119, 223, 245, 297, 404, and 437.

MESSAGES FROM THE GOVERNOR

March 15, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 146.

This bill was signed by me on March 14, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

March 15, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 25, 78, 132, 133, 305 and 434.

These bills were signed by me on March 15, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

RESOLUTION

LEGISLATIVE RESOLUTION 28.

Introduced by Lewis, 45th District; Warner, 25th District; Schmit, 23rd District; Brennan, 9th District; Chambers, 11th District; Fowler, 27th District; Marvel, 33rd District; DeCamp, 40th District.

WHEREAS, Section 3.10 of Article III of the Student Fees and Facilities Revenue Bonds, Series of 1966, Resolution dated June 15, 1966, states that the Board may expend funds from the Kearney State College Surplus Fund to make any extraordinary repairs, renewals, replacements, renovations, equippings and furnishings to the Facilities; and

WHEREAS, certain repairs, remodeling, and furnishings are required in the revenue bond facilities at Kearney State College in order to maintain the maximum use and occupancy of the facilities; and

WHEREAS, there is on deposit with the United States National Bank of Omaha, Omaha, Nebraska, Trustee, as of January 31, 1979, a balance of $1,491,314.15 in the Surplus Fund; and

WHEREAS, Section 3.9 of Article III of the Refunding Revenue Bonds of Wayne State College, Series of 1963, Resolution dated February 28, 1963, states that the Board may expend funds from the Contingency Maintenance Fund for the purposes of making any extraordinary repairs, renewals, replacements, renovations, equippings, and furnishings to the Facilities; and

WHEREAS, certain repairs, remodeling and furnishings are required in the revenue bond facilities at Wayne State College in order to maintain the maximum use and occupancy of the facilities; and

WHEREAS, there is on deposit with the United States National Bank of Omaha, Omaha, Nebraska, Trustee, as of January 31, 1979, $32,008.89 in the Contingency Maintenance Fund and $428,962.48 in the Surplus Fund.

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

1. That the Board of Trustees of the Nebraska State Colleges, in compliance with Section 3.10 of Article III of the Resolution dated June 15, 1966, does and hereby directs the United States National Bank of Omaha, Omaha, Nebraska, to pay appropriate orders out of the Series 1966 Surplus Fund for the following:

Men's Hall Window Replacement $60,000

2. That the Board of Trustees of the Nebraska State Colleges, in compliance with Section 3.9 of Article III of the Resolution dated February 28, 1963, does and hereby directs the United States National Bank of Omaha, Omaha, Nebraska, to pay appropriate orders out of the Series 1963 Contingency Maintenance Fund for the Following:

Student Center Renovation $40,000

Laid over.

MOTION - Place LB 522 on General File

Mr. Schmit moved to place LB 522 on General File pursuant to Rule 3, Sec. 10(b).

Motion pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 57
March 15, 1979

Dear Senators Hoagland, Johnson, Koch, and Wesely:

This is in response to your correspondence dated March 13, 1979, wherein you requested a "comprehensive constitutional review" of LB 316 in its present form in time for you to review the opinion prior to Final Reading of the bill on March 15 or 16. The time constraints imposed by your request are simply inconsistent with a comprehensive constitutional review of these complex issues.

You further requested that our opinion make reference to the following: (1) Judge Urbom's December 28, 1979, bench remarks in Woman's Services P.C., et al. v. J. James Exon, et al., CV 78-L-289 in the United States District Court for the District of Nebraska; (2) Senator Chamber's memorandum read on the floor of the Legislature on March 13, 1979; and (3) a footnote contained in Planned Parenthood of Missouri v. Danforth, 428 U.S. 52 (1971).

Regarding your first request, Judge Urbom's bench remarks were made pursuant to the entry of a temporary injunction. Our office represents the defendants in this litigation which is presently pending before Judge Urbom. Under these circumstances it would be highly improper and possibly a violation of DR 7-107(G) of the Code of Professional Responsibility for our office to render an opinion on the court's comments. Our opinions regarding the court's comments should be restricted to briefs and arguments addressed to the court.

As to your second request, Senator Chamber's memorandum was read on the floor of the Legislature and entered into the record. His memorandum appears to be most properly characterized as a legislative argument. Our comments on the Senator's memorandum would result in an improper intrusion by this office into the arena of legislative debate. It is the practice of this office to avoid entanglement in legislative debates and to respectfully defer to the judgment of the Legislature in resolving issues of public policy.

Thirdly, you have requested the opinion of this office on the informed consent provision of LB 316, in light of the specific language

found in Danforth, supra, 428 U.S. at 67, footnote 8, which provides:

> "The appellants' vagueness argument centers on the word 'informed.' One might well wonder, offhand, just what 'informed consent' of a patient is. The three Missouri federal judges who composed the three-judge District Court, however, were not concerned, and we are content to accept, as the meaning, the giving of information to the patient as to just what would be done and as to its consequences. To ascribe more meaning than this might well confine the attending physician in an undesired and uncomfortable straitjacket in the practice of his profession." (Emphasis ours.)

The above-quoted dicta indicates that there are perimeters to the type of information which a state may constitutionally require a physician to give to a patient who desires an abortion. In our opinion, the above-quoted footnote raises the question, but does not resolve it.

As we set forth in our prior opinions, (No. 55, March 24, 1977, and No. 38, March 5, 1979), the issue is whether the informed consent provision promotes the legitimate state interest in insuring that a woman reaches her decision to abort with full awareness of its significance and with full knowledge of its nature and consequences, without unduly burdening or restricting the decision to be made by the patient or her doctor. We pointed out in our prior opinions that the provisions at issue therein are more expansive than that in Danforth, supra, and thus the constitutionality of these provisions is certainly not clear. However, applying the above standard, it is our opinion that the informed consent provisions of LB 316 could withstand constitutional challenge.

We also base our opinion on the decision in Planned Parenthood v. Fitzpatrick, 401 F.Supp. 554 (E.D.Pa., 1975), which was affirmed by the Supreme Court. 428 U.S. 901 (1976). In a 2-1 decision, the district court upheld the constitutionality of the informed consent provision of the Pennsylvania abortion statute which provided:

> " 'Informed consent' means a written statement, voluntarily entered into by the person upon whom an abortion is to be performed, whereby she specifically consents thereto. Such consent shall be deemed to be an informed consent only if it affirmatively appears in the written statement signed by the person upon whom the abortion is to be performed that she has been advised (i) that there may be detrimental physical and psychological effects which are not forseeable, (ii) of possible alternatives to abortion, including childbirth and adoption, and (iii) of the medical procedures to be used. . ." 401 F.Supp. at 583.

In analyzing the Pennsylvania statute, the court noted that the physician while informing the patient of the information required by this act is free, in the exercise of his judgment, to tailor that information to the facts of an individual case by, for example, reassuring the patient or comparing the risks of other options. Id. at 587-88.

The provisions of LB 316, while similar to the Pennsylvania statute, are not identical, in that LB 316 requires information concerning the reasonable consequences resulting from pregnancy and adoption, as well as abortion. Further, LB 316 requires information concerning the availability of agencies and services to assist a woman in carrying her pregnancy to a natural term. While the issue is uncertain, it is our opinion that the additional information required by LB 316 may be upheld as also furthering the state's interest in insuring the woman's decision to abort is made with full awareness of its significance.

In addition, we note a possible ambiguity arising from recent amendments to section 6 of LB 316. In our recent opinion, No. 38, March 5, 1979, we described a potential vagueness problem in section 6 due to the use of two terms, "unemancipated woman under the age of eighteen" and "minor," neither of which are defined in the act. We noted that section 38-101, R.R.S. 1943, provides: "All persons under nineteen years of age are declared to be minors; but in case any person marries under the age of nineteen his minority ends." As amended, section 6 now requires a statement of parental consultation for a "minor under the age of eighteen." The term "minor" remains undefined in the act. The term "minor under the age of eighteen" could be construed to mean a subclass of "minors," as defined in section 38-101, or it could be construed to be inconsistent with section 38-101 due to the inconsistency of age and thus void for vagueness as not being statutorily defined.

If you desire further assistance from this office regarding specific legal questions on this legislation, please advise.

Sincerely
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Rae Fritz
Assistant Attorney General

LRD:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 15, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Norgard, Lorenzo E. - Crawford (withdrawn 3/12/79), Save Nebraska Water
Owens, Randall W. - Omaha (withdrawn 3/1/79), Eastern Nebraska Heavy Contractors Association
Rasmussen, Dennis- Lincoln, St. Paul Business Development Corporation
Stines, Marilyn A. - Lincoln, Nebraska Association of Public Employees
Wruck, George T. - Omaha, Omaha Federation of Advertising

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following amendments to LB 164 in the Journal. No objections. So ordered.

1. On page 3, lines 15 and 25, strike "two" and insert "four".
2. On page 4, line 12, strike "one thousand", show as stricken, and insert "five hundred"; in line 14, strike "three" and show as stricken and insert "one"; in line 24, after "occasion" insert an underscored period; and strike beginning with "with" in line 24 through "such" in line 27.
3. On page 5, strike lines 1 through 3; and in line 10, after "services" insert "and other necessary personnel".

EASE

The Legislature was at ease from 9:26 a.m. until 9:31 a.m.

RESOLUTIONS

LEGISLATIVE RESOLUTION 27. Read. Considered.

Mr. Maresh requested a roll call vote on LR 27.

Voting in the affirmative, 36:

Beutler	Fowler	Kremer	Murphy	Vickers
Brennan	Goodrich	Labedz	Nichol	Wagner
Carsten	Hasebroock	Landis	Pirsch	Warner
Clark	Hefner	Lewis	Reutzel	Wesely
Cope	Kahle	Maresh	Rumery	
DeCamp	Kelly	Marsh	Sieck	
Dworak	Kennedy	Marvel	Simon	
Fitzgerald	Keyes	Merz	Venditte	

Voting in the negative, 0.

Present and not voting, 8:

Chambers	Haberman	Johnson	Newell
Cullan	Hoagland	Koch	Stoney

Excused and not voting, 5:

Burrows	Duis	George	Lamb	Schmit

LR 27 was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 24. Read. Considered.

LR 24 was adopted with 25 ayes, 0 nays, and 24 not voting.

MOTION - Adopt Report

Mrs. Marsh moved the adoption of the report of the Committee on Committees found in the Journal on pages 923-924 on the following Governor appointments: Lorraine Giles, Jim Hedrick, Sam Jensen, Lt. Col. Elmer J. Kohmetscher, Jay Kucera, Pat Nefzger, Jeffrey L. Orr, Ken Sieckmeyer, C. Mickey Skinner, Bernard Sprague, Walter D. Weaver, Jerry Bolen, Fred Herrington, Jack Kidder, Dr. Kenneth Kimball, John Lainson, E. L. Laird, Rollin D. Schnieder.

Voting in the affirmative, 26:

Beutler	Cullan	Kennedy	Lewis	Murphy
Carsten	Hasebroock	Koch	Maresh	Nichol
Clark	Hefner	Kremer	Marsh	Pirsch
Cope	Kahle	Landis	Marvel	Reutzel

Rumery	Simon	Wagner
Sieck	Stoney	Warner

Voting in the negative, 0.

Present and not voting, 18:

Brennan	Fitzgerald	Hoagland	Labedz	Vickers
Chambers	Fowler	Johnson	Merz	Wesely
DeCamp	Goodrich	Kelly	Newell	
Dworak	Haberman	Keyes	Venditte	

Excused and not voting, 5:

Burrows	Duis	George	Lamb	Schmit

The report was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the appointments confirmed.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 99. Placed on General File as amended.
Standing Committee amendments to LB 99:

1. Strike original section 1 and insert the following:

Section 1. That at the primary election in May, 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 7 and 19, of the Constitution of Nebraska, and the further amendment to Article XV of the Constitution of Nebraska, by adding a new section 19 thereto, which is hereby proposed by the Legislature:

"Article III 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.~~ compensation to be established in the manner provided by Article XV, section 19. ~~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.~~

Article III Sec. 19. Except as provided in Article XV, section 19, the ~~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.

Article XV Sec. 19. There is hereby created a commission to be known as the Compensation Review Commission. The members of the commission shall be

appointed by the Governor and shall not be subject to the approval of the Legislature. There shall be two members appointed from each congressional district and one member shall be appointed from the citizenry at large. Members shall serve for terms of four years, except that of the members first appointed, one member from each congressional district shall be appointed for a term of two years. If the number of congressional districts changes the Governor shall, within sixty days after such change, appoint two members from each congressional district for staggered terms and one member from the citizenry at large. The terms of all existing members shall terminate on the date the new members are appointed, but existing members may be reappointed. The members of such commission shall receive no compensation for the performance of their duties, but may be reimbursed for their actual and necessary expenses. The commission shall review salaries and expenses for members of the Legislature, members of the judiciary, the Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and Treasurer and before the beginning of each regular session of the Legislature held in an odd-numbered year recommend to the Legislature any adjustments in compensation it deems appropriate. The Legislature may approve, reject, or reduce any recommendation of the commission. Compensation recommended by the commission shall not become effective until approved by the Legislature and when so approved shall become effective at the beginning of the next regular session of the Legislature following the session in which such compensation was approved.".

2. On page 4, line 9 strike "that salaries for constitutional" and insert "compensation for certain executive"; in line 11 strike "adjusted" and insert "recommended"; and in line 11 after "prescribed" insert "; and to provide when such compensation becomes effective".

3. In the title, line 3 strike "section 7" and insert "sections 7 and 19"; in line 4 after "Nebraska," insert "and the further amendment to Article XV of the Constitution of Nebraska, by adding a new seciton 19 thereto,"; and in lines 6 and 7 strike "salaries for constitutional" and insert "compensation for certain executive".

LEGISLATIVE BILL 151. Placed on General File as amended.
Standing Committee amendment to LB 151:

1. On page 3, line 2 after the period insert "The duration of a regular session shall not exceed one hundred twenty

legislative days unless extended by a vote of four-fifths of all members elected to the Legislature.".

LEGISLATIVE BILL 261. Placed on General File as amended.
Standing Committee amendment to LB 261:

1. On page 2 line 7 strike "three"; in line 9 strike beginning with "from" through the comma, show the old matter as stricken, and insert "and"; in line 16 strike "present three"; in line 17 strike "Two" and insert "An equal number of"; and in line 18 strike "three" and insert ", except that any judge serving on the effective date of this amendment may continue to serve from the district from which he was originally selected until his position becomes vacant because of retirement, resignation, death, or removal from office whether by rejection by the voters or otherwise" after "districts".

LEGISLATIVE BILL 324. Placed on General File as amended.
Standing Committee amendment to LB 324:

1. On page 2, line 18 strike "such".

LEGISLATIVE BILL 401. Indefinitely postponed.

(Signed) Barry L. Reutzel, Chairman

Education

LEGISLATIVE BILL 494. Placed on General File.
LEGISLATIVE BILL 526. Placed on General File.

LEGISLATIVE BILL 226. Placed on General File as amended.
Standing Committee amendment to LB 226:

1. On page 2, line 6, after the period insert "Programs serving children at least three but less than five years of age shall, to the greatest extent possible, be based upon providing parent training in the home environment.".

LEGISLATIVE BILL 46. Indefinitely postponed.
LEGISLATIVE BILL 50. Indefinitely postponed.
LEGISLATIVE BILL 134. Indefinitely postponed.
LEGISLATIVE BILL 367. Indefinitely postponed.

(Signed) Jerry D. Koch, Chairman

ANNOUNCEMENT

Mr. Koch announced the Education Committee will meet in executive session on Monday, March 19, 1979, at 12:00 p.m., in Room 1515.

UNANIMOUS CONSENT - Print in Journal

Messrs. Kahle and Goodrich asked unanimous consent to print the following amendment to LB 138A in the Journal. No objections. So ordered.

On page 2, line 1, 2, and 3, strike "five million four hundred sixty thousand three hundred twenty-seven" and insert "two million seven hundred thirty thousand one hundred sixty-four".

SELECT FILE

LEGISLATIVE BILL 36. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 307. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 269. E & R amendment found in the Journal on page 878 for the Forty-Fifth Day was adopted.

Mr. Maresh offered the following amendment:
Amend LB 269 in the committee amendment strike 1980 and insert 1981.

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 441. E & R amendment found in the Journal on page 879 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 577. Advanced to E & R for Engrossment.

Mr. Carsten asked unanimous consent to be excused for a short time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 379. Considered.

Mr. Warner moved to indefinitely postpone.

The motion prevailed with 27 ayes, 4 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 125. Title read. Considered.

Standing Committee amendments found in the Journal on page 499 for the Twenty-Ninth Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Koch offered the following amendment to LB 125:
On page 4, line 21 after the word "one" insert the word "Legal".

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Stoney renewed his pending amendment found in the Journal on page 750.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Standing Committee amendments found in the Journal on page 503 for the Twenty-Ninth Day were considered.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Standing Committee amendments were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Wesely offered the following amendment:
p. 5
Strike in Line 6 87½ and insert 80
Strike in Line 10 10 and insert 15
Strike in Line 11 2½ and insert 5

Mr. Wesely withdrew his amendment.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

MOTION - Return LB 577 to Select File

Mr. Warner moved to return LB 577 to Select File for the following specific amendment:

1. Insert a new section to read:

"Sec. 2. That Laws 1978, LB 953, section 46, be amended to read as follows:

Sec. 46. Agency No. 89 — State Claims Board

(1) Program No. 535 - State Claims Adminstration

GENERAL FUND	52,316
PROGRAM TOTAL	52,316

Total expenditures for permanent and temporary salaries and per diems shall not exceed $38,717, which shall be the basis for 1979-80 continuation funding.

(2) Program No. 538 - State Claims Board

GENERAL FUND	~~419,839~~
	612,206
CASH FUND	~~396,361~~
	483,675
PROGRAM TOTAL	~~816,200~~
	1,095,881

The following transfers are hereby appropriated to the Workmen's Compensation Claims Fund and the Tort Claims Fund, from the respective agency fund balances:

(a) $210,000 from the Department of Roads Cash Funds (Highway Cash Fund);

(b) $70,800 from the University of Nebraska (i) Cash Funds (University of Nebraska Cash Fund, University Hospital Cash Fund, University of Nebraska at Omaha Cash Fund, University of Nebraska Medical Center Cash Fund); (ii) Federal Funds; and (iii) Revolving Funds (University Cash Auxiliary Revolving Fund, Cash Auxiliary Revolving Fund of the University of Nebraska at Omaha, University of Nebraska Medical Center Revolving Fund);

(c) $5,060 from the Nebraska State Colleges' (i) Cash Funds (Chadron Cash Fund, Kearney Cash Fund, Peru Cash Fund, Wayne Cash Fund); (ii) Federal Funds; and

(iii) Revolving Fund (Cash Auxiliary Funds);

(d) $3,690 from the Department of Administrative Services (i) Cash Funds (Data Processing Cash Fund and Telecommunications Cash Fund); (ii) Revolving Funds (Purchasing Department Revolving Fund, Telephone Expense Revolving Fund, Transportation Services Revolving Fund, State Office Building Fund, Capitol Building Parking Fund, Purchasing Department Revolving Fund, Surplus Property Revolving Fund); and (iii) Federal Funds;

(e) $3,300 from the Nebraska State Department of Education (i) Cash Funds (State Department of Education Cash Fund, Driver's Education Cash Fund, Teacher's Certification Cash Fund, Instructional Television Cash Fund); and (ii) Federal Funds;

(f) $2,150 from the State Fire Marshal (i) Cash Funds (Nebraska Natural Gas Pipeline Safety Fund, Fire Prevention Cash Fund, State Fire Marshal Fund, Electrical Division Fund, Federal Survey Inspection Cash Fund); and (ii) Federal Funds;

(g) $1,700 from the Nebraska Department of Labor Federal Funds;

(h) $7,155 from the Department of Motor Vehicles (i) Cash Funds (Vehicle Safety Inspection Cash Fund, Drivers' License Abstracts Computerization Fund); and (ii) Federal Funds;

(i) $49,000 from the Department of Public Institutions (i) Cash Funds (Department of Public Institutions Cash Fund); and (ii) Federal Funds;

(j) $1,856 from the Department of Public Welfare Federal Funds;

(k) $15,080 from the Military Department (i) Cash Funds (Military Department Cash Fund); and (ii) Federal Funds;

(l) $24,490 from the Game and Parks Commission (i) Cash Funds (State Park Cash Fund, State Game Fund, Gifts and Bequests Fund, Land and Water Conservation Fund); and (ii) Federal Funds; and

(m) $2,080 from the Department of Correctional Services (i) Revolving Fund (Nebraska State Use System of Prison Employment Fund); and (ii) Federal Funds.

The above sums shall be transferred to the State Claims Board no later than August 1, 1978, or in four equal payments on August 1, November 1, February 1, and May 1, at the discretion of the State Claims Board.

(3) Because of transfers which were previously directed but were not effected, the following transfers are hereby appropriated to the Workmen's Compensation Claims Fund and the Tort Claims Fund from the respective agency fund balances. Such transfers shall be in addition to funds transferred by subdivisions (2) (a)

through (2) (m) of this section:

(a) $49,647 from the Department of Roads Cash Funds (Highway Cash Fund);

(b) $19,519 from the University of Nebraska (i) Cash Funds (University of Nebraska Cash Fund, University Hospital Cash Fund, University of Nebraska at Omaha Cash Fund, University of Nebraska Medical Center Cash Fund); (ii) Federal Funds; and (iii) Revolving Funds (University Cash Auxiliary Revolving Fund, Cash Auxiliary Revolving Fund of the University of Nebraska at Omaha, University of Nebraska Medical Center Revolving Fund);

(c) $7,021 from the Nebraska State Department of Education (i) Cash Funds (State Department of Education Cash Fund, Drivers Education Cash Fund, Teacher's Certification Cash Fund, Instructional Television Cash Fund); and (ii) Federal Funds;

(d) $3,028 from the State Fire Marshal (i) Cash Funds (Nebraska Natural Gas Pipeline Safety Fund, Fire Prevention Cash Fund, State Fire Marshal Fund, Electrical Division Fund, Federal Survey Inspection Cash Fund); and (ii) Federal Funds;

(e) $5,977 from the Military Department (i) Cash Funds (Military Department Cash Fund); and (ii) Federal Funds;

(f) $2,122 from the Department of Correctional Services (i) Revolving Fund (Nebraska State Use System of Prison Employment Fund); and (ii) Federal Funds

The above sums shall be transferred to the State Claims Board no later than May 1, 1979.

For Informational Purposes Only: Total Appropriations to Agency No. 89 and Fund Source

GENERAL FUND	~~472,155~~ 612,206
CASH FUND	~~396,361~~ 483,675
AGENCY TOTAL	~~868,516~~ 1,095,881".

2. Renumber original sections 2 to 4 as sections 3 to 5.

3. On page 3, line 19, strike "section 16" and insert "sections 16 and 46".

4. In the title, line 2, strike "section 16" and insert "sections 16 and 46"; and in line 5 insert "to transfer and appropriate funds;" after the semicolon.

The motion prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 577. The Warner 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 Engrossment.

Mr. Lewis asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 201. 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 204. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 3 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 511 for the Twenty-Ninth Day (Req. #2539) were considered.

Mr. Johnson 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 Standing Committee amendments were adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 16, 1979, at 11:08 a.m., were the following bills: 84, 105, 119, 223, 245, 297, 404, and 437.

(Signed) Hazel Kaltenberger, Enrolling Clerk

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 427. Placed on General File as amended.
Standing Committee amendments to LB 427:

1. Strike original section 1.

2. On page 3, line 13 strike "for any proper"; in line 14 strike "use"; and at the end of line 16 insert "Investigational records, reports, and files of any kind shall not be a public record until such time as formal charges are filed by the department, the Attorney General, or the appropriate county attorney in the manner outlined in sections 71-147 to 71-172 and sections 71-1,156 to 71-1,167, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".

3. On page 4, line 27 strike "In a county containing".

4. On page 5, strike line 1 and insert "Such".

5. On page 8, line 4 strike "lay", and after "member" insert ", who shall be a lay member,"; and strike beginning with "except" in line 22 through "the" in line 27.

6. On page 9, strike lines 1 to 13.

7. On page 10, strike lines 10 to 12.

8. On page 12, strike beginning with "Each" in line 16 through the underscored period in line 22.

9. Strike original section 14.

10. On page 15, strike beginning with "relating" in line 5 through "involved" in line 6; and strike beginning with "The" in line 21 through the underscored period in line 23.

11. On page 18, line 12 strike "an" and insert "any".

12. On page 19, strike beginning with "the" in line 19 through "Pharmacy" in line 20 and insert "a national".

13. On page 20, strike beginning with "Any" in line 13 through the period in line 27 and insert "The Department of Health may adopt rules and regulations regarding identification and grading of machine scored examinations.".

14. On page 21, strike beginning with "The" in line 12 through "Examination" in line 13 and insert "Regional practical examinations"

15. Strike original sections 21 and 23.

16. On page 24, line 2 strike "71-123,"; and in line 3 strike "71-131 to 71-134, and 71-146" and insert "and 71-131 to 71-133"; and in line 4 strike "71-102,".

17. Renumber the remaining sections accordingly.

(Signed) Samuel K. Cullan, Chairman

Urban Affairs

LEGISLATIVE BILL 293. Indefinitely postponed.

(Signed) Walter George, Chairman

Public Works

LEGISLATIVE BILL 207. Placed on General File as amended.
Standing Committee amendments to LB 207:

1. On page 7, line 19 after the period insert "The arbitration board shall be bound by the rules of evidence applicable in district court.".
2. Strike original sections 24 and 25.
3. Insert five new sections as follows:

"Sec. 24. The final decision of the arbitration board shall be binding upon the parties. If a party to any arbitration proceeding is not satisfied with the decision entered by the arbitration board, such party may appeal to the Supreme Court as provided in section 25 of this act to reverse, vacate, or modify the decision, and such decision shall be in abeyance until the Supreme Court has issued its opinion.

Sec. 25. The procedure to obtain reversal, modification, or vacation of a decision rendered by the arbitration board shall be (1) by filing notice of appeal with the arbitration board and with the Nebraska Power Review Board within thirty days after the date of the mailing of a copy of the decision by the arbitration board to the party appealing, or (2) by filing with the arbitration board and with the Nebraska Power Review Board a motion for rehearing within ten days after the date of the mailing of a copy of the decision by the board to the party appealing. If the arbitration board denies the motion for rehearing, a notice of appeal must be filed with the arbitration board and with the Nebraska Power Review Board within thirty days after the date of the filing by the arbitration board with the Nebraska Power Review Board of the decision denying the motion to the party appealing, except that, when the arbitration board fails to file a decision on the motion for rehearing within thirty days after such motion is filed, the appeal to the Supreme Court may be perfected by filing a notice of appeal, before the arbitration board files a decision on the motion for rehearing, and the review by the Supreme Court shall be the same as if the board had denied the motion for rehearing. Oral

arguments on a motion for rehearing shall be granted when requested. An appeal shall be deemed perfected and the Supreme Court shall have jurisdiction of the cause when a notice of an appeal shall have been filed with the arbitration board and the Nebraska Power Review Board and appeal has been taken in the manner provided by law for appeals to the Supreme Court in civil cases.

Sec. 26. Trial in the Supreme Court shall be de novo on the record. Such case shall be advanced in the same manner as other causes which involve the public welfare and convenience and shall be set for an early hearing.

Sec. 27. The verbatim testimony transcribed by the official stenographer, including all exhibits received, shall constitute the bill of exceptions. The decision appealed and the bill of exceptions duly certified by the members of the arbitration board shall constitute the complete record on appeal to the Supreme Court.

Sec. 29. This act shall become operative on January 1, 1980."

4. Renumber original section 26 as section 28.

(Signed) Maurice A. Kremer, Chairman

Education

LEGISLATIVE BILL 486. Placed on General File as amended.
Standing Committee amendments to LB 486:

1. On page 3, line 17, strike "(3)" and show as stricken; strike the new matter in lines 17 and 18; in line 18 strike ", (4)" and insert "~~(4)~~ (3)"; in line 19 strike "(5)" and insert "~~(5)~~ (4)"; strike "(6)" and insert "~~(6)~~ (5)", and strike "(7)" and insert "~~(7)~~ (6); and in line 20 strike "(8)" and insert "~~(8)~~" (7)".

2. Insert the following new sections:

"Sec. 2. That section 79-1335, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1335. To be eligible for aid, except for foundation aid under the provisions of section 79-1334, and incentive payments under section 79-1340, Reissue Revised Statutes of Nebraska, 1943, from the School Foundation and Equalization Fund each district shall have levied, in the manner prescribed by law, a tax on the valuation of all taxable property within the district for the preceding year, except intangible property, as follows: (1) For Class I districts, not less than eight mills; (2) for Class II, III, IV, and V districts, not less than twelve mills; and (3) for Class VI districts,

not less than five mills.

Sec. 3. That section 79-1336, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1336. (1) Subject to the conditions imposed by sections 79-1330 to 79-1344, the balance of the School Foundation and Equalization Fund after the amount required for sections 79-1334 and 79-1340, Reissue Revised Statutes of Nebraska, 1943, has been deducted shall be used to insure each district ~~the following total~~ financial support per resident pupil in average daily membership during the preceding year at the following rates until the balance of such fund has been utilized:

(a) The rate for grades one through six shall be the base rate;

(b) The rate per kindergarten pupil shall be five-tenths times the rate established in grades one through six;

(c) The rate per pupil in grades seven and eight shall be one and two-tenths times the rate established for a pupil in grades one through six; and

(d) The rate per pupil in grades nine through twelve shall be one and four-tenths times the rate established for a pupil in grades one through six.

~~(1) Two hundred twenty-five dollars per kindergarten pupil, four hundred fifty dollars per pupil in grades one through six, five hundred dollars per pupil in grades seven and eight, and five hundred fifty dollars per pupil in grades nine through twelve, the applicable sum for each category to be multiplied by the average daily membership for the preceding year of resident and nonresident pupils in each category; and~~

(2) When the population density in any ~~county~~ school district is less than four persons per square mile, as determined from the most recent federal decennial census, the total financial support under ~~subdivision~~ subsection (1) of this section insured for each district ~~in the county~~ shall be increased by the following percentages: (a) If the population density is three or more but less than four persons per square mile, ten per cent; (b) if the density is two or more but less than three persons per square mile, twenty per cent; (c) if the density is one or more but less than two persons per square mile, thirty per cent; and (d) if the density is less than one person per square mile, forty per cent. ~~; Provided, any school district within a qualifying county showing a density greater than provided in this subdivision shall not qualify for such percentage increases.~~''.

3. On page 4, line 3 strike ''section'' and insert

21 "sections 79-1335, 79-1336, and".
22 4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 272. Indefinitely postponed.
LEGISLATIVE BILL 290. Indefinitely postponed.
LEGISLATIVE BILL 403. Indefinitely postponed.

(Signed) Jerry D. Koch, Chairman

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LR 22	Monday, March 26, 1979(Cancelled)	12:00 noon
LR 22	Thursday, March 29, 1979(Reset)	12:00 noon

(Signed) Dave Newell, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 187 in the Journal. No objections. So ordered.

1. On page 4, line 19, strike "seven-tenths" and insert "eight-tenths".

2. On page 47, line 9, strike "seven-tenths" and insert "eight-tenths".

3. On page 200, line 22, strike "seven-tenths" and insert "eight-tenths".

4. On page 235, line 22, strike "seven-eights" and insert "eight-tenths".

5. On page 242, line 22, strike "seven-tenths" and insert "eight-tenths".

6. On page 170, line 9, strike "three-fourths" and insert "seven-tenths".

7. On page 266, line 1, strike "two-tenths" and insert "one and seven-tenths".

8. On page 296, line 26, strike "five-tenths" and insert "four-tenths".

9. On page 308, line 27, strike "three-fourths" and insert "seven-tenths".

10. On page 309, strike line 18, and insert "January 1, 1981.".

11. On page 131, strike line 16 and insert "market value, the county".

12. On page 140, line 4, strike "seventy-five hundredths" and insert "eight-tenths".

13. Strike sections 90 and 254 and renumber remaining sections accordingly.

14. On page 310, line 6, strike "21-17,126,".

15. On page 311, line 5, strike "81-815.34,"; and in line 10, insert ", and also section 81-815.34, Reissue Revised Statutes of Nebraska, 1943" after "1978".

16. In the title, page 2, line 5, strike "21-17,126,"; on page 3, line 11, strike "81-815.34,"; and on line 18, after "sections", insert ", and also section 81-815.34, Reissue Revised Statutes of Nebraska, 1943".

Mr. Merz asked unanimous consent to print the following amendment to LB 23 in the Journal. No objections. So ordered.

1. On page 1 of Amendments to LB 23, line 21, before "A" insert "(1)"; in line 23, after "highway" insert "with a posted speed limit of 45 miles per hour or less"; on page 2 in line 1, after "lane.", insert "(2) Any person who operates a moped upon a roadway with a posted speed limit of more than 45 miles per hour shall ride as near to the right side of the roadway as practicable, and shall not ride more than single file."

VISITORS

Visitors to the Chamber were Terry Moore, President and Executive Board of the Omaha Central Labor Union, AFL-CIO; Mr. and Mrs. Charles Quigley and Perry Quigley from Indianola; Mary O'Halloran, Regional Representative of the Department of Energy.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Fitzgerald, the Legislature adjourned until 9:30 a.m., Monday, March 19, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 19, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 19, 1979

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor of Westminster Presbyterian Church, Lincoln, Nebraska.

> God our heavenly Father: You have promised peace to every believing heart. Give us that peace, we pray. Events in the world, and in our own lives, take away our hope and shatter our peace, and we need to be reassured that peace is possible when we are ready to pay the price for it.
>
> You have given us a plan for peace for all mankind. Make it plain to us, and help us to see it clearly, so that we may find a formula for our common life together that will work with Your blessing.
>
> May we not spend our days, but invest them; may we in all decisions and responsibilities wait upon You. For they that wait upon the Lord shall renew their strength. They shall mount up with wings as eagles; they shall run and not be weary; they shall walk and not faint.
>
> Grant us these mercies today, O God. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kahle, Kelly, Merz, Vickers, and Warner who were excused; and Mr. Newell who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 947, line 28, correct spelling of "Jerry Bolen" to read "Jerry Bolin".
The Journal for the Forty-Eighth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 36, 269, 307, and 441.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 568. Placed on General File.

LEGISLATIVE BILL 203. Placed on General File as amended.
Standing Committee amendments to LB 203:

1. Strike original section 1.
2. In line 26 strike "original".
3. In the title strike lines 2 through 6

and insert
"FOR AN ACT relating to railroads; to repeal section 74-913, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 575. Placed on General File as amended.
Standing Committee amendments to LB 575:

1. Strike original sections 1 and 2 and insert the following:
"Section 1. Any person who drives any motor vehicle in this state carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving.
Sec. 2. Every person convicted of careless driving shall be fined as provided in section 39-6,112, Revised Statutes Supplement, 1978.
Sec. 3. That section 39-669, Reissue Revised Statutes of Nebraska, 1943, is repealed.".
2. Renumber original section 3 as section 4.
3. In the title strike lines 2 through 5 and insert:
"FOR AN ACT relating to rules of the road; to define careless driving; to provide a penalty; to

repeal section 39-669, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.".

LEGISLATIVE BILL 508. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Appropriations

LEGISLATIVE BILL 559. Placed on General File as amended.
Standing Committee amendment to LB 559:

1. On page 9, line 23 after the period insert: "Any hospital or medical record submitted to the administrator for microfilming or similar processing shall be made accessible in a manner consistent to the access permitted similar records under sections 83-109 and 83-1068, Reissue Revised Statutes of Nebraska, 1943.".

(Signed) Jerome Warner, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 24 and 27.

MESSAGE FROM THE GOVERNOR

March 16, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 81, 140, 323, and 474.

These bills were signed by me on March 16, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

COMMUNICATION

Received map of the current Nebraska roads, highways and streets which have been designated as federal-aid primary roads from David O. Coolidge, Director - State Engineer, pursuant to section 39-1311.

UNANIMOUS CONSENT - Member Excused

Mr. Johnson asked unanimous consent to be excused Tuesday, March 20, 1979. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 42 in the Journal. No objections. So ordered.

Select file amendment to LB 42

1. Add a new section 10 to read:

Section 10. That section 57-1101, Reissue Revised Statutes of Nebraska, 1943, be Amended to read as follows:

57-1101. Any person engaged in, and any company, corporation, or association formed or created for the purpose of transporting or conveying crude oil, petroleum, gases, coal, or other products thereof by Pipe line in interstate commerce through, or across the State of Nebraska, or intrastate within the State of Nebraska, and desiring or requiring a right-of-way or other interest in real estate, and being unable to agree with the owner or lessee of any land, lot, right-of-way, or other property for the amount of compensation for the use and occupancy of so much of any lot, land, real estate, right-of-way, or other property as may be reasonably necessary for the laying, relaying, operation, and maintenance of any such pipe line or the location of any plant or equipment necessary to operate such pipe line, shall have the right to acquire the same for such purpose through the exercise of the power of eminent domain except, that the power of eminent domain may be exercised in connection with the transportation of coal by pipe line only against railroads which own or possess title to or rights-of-way over or through land under which such pipe lines shall pass. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Renumber old section 10 as new section 11.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 493. Placed on General File as amended.
Standing Committee amendment to LB 493:
1. On page 2, line 9 strike "schools" and insert "education".

(Signed) Barry L. Reutzel, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused at 9:40 a.m. until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 316. With Emergency.

A BILL FOR AN ACT to amend sections 28-326, 28-327, 28-329 to 28-331, 28-333, 28-334, 28-342, 28-343, and 28-345, Revised Statutes Supplement, 1978, relating to crimes and punishment; to define terms; to change provisions as to when an abortion may be performed as prescribed; to change provisions relating to abortion procedures; to change penalties; to provide for confidentiality of abortion forms as prescribed; to provide a penalty; to provide an operative date; to provide for severability; to repeal the original sections; and to declare an emergency.

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

Mr. Chambers requested a roll call vote on LB 316.

Voting in the affirmative, 37:

Beutler	Duis	Hoagland	Marvel	Simon
Brennan	Dworak	Johnson	Murphy	Stoney
Burrows	Fitzgerald	Kennedy	Nichol	Venditte
Carsten	George	Keyes	Pirsch	Wagner
Clark	Goodrich	Labedz	Reutzel	Wesely
Cope	Haberman	Lamb	Rumery	
Cullan	Hasebroock	Lewis	Schmit	
DeCamp	Hefner	Maresh	Sieck	

Voting in the negative, 4:

Chambers	Fowler	Landis	Marsh

Present and not voting, 2:

Koch	Kremer

Excused and not voting, 6:

Kahle	Merz	Vickers
Kelly	Newell	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 87. E & R amendments found in the Journal on page 829 for the Forty-Third Day were adopted.

Mr. Chambers renewed his pending amendment found in the Journal on page 901.

Mr. Chambers moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Brennan	Cullan	Koch	Marsh	Wesely
Burrows	Dworak	Lamb	Nichol	
Carsten	Haberman	Landis	Pirsch	
Chambers	Hoagland	Maresh	Reutzel	

Voting in the negative, 24:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Clark	Goodrich	Keyes	Murphy	Stoney
Cope	Hasebroock	Kremer	Rumery	Venditte
DeCamp	Hefner	Labedz	Schmit	Wagner
Duis	Johnson	Lewis	Sieck	

Present and not voting, 2:

Fowler George

Excused and not voting, 6:

Kahle Merz Vickers
Kelly Newell Warner

The Chambers amendment lost with 17 ayes, 24 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

The DeCamp-Fowler amendments found in the Journal on pages 933-934, (1) and (2) were renewed.

Amendment (1) was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Amendment (2) was adopted with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 7 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 108. Mr. Lewis withdrew his pending amendment found in the Journal on page 640.

Mr. Lewis offered the following amendment:

1. On page 3, line 9 strike the second underscored comma and insert "and"; in line 10 strike "and the University of Nebraska,", and after "all" insert "faculty"; in line 12, strike the period and insert a comma and strike beginning with "All" on line 13 through "unit," on line 15; in line 15 strike "(1)"; and strike beginning with "and" in line 16 through line 20 and insert "This section shall not be construed so as to require systemwide bargaining units at the University of Nebraska or to require systemwide bargaining units for nonfaculty employees of postsecondary educational institutions."

The amendment was adopted with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Wesely withdrew his pending amendment found in the Journal on page 738.

Mr. Wesely requested a machine vote to advance LB 108.

Mr. Maresh moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Maresh requested a roll call vote to advance LB 108.

Voting in the affirmative, 23:

Brennan	Fitzgerald	Koch	Marsh	Venditte
Burrows	Fowler	Labedz	Marvel	Wagner
Carsten	Goodrich	Lamb	Reutzel	Wesely
Cope	Hasebroock	Lewis	Rumery	
DeCamp	Keyes	Maresh	Schmit	

Voting in the negative, 19:

Beutler	Duis	Hoagland	Landis	Sieck
Chambers	Dworak	Johnson	Murphy	Simon
Clark	George	Kennedy	Nichol	Stoney
Cullan	Hefner	Kremer	Pirsch	

Present and not voting, 1:

Haberman

Excused and not voting, 6:

Kahle	Merz	Vickers
Kelly	Newell	Wesely

Failed to advance to E & R for Engrossment with 23 ayes, 19 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

MR. LEWIS PRESIDING

LEGISLATIVE BILL 26. Mr. Carsten withdrew his pending amendment found in the Journal on page 858 to the Schmit-Cullan amendments.

The Schmit-Cullan pending amendments as amended, found in the Journal on page 855 were withdrawn.

The DeCamp pending amendment found in the Journal on page 880 was withdrawn.

Mr. Kremer offered the following amendment to LB 26:

1. Strike sub-section (2) lines 7 and 8 on page 7.
2. Reinsert stricken language in line 23, page 12.

The amendment was adopted with 27 ayes, 3 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

The Chair announced the Nebraska Cowbelles are serving lunch in the rotunda.

PRESIDENT LUEDTKE PRESIDING

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 577 in the Journal. No objections. So ordered.

1. In the second Warner amendments, page 5, line 13, strike "612,206" and insert "664,522"; and in line 17 strike "1,095,881" and insert "1,148,197".

Mr. Dworak asked unanimous consent to print the following amendments to LB 164 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Section 1. That section 9-126, Revised Statutes Supplement, 1978, be amended to read as follows:

9-126. (1) Lawful purpose shall mean one or more of the following:

(a) Benefiting persons by enhancing their opportunity for religious or educational advancement, by relieving or protecting them from disease, suffering, or distress, by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded;

(b) Initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures; and

(c) Lessening the burdens borne by government or

voluntarily supporting, augmenting, or supplementing services which government would normally render to the people.

(2) Lawful purpose shall not include ~~the erection, acquisition, improvement, maintenance, or repair of any real property, unless the license issuing authority specifically authorizes such expenditures after finding that the property will be used exclusively for charitable purposes or one or more of the purposes specified in subsection (1) of this section, and lawful purpose shall not include~~ any activity consisting of an attempt to influence legislation or participate in any political campaign on behalf of any elected official or person who is or has been a candidate for public office.

Sec. 10. That section 9-158, Revised Statutes Supplement, 1978, be amended to read as follows:

9-158. Bingo gross profits shall be segregated from other revenue of an organization and placed in a separate checking account. Separate books of its bingo operations shall be maintained by an organization. ~~The person who accounts for bingo gross receipts and profits shall be a different person than the person who accounts for other revenue of an organization.~~ Records required by sections 9-124 to 9-173 and 28-1115 shall be preserved for two years. Any law enforcement agency, or other agency of government, shall have the authority to investigate the bingo records of an organization at any time. Organizations shall, upon request, deliver their bingo records to the treasurer or his or her duly appointed agents for investigation.".

2. On page 12, line 26 strike "12 of this act" and insert "9-172".

3. On page 13, line 24 strike "12 and 13" and insert "14 and 15".

4. On page 14, line 3 strike "12 and 13" and insert "14 and 15"; in lines 18 and 19 strike "13 to 15" and insert "15 to 17"; in line 21 after "sections" insert "9-126,"; and in line 22 after "9-153," insert "9-158,".

5. Renumber remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 29.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Brennan, 9th District; Simon, 31st District; Landis, 46th District; Fitzgerald, 14th District; DeCamp, 40th District.

WHEREAS, Joseph James Soukop of Grand Island has submitted a claim of $1,250,000 to the Eighty-Sixth Legislature, First Session, and said claim has been referred to the Business and Labor Committee for public hearing and recommendations; and

WHEREAS, the claimant alleges that on several occasions his constitutional rights to due process were violated; and that statutory procedures were not complied with by the State of Nebraska; and that his physical and psychological treatment while under the care of the State of Nebraska was inadequate, improper, insufficient and negligent resulting in permanent physical and psychological injury; and

WHEREAS, essential records and other important information have not been gathered for a full investigation and review of the claim submitted and the claimant's allegations; and

WHEREAS, the action denying or granting this claim may set a course of precedent for this state and the denying or granting of this claim absent through investigation of the claimant's allegations, claimant's records, and other relevant information may be premature and without substantial basis.

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

1. That the Executive Board create a select committee composed of the members of the Business and Labor Committee, to conduct a special investigation with the powers to subpeona all pertinent records and documents and obtain other information by testimony and investigation involving the claim of Joseph James Soukop.

2. That the committee recommend the granting or denying of this claim to the Legislature after reviewing the results of the investigation.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lewis asked unanimous consent to print the following amendments to LB 227 in the Journal. No objections. So ordered.

1. Insert 2 new sections as follows:

"Section 1. That section 60-311.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.05. Any person who (1) holds an unrevoked and unexpired amateur radio station license issued by the Federal Communications Commission, (2) is a resident of this state, and (3) is the owner of a passenger automobile or commercial truck may, in addition to the application required by section 60-302, make application

to the Department of Motor Vehicles for a license plate or a set of license plates upon which shall be inscribed the official amateur radio call letters of such applicant. Such plates shall be issued, in lieu of the usual numbers and letters, to such an applicant upon payment of the regular license fee and the payment of an additional fee of one dollar and furnishing proof that the applicant holds such an unrevoked and unexpired amateur radio station license. Only one such motor vehicle owned by an applicant shall be so registered at any one time.

Sec. 2. That section 60-311.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.07. The Department of Motor Vehicles shall prescribe the size and design of the license plates prescribed in section 60-311.05 and furnish such plates to the persons applying for and entitled to the same, under section 60-311.05, upon the payment of the required fee. The department shall not be responsible to the person applying for such plates if such applicant fails to apply in time for the same to be issued by February 15 of the year in which they are to be issued. The department shall make such rules and regulations in regard thereto as are necessary to comply with all license laws relating to the use and operation of a private passenger motor vehicle or a commercial truck before issuing such license plates.".

2. On page 2, lines 3 and 15 strike "3 to 5" and insert "5 to 7".

3. On page 3, line 24 after "sections" insert "60-311.05 and 60-311.07, Reissue Revised Statutes of Nebraska, 1943, and sections.

4. Renumber original sections 1 to 6 as sections 3 to 8.

5. In the title, strike lines 2 through 7 and insert:

"FOR AN ACT to amend sections 60-311.05 and 60-311.07, Reissue Revised Statutes of Nebraska, 1943, and sections 60-403.06 and 60-403.07, Revised Statutes Supplement, 1978, relating to trucks; to provide for class C and class CC learner's permits as prescribed; to provide duties; to provide for fees; to provide for license plates with amateur radio call letters; and to repeal the original sections.".

Mr. Murphy asked unanimous consent to print the following amendment to LB 42 in the Journal. No objections. So ordered.

Sec. 6 in the committee amendment line "1", after "the", insert "matching" also on line "3" after the word "any" insert "matching"

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 415. Placed on General File as amended.
Standing Committee amendments to LB 415:

1. On page 4, line 9 strike "fifty" and insert "forty".

2. On page 5, line 1 before "hundred" insert "two-"; in line 4 strike "twenty" and insert "ten" and after "number" insert "of words".

3. Insert a new section as follows:

"Sec. 6. The director may authorize a lower score than the Flesch reading ease score required in subsection (1) of section 5 of this act whenever, in his or her sole discretion, he or she finds that a lower score: (1) Will provide a more accurate reflection of the readability of a policy form; (2) is warranted by the nature of a particular policy form or type or class of policy forms; or (3) is caused by certain policy language which is drafted to conform to the requirements of any state law, regulation, or agency interpretation.".

4. On page 7, line 7 strike "1980" and insert "1981"; and in lines 9 and 11 strike "1983" and insert "1984".

5. Renumber original sections 6 and 7 as sections 7 and 8.

(Signed) John DeCamp, Chairman

Urban Affairs

LEGISLATIVE BILL 136. Placed on General File as amended.
Standing Committee amendments to LB 136:

1. On page 2, line 7 strike "adjoining such city" and insert "a street which divides the city corporate area and the area adjoining the city".

2. On page 3, line 17 strike " within or adjoining such city or village", and insert "a street which divides the city or village corporate area and the area adjoining the city or village,".

(Signed) Walter George, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 195. Placed on General File.
LEGISLATIVE BILL 329. Placed on General File.
LEGISLATIVE BILL 345. Placed on General File.

LEGISLATIVE BILL 331. Placed on General File as amended.
Standing Committee amendments to LB 331:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2693.)

LEGISLATIVE BILL 387. Placed on General File as amended.
Standing Committee amendments to LB 387:

1. On page 2, line 1 after "councilmen" insert "or mayor"; in line 3 strike "or" and insert a comma, and before "may" insert ", or with a home rule charter"; in line 4 strike "electors" and insert "registered voters", and after the period insert "For purposes of this act city shall mean all municipalities."; in line 8 after "councilmen" insert "or mayor", and after "shall" insert ", if such councilmember was elected at large,"; in line 11 after "election" insert "or if such councilmember was elected from a ward the petition shall be signed by registered voters equal in number to at least twenty-five per cent of the total number of votes cast in such ward at the last preceding regular municipal election"; in line 18 strike "qualified electors" and insert "registered voters"; in line 21 strike "an elector" and insert "a registered voter"; and in lines 23 and 25 strike "elector" and insert "registered voter".

2. On page 3, line 26 strike "electors" and insert "registered voters".

3. On page 5, line 11 strike "electors" and insert "registered voters"; and in line 23 after "councilman" insert "or mayor".

LEGISLATIVE BILL 429. Indefinitely postponed.

(Signed) Orval A. Keyes, Chairman

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Duis asked unanimous consent to add his name to LR 26. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present at the time the vote was taken on LB 316, I would have voted "aye".

(Signed) Dave Newell

SELECT FILE

LEGISLATIVE BILL 435. E & R amendment found in the Journal on page 707 for the Thirty-Ninth Day was adopted.

Mr. Reutzel withdrew his pending amendment found in the Journal on page 783.

Mr. Reutzel renewed his pending amendment found in the Journal on page 812.

The amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Mr. Lamb requested a machine vote to advance LB 435.

Advanced to E & R for Engrossment with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 66. E & R amendment found in the Journal on page 707 for the Thirty-Ninth Day was adopted.

Mr. Clark offered the following amendment:
Line 1 sec 3 page 5 after "A" insert "legal"

The amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 59. E & R amendments found in the Journal on page 787 for the Forty-Second Day were adopted.

Mr. Chambers renewed his pending amendment found in the Journal on page 780.

Mr. Murphy requested a ruling of the Chair on the Chambers amendment being a reconsideration and if the amendment is germane.

The Chair ruled the amendment is not a reconsideration and the amendment is germane.

Chambers amendment pending.

UNANIMOUS CONSENT - Print in Journal

The Miscellaneous Subjects Committee asked unanimous consent to print the following amendment to LB 509. No objections. So ordered.

Section 1. When a system of ornamental or decorative street lighting has been continuously maintained in a residential neighborhood in a city of the metropolitan class for forty years or longer, it shall be the duty of such city to preserve and maintain such lighting system unless the city council votes by a four-fifths majority of its members to discontinue such lighting. No special assessment of any kind shall be made to the property owners within an ornamental or decorative street lighting system for the costs of any preservation or maintenance of such system.

RESOLUTIONS

LEGISLATIVE RESOLUTION 30.

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

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

"JOINT RESOLUTION

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House

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

ARTICLE

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

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

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

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

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

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

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

Referred to Reference Committee.

LEGISLATIVE RESOLUTION 31.

Introduced by Simon, 31st District.

WHEREAS, the Legislature recognizes the responsibility of government to protect its citizens from and minimize the effects of natural disasters; and

WHEREAS, there appears to be uncertainty among local officials regarding emergency procedures to be implemented to prevent or alleviate flooding; and

WHEREAS, liability for the use of explosives to clear ice jams is unclear; and

WHEREAS, there exists no central registration or record of ownership or responsibility for maintenance for all dams, dikes, and levees in the state.

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

1. That the Legislature's Committee on Public Works study the following:

a. Flood prevention;

b. Flood control capacity;

c. Flood control procedures;

d. Flood related statutes;

e. Liability in flood situations; and

f. Other matters related to floods and flood control.

2. That such committee utilize, among others, the following sources of information, the:

a. Nebraska National Guard;

b. State Civil Defense Agency;

c. Department of Water Resources;

d. Nebraska Natural Resources Commission;

e. Department of Roads;

f. Attorney General;

g. United States Army Corps of Engineers; and

h. National Weather Service.

3. That such committee report to the Legislature and include in such report recommended legislation which will provide for:

a. Identification of all dikes, levees, dams, and other flood prevention structures in the state and information regarding the owners or other persons responsible for the maintenance of all such structures;

b. Determination of liability for specific flood control actions such as using explosives on ice or log jams;

c. Identification of a system or systems to discover and assemble records of past floods and to correlate such records to use for prognostication of potential future floods;

d. Mapping of the courses and channels of rivers within the state;

e. Evaluation of the effectiveness of existing dams, dikes, levees, and other flood control structures;

f. Study of the feasibility of mechanical ice breaking, dusting, and other measures to break ice jams; and

g. The defining of exact responsibilities and liabilities of all levels of government under current law, especially in situations and localities where overlapping jurisdiction exists.

Referred to the Executive Board.

MOTION - Place LB 508 on General File

Mr. Schmit moved to place LB 508 on General File notwithstanding the action of the Committee.

Motion pending.

UNANIMOUS CONSENT - Member Excused

Mr. Reutzel asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Melvin Vavra, and Mrs. Roger Brandt from Milligan; Mr. and Mrs. Alfred Fong of Apia, Western Samoa; Dr. Martin A. Massengale, Vice Chancellor, Institute of Agriculture and Natural Resources, Dr. Robert G. Gast, Professor and Chairman Agronomy, Institute of Agriculture and Natural Resources, and Dr. James H. Williams, Professor Agronomy, Institute of Agriculture and Natural Resources all from Lincoln; Mayor Bob Hayworth, Col. Comte from SAC, and Col. Glen Dunlap, Bellevue; introduced Friday, March 16, 1979 was Hugh MacDougall, International Communication Agency, Washington D.C.

RECESS

At 12:00 noon, on a motion by Mrs. Pirsch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kahle, Kelly, Merz, Reutzel, and Vickers who were excused; and Messrs. Duis, Labedz, Landis, Lewis, Newell, and the members of the Judiciary Committee who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 476. Title read. Considered.

Mr. Kremer offered the following amendment:
1. On page 2, line 11, strike the new and reinstate the stricken matter.

The amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 477. Title read. Considered.

Advenced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 475. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 545. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 428. 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 467. Title read. Considered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 23:

Beutler	DeCamp	Hoagland	Labedz	Rumery
Brennan	Fitzgerald	Johnson	Maresh	Simon
Burrows	Fowler	Keyes	Marsh	Wesely
Carsten	George	Koch	Marvel	
Chambers	Hasebroock	Kremer	Pirsch	

Voting in the negative, 12:

Cope	Goodrich	Lamb	Sieck
Duis	Haberman	Murphy	Wagner
Dworak	Kennedy	Schmit	Warner

Present and not voting, 6:

Clark	Hefner	Stoney
Cullan	Nichol	Venditte

Excused and not voting, 8:

Kahle	Landis	Merz	Reutzel
Kelly	Lewis	Newell	Vickers

Failed to advance to E & R for Review with 23 ayes, 12 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 176. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 495. 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.

EXPLANATION OF VOTE

Had I been present I would have voted aye (yes) on LB 316.

(Signed) Jerome Warner

ATTORNEY GENERAL'S OPINIONS

Opinion No. 61
March 15, 1979

Re: Legislative Bills Related to Gasohol Production.

Dear Mr. Warner:

In your letter of March 9, 1979, you requested our opinion in respect to a number of legislative bills dealing with the granting of funds to Nebraska cities, counties and villages for the construction of

grain alcohol production plants and facilities. Generally, you have posed the question of whether this legislation transgresses the constitutional limitations found at Article XIII, section 3 of the Nebraska Constitution.

The primary legislation noted in your letter is LB 424, enacted by the 1978 Legislature, which is known as the Nebraska Gasohol and Energy Development Act as codified at section 66-801, et seq., R.S.Supp. 1978. At section 66-808, this act provides that any Nebraska city, county or village may apply for certain grants for the purpose of constructing a grain alcohol plant or production facility.

LB 121, also questioned by your letter, provides for an appropriation of two million five hundred thousand dollars from the general fund to finance this matching grant program.

Also addressed in your correspondence is LB 558, which provides at section 51 that the Agricultural Products Industrial Utilization Committee is authorized to award grants to implement gasohol plants in support of the intended goals of LB 424.

Finally, you ask us to review LB 571 which authorizes the Nebraska Department of Economic Development to enter into agreements with municipalities or counties to build and develop grain alcohol plants and production facilities. LB 571 further provides for amendments to section 39-2215, R.R.S. 1943, which generally increase motor fuel taxes in order to finance a grain alcohol plant fund.

Your question to us in light of the legislation discussed above is set forth as follows:

> ". . . Whether LB 424 (1978), LB 121, LB 558, . . . and LB 571 are constitutional in light of Article XIII, Section 3, of the State Constitution. . ."

Article XIII, section 3 of the Nebraska Constitution provides, in pertinent part, as follows:

> "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . "

Essentially, this constitutional provision has been interpreted to prohibit the credit of the state to be extended to any private party. The prohibition against the loaning of the state's credit applies to the state as well as all political subdivisions of the state. State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957).

As you know, LB 424, the Nebraska Gasohol and Energy Development Act, has been enacted into law as set out at section 66-801, et seq., R.S.Supp. 1978. Around the time of its enactment, the same question raised in your letter was presented to our office by Governor J. James Exon. On April 19, 1978, we advised the Governor that, while LB 424 may raise questions of constitutionality in its application by the various state bodies and municipalities involved, we

believed the legislation to be constitutional on its face in light of the limitations of Article XIII, section 3. We have enclosed herewith our correspondence with the Governor on that question. (Consistent with our policy of obtaining the Governor's consent prior to the public release of such an opinion, we have been advised by Senator Exon's office that the Senator has no objections to our release of this opinion.)

LB 121 merely provides an appropriation for the purpose of financing the grain alcohol plant construction fund. To the extent that we believe that the substantive legislation, LB 424, could survive a constitutional challenge, we also believe that LB 121 does not exceed the limitations of Article XIII, section 3 of the Nebraska Constitution. We would note, parenthetically, that a separate appropriation bill such as LB 121 was necessary to fund the existing legislative program, as noted by our opinion to the Agricultural Products Industrial Utilization Committee on May 8, 1978. (See 1978 Report of the Attorney General, No. 241, a copy of which is enclosed herewith.)

Section 51 of LB 558 simply authorizes the Agricultural Products Industrial Utilization Committee to award grants and implement the provisions of LB 424. Again, our opinion on the constitutionality of this provision is directly related to our previously cited views in regard to LB 424.

Finally, you question the provisions of LB 571 which authorize the Department of Economic Development to enter into agreements with counties and municipalities to develop grain alcohol plants and production facilities. As we noted in our opinion on LB 424, the legislation, on its face, does not appear to lend the credit of the state to private individuals, associations or corporations contrary to the constitutional provisions of Article XIII, section 3. However, we again caution that simply because a bill appears constitutional on its face does not mean that the legislation would be constitutional in all of its possible applications. As we noted in our earlier opinion:

> ". . .Serious constitutional questions under Article XIII, section 3, would arise, for instance, if the grant would be made to a city, county, or village so that it could construct a plant. . .whereby the benefit of the grant would directly benefit a private corporation leasing or purchasing the plant from the city, county or village. In such a case, it could be argued the state is indirectly lending its credit to the private corporation."

Similarly, while the state may be empowered to cooperate or contract with cities and counties in carrying out legitimate public purposes, such as provided by section 72-1401, et seq., R.S.Supp. 1976, the state and its political subdivisions must exercise great caution in avoiding the extension of the public credit or funding to any private individuals, associations or corporations.

In summary, it is our opinion that the legislation referenced above does not, on its face, violate the provisions of Article XIII, section 3 of the Nebraska Constitution. However, we trust that our additional comments in qualification of this opinion will serve to alert the state, county and municipal officials entrusted to implement this legislation that great precaution must be taken to avoid any extension of the public credit or funding to the aid of private parties.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Robert F. Bartle
Assistant Attorney General

RFB:sjr
Enc.
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 62
March 15, 1979

Dear Senator Labedz:

In your letter of March 12, 1979, you call our attention to LB 144, which would amend section 77-2704, R.S.Supp., 1978, by exempting from the sales and use tax, sales of electricity, coal, natural gas, fuel oil, diesel fuel, tractor fuel, propane, gasoline, coke, nuclear fuel, and butane, regardless of the use to which it was to be put. Such items are now exempt from the tax only when purchased for use in processing, manufacturing, mining, refining, irrigation, farming, building construction, telegraph, telephone and radio communication, street, and railroad transportation services and all business, commercial, and industrial uses.

Your question is not about the validity of LB 144, but about whether the passage of LB 144 is necessary, because you wonder whether the present statute is unconstitutional in excluding residential users. You are, therefore, asking about the constitutionality of an existing statute. Normallly we would not render such an opinion, because of the policy of this office set out in our letter to the Clerk of the Legislature dated December 28, 1972, found on Page 36 of Volume I of the 1973 Legislative Journal. However, because the question does have a bearing on pending litigation, we will, in this instance, answer your question.

We perceive no constitutional problems with the present statute. We point out that neither the uniformity provision of Article VIII, section

1, nor the prohibition against exemptions of Article VIII, section 2, is applicable. These constitutional provisions deal with property taxation, not with excise taxes such as the sales and use tax.

The only basis upon which such a provision could be attacked is unreasonable classification, in violation of Article III, section 18 of the Nebraska Constitution, or the Equal Protection Clause of the Fourteenth Amendment to the Federal Constitution. We do not believe a court would find a violation of either.

In 68 Am. Jur. 2d, 41, Sales and Use Taxes, section 27, we find:

> "Taxation presents a practical problem and exact equality in sales taxes is utterly impossible. Classification for taxation is permissible if the differences are reasonably related to the purpose of the law, and in determining such classifications, the legislature has great latitude, specifically in establishing the class to which the tax shall apply or the class to be excluded from the tax. The legislature may classify objects of taxation without violating constitutional limitations relating to class legislation or equal protection of the laws when there is reasonable ground for the classification and the law operates equally upon all within the class; and the taxation laws of the states are not violative of the equal protection provision of the Fourteenth Amendment of the Federal Constitution unless they are palpably arbitrary or grossly unequal in application to the persons concerned."

One of the cases cited in support of the propositions stated above was Anderson v. Tiemann, 182 Neb. 393, 155 N.S.2d 322, (1967). There the court said:

> "The power of a state to make reasonable and natural classifications for purposes of taxation is clear and unquestioned. 'That a statute may discriminate in favor of a certain class does not render it arbitrary if the discrimination is founded upon a reasonable distinction, or difference in state policy. *** Similarly, it has long been settled that a classification, though discriminatory, is not arbitrary nor violative of the Equal Protection Clause of the Fourteenth Amendment if any state of facts reasonably can be conceived that would sustain it.' Allied Stores of Ohio, Inc. v. Bowers, 358 U.S. 522, 79 S.Ct. 437, 3 L.Ed. 2d 480."

We do not know the precise motives of the Legislature in limiting the exemption, but we can conceive legitimate reasons. The sales and use tax is basically a tax on the ultimate consumer. The Legislature has attempted to avoid taxing the sale of any item of personal property more than once, on the theory that the tax would be passed on, and the ultimate consumer would be paying the sales tax several times when he purchased the final product.

There may have been some similar thinking with respect to the present exemption. Some, although not all, of the exempted uses involve the production of products which will ultimately be subject to the sales tax. Any sales tax collected on the production of the exempted items would be passed on to the ultimate purchaser. The Legislature may have wished to avoid this.

Where this argument is not applicable, other economic philosophies may have played a part. The simple desire not to add to the cost of any business, because it would result in a higher cost of that business' products or services, would probably be sufficient to sustain the statute against constitutional attack on grounds of unreasonable classification. We therefore believe the present statute is constitutionally valid.

You have also asked about the validity of collecting sales tax on a sewer use fee, and suggest that this a tax on a tax. We do not believe that it is, and that the city is required to collect the sales tax on the sewer use fee.

Section 14-365.03, R.R.S. 1943, provides for a service charge for use of the sewerage system in cities of the metropolitan class. It is not a tax, although, if not paid, the charge may be collected in the same manner as taxes. Similar provisions apply in cities of other classes. See section 16-694 and section 17-925.01. We do not think, therefore, that this can be called a tax on a tax.

Section 77-2702(4)(b)(iii), includes in the definition of gross receipts for sales and use tax purposes the furnishing of sewer services. Section 77-2705(2), requires every person furnishing public utility service as defined in subdivision (4)(b) of section 77-2702, to register with the Tax Commissioner. It is clear, therefore, that the statute requires sales and use taxes to be collected on the sewer use fee charged.

We know of no constitutional prohibition against the imposition of an excise on such services, and this is what the sale and use tax is. It is a matter purely within the discretion of the Legislature.

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

RHG/cmb
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 63
March 15, 1979

Dear Senator Kelly:

You have referred to us for our examination LB 221 and directed our specific attention to section 23 wherein it is proposed that the term "minor" defined in section 53-103, R.R.S. 1943, be amended to refer to persons under twenty-one years of age, rather than the present nineteen years of age and to provide for the following exception:

> ". . ., except that any person who was nineteen years of age or older on the effective date of this act shall not be deemed to be a minor."

You specifically asked whether in our opinion this exception violates any constitutional provisions. In our opinion it does not.

The question is basically one of the validity of the creation of a separate classification of persons, i.e., those persons nineteen years of age on a day certain as opposed to those who will turn nineteen on all subsequent days.

The Nebraska Supreme Court has historically held that while it is competent for the Legislature to classify, the classification to be valid must rest upon some reason of public policy or some substantial difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation with respect to the objects classified. See in this regard generally, Althaus v. State, 94 Neb. 780, 114 N.W. 799 (1913).

More recently, the Nebraska court has held that legislative classifications such as are proposed here, must rest upon real differences of situation and circumstances surrounding the members of the class relative to the subject of legislation which render appropriate its enactment. United States Cold Storage Corporation v. Stolinski, 168 Neb. 513, 96 N.W.2d 408 (1959).

While we take no position on the question of the appropriateness or the desirability of such classification, we believe the circumstances exist and arguments can be made which could serve to form a valid basis for such classification. The question before any court on review would not be the propriety of such an act, but whether or not there were circumstances and distinctions which could serve as the basis for classifying these two groups of persons differently.

Therefore in conclusion, while we express no opinion on the desirability of such an amendment creating such an excepted class, we believe that such a distinction can be constitutionally drawn by the Legislature. If we can be of further assistance to you in this regard, please let us know.

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

TRS:smb
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 64
March 16, 1979

Dear Senator DeCamp:

You have called to our attention Legislative Bill 221 which as presently constituted would have the effect of raising the lawful drinking age from 19 to 21 years of age.

You raise a question as to this measure's constitutionality in light of the fact that persons 19 and 20 years of age are by statute afforded other inherent rights of majority but would not under the provisions of this act be permitted to purchase alcoholic liquors.

We are of the opinion that the fact that Legislative Bill 221 would cause persons 19 and 20 years of age to be treated as adults in some instances and as minors with respect to alcoholic liquor would not render this measure unconstitutional. A three judge panel of federal district court judges had occasion to consider this precise question in 1973 in the case of Republican College Council of Pennsylvania, et al., v. Winner, 357 F.Supp. 739. This was an action challenging the constitutionality of a Pennsylvania statute which denied to persons under 21 years of age access to alcoholic beverages.

The court therefound that no person regardless of his age has a fundamental right to access to alcohol. The court went on to find that since this statute did not affect a fundamental right and since age alone was not a suspect classification, distinctions drawn with respect to age and access to alcohol were not unconstitutional simply because they applied to different classes of persons differently.

The court there concluded that the act would be constitutional if it were an exercise of the state's legitimate police power and promoted some legitimate state purpose so as to not amount to invidious discrimination. The court without taking a position upon the propriety of such a finding found that there could be a rational basis of denying access to alcohol to persons under 21 years of age. Therefore the court in this case concluded that the Pennsylvania statute was constitutional in all respects.

We are confident that Legislative Bill 221, if it becomes law, would be reviewed in a similar light by a court of competent jurisdiction in Nebraska. If we can be of further assistance to you in this regard, please let us know.

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

TRS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

MR. LEWIS PRESIDING

GENERAL FILE

LEGISLATIVE RESOLUTION 5. Read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 255. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 537. 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 548. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 564. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 200. Title read. Considered.

Mr. Johnson offered the following amendment:
Amend LB 200 by striking the words "husband, wife" in line 15, page 5.

The amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 348. Title read. Considered.

Standing Committee amendments found in the Journal on page 742 for the Thirty-Ninth Day were considered.

Mr. Simon offered the following amendment to the Standing Committee amendments:
Strike the word "strike" in line 2 of amendment thru "found" in line 6 and place a period after "tenant" in line 7 and strike the rest of the language thru line 9. Insert the following: Each sign shall read "See owner for cost of towing and location where the vehicle may be found.

The amendment was adopted with 15 ayes, 0 nays, 20 present and not voting, and 14 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Hefner asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

Laid over.

LEGISLATIVE BILL 292. 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 551. 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 288. Title read. Considered.

Mr. DeCamp offered the following amendment:
1. Page 2, line 1, strike "A" and insert "In the event that a"; line 7, strike "which"; line 9, after "negligence" insert ", then such covenant, promise, agreement, or combination thereof."

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 Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 567. 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 137. Title read. Considered.

Standing Committee amendment found in the Journal on page 511 for the Twenty-Ninth Day was adopted with 26 ayes, 0 nays, 16 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.

LEGISLATIVE BILL 58. Title read. Considered.

Standing Committee amendment found in the Journal on page 522 for the Thirtieth Day was adopted with 26 ayes, 0 nays, 16 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.

LEGISLATIVE BILL 213. Title read. Considered.

Standing Committee amendment found in the Journal on page 526 for the Thirtieth Day 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 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 509. Title read. Considered.

Standing Committee amendment found in the Journal on page 526 for the Thirtieth Day was considered.

Mr. Hoagland offered the following amendment to the Standing Committee amendment:

Section 1. When a system of ornamental or decorative street lighting has been continously maintained in a residential neighborhood in a city of the metropolitan class for 40 years or longer, it shall be the duty of such city to preserve and maintain such lighting system unless the city council votes by a four-fifths majority of its members to discontinue such lighting. No special assessment of any kind shall be made to the property owners within an ornamental or decorative street lighting system for the costs of any preservation or maintenance of such system.

The amendment was adopted with 22 ayes, 0 nays, 20 present and not voting, and 7 excused and not voting.

Standing Committee amendment, as amended, 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 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 265. Title read. Considered.

Standing Committee amendments found in the Journal on page 526 for the Thirtieth Day were 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.

LEGISLATIVE BILL 302. Title read. Considered.

Standing Committee amendments found in the Journal on page 537 for the Thirty-First Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 302A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 205. Title read. Considered.

Standing Committee amendments found in the Journal on page 541 for the Thirty-First Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

MR. NICHOL PRESIDING

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 524. Title read. Considered.

Standing Committee amendments found in the Journal on page 545 for the Thirty-First Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Duis asked unanimous consent to print the following amendments to LB 412 in the Journal. No objections. So ordered.

Amendments to the Standing Committee Amendments (Req. 2582).
1. On page 32, line 18 after "1978," add "and also sections 23-343.82, 23-343.96, 84-135.01, and 84-138 Reissue Revised Statutes of Nebraska, 1943,".
2. On page 33, line 12 after "sections" add ", and also sections 23-343.82, 23-343.96, 84-135.01, and 84-138 Reissue Revised Statutes of Nebraska, 1943".

Mr. Koch asked unanimous consent to print the following amendments to LB 58 in the Journal. No objections. So ordered.

1. Insert new sections as follows:
"Sec. 2. (1) An applicant for the license provided by subdivision (5) of section 53-124.03 shall pay to the Liquor Control Commission, in addition to the license fee, any costs incurred in determining the applicant's eligibility for such license pursuant to such

subdivision.

(2) All money collected pursuant to subsection (1) of this section shall be credited to the General Fund.

Sec. 3. The commission shall file a report with the Clerk of the Legislature on or before January 1, 1980 and January 1, 1981. Each report shall contain a detailed and itemized statement of all revenue collected and all additional expenditures incurred by the commission in issuing the license provided by subdivision (5) of section 53-124.03.".

2. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 181. Placed on General File as amended.
Standing Committee amendments to LB 181:

1. Strike original sections 1 to 12 and insert the following:

"Section 1. That section 14-1733, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1733. In order to pay the cost required by any purchase, construction, or lease, of property and equipping of such facilities, or the enlargement of presently-owned facilities, the city may: (1) Issue revenue bonds to provide the funds for such improvements. Such revenue bonds shall ~~not be payable from any general tax upon the issuing municipality, but shall~~ be a lien only upon the revenue and earnings of ~~the~~ parking facilities and on-street parking meters. Such revenue bonds may be issued at an interest cost to maturity not to exceed eight per cent and shall mature in not to exceed forty years and shall be sold at public sale without premium or discount. Any such revenue bonds which may be issued shall not be included in computing the maximum amount of bonds which the issuing city of the metropolitan class may be authorized to issue under its charter or any statute of this state. Such revenue bonds may be issued and sold or delivered to the contractor at par and accrued interest for the amount of work performed. The city may pledge the revenue from any facility or parking meters as security for the bonds; ~~issued for that facility, but may not pledge revenue from one facility as security for bonds issued for another facility; or~~ (2) upon an initiative petition of the majority of the record owners of taxable property included in a proposed parking district, the city council may create, by ordinance, parking districts and delineate

the boundaries thereof, and if the city council shall find that there are common benefits enjoyed by the public at large without reference to the ownership of property, or that there is a common benefit to the property encompassed within a parking district or districts, the city may assess the costs of such improvement or improvements against all the property included in such district or districts, according to such rules as the city council, sitting as a board of equalization, shall adopt for the distribution or adjustment of the costs of such improvement or improvements. All such assessments shall be equalized, levied, and collected as provided by law for the equalization, levying, and collection of special assessments. Special assessments levied pursuant to this section shall be due, payable, and bear interest as the city council shall determine by ordinance. Installment payments shall not be allowed for any period in excess of twenty years; or (3) use any other lawful means.

No real property shall be included in any parking district created pursuant to this section when the zoning district in which such property is located is a residential zoning district or a district where the predominant type of land use authorized is residential in nature.

Sec. 2. That section 14-1735, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1735. The governing body of any such city of the metropolitan class shall make all necessary rules and regulations governing the use, operation, and control of the facilities authorized by sections 14-1731 to 14-1740. In the exercise of the grant of power set forth in sections 14-1731 to 14-1740, the city of the metropolitan class ~~may~~ shall make contracts with ~~other departments of the city, or~~ others, if such contracts are necessary and needed for the payment of the revenue bonds authorized in sections 14-1731 to 14-1740 and for the successful operation of the parking facilities. If the city is unable to secure a reasonable lease with another party for operation of the facility the city may operate the facility itself. ~~The governing board shall also establish and maintain equitable rates or charges for such services sufficient in amount to pay for the cost of operation, repair, and upkeep of the facilities to be purchased, acquired, or leased, and the principal of and interest on any revenue bonds issued pursuant to the provisions of sections 14-1731 to 14-1740.~~ The governing body may also make any other agreements with the purchasers of the bonds for the security of the issuing

city and the purchasers of such bonds not in contravention of the provisions of sections 14-1731 to 14-1740.

Sec. 3. That section 14-1737, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1737. On the creation of such motor vehicle parking facility for the use of the general public, the city ~~may if it desires~~ shall lease such facility to one or more operators to provide for the efficient operation of the facility. Such lease shall be let on a competitive basis and no lease shall run for a period in excess of four years; Provided, that leases of facilities in conjunction with office buildings, shopping centers, public facilities, or redevelopment areas may be for any period not to exceed twenty years. In granting any lease, the city shall retain such control of the facility as may be necessary to insure that the facility will be properly operated in the public interest and that the prices charged are reasonable. If the city is unable to secure a reasonable lease with another party for operation of the facility the city may operate the facility itself. The provisions of sections 14-1731 to 14-1740 shall not be construed to authorize the city or the lessee of the facility to engage in the sale of any commodity, product, or service, or to engage in any business other than the purposes set forth in section 14-1732.

Sec. 4. That section 14-1738, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1738. Multilevel parking structures now used or hereafter acquired for off-street motor vehicle parking by a private operator shall not be subject to eminent domain for the purpose of creating a parking facility pursuant to this act where such multilevel structure has a capacity of more than two hundred automobiles. ~~condemnation.~~

Sec. 5. That original sections 14-1733, 14-1735, 14-1737, and 14-1738, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title strike lines 2 through 6 and insert

"FOR AN ACT relating to cities of the metropolitan class; to change provisions relating to financing of off-street parking; to provide for contracts; to change provisions relating to eminent domain; and to repeal the original sections.".

(Signed) Walter George, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 32.

Introduced by George, 16th District.

WHEREAS, the number one ranked Lyons High School basketball team has just completed a perfect 26 - 0 season; and

WHEREAS, the final game of this perfect season was the capturing of the Class C basketball championship crown; and

WHEREAS, the winning of such a championship is a demonstration of the willingness to endure the hard work and struggle associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

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

1. That the members of the Legislature extend their congratulations and best wishes to the members of the Lyons High School basketball team for winning the Class C championship.

2. That the Legislature also commends the competitive spirit and sportsmanship exhibited by the Lyons High School team demonstrated by its participation in the Class C championship game.

Laid over.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 444. Placed on General File as amended.
Standing Committee amendments to LB 444:

1. On page 2, strike the new matter in lines 6, 7, 24, 25, 26, and 27.

2. On page 3, strike lines 1 through 27.

3. On page 4, strike the new matter in lines 1 and 2; in line 3 strike "(4)" and insert "(2)"; in line 4, strike "in the same manner and" and insert "by the Governor"; in lines 7 through 9, reinstate the stricken matter and strike the new matter; in line 7 strike the reinstated "(2)" and insert "~~(2)~~ (3)"; in line 18 strike "(6)" and insert "(4)"; and strike the new matter in lines 25, 26, and 27.

4. On page 5, strike the new matter in lines 1 and 2; in line 8, before the period insert "in accordance

with sections 84-306.01 to 84-306.09, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto"; in line 19, strike the period, show as stricken, and insert an underscored comma; in lines 20 through 22, strike the new matter and insert "except that an order determining a bargaining unit or units shall not be appealable to the Supreme Court until after the results of the election have been certified by the court.".

5. On page 6, line 1 before "After" insert "(1)".

6. On page 7, lines 10 and 11 strike "Good faith bargaining shall be determined by the court." and insert "To bargain in good faith shall mean the performance of the mutual obligation of the employer and the labor organization to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession."; in line 12 before "Public" insert "(2)"; and in line 20 before "All" insert "(3)".

7. On page 8, line 22, strike "negotiations" and insert "bargaining"; in line 9 before "Where" insert "(4)" in line 20 before "Upon" insert "(5)"; and in line 26 before "The" insert "(6)" and strike "(1)" and insert "~~(1)~~ (a)".

8. On page 9, line 2 strike "(2)" and insert "~~(2)~~ (b)"; in line 6 strike "(3)" and insert "~~(3)~~ (c)"; in line 11 strike "(4)" and insert "~~(4)~~ (d)"; and in line 19 strike "(5)" and insert "~~(5)~~ (e)".

9. Insert 2 new sections as follows:

"Sec. 5. The presiding judge may, when he or she deems it necessary to expedite the determination of cases filed in the court, appoint a hearing officer to hear evidence and make recommended findings and orders in any case or to make recommended determinations after a representation election has been ordered and during the course of such election.

Sec. 6. That section 48-817, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-817. After the hearing and any investigation the court shall make its findings and enter its order or orders in writing, which decision and order or orders shall be entered of record. Such order or orders shall be in effect from and after the date therein fixed by the court, but no such order or orders shall be retroactive. In the making of any findings or orders in connection

with any such industrial dispute, the court shall give no consideration to any evidence or information which it may obtain through an investigation or otherwise receive, except matters of which the district court might take judicial notice, unless such evidence or information is presented and made a part of the record in ~~said~~ a hearing and opportunity is given, after reasonable notice to all parties to the controversy of the initiation of any investigation and the specific contents of the evidence or information obtained or received, to rebut such evidence or information either by cross-examination or testimony.".

10. On page 9, line 24, strike "and" and insert a comma; in line 25 after the first comma insert "and 48-817,".

11. Renumber remaining sections accordingly.

(Signed) Richard Maresh, Chairman

ADJOURNMENT

At 4:20 p.m., on a motion by Mr. Wagner, the Legislature adjourned until 9:00 a.m., Tuesday, March 20, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 20, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 20, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> In this, the day that You have made and given to us Lord God, help us to appreciate its beauty and to make the most of its opportunities.
>
> Keep us, we pray, from the tyranny of trifles. May we give our best thought and attention to what is important, that we achieve something worthwhile for You and for the people You have given us to represent. Teach us how to listen to the guidance of Your Spirit, so that we are saved from wasting our time on all that only adds to our confusion, subtracts from our peace, divides our efficiency, and multiplies our troubles.
>
> We offer to You this day the work of our hands and the praise of our lives. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Johnson and Vickers who were excused; and Messrs. Fowler, Goodrich, Lewis, and Sieck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 971, line 21, delete "Wesely" and insert "Warner".
The Journal for the Forty-Ninth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 125. Placed on Select File as amended.
E & R amendments to LB 125:

(NOTE: All references are to committee amendments unless otherwise stated.)

1. On page 1, line 16, insert "shall be presented" after "petition".

2. In the Stoney amendment, line 3, insert "registered voters of the district equal in number to" after "by".

3. On page 3, insert an underscored comma after "petition" in line 10 and after "recall" in line 13.

4. On page 5, line 10, insert an underscored comma after "closed" and after "members" in line 23.

5. On page 6, line 15, insert an underscored comma after "education".

6. On page 7, line 13, insert "shall be applicable to elections under this section" after "district"; and in line 15 insert an underscored comma after "members".

LEGISLATIVE BILL 42. Placed on Select File.
LEGISLATIVE BILL 201. Placed on Select File.

LEGISLATIVE BILL 204. Placed on Select File as amended.
E & R amendment to LB 204:

1. On page 2, line 9, strike "and" and insert "~~and~~"; and in line 15, reinstate "and".

LEGISLATIVE BILL 23. Placed on Select File as amended.
E & R amendments to LB 23:

1. In lieu of committee amendment 15, renumber original sections 6 to 14 as sections 5 to 13.

2. In committee amendments, page 8, line 25, insert "Revised Statutes Supplement, 1978, after the first comma.

3. In the title, line 2, insert "relating to mopeds;" after "ACT"; and in line 5 strike "relating to mopeds" and insert "and section 60-407, Revised Statutes Supplement, 1978, as amended by section 5, Legislative Bill 4, Eighty-sixth Legislature, 1979".

Correctly Enrolled

The following bill was correctly enrolled: 316.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 316.

MESSAGES FROM THE GOVERNOR

March 19, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 223, 245, 297 and 437.

These bills were signed by me on March 19, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

March 19, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 84.

This bill was signed by me on March 18, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 547. Placed on General File as amended.
Standing Committee amendments to LB 547:

1. On page 2, line 9 strike "one hundred" and insert "twenty-five"; and in line 11 strike "twenty-five" and insert "ten".

2. On page 3, line 9 strike "five dollars" insert "one dollar".

(Signed) Maurice A. Kremer, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 33.

Introduced by Newell, 13th District.

WHEREAS Omaha Northwest High School successfully captured the Class "A" basketball championship on Saturday night, March 17th, 1979;

WHEREAS this is the school's first basketball championship and is the return of that championship to an Omaha area high school;

WHEREAS Coach Dick Koch, and players Avery, Fletcher, Long, Sundermeir, Childs, Sharp, O'Dowd, Rutherford, Poling, Crawford, Higginbotham, and Larsen performed with outstanding and unstoppable teamwork;

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

1) That a hearty congratulations be extended to Coach Koch, the team, and all of Northwest High School for their 82-63 victory, and;

2) A copy of this resolution shall be sent to Mr. Jack Hallstrom, Principal; Mr. Dick Koch, Coach; and each of the players on the team.

Laid over.

MOTION - Place LB 403 on General File

Mr. Rumery moved to place LB 403 on General File notwithstanding the action of the Committee.

Motion pending.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 327. Placed on General File as amended.
Standing Committee amendments to LB 327:

1. Strike original sections 1 to 6.
2. Insert a new section as follows:

"Sec. 2. For purposes of sections 17-1001 and 17-1003, Reissue Revised Statutes of Nebraska, 1943, and section 17-1002, Revised Statutes Supplement, 1978, in the area where the municipality has a comprehensive plan and has adopted subdivision regulations pursuant to such plan, 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 ownership or building development, except that the division of land shall not be considered to be a subdivision when the smallest parcel created is more than five acres in area.".

3. On page 11, line 22 after "first" insert "or second" and after "class" insert "or village"; and in line 24 after "city's" insert "or village's".

. 4. On page 12, line 6 after the period insert "A city of the first or second class or village may appoint a zoning board of adjustment as provided in section 19-907, Reissue Revised Statutes of Nebraska, 1943, upon ninety days' notice to the county zoning board of adjustment. The legislative body of a village may provide by ordinance that it shall constitute a board of adjustment as provided in section 19-911, Revised Statutes Supplement, 1978, upon ninety days' notice to the county zoning board of adjustment.".

5. Strike original section 8 and insert:

"Sec. 3. That original section 84-155, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

6. Renumber original section 7 as section 1.

LEGISLATIVE BILL 353. Placed on General File as amended.
Standing Committee amendments to LB 353:

1. On page 3, line 24 strike "cost-effective" and insert "reasonable".
2. On page 4, strike beginning with the

second "or" in line 10 through "user" in line 11 and insert "any person"; and in line 15 strike "an" and insert "any other".

3. On page 5, line 2 strike "shall" and insert "may"; and in line 24 strike "execute" and insert "effect the purpose of".

4. On page 6 strike beginning with "A" in line 1 through "is" in line 5 and insert "All counties or municipalities having zoning or subdivision jurisdiction are"; in line 10 strike "shall" and insert "may"; in line 15 strike "design and construction of structures" and insert "use of districts"; and strike beginning with "In" in line 22 through "application" in line 27 and insert "When the application of any zoning or subdivision regulation or ordinance would prevent or unduly restrict the use of solar energy systems, the governing body of the county or municipality having zoning or subdivision jurisdiction is authorized to grant a variance or exception from the strict application thereof".

5. On page 7, line 4 strike "any ordinance or resolution" and insert "such regulation or ordinance".

6. Strike original sections 15 and 17.

7. Renumber remaining sections accordingly.

(Signed) Loran Schmit, Chairman

MOTION - Return LB 577 to Select File

Mr. Warner moved to return LB 577 to Select File for the specific amendment found in the Journal on page 972.

The motion prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 577. The Warner specific amendment found in the Journal on page 972 was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Kremer asked unanimous consent to be excused at 10:00 a.m. for the remainder of the morning. No objections. So ordered.

MOTION - Place LB 508 on General File

Mr. Schmit withdrew his pending motion found in the Journal on page 982 to place LB 508 on General File notwithstanding the actions of the Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 29. Read. Considered.

SPEAKER MARVEL PRESIDING

LR 29 was adopted with 26 ayes, 9 nays, and 14 not voting.

EXPLANATION OF VOTE

Had I been present March 19, I would have yes on LB 316.

(Signed) Ralph D. Kelly

MOTION - Rule Change

Mr. Cullan offered the following rule change:
Amend Rule 3, Sec. 10(b) so as to read:

"Any senator may move that a bill be placed on General File twenty days or more after the committee hearing if the committee has not voted to indefinitely postpone the bill or to recommend that it be placed on General File, and by a vote of a majority of the elected members, said bill shall be placed on General File."

Referred to the Rules Committee.

UNANIMOUS CONSENT - Add Co-Introducer

Messrs. Kahle and Kelly asked unanimous consent to add their names to LR 30. No objections. So ordered.

ANNOUNCEMENT

Mr. Koch announced the executive session of the Education Committee scheduled for today at 4:30 p.m. has been cancelled.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 159.

A BILL FOR AN ACT to amend sections 77-509, 77-629, 77-1241.09, 77-1250, 77-1301.01, 77-1301.13, 77-1330, and 77-1336, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to require compliance with prescribed manuals and guides in the appraisal and reappraisal of property; to make valuations determined by the State Board of Equalization and Assessment binding on counties; 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:

Beutler	Duis	Kahle	Marsh	Sieck
Brennan	Dworak	Kelly	Marvel	Simon
Burrows	Fitzgerald	Kennedy	Merz	Venditte
Carsten	Fowler	Keyes	Murphy	Wagner
Chambers	George	Koch	Nichol	Warner
Clark	Haberman	Labedz	Pirsch	Wesely
Cope	Hasebroock	Lamb	Reutzel	
Cullan	Hefner	Landis	Rumery	
DeCamp	Hoagland	Maresh	Schmit	

Voting in the negative, 0.

Present and not voting, 2:

Newell Stoney

Excused and not voting, 5:

Goodrich Johnson Kremer Lewis Vickers

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

UNANIMOUS CONSENT - Members Excused

Messrs. Schmit and Nichol asked unanimous consent to be excused for a short time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 59. Mr. Chambers renewed his pending amendment found in the Journal on page 780.

Mr. Koch 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. Chambers moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Beutler	Fitzgerald	Koch	Merz	Sieck
Brennan	Fowler	Landis	Newell	Simon
Burrows	George	Lewis	Pirsch	Venditte
Chambers	Hoagland	Maresh	Reutzel	Wesely
DeCamp	Kelly	Marsh	Rumery	

Voting in the negative, 16:

Carsten	Dworak	Kahle	Murphy
Clark	Haberman	Kennedy	Stoney
Cope	Hasebroock	Lamb	Wagner
Duis	Hefner	Marvel	Warner

Present and not voting, 3:

Cullan	Keyes	Labedz

Excused and not voting, 6:

Goodrich	Kremer	Schmit
Johnson	Nichol	Vickers

The Chambers amendment lost with 24 ayes, 16 nays, 3 present and not voting, and 6 excused and not voting.

MRS. MARSH PRESIDING

The Chair declared the Call raised.

Messrs. Kelly and Maresh asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Koch offered the following amendment:

To amend LB 59 on pages 464-466 of the Journal as follows:

On Page 3, line 25 after "cost," strike the "," and insert "for such service." and strike the remaining language on line 25 and all of line 26.

Mr. Koch moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Chair declared the Call raised.

The Koch amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment:

Amend section 4: (1) lines 15 & 16, strike the words: "A physical examination or"

The Chambers amendment lost with 8 ayes, 12 nays, 24 present and not voting, and 5 excused and not voting.

Mr. Venditte offered the following amendment:

1. Insert a new section as follows:

"Sec. 3. That section 79-1270, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1270. Provisions shall be made by the proper local school authorities for instructing the pupils in all schools in a comprehensive health education program which shall include instruction (1) as to the hysiological, psychological, and sociological aspects of drug use, misuse, and abuse, Developmental Disabilities causes and prevention. Drugs are defined as any and all biologically active substances used in the treatment of illnesses, or for recreation or pleasure. Special emphasis shall be placed upon the commonly abused drugs of: Tobacco, alcohol, marijuana, hallucinogenics, amphetamines, barbiturates, and narcotics."

Mr. Lamb raised a point of order on the amendment.

Mrs. Marsh ruled the amendment was in order.

SPEAKER MARVEL PRESIDING

Mr. Venditte withdrew his amendment.

Advanced to E & R for Engrossment with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 425. The Simon specific amendment found in the Journal on page 848 was adopted with 25 ayes, 4 nays, 15 present and not voting, and 5 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Re-Engrossment with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 425 to Select File

Mr. Simon moved to return LB 425 to Select File for the specific amendment found in the Journal on page 911.

The motion prevailed with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 425. The Simon specific amendment found in the Journal on page 911 was adopted with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 23 in the Journal. No objections. So ordered.

1. On page 32, lines 13 and 14, strike ", limited access highways,".

2. In the committee amendments, page 1, in line 23 after "highway" insert "with an authorized speed limit of forty-five miles per hour or less".

3. In the committee amendments, page 2, in line 4 after the first period insert "(4) Any person who operates a moped on a roadway with an authorized speed limit of more

than forty-five miles per hour shall ride as near to the right side of the roadway as practicable, and shall not ride more than single file.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 87. Replaced on Select File as amended.
E & R amendments to LB 87:

1. Insert the new section added by the Fowler-DeCamp amendment as section 20 and renumber present sections 20 to 22 as sections 21 to 23.

2. On page 26, line 3 as amended, strike "19" and insert "20".

3. In lines 5 and 6 of E & R 20, strike "and insert 'of'".

LEGISLATIVE BILL 26. Replaced on Select File as amended.
E & R amendments to LB 26:

1. Because of the Kremer amendment 1, adopted 3/19, strike the new and reinstate the stricken subdivision numbers on page 7, lines 9, 11, 16, and 20, and page 8, line 1.

2. Because of the Kremer amendment 1, adopted 3/19, strike E & R 1 adopted 3/12.

3. In the title, strike beginning with "to" in line 8 through the semicolon in line 9.

Correctly Engrossed

The following bill was correctly engrossed: 577.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 20, 1979, at 10:42 a.m., was the following bill: 316.

(Signed) Hazel Kaltenberger, Enrolling Clerk

ANNOUNCEMENTS

Mr. Kremer announced the Public Works Committee will meet in executive session in Room 1515 immediately upon adjournment today.

Mr. Keyes announced that an executive session of the Government, Military and Veterans Affairs Committee will meet at 2:00 p.m. (today) March 20, 1979, under the south balcony.

VISITORS

Visitors to the Chamber were 11 senior high students and teacher from Norfolk; 9 senior high students and teacher from Lincoln Christian School; 13 senior high students and teacher from Sumerfield, Kansas; Shakuntala Lakshmi Kuruppu, Deputy Director, External Resources Department, Ministry of Finance and Planning, Government of Sri Lanka, Colombo, Sri Lanka; Mavela Mastsebula, Senior Project Officer, National Industrial Development Corporation, Mbabane, Swaziland; Fadel Toure, Coordinator of Industrial Products, Comantra Corporation, Nouakchott, Mauritania; Mr. William Fager, U.S. Department of State Escort Officer; Foreign Service Nationalist Alfred Bonello, Economic/Commercial Specialist, American Embassy, Valletta, Malta; and Mary Kay Green, City Council member from Omaha.

RECESS

At 12:04 p.m., on a motion by Mr. Kelly, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Johnson, Lewis, and Vickers who were excused; and Messrs. Beutler, Clark, Fowler, Goodrich, Haberman, Schmit, Sieck, Venditte, Wagner, Mesdames Labedz, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 74. Title read. Considered.

Standing Committee amendment found in the Journal on page 569 for the Thirty-Second 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, 5 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 321. Title read. Considered.

Standing Committee amendments found in the Journal on page 569 for the Thirty-Second Day were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 183. Title read. Considered.

Standing Committee amendment found in the Journal on page 569 for the Thirty-Second Day was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 12 nays, and 27 not voting.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 27 ayes, 5 nays, 11 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 174A. By Cullan, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 174, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

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

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

LEGISLATIVE BILL 428A. By Cullan, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 428, Eighty-sixth Legislature, First Session, 1979.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 284. Placed on General File as amended.
Standing Committee amendments to LB 284:

1. Strike beginning with "rubber" on page 3, line 21 through "pounds," on page 4, line 5 and insert: "a rubber tired crane with a fixed load when (a) such vehicle will be transported on a state highway, city street, or road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds,".

2. Strike the new matter on pages 5 and 6 and insert: ", or (d) a rubber tired crane with a fixed load when (i) such vehicle will be transported on a state highway, city street, or road within the corporate limits of a city, (ii) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, (iii) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (iv) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (v) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand

pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds".

3. On page 8 strike beginning with "rubber" in line 1 through "pounds" in line 12 and insert: "any rubber tired crane with a fixed load when (a) such vehicle will be transported on a state highway, city street, or road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds".

4. On page 15 strike beginning with "rubber" in line 13 through the period in line 23 and insert: "a rubber tired crane with a fixed load when (a) such vehicle will be transported on a state highway, city street, or road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds.".

LEGISLATIVE BILL 270. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 80 in the Journal. No objections. So ordered.

1. Strike original section 83.
2. On page 84, line 1 strike "83-302,";
and in line 6 strike "and", insert a comma, and after "77-1604," insert "and 83-301 to 83-304.01,".
3. Strike committee amendment 2.
4. In lieu of committee amendment 6
renumber original sections 67, 70 to 73, 78 to 82, 84, and 85 as sections 65, 66 to 69, 70 to 74, 75, and 116.

ATTORNEY GENERAL'S OPINION

Opinion No. 65
March 19, 1979

Re: Rule-making Power of the Department of Health under Proposed Amendments to the Emergency Medical Technician-Paramedic Act (LB 298 as amended).

Dear Senator Cullan:

You have asked whether the Department of Health will have authority to make the four sets of rules it will be directed to make by the Emergency Medical Technician-Paramedic Act if it is amended by LB 298 as amended by your committee. Those rules would prescribe the qualifications for certification and recertification; prescribe procedures for certification, recertification and decertification; set standards for approved training programs; and set standards for approved service programs. We have concluded the department will have no authority to set the qualifications, but it will have authority to make some rules in each of the other areas.

The Legislature as an exercise of the police power may require licensing in those occupations or professions where the practitioner must have skill and technical knowledge not possessed by the general public if the public is to be protected. See City of Louisville v. Coulter, 177 Ky. 242, 197 S.W. 819 (1917). The measures it adopts in the exercise of that power must have some reasonable relationship to

the protection of the public. See Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1975). It may also require new proof of competency before a license is renewed. See Seignious v. Rice, 273 N.Y. 44, 6 N.E.2d 91 (1936). However, it may not delegate legislative powers to an administrative agency. See State v. Cutright, 193 Neb. 303, 226 N.W.2d 771 (1975). Thus the Legislature may not delegate to the department the authority to determine what age, training, experience and personal qualities are necessary to protect the public when advanced emergency medical technicians are practicing medicine under the supervision of a physician or his surrogate.

On the other hand, the Legislature may delegate to an administrative agency the power to ascertain the facts upon which the laws are to be applied and enforced or to do specific acts necessary to the furtherance of the purposes of the act. See Lennox v. Housing Authority of the City of Omaha, 137 Neb. 582, 591, 290 N.W. 451 (1940). The power granted to the agency must be limited to the expressed legislative purpose and administered in accordance with standards prescribed in the legislative act. See Terry Carpenter, Inc. v. Nebraska Liquor Control Commission, 175 Neb. 26, 120 N.W.2d 374 (1963).

There are guidelines in the proposed act for the department to use in prescribing the requirements for approved training programs and for approved service programs. They include the purpose of the act, the definitions of the various categories of advanced emergency medical technicians, the scope of practice for each category, and the aspects of the program to be regulated.

There are guidelines for the department to use in prescribing procedures for certification. They include graduation from an approved program and a finding that the applicant has not violated any of the grounds for denying certification.

There are guidelines for the department to use in prescribing procedures for recertification. They include the lapse of two years since certification and compliance with the act and the rules and regulations made under it. The Legislature has also specified that to be recertified a person must have completed an ongoing educational program approved and developed by the Board of Advanced Emergency Medical Care with the approval of the department. However, it has set no guidelines for that program such as the type, amount and purpose of such training. If continuing education is to be a condition for recertification, the Legislature should set such guidelines.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 447. Title read. Considered.

Standing Committee amendment found in the Journal on page 569 for the Thirty-Second Day was considered.

Mr. Landis moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Landis requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 18:

Beutler	Cullan	Hoagland	Maresh	Simon
Brennan	DeCamp	Koch	Marvel	Wesely
Burrows	Fitzgerald	Labedz	Newell	
Carsten	Fowler	Landis	Reutzel	

Voting in the negative, 21:

Clark	Haberman	Lamb	Rumery	Warner
Cope	Hasebroock	Marsh	Schmit	
Duis	Hefner	Murphy	Sieck	
Dworak	Kahle	Nichol	Stoney	
George	Kelly	Pirsch	Wagner	

Present and not voting, 4:

Chambers	Keyes	Kremer	Merz

Excused and not voting, 6:

Goodrich	Kennedy	Venditte
Johnson	Lewis	Vickers

The Standing Committee amendment lost with 18 ayes, 21 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Landis moved to indefinitely postpone LB 447.

The motion prevailed with 17 ayes, 5 nays, 21 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 412. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 570 for the Thirty-Second Day (Req. #2582) were considered.

Mr. Duis renewed his pending amendments to the Standing Committee amendments found in the Journal on page 996.

The Duis amendment to the Standing Committee amendment was adopted with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting.

Laid over.

LEGISLATIVE BILL 500. Title read. Considered.

Standing Committee amendments found in the Journal on page 589 for the Thirty-Third Day were adopted with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

Laid over.

LEGISLATIVE BILL 544. Title read. Considered.

Standing Committee amendment found in the Journal on page 590 for the Thirty-Third Day was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 174. Title read. Considered.

Standing Committee amendments found in the Journal on page 610 for the Thirty-Fourth Day were 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, 1 nay, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 506. Title read. Considered.

Standing Committee amendments found in the Journal on page 615 for the Thirty-Fourth Day were considered.

MRS. MARSH PRESIDING

Mr. DeCamp renewed his pending amendment found in the Journal on page 739 to the Standing Committee amendments.

The amendment was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

Standing Committee amendments, as amended, 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 506A. Title read. Considered.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 208. Title read. Considered.

Standing Committee amendments found in the Journal on page 631 for the Thirty-Fifth Day were adopted with 25 ayes, 1 nay, 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 294. Title read. Considered.

Standing Committee amendments found in the Journal on page 640 for the Thirty-Fifth Day were adopted with 27 ayes, 2 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.

LEGISLATIVE BILL 234. Title read. Considered.

Standing Committee amendments found in the Journal on page 643 for the Thirty-Sixth Day were adopted with 25 ayes, 12 nays, 7 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 - Member Excused

Mr. Hefner asked unanimous consent to be excused Wednesday, March 21, 1979. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

1. Page 5, on line 17 after the new language insert: "All benefits to a spouse or relative shall be based on the period of time actually spent rendering care. Upon notice by the employer or its insurer to the spouse or relative concerned the right of recovery for custodial care shall be made contingent upon the spouse or relative providing contemporaneous written records itemizing the care provided and the time spent on each activity.

MOTION- Reconsider Action on LB 447

Mr. DeCamp moved to reconsider action on indefinitely postponing LB 447.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 94 in the Journal. No objections. So ordered.

(1)

(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2757.)

(2)

1. Strike the Wesely amendment printed on page 850 of the Journal.
2. Page 19, line 5, after "used"—add "and reducing the price accordingly."

ADJOURNMENT

At 4:21 p.m., on a motion by Mr. Merz, the Legislature adjourned until 9:00 a.m., Wednesday, March 21, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 21, 1979

LEGISLATIVE JOURNAL

FIFTY-FIRST DAY - MARCH 21, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 21, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God our Father, help us to believe that the words now spoken and the inner desires of each heart here assembled before You, are heard and understood in Your presence.
>
> We, the members and officers and servants of this Legislature unite our petitions for Your blessing, Your guidance and Your help, that we faithfully may do what is best for the people and what is right in Your sight. Give to the representatives of the people in different parts of the State the will to work together for the welfare of all. Give them courage to withstand the pressure of the selfish, and give to the people the vision to see that sacrifice must be shared by all, that there is no substitute for hard work, and that there is no joy in unmerited reward. Truly may we fear nothing except that, knowing what is right, we fail to do it. So help us, God. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler, Hefner, and Vickers who were excused; and Messrs. Burrows, Cope, Kelly, Lewis, Newell, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 59. Replaced on Select File as amended.
E & R amendment to LB 59:
1. Show as stricken all matter stricken by the Koch amendment adopted 3/20.

LEGISLATIVE BILL 425. Replaced on Select File as amended.
E & R amendment to LB 425:
1. In lieu of the Simon amendment to page 3, line 20, strike the semicolon and insert "and"; and in line 5, strike "however" and insert "but".

LEGISLATIVE BILL 476. Placed on Select File.
LEGISLATIVE BILL 477. Placed on Select File.
LEGISLATIVE BILL 475. Placed on Select File.

LEGISLATIVE BILL 545. Placed on Select File as amended.
E & R amendment to LB 545:
1. On page 3, line 15, strike "during the preceding calendar month" and show as stricken.

LEGISLATIVE BILL 428. Placed on Select File as amended.
E & R amendments to LB 428:
1. For correlation purposes, on page 4, line 4, insert ", as amended by section 3, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979" after "1978"; and in line 21 after "years" insert "; and as of December 1, 1979, one member, who is a duly licensed dental hygienist and complies with the provisions of sections 71-114, Revised Statutes Supplement, 1978, and 71-115, Reissue Revised Statutes of Nebraska, 1943, shall be appointed for a term of ~~three~~ five years. The dental hygienist member shall have full voting rights, except in matters pertaining to the initial or continuing licensure or competency of a duly licensed practitioner of dentistry. Thereafter successors with like qualifications shall be appointed for ~~three-year~~ five-year terms".
2. For correlation purposes, on page 6, strike beginning with "Laws" in line 15 through "section 1" in line 16 and insert "section 6, Legislative Bill 4, Eighty-sixth Legislature, First Session, 1979"; on page 8, lines 8, 11, 15, 19, and 23, strike the stricken matter and remove underscoring; and on page 9, lines 11, 21, and 23, strike the first stricken subdivi-

sion number.

3. Amend section 4 to read:

"Sec. 4. That original section 71-110, Revised Statutes Supplement, 1978, section 71-162, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 4, Eighty-sixth Legislature, First Session, 1979, and section 71-116, Revised Statutes Supplement, 1978, as amended by section 3, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979, are repealed.".

4. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT to amend section 71-110, Revised Statutes Supplement, 1978, section 71-162, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 4, Eighty-sixth Legislature, First Session, 1979, and section 71-116, Revised Statutes Supplement, 1978, as amended by section 3, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979, relating to public health".

LEGISLATIVE BILL 176. Placed on Select File as amended.
E & R amendment to LB 176:

1. In the title, line 4, strike "provide" and insert "change requirements".

LEGISLATIVE BILL 495. Placed on Select File as amended.
E & R amendment to LB 495:

1. On page 2, line 14, strike "or" and insert "and".

LEGISLATIVE RESOLUTION 5. Placed on Select File as amended.
E & R amendment to LR 5:

1. On page 1, line 16, insert an underscored comma after "Constitution".

LEGISLATIVE BILL 255. Placed on Select File.

LEGISLATIVE BILL 537. Placed on Select File as amended.
E & R amendment to LB 537:

1. On page 3, line 3, insert an underscored comma after "September".

LEGISLATIVE BILL 548. Placed on Select File as amended.
E & R amendment to LB 548:

1. On page 3, line 22, strike the comma and insert "that"; and in line 24 strike the comma.

LEGISLATIVE BILL 564. Placed on Select File as amended.
E & R amendment to LB 564:
1. On page 20, line 19, insert an underscored period after "54-156".

LEGISLATIVE BILL 200. Placed on Select File.
LEGISLATIVE BILL 292. Placed on Select File.
LEGISLATIVE BILL 551. Placed on Select File.

LEGISLATIVE BILL 288. Placed on Select File as amended.
E & R amendment to LB 288:
1. In line 3 of the DeCamp amendment, strike the period.

LEGISLATIVE BILL 567. Placed on Select File.
LEGISLATIVE BILL 137. Placed on Select File.

LEGISLATIVE BILL 58. Placed on Select File as amended.
E & R amendment to LB 58:
1. In the title, line 5, strike "one license" and insert "two licenses".

LEGISLATIVE BILL 213. Placed on Select File as amended.
E & R amendments to LB 213:
1. On page 2, insert a comma after "beneficial" in line 9, at the end of line 21, and after "determination" in line 26.
2. In the title, line 3, insert "or culverts" after "bridges"; and in line 5 insert ", county boards," after "Roads".

LEGISLATIVE BILL 509. Placed on Select File.

LEGISLATIVE BILL 265. Placed on Select File as amended.
E & R amendment to LB 265:
1. On page 2, line 5, insert a comma after "completed".

LEGISLATIVE BILL 302. Placed on Select File.
LEGISLATIVE BILL 302A. Placed on Select File.

LEGISLATIVE BILL 205. Placed on Select File as amended.
E & R amendment to LB 205:
1. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT to amend section 60-403.06, Revised Statutes Supplement, 1978, relating to

certain trucks and truck-tractors; to permit operation for learning purposes as prescribed; and to repeal the original section.".

Correctly Engrossed

The following bills were correctly engrossed: 66 and 435.

Correctly Enrolled

The following bill was correctly enrolled: 159.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 159.

GENERAL FILE

LEGISLATIVE BILL 164. Title read. Considered.

Standing Committee amendments found in the Journal on page 525 for the Thirtieth Day were considered.

Mr. Johnson offered the following amendment to the Standing Committee amendments to LB 164:
1. Strike Section 1.
2. Strike Section 2.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Simon requested a division of the question on the Johnson amendment.

The first portion of the Johnson amendment to strike section 1 of the Standing Committee amendments was adopted with 29 ayes, 3 nays, 12 present and not voting, and 5 excused and not voting.

The second portion of the Johnson amendment to strike section 2 of the Standing Committee amendments was adopted with 34 ayes, 2 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Newell offered the following amendment to the Standing Committee amendments to LB 164:
Strike the Emergency Clause.

Mrs. Labedz 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. Newell withdrew his amendment.

The Standing Committee amendments, as amended, were adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Mr. Keyes withdrew his pending amendment found in the Journal on page 946.

Mr. Keyes offered the following amendment to LB 164:
On page 4, line 12, strike "one thousand", show as stricken, and insert "five hundred"; in line 14, strike "three" and show as stricken and insert "one";

The amendment lost with 3 ayes, 23 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Dworak renewed his pending amendment found in the Journal on pages 972-973.

MRS. MARSH PRESIDING

Mr. Dworak requested a division of his amendments.

SPEAKER MARVEL PRESIDING

The first portion of the amendment on page 972 through line 7 on page 973 was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The remaining portion of the Dworak amendment on page 973 was adopted with 25 ayes, 13 nays, 6 present and not voting, and 5 excused and not voting.

Mr. Cope asked unanimous consent to be excused at 10:20 a.m. until he returns. No objections. So ordered.

Mr. Landis offered the following amendment to LB 164:
Beginning on line 1 on page 4 after "that" strike new language down to line 5 ending with "that".

The amendment lost with 11 ayes, 19 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

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

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

ANNOUNCEMENT

Mr. Hasebroock announced that the Nebraska Retirement Systems Committee will meet in executive session in Room 2102, on Monday, March 26, 1979, at 3:00 p.m.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 21, 1979, at 9:50 a.m., was the following bill: 159.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORT
Committee on Committees

March 21, 1979

The Committee on Committees will meet on Wednesday, March 28, 1979, at 12:10 p.m., in Room 1520 for the purpose of hearing appointments or reappointments as follows:

Ralph Crowl - State Electrical Board
Dr. Richard M. Evans - State Board of Health
Vic Haas - Agricultural Products Industrial Utilization Committee
James D. Keenan - State Highway Commission
Joan Nelson - Nebraska Arts Council
E. A. Olson - Environmental Control Council
Loren G. Olsson - Nebraska Arts Council
Wallace Richardson - Nebraska Arts Council

(Signed) Shirley Marsh, Chairperson

MOTION - Place LB 382 on General File

Mr. Venditte moved to place LB 382 on General File pursuant to Rule 3, Section 10.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 94 in the Journal. No objections. So ordered.

Amend LB 94 by striking the Wesely amendment printed on page 850 of the Journal.

MOTION - Place LB 403 on General File

Mr. Rumery renewed his pending motion found in the Journal on page 1007 to place LB 403 on General File notwithstanding the action of the Committee.

The motion lost with 16 ayes, 16 nays, 11 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 187. E & R amendments found in the Journal on page 878 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 187 to Select File

Mr. Warner moved to return LB 187 to Select File for the specific amendment found in the Journal on page 962 including the following amendment:

1. In line 1 of the Warner amendment 11, found in the Journal for the 48th day, insert "~~value or the assessed~~" after "market".

2. Insert four new sections to read:

"Sec. 258. That section 2-2501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2501. There is hereby created for the use of the Department of Economic Development a fund, to be known as the Nebraska Agricultural Products Research Fund, to consist of ~~the proceeds of a tax of one-tenth of one mill on the dollar upon the assessed value of all the taxable property of the state, except intangible property, which tax shall be levied in the years 1965 and 1966,~~ any funds appropriated by the Legislature~~,~~ and any funds received by gift or from the federal government to be used for the purpose provided in section 2-2502. Any money in the Nebraska Agricultural Products Research Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 259. That section 35-536, Revised Statutes Supplement, 1978, be amended to read as follows:

35-536. Each village volunteer or rural fire protection district merged pursuant to sections 35-530 to 35-536 shall be subject to the provisions of sections 35-508 and 35-509, and sections 35-511 and 35-512. Such merged district shall operate under the same ~~mill~~ tax levy limit as a rural fire protection district.

Sec. 260. That section 72-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1005. There is hereby created a fund to be known as the State Building Fund. The State Building Fund is to be used for purchases of land, structural improvements to land, acquisition of buildings, construction of buildings including architectural and engineering costs, replacement of or major repairs to structural improvements to land or buildings, additions to existing structures, and remodeling of buildings. In the case of armories and buildings constructed or remodeled from the proceeds of this fund or from the proceeds of the former State Institutional and Military Department Building Fund initial provision of such

equipment as may be required to render such building or buildings operative for the purpose or purposes intended to be achieved by construction or remodeling of such building or buildings shall also be a purpose of this fund.

~~The State Building Fund shall consist of the proceeds of a tax of three and two tenths of a mill on the dollar upon the assessed value of all the taxable property of the state, except intangible property. Such tax shall be levied in the year 1965 and annually thereafter to the end of the fiscal year, June 30, 1971; Provided, that if at any time a general sales or income tax, or a combination sales and income tax becomes operative in this state during the period this special levy is in effect and the state is prohibited from levying the special tax by operation of law, then the~~ The State Treasurer shall transfer to the State Building Fund an amount equivalent to the amount of money appropriated from the State Building Fund by the Legislature. Such transfer shall be made periodically ~~during the course of the biennium~~ as required to make expenditures from ~~maintain adequate balances in~~ the State Building Fund. ~~Any money in the State Building Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.~~

Sec. 261. That section 85-933, Revised Statutes Supplement, 1978, be amended to read as follows:

85-933. No funds generated or received from a General Fund appropriation, state aid assistance program, or receipts from a ~~mill~~ tax levy authorized by statute shall be expended in support of programs or activities which are in conflict with the role and mission assignments applicable to the University of Nebraska, state colleges, or technical community colleges under this act.".

3. Renumber original sections 260 and 261 as sections 262 and 263.

4. On page 309, line 21, insert "2-2501," after the first comma.

5. On page 310, line 22, insert "72-1005," after the third comma.

6. On page 311, line 8, insert "35-536," after the second comma; and in line 9 strike "and", and after the fourth comma insert "and 85-933,".

7. In the title, line 6, insert "2-2501," after the third comma.

8. In the title, page 2, line 25, insert "72-1005," after the third comma.

9. In the title, page 3, line 15, insert

"35-536," after the first comma; and in line 16 strike "and", and after the fourth comma insert "and 85-933,".

The motion prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 187. The Warner specific amendments referred to above were adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 196. Mr. Warner offered the following amendments for the Appropriations Committee:

1. Insert a new section 2 as follows:

"Sec. 2. All money collected by the Department of Insurance as a fine or penalty shall be paid to the State Treasurer who shall deposit such money in the Permanent School Fund.".

2. Renumber the remaining section accordingly.

The amendments were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 65. E & R amendments found in the Journal on page 878 for the Forty-Fifth Day were adopted.

Mr. Carsten renewed his pending amendment found in the Journal on page 884.

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 112. E & R amendment found in the Journal on page 917 for the Forty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 102. The DeCamp specific amendment found in the Journal on page 926 was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 17A. Advanced to E & R for Engrossment.

MRS. MARSH PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 154. Mr. Koch renewed his pending amendment found in the Journal on page 898.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 57. E & R amendments found in the Journal on page 940 for the Forty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 19. E & R amendments found in the Journal on page 940 for the Forty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 240. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 375. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 377. E & R amendment found in the Journal on page 940 for the Forty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 125. E & R amendments found in the Journal on page 1004 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 42. Mr. Cullan offered the following amendment to LB 42:

(in the adopted committee amendments)
Section 6 line 2 strike five and insert two and ½.

The Cullan amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 967.

Mr. Murphy renewed his pending amendment found in the Journal on page 975.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Dworak offered the following amendment to LB 42:

P 5
Strike in line 6 "87.5" and insert "80"
Strike in line 10 "10" and insert "17.5"

SPEAKER MARVEL PRESIDING

Mr. Dworak moved for a Call of the House. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

The Chair declared the Call raised.

The Dworak amendment lost with 15 ayes, 16 nays, 12 present and not voting, and 6 excused and not voting.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Dworak asked unanimous consent to be excused Monday, March 26, 1979. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendments to LB 396 in the Journal. No objections. So ordered.

1. Insert a new section 1 as follows:
"Section 1. That section 23-1703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
23-1703. Except in counties having a population

of one hundred fifty thousand or more inhabitants, the ~~The~~ sheriff shall have charge and custody of the jail, and the prisoners of the same, and is required to receive those lawfully committed and to keep them himself or herself, or by his or her deputy jailer, until discharged by law.".

2. On page 2, line 22 after "jails" insert "and correctional facilities".

3. On page 3, line 10 after "jail" insert "and correctional facilities" and strike "therein" and insert "~~therein~~ in such jail or correctional facilities."; strike lines 11 and 12 and show as stricken; and in line 25 after "jail" insert "and correctional facilities".

4. On page 4, strike beginning with "The" in line 9 through "Any" in line 14, show as stricken, and insert "Except in counties having more than one hundred fifty thousand and less than three hundred thousand inhabitants, any".

5. Insert a new section 7 as follows:

"Sec. 7. The county board of corrections, may, pursuant to the Interlocal Cooperation Act, contract with any governmental unit for the purposes of implementing and complying with this act.".

6. On page 5, line 3 after "sections" insert "23-1703,"; and in line 5 after the second comma insert "and also sections 23-2807 and 23-2808, Reissue Revised Statutes of Nebraska, 1943,".

7. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 569. Placed on General File as amended.
Standing Committee amendments to LB 569:

1. Insert a new section as follows:

"Section 1. That section 32-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-511. The names of persons in the political party (1) who shall be presented by petition of their supporters to be party candidates for President of the United States or (2) who shall have been determined by the Secretary of State, in his or her sole discretion, to be generally advocated or recognized as candidates in national news media throughout the United States shall be printed on the nominating ballot. If a person does not want his or her name on the Nebraska primary ballot, he or she must execute and file an affidavit with the Secretary of State stating without qualification that he or she is not now and does not intend to become a

candidate for office of President of the United States at the forthcoming presidential election in Nebraska or any other state; Provided, if a presidential candidate files such affidavit removing his or her name, and subsequently becomes a presidential candidate in any other state by any means whatever, he or she shall be considered to have purged his or her affidavit in Nebraska and such affidavit shall have no force and effect. The Secretary of State shall then again place such candidate's name on the primary ballot in accordance with the provisions of law. The Secretary of State, pursuant to party rules, shall place a new line on the ballot entitled None of the Above. The ballots shall be marked, the votes shall be counted, canvassed, and returned, and the sufficiency of the petitions shall be determined by the laws governing party nominations for the office of Governor as far as the same are applicable.".

2. On page 2, line 5, strike "2" and insert "3".

3. On page 3, line 6, strike "March" and insert "January"; in line 8 strike "section" and insert "sections 32-511 and"; in line 9 strike "is" and insert "are".

4. Renumber original sections 1, 2, and 3 as sections 2, 3, and 4 respectively.

(Signed) Dave Newell, Chairman

VISITORS

Visitors to the Chamber were Mr. and Mrs. Bill Muff and Mrs. George Serlett from Omaha; Don Steen from Morrell; Mark Morrison from Scottsbluff; and 9 senior high students and teacher from Benson High School in Omaha.

RECESS

At 12:03 p.m., on a motion by Mr. Wesely, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, Merz, and Vickers who were excused; Messrs. Beutler, Hoagland, Kelly, Lamb, Lewis, Wagner, Warner, and Mrs. Labedz

who were excused until they arrive; and the Revenue Committee who was excused at 2:00 p.m.

GENERAL FILE

LEGISLATIVE BILL 237. Title read. Considered.

Standing Committee amendments found in the Journal on page 643 for the Thirty-Sixth Day were adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Murphy offered the following amendment:
Renumber section 6 to 7.
Renumber section 7 to 6.

The amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 241. Title read. Considered.

Standing Committee amendment found in the Journal on page 643 for the Thirty-Sixth Day was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 373. Title read. Considered.

Standing Committee amendment found in the Journal on page 643 for the Thirty-Sixth Day was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 249. Title read. Considered.

Standing Committee amendments found in the Journal on page 653 for the Thirty-Sixth 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.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 315. Title read. Considered.

Standing Committee amendments found in the Journal on page 657 for the Thirty-Seventh Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

MRS. MARSH PRESIDING

LEGISLATIVE BILL 536. Title read. Considered.

Standing Committee amendment found in the Journal on page 683 for the Thirty-Eighth Day 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, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 267. Title read. Considered.

Standing Committee amendment found in the Journal on page 687 for the Thirty-Eighth Day was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Newell moved for a Call of the House. The motion lost with 5 ayes, 11 nays, and 33 not voting.

Failed to advance to E & R for Review with 12 ayes, 16 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 273. Title read. Considered.

Standing Committee amendments found in the Journal on page 687 for the Thirty-Eighth Day were adopted with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

Mr. Murphy offered the following amendment:
To change words "person" back to "veteran" in the entire committee amendment

Amendment pending.

Laid over.

MOTION - Reconsider Action on LB 42

Mr. Dworak moved to reconsider action on the Dworak amendment to LB 42.

Motion pending.

CORRECTED STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 329. Placed on General File as amended.
Standing Committee amendments to LB 329:

1. On page 3, line 1 after "districts" insert "of compact and contiguous territory"; and in line 4 after "of" insert "existing precincts and".

2. On page 9, in line 10 strike "city clerk", show as stricken, and insert "county clerk or election commissioner"; in line 15 insert an underscored period after "electors"; strike beginning with the semicolon in line 15 through the period in line 17, and show as stricken; in lines 17 and 24 strike "clerk", show as stricken and insert "county clerk or election commissioner"; and in lines 19 and 22 strike "clerk's", show as stricken and insert "county clerk's or election commissioner's".

3. On page 10, line 2 strike "clerk", show as stricken, and insert "county clerk or election commissioner"; and in line 7 strike "clerk's", show as stricken, and insert "county clerk's or election commissioner's".

(Signed) Orval Keyes, Chairman

GENERAL FILE

LEGISLATIVE BILL 414. Title read. Considered.

Standing Committee amendments found in the Journal on page 688 for the Thirty-Eighth Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 52. Title read. Considered.

Standing Committee amendments found in the Journal on page 715 for the Thirty-Ninth Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 180. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 718 for the Thirty-Ninth Day (Req. #2640) were 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, 0 nays, 13 present and not voting, and 11 excused and not voting.

MRS. MARSH PRESIDING

LEGISLATIVE BILL 220. Title read. Considered.

Standing Committee amendments found in the Journal on page 719 for the Thirty-Ninth Day were considered.

Mr. Murphy offered the following amendment to the Standing Committee amendments:

Amend committee amendment in Section 2 line 26, strike 80,000 insert 60,000.

The amendment was adopted with 21 ayes, 0 nays, 17 present and not voting, and 11 excused and not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Standing Committee amendments were adopted as amended with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

Mr. Kelly moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 301. Title read. Considered.

Standing Committee amendments found in the Journal on page 721 for the Thirty-Ninth Day were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 334. Title read. Considered.

Standing Committee amendments found in the Journal on page 721 for the Thirty-Ninth Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 478. Title read. Considered.

Standing Committee amendments found in the Journal on page 726 for the Thirty-Ninth Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

MESSAGES FROM THE GOVERNOR

March 21, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 119 and 404.
These bills were signed by me on March 20, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

March 21, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 105.
This bill was signed by me on March 21, 1979 and delivered to the Secretary of State.

Sincerely
(Signed) CHARLES THONE
Governor

CT:mh

ADJOURNMENT

At 4:15 p.m., on a motion by Mr. Cope, the Legislature adjourned until 9:00 a.m., Thursday, March 22, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 22, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 22, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Marsh presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God, our heavenly Father, give to us, Your servants, we pray, a true appreciation of our heritage, of great men and women and great deeds in the past; but never let us be intimidated by feelings of our own inadequacy for this the time of our responsibility. Remind us often that the God they worshipped and by whose help they laid a strong foundation for our Nation is still our God today; is still with us when we call upon Him; is still able to help us maintain what they handed down to us and to give it new meaning. Remind us that we are not being called to fill the places of those who have gone on before, but to fill our own places; to do the work You have given us to do; to do the right as You have given us to see the right; always to do the very best we can; and to leave the rest to You. Hear us, and bless us. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman and Vickers who were excused; and Mrs. Labedz, Messrs. Fowler, Hoagland, Kelly, Koch, Newell, Nichol, and Wesely who were excused until they arrive.

SPEAKER MARVEL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 196. Replaced on Select File as amended.
E & R amendment to LB 196:

1. In the title, line 4, insert "to provide the disposition of fines and penalties;" after the second semicolon.

LEGISLATIVE BILL 154. Replaced on Select File as amended.
E & R amendments to LB 154:

1. Before line 1 of the new section added by the Koch amendment, insert:

"Section 1. That section 8-319, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:"; strike the catch line; in subsection (4), line 10, insert "and Finance" after "Banking"; and strike the source note.

2. Renumber original sections 1 and 2 as sections 2 and 3.

3. On page 2, line 15, after "section" insert "8-319, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 16, strike "is" and insert "are".

4. In the title, line 2, after "section" insert "8-319, Reissue Revised Statutes of Nebraska, 1943, and section"; in line 4, insert "to provide an alternate form of security;" after the semicolom; and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 74. Placed on Select File as amended.
E & R amendment to LB 74:

1. Insert the committee amendment after "proof" on page 2, line 5.

LEGISLATIVE BILL 321. Placed on Select File as amended.
E & R amendments to LB 321:

1. Renumber original sections 3 to 9 as sections 2 to 8.

2. For correlation purposes, on page 17, line 2, insert ", as amended by section 58, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979" after "1943"; in line 21, insert "Clerk of the" after "the"; and on page 18, insert "Each member of the Legislature shall receive a copy of the re-

port required by this section by making a request for it to the director." after the period.

3. On page 18, line 10, strike "81-1528, and 81-1533" and insert "and 81-1528"; and in line 11 insert ", and section 81-1533, Reissue Revised Statutes of Nebraska, 1943, as amended by section 58, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979" after "1943".

4. In the title, line 3, strike "81-1528, and 81-1533" and insert "and 81-1528"; in line 4 after "1943" insert ", and section 81-1533, Reissue Revised Statutes of Nebraska, 1943, as amended by section 58, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979"; and strike beginning with the second "to" in line 7 through the semicolon in line 9.

LEGISLATIVE BILL 183. Placed on Select File.
LEGISLATIVE BILL 544. Placed on Select File.

LEGISLATIVE BILL 174. Placed on Select File as amended.
E & R amendments to LB 174:

1. On page 4, line 24, insert an underscored comma after "may".

2. In the title, line 9, insert "and" after the semicolon; and strike line 10 and insert "sections, and also section 71-1113, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 506. Placed on Select File as amended.
E & R amendments to LB 506:

1. On page 3, line 11, insert an underscored comma after "borrower".

2. In the title, line 3, strike "to" and insert ", 71-5631,"; and at the end of line 12 insert "71-5632,".

LEGISLATIVE BILL 506A. Placed on Select File.
LEGISLATIVE BILL 208. Placed on Select File.

LEGISLATIVE BILL 294. Placed on Select File as amended.
E & R amendments to LB 294:

1. On page 2, line 22, strike the comma.

2. In the title, line 2, strike "77-349" and insert "77-348, 77-349,"; in line 4 insert "to provide for joint meetings with the State Board of Equalization and Assessment;" after the semicolon; in line 5 strike "board" and insert "committee"; and strike beginning with the comma in line 7 through "1943" in line 9.

LEGISLATIVE BILL 234. Placed on Select File as amended.
E & R amendments to LB 234:

1. On page 17, line 2, insert "that" after "appears".

2. On page 18, line 2, insert an underscored comma after "act".

(Signed) Don Wesely, Chairman

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 21, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Karnes, Donna - Lincoln, The Security Mutual Life Insurance Company of Lincoln, Nebraska
O'Hara, Paul V. - Lincoln, Mutual of Omaha Insurance Company
Whelan, Gerald T. - Lincoln, Gasohol of Nebraska, Inc.
Wilson, Stan - Lincoln, Nebraska New Car and Truck Dealers Association

RESOLUTION

LEGISLATIVE RESOLUTION 34.

Introduced by Warner, 25th District.

WHEREAS, Norris High School successfully captured the Class "B" basketball championship on Saturday, March 17, 1979; and

WHEREAS, this is the school's first basketball championship in the fifteen-year history of the school; and

WHEREAS, Norris is the only undefeated team in Class B in the state; and

WHEREAS, Coach Jerry Schmutte, Assistant Coaches Dennis Pool, C. H. Hagstrom and Gary Pence; Student Managers Greig Glover, Mitch Ferrill, Mike Mitchell and team members Branch DeVries, Tim Elzey, Rodney Kramer, Mark Schaepe, Ross Vandergriend, Todd Wicken, Lennie Hoover, Kenten Oltman, Craig Prange, Russel Robertson, Steve Elzey, and Mark Maciejewski displayed outstanding sportsmanship and precision play.

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

1. That congratulations be extended to Coach Jerry Schmutte, the team, and all fans for their victorious season; and

2. That a copy of this resolution be sent to Mr. Rex Pigg, Principal, the coaches, the student managers and each of the players on the team.

Laid over.

SELECT COMMITTEE REPORT
Committee on Committees

March 22, 1979

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

John B. Barrette - Board of Parole
John Knight - Director, Department of Welfare
William E. Mountford - Nebraska Political Accountability and Disclosure Commission
Edward Narjes - Environmental Control Council
Vance D. Rogers - Nebraska Educational Television Commission
Gayle Stock - Nebraska Educational Television Commission
Monroe Usher, Jr. - State Personnel Board
George Van Pelt - Game and Parks Commission

VOTE: For: Marsh, Simon, Burrows, Cope, Cullan, Hasebroock, Labedz, Reutzel, Wesely. (9) Against: None. Not Voting: None. Absent: None. Excused: Lewis, Newell, Nichol, Schmit. (4)

(Signed) Shirley Marsh, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 36.

A BILL FOR AN ACT to amend section 6-102, Uniform Commercial Code, relating to bulk transfers; to provide additional enterprises subject to the bulk transfers article; and to repeal the original section.

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

Voting in the affirmative, 29:

Burrows	George	Keyes	Marvel	Sieck
Carsten	Goodrich	Kremer	Merz	Simon
Cope	Hasebroock	Lamb	Murphy	Stoney
Cullan	Hefner	Lewis	Pirsch	Venditte
DeCamp	Kahle	Maresh	Reutzel	Wagner
Fitzgerald	Kennedy	Marsh	Rumery	

Voting in the negative, 8:

Beutler	Clark	Dworak	Landis
Brennan	Duis	Johnson	Warner

Present and not voting, 2:

Chambers Schmit

Excused and not voting, 10:

Fowler	Hoagland	Koch	Newell	Vickers
Haberman	Kelly	Labedz	Nichol	Wesely

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

LEGISLATIVE BILL 269.

A BILL FOR AN ACT to amend section 8-153, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to specify markings on checks; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 33:

Brennan	Hasebroock	Lamb	Murphy	Simon
Carsten	Hefner	Landis	Newell	Stoney
Cullan	Hoagland	Lewis	Pirsch	Venditte
DeCamp	Johnson	Maresh	Reutzel	Wagner
Dworak	Kahle	Marsh	Rumery	Warner
Fitzgerald	Kennedy	Marvel	Schmit	
George	Kremer	Merz	Sieck	

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Chambers	Cope	Goodrich
Burrows	Clark	Duis	Keyes

Excused and not voting, 8:

Fowler	Kelly	Labedz	Vickers
Haberman	Koch	Nichol	Wesely

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

LEGISLATIVE BILL 307.

A BILL FOR AN ACT to amend section 21-17,120.01, Revised Statutes Supplement, 1978, relating to credit unions; to change a date; and to repeal the original section.

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

Voting in the affirmative, 40:

Brennan	Fitzgerald	Kahle	Maresh	Rumery
Burrows	Fowler	Kelly	Marsh	Schmit
Carsten	George	Kennedy	Marvel	Sieck
Clark	Goodrich	Keyes	Merz	Simon
Cope	Hasebroock	Kremer	Murphy	Stoney
Cullan	Hefner	Lamb	Newell	Venditte
DeCamp	Hoagland	Landis	Pirsch	Wagner
Dworak	Johnson	Lewis	Reutzel	Warner

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Duis

Excused and not voting, 6:

Haberman	Labedz	Vickers
Koch	Nichol	Wesely

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

LEGISLATIVE BILL 441. With Emergency.

A BILL FOR AN ACT to amend section 23-343.120, Reissue Revised Statutes of Nebraska, 1943, relating to hospital authorities; to provide an additional power to engage in hospital financing as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 40:

Brennan	Dworak	Johnson	Maresh	Rumery
Burrows	Fitzgerald	Kahle	Marsh	Schmit
Carsten	Fowler	Kelly	Marvel	Sieck
Chambers	George	Keyes	Merz	Simon
Clark	Goodrich	Kremer	Murphy	Stoney
Cope	Hasebroock	Lamb	Newell	Venditte
Cullan	Hefner	Landis	Pirsch	Wagner
DeCamp	Hoagland	Lewis	Reutzel	Warner

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Duis	Kennedy

Excused and not voting, 6:

Haberman	Labedz	Vickers
Koch	Nichol	Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 6b, to read LB 577 on Final Reading today.

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 577. With Emergency.

A BILL FOR AN ACT to amend Laws 1978, LB 953, sections 16 and 46, and Laws 1978, LB 965, section 2, with appropriations reduced by line-item veto; to increase an appropriation; to transfer and appropriate funds; to remove a limitation; 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:

Beutler	Duis	Johnson	Lewis	Rumery
Brennan	Dworak	Kahle	Maresh	Schmit
Burrows	Fitzgerald	Kelly	Marsh	Sieck
Carsten	Fowler	Kennedy	Marvel	Simon
Chambers	George	Keyes	Merz	Stoney
Clark	Goodrich	Koch	Murphy	Venditte
Cope	Hasebroock	Kremer	Newell	Wagner
Cullan	Hefner	Lamb	Pirsch	Warner
DeCamp	Hoagland	Landis	Reutzel	

Voting in the negative, 0.

Excused and not voting, 5:

Haberman	Labedz	Nichol	Vickers	Wesely

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 94. Considered.

Mr. Wesely renewed his pending amendment found in the Journal on page 1033.

The amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Chambers renewed his pending amendment (1) referred to in the Journal on page 1024 - (Req. #2757).

Mrs. Marsh offered the following amendment to the Chambers amendment:

In Sec. 26 Pg. 1 line 24 of the Chambers amendment after sale insert "or rent" and Sec. 40 Pg 4 line 23 after "sale" insert "or rent"

The amendment was adopted with 17 ayes, 0 nays, 28 present and not voting, and 4 excused and not voting.

Mr. Chambers moved the adoption of Sec. 23 through Sec. 39 of his amendment as amended.

Mr. Chambers moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Beutler	Dworak	Kelly	Marvel	Wesely
Brennan	Fitzgerald	Koch	Merz	
Burrows	Fowler	Landis	Newell	
Chambers	Hoagland	Lewis	Pirsch	
DeCamp	Johnson	Marsh	Simon	

Voting in the negative, 20:

Carsten	Duis	Kahle	Maresh	Schmit
Clark	Goodrich	Kennedy	Murphy	Sieck
Cope	Hasebroock	Kremer	Reutzel	Wagner
Cullan	Hefner	Lamb	Rumery	Warner

Present and not voting, 4:

George	Keyes	Stoney	Venditte

Excused and not voting, 4:

Haberman	Labedz	Nichol	Vickers

The amendment lost with 21 ayes, 20 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Burrows asked unanimous consent to be excused at 10:30 a.m. until he returns. No objections. So ordered.

The Chair declared the Call raised.

Mr. Fowler moved to return LB 94 and all pending amendments to the Public Health and Welfare Committee.

MR. LEWIS PRESIDING

Mr. Fowler moved for a Call of the House. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

The Chair declared the Call raised.

The Fowler motion prevailed with 25 ayes, 17 nays, 2 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

MOTION - Return LB 65 to Select File

Mr. Carsten moved to return LB 65 to Select File for the following specific amendment:

1. Insert a new section to read:

"Sec. 30. That section 79-1240.05, Revised Statutes Supplement, 1978, as amended by section 8, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

77-1240.05. (1) Except as provided by section 77-1240.06, one half of the taxes due under section 77-1240 for cabin trailers and mobile homes as defined in sections 60-1601 and 60-1601.01 shall become delinquent on May 1 and shall be paid prior to the registration of the cabin trailer or mobile home for the following registration period unless an application by a qualified claimant for the homestead exemption under subdivision (4) of section 77-202.12, is on file with the assessor of the county in which the mobile home or cabin trailer is located.

(2) The second half or remaining unpaid portion of such taxes shall become delinquent on October 1.

(3) If the second half or remaining unpaid portion of such taxes are not paid by October 1, the delinquent taxes shall be collected in accordance with the provisions of section 77-1241.

(4) Any person who pays mobile home taxes prior to the approval of a homestead exemption may file a claim for refund in writing with the county treasurer where the taxes were paid no later than ninety days after the approval of the homestead exemption. The county treasurer may refund any mobile home tax or portion thereof which was paid prior to the determination of the homestead exemption allowance upon verification by the county assessor.".

2. Renumber present sections 30 to 32 as sections 31 to 33.

3. In E & R amendment 7, line 6, strike "section 77-202.12" and insert "sections 77-202.12 and 77-1240.05"; and in committee amendments, page 4, line 22, strike "section 4" and insert "sections 4 and 8".

4. In E & R amendment 8, line 8, strike "section 77-202.12" and insert "sections 77-202.12 and 77-1240.05"; and in line 9 strike "section 4" and insert "sections 4 and 8".

The motion prevailed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 65. The Carsten specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 581. Placed on General File as amended.
Standing Committee amendments to LB 581:

1. On page 29, line 16, after "if" insert "substantially all"; and in line 18, strike "substantially" and show as stricken.

(Signed) Richard Maresh, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 179. Placed on General File as amended.
Standing Committee amendments to LB 179:

1. On page 2 line 12, strike "shall" and insert "may".

2. Insert a new section 2 as follows:

"Sec. 2. (1) Whenever any money or other property is received by the clerk of the district court, he or she shall carefully manage it and may, when the money cannot immediately be paid out to its rightful owner, deposit the money in interest-bearing accounts in insured banking or savings institutions. Any interest accrued from such deposit shall be paid over to the county treasurer to be credited to the county general fund, except that when the funds so deposited belonged to a deceased person whose personal representative has not yet been appointed by a court of competent jurisdiction, then the interest accruing on such money shall be paid to the estate of such person after the appointment of a personal representative and upon order of the court.

(2) Any property other than money which is received by the clerk of the district court shall be held by him or her in safekeeping until claimed by the rightful owner or, it there is a dispute as to the ownership of such property, until ordered by a court of competent jurisdiction to give possession of the property to some person.

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 381. Placed on General File.

(Signed) Orval Keyes, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 216. Placed on General File as amended.
Standing Committee amendments to LB 216:

1. On page 2, line 21 after "section" insert ", except for the payment of cost provision,"; and in line 26 after "enacted" insert ", except that the Department of Banking and Finance shall not be subject to the disclosure and reasonable notice provisions of this section when making reasonable inquiries of any person, corporation, or association for the purpose of enforcing any of the laws over which the department has jurisdiction".

2. On page 3, line 3 after "shall" insert "after receiving the written permission of the person, corporation, or association about whom information is being sought,".

LEGISLATIVE BILL 332. Placed on General File as amended.
Standing Committee amendment to LB 332:

1. On page 2, line 4 strike "one or more kinds" and insert "more than one kind"; and in line

21 after "or" insert ", without the approval of the department,".

LEGISLATIVE BILL 354. Placed on General File as amended.
Standing Committee amendments to LB 354:

1. On page 4, lines 22 and 24 strike "effective" and insert "operative".
2. On page 7, line 16 strike "effective" and insert "operative".
3. On page 8, lines 4, 11, and 22 strike "effective" and insert "operative".
4. On page 9, line 11 strike "effective" and insert "operative"; and strike lines 18 to 27 and show as stricken.
5. On page 10, strike lines 1 and 2 and show as stricken.
6. On page 15, lines 24 and 26 strike "effective" and insert "operative".
7. On page 17, lines 13 and 16 strike "effective" and insert "operative".
8. On page 19, line 3 strike "effective" and insert "operative".
9. On page 22, line 22 after "contract" insert "year".
10. On page 27, lines 8 and 11 strike "effective" and insert "operative".

(Signed) John W. DeCamp, Chairman

ANNOUNCEMENT

Mr. Cullan announced that the Public Health and Welfare Committee will hold an executive session on Monday, March 26, 1979 immediately following adjournment in Room 1019.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 52 in the Journal. No objections. So ordered.

1. Insert the following new section:
"Sec. 28. Any professional association or organization which offers or is affiliated with a legal expense insurance plan shall not require membership in such association or organization in order to be eligible to practice such profession.".
2. Renumber remaining sections accordingly.

MESSAGE FROM THE GOVERNOR

March 22, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 316.
This bill was signed by me on March 22, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT FILE

LEGISLATIVE BILL 201. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 204. E & R amendment found in the Journal on page 1004 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 23. E & R amendments found in the Journal on page 1004 for the Fiftieth Day were adopted.

Mr. Merz withdrew his pending amendment found in the Journal on page 963.

Mr. DeCamp renewed his pending amendments found in the Journal on page 1013.

The amendments were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. DeCamp offered the following amendment:
1. On page 33, line 3, strike "and other", show as stricken, and after "husbandry" insert "licensed as provided for in section 60-333, or vehicles".

Mr. DeCamp withdrew his amendment.

Messrs. Clark, Duis, and Kennedy asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch offered the following amendment:

1. On page 33, line 3, strike "and other", show as stricken and after "husbandry" insert "licensed as provided for in section 60-333, or vehicles".

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Koch amendment lost with 14 ayes, 16 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 87. E & R amendments found in the Journal on page 1014 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 26. E & R amendments found in the Journal on page 1014 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 59. E & R amendment found in the Journal on page 1027 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 425. E & R amendment found in the Journal on page 1027 for the Fifty-First Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 476. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 477. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 475. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 545. E & R amendment found in the Journal on page 1027 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 428. E & R amendments found in the Journal on page 1027 for the Fifty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 176. E & R amendment found in the Journal on page 1028 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 495. E & R amendment found in the Journal on page 1028 for the Fifty-First Day was adopted.

Mr. Fowler moved to indefinitely postpone.

Motion pending.

LEGISLATIVE RESOLUTION 5. E & R amendment found in the Journal on page 1028 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 255. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 537. E & R amendment found in the Journal on page 1028 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 548. E & R amendment found in the Journal on page 1028 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 564. E & R amendment found in the Journal on page 1029 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 200. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 292. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 551. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 288. E & R amendment found in the Journal on page 1029 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 567. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 137. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 58. E & R amendment found in the Journal on page 1029 for the Fifty-First Day was adopted.

Mr. Koch renewed his pending amendment found in the Journal on page 996.

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 213. E & R amendments found in the Journal on page 1029 for the Fifty-First Day were adopted.

Mr. Murphy offered the following amendment:
Amend LB 213 Page 2, line 3 after "notify" insert "in writing, by First Class Mail"

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 509. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 265. E & R amendment found in the Journal on page 1029 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 302. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 302A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 205. E & R amendment found in the Journal on page 1029 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 538. Title read. Considered.

Standing Committee amendments found in the Journal on page 691 for the Thirty-Eighth Day were 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.

LEGISLATIVE BILL 268. Title read. Considered.

Standing Committee amendments found in the Journal on page 731 for the Thirty-Ninth Day were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Maresh offered the following amendment:
Amend LB 268 to add the emergency clause.

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 342. Title read. Considered.

Standing Committee amendments found in the Journal on page 731 for the Thirty-Ninth Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. George moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 26 ayes, 3 nays, 12 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Mr. Kremer asked unanimous consent to be excused Monday, Tuesday and Wednesday of next week. No objections. So ordered.

Mr. Koch asked unanimous consent to be excused Monday, March 26, 1979. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 17A, 19, 112, 240, and 375.

Correctly Enrolled

The following bills were correctly enrolled: 36, 269, 307, 441, and 577.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 36, 269, 307, 441, and 577.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 390. Placed on General File as amended.
Standing Committee amendments to LB 390:

1. Strike original sections 1 and 2 and insert:

"Section 1. That section 45-101.03, Revised Statutes Supplement, 1978, be amended to read as follows:

45-101.03. Except as provided in section 45-101.04, any rate of interest which may be agreed upon, not exceeding ~~eleven~~ twelve and one half per cent per annum on the unpaid principal balance, shall be valid upon any loan or forbearance of money, goods, or things in action and may be taken yearly, for any shorter period, or in advance, if so expressly agreed. Any interest may, when accrued, be added to the unpaid principal balance of such loan to the extent specifically provided in any prior or subsequent agreement.

Sec. 2. That section 45-101.04, Revised Statutes Supplement, 1978, be amended to read as follows:

45-101.04. The limitation on the rate of interest provided in section 45-101.03 shall not apply to:

(1) Loans made by any licensee or permittee operating under a license or permit duly issued by the Department of Banking and Finance pursuant to subsection (4) of section 8-319, sections ~~8-319,~~ 8-401 to 8-417, 8-815 to 8-823, 8-825 to 8-829, 21-1760 to 21-1764, 21-1766 to 21-1796, 21-1799 to 21-17,108, 21-17,110 to

21-17,119, 45-114, 45-116 to 45-140, or 45-142 to 45-155;

(2) Loans made to any corporation, partnership, or trust;

(3) The guarantor or surety of any loan to a corporation, partnership, or trust;

(4) Loans made when the principal amount of the indebtedness is one hundred thousand dollars or more;

(5) Loans insured, guaranteed, sponsored, or participated in, either in whole or part, by any agency, department, or program of the United States or state government; or

(6) Loans or advances of money, repayable on demand, which are made solely upon securities, as defined in subdivision (12) of section 8-1101, pledged as collateral for such repayment and in which such loans or advances are used by the borrower only for the purchase of securities as so defined. It shall be lawful to contract for and receive any rate of interest on such transaction as the parties thereto may expressly agree.

Sec. 3. That original sections 45-101.03 and 45-101.04, Revised Statutes Supplement, 1978, are repealed.".

2. In the title, line 2 strike "section" and insert "sections", and after "45-101.03" insert "and 45-101.04"; in line 5 after the semicolon insert "to correct a reference;"; and in line 6 strike "section" and insert "sections".

(Signed) John W. DeCamp, Chairman

Judiciary

LEGISLATIVE BILL 498. Placed on General File.

(Signed) William E. Nichol, Chairman

LEGISLATIVE BILL 149. Placed on General File as amened.
Standing Committee amendments to LB 149:

1. Insert 2 new sections as follows:

"Section 1. That section 60-430.01, Revised Statutes Supplement, 1978, be amended to read as follows:

60-430.01. Any person who shall be convicted of operating a motor vehicle during any period that his or her motor vehicle operator's license has been suspended or revoked pursuant to any law of this state, or after such suspension or revocation but before reinstatement of his or her license or issuance of a new license shall: (1) For a first such offense, be guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate

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 any fine imposed, whichever is later; and (2) for each subsequent such offense, be guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years from the date of ~~his~~ final discharge from the county jail, or the date of payment or satisfaction of any fine imposed, whichever is later.

Sec. 3. That section 60-2021, Revised Statutes Supplement, 1978, be amended to read as follows:

60-2021. (1) Any person who shall violate any provision of sections 60-2001 to 60-2023 or any rule or regulation promulgated pursuant to sections 60-2001 to 60-2023 shall be guilty of a Class III misdemeanor and if such person is convicted of a second or subsequent offense within any period of one year he or she shall be guilty of a Class II misdemeanor. ~~and be punished by a fine of not less than twenty five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days.~~

(2) Any violation of sections 60-2001 to 60-2023 which is also a violation under Chapter 39 or 60 may be punished under the penalty provisions thereof.

(3) Any peace officer of the state or any political subdivision thereof, including conservation officers of the Game and Parks Commission, are charged with the enforcement of the provisions of sections 60-2001 to 60-2023 and the rules and regulations promulgated thereunder.''.

2. On page 3, line 5 after ''original'' insert ''sections 60-430.01 and 60-2021, Revised Statutes Supplement, 1978, and''.

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 235. Placed on General File as amended.
Standing Committee amendments to LB 235:

1. Strike original section 1, and insert the following:

''Section 1. When any conveyance, in any manner purporting to subdivide real estate, has been or is hereafter recorded in the office of register of deeds of the county wherein such real estate is situated, and the conveyance, or the recording thereof, has failed to comply with any requirement relating to subdivision approval, any party claiming an interest in such conveyance may file an affidavit with the register of deeds asserting that written notice of the defect in

approval has been received by the governmental authority having subdivision approval jurisdiction over such real estate. Such governmental authority shall have one hundred and twenty days from the receipt of such notice to record an objection in the office of register of deeds in the county wherein the real estate is situated, or such conveyance shall be fully valid. The objection shall be in the form of a resolution adopted after public hearing. The governmental authority may waive all or any part of such one hundred and twenty-day period. Not withstanding the validity of such conveyance, the subdivider shall not thus be relieved of any penalty imposed by such governmental authority for the failure to comply with any requirement relating to subdivision approval. Any conveyance of real estate for the public use shall be valid only upon express approval of such governmental authority. This section shall not excuse compliance with all applicable zoning or subdivision ordinances of the governmental authority having subdivision approval jurisdiction over such real estate.".

LEGISLATIVE BILL 398. Placed on General File as amended.
Standing Committee amendments to LB 398:

1. On page 2, line 6 strike "forty-three thousand", show as stricken, and insert "forty-five thousand five hundred"; strike beginning with "On" in line 7 through the underscored period in line 11; in line 27 after "court" insert "shall be paid a salary of forty-two thousand dollars per annum".

2. On page 3, lines 1 and 2 strike "thirty-nine thousand five hundred", show as stricken, and insert "forty-one thousand"; and strike beginning with "For" in line 15 through the underscored period in line 25.

3. On page 4, strike lines 3 through 10, show as stricken, and insert the following: "Judges of the district courts shall be considered to be of the same class and judges of the separate juvenile court shall be considered to be of the same class; and when one member of the appropriate class is entitled to a raise in salary all members of such class shall be entitled to such raise in salary."; in line 15 strike "twenty-eight", show as stricken and insert "thirty-seven"; in line 16 strike "five hundred" and show as stricken; strike the new matter in lines 16 through 21; in line 24 strike "thirty-four thousand four", show as stricken, and insert "thirty-eight thousand five"; and in line 25 strike "fifty" and show as stricken; strike beginning with the first underscored comma in line 25 through "thousand" in line 27.

4. On page 6, line 24 strike "thirty-five", show as stricken, and insert "thirty-eight"; and in line 25 strike "seven hundred" and show as stricken.

5. Strike beginning with "On" on page 6, line 26, through the underscored period on page 7, line 3.

6. On page 7, line 19 strike "thirty-seven thousand fifty", show as stricken, and insert "thirty-nine thousand"; and strike beginning with "On" in line 21 through the underscored period in line 24.

7. On page 8, in line 22 after "1983," insert "or on the first Thursday after the first Tuesday in January, 1983, whichever is applicable,"; in line 22 after "each" insert "odd-numbered"; in line 23 after "to" insert "the sum of"; in line 25 after "the" insert "two" and strike "year" and insert "years".

8. Insert two new sections as follows:

"Sec. 7. Sections 1 to 4 and 9 of this act shall become operative on the first Thursday after the first Tuesday in January, 1981. Sections 5 to 8 of this act shall become operative on January 1, 1981.

Sec. 8. That original section 48-159, Revised Statutes Supplement, 1978, is repealed.".

9. On page 8, line 27 after "24-513," insert "and" and strike "and 48-159,".

10. Renumber original section 7 as section 9.

(Signed) Larry Stoney, Vice-Chairman

LEGISLATIVE BILL 131. Indefinitely postponed.
LEGISLATIVE BILL 521. Indefinitely postponed.

(Signed) William E. Nichol, Chairman

VISITORS

Visitors to the Chamber were 31 senior high students and teacher from Red Cloud; Mr. and Mrs. Glen Ritchie, Mr. and Mrs. Wayne Loy from Berwyn; 75 fourth grade students and teacher from Papillion School, Papillion; 35 fourth grade students and teacher from Golden Hill School, Papillion; Jim Beam and Betsy Freeland from Omaha.

ADJOURNMENT

At 12:40 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:30 a.m., Monday, March 26, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 26, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 26, 1979

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Gracious God, we have entered this legislative chamber, not only with a public agenda, but with our own private agendas. We who face the problems of this State also face our own problems. Moments of sadness are no stranger to us. Today some of our loved ones are facing illness and perplexity. And we who have shared moments of victory also know what it is to share moments of defeat. Merciful God, speak to each of us that renewing and transforming word, which is not merely the echo of our voices, but the Word which comes from Thee. Help each of us to meet this day in Thy strength. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Koch, and Kremer who were excused; and Messrs. Burrows, DeCamp, Hoagland, Kennedy, and Merz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 65. Replaced on Select File as amended.
E & R amendment to LB 65:

1. On page 1, of the Carsten amendments adopted 3/22, line 3, strike "79-1240.05" and insert "77-1240.05".

LEGISLATIVE BILL 87. Replaced on Select File as amended.
E & R amendments to LB 87:

1. On page 6, line 25, strike the period and show stricken.

2. On page 3, line 4, and page 14, line 10, as amended, strike "20" and insert "21".

LEGISLATIVE BILL 58. Replaced on Select File as amended.
E & R amendments to LB 58:

1. In the Koch amendments, line 5, insert "Nebraska" after the first "the".

2. In the title, line 5, insert "to provide for costs as prescribed; to require reports;" after the semicolon.

LEGISLATIVE BILL 164. Placed on Select File as amended.
E & R amendments to LB 164:

1. On page 4, line 22, strike "However, nonalcoholic" and insert "Nonalcoholic".

2. In the Dworak amendments to page 13, line 24, and page 14, line 3, strike "14 and" and insert "12 to".

3. Renumber original section 17 as section 16 and original section 16 as section 17.

4. Strike the Dworak amendment to page 14, line 18.

5. On page 14, line 21, strike "9-136, 9-139,".

6. In the title, line 2, strike "9-136, 9-139," and insert "9-126,"; in line 4 insert "9-158," after the third comma; insert "and custodial" at the end of line 9; in line 13 strike "and"; and in line 14 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 237. Placed on Select File as amended.
E & R amendment to LB 237:

1. On page 6, line 18, strike "serviced" and insert "served"

LEGISLATIVE BILL 241. Placed on Select File.
LEGISLATIVE BILL 373. Placed on Select File.
LEGISLATIVE BILL 249. Placed on Select File.

LEGISLATIVE BILL 315. Placed on Select File as amended.
E & R amendments to LB 315:

1. In committee amendments, page 1, lines 1 and 2, strike "~~or~~ ," and insert ", ~~or~~".

2. In the title, line 5, insert ", and section 47-401, Revised Statutes Supplement, 1978" after "1943".

LEGISLATIVE BILL 536. Placed on Select File as amended.
E & R amendments to LB 536:

1. For correlation purposes, on page 5, line 10, insert ", as amended by section 9, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979" after "1978"; and on page 7, line 4, insert "the Clerk of" after the first "and"; and after line 7 insert:

"Each member of the Legislature shall receive a copy of the report required by subdivision (13) of this section by making a request for it to the administrator.".

2. On page 11, line 11, strike the comma and insert "and"; in line 12 strike "and 29-2252," and after "1978" insert ", and section 29-2252, Revised Statutes Supplement, 1978, as amended by section 9, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979".

3. In the title, line 5, strike the first comma and insert "and" and strike "and 29-2252,"; and in line 6, insert ", and section 29-2252, Revised Statutes Supplement, 1978, as amended by section 9, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979" after "1978".

LEGISLATIVE BILL 414. Placed on Select File as amended.
E & R amendments to LB 414:

1. In standing committee amendments, page 5, line 8, insert a comma before "23-1609".

2. In the title, as amended, line 2, strike "accountants and audits" and insert "the Auditor of Public Accounts"; and in line 11, strike "reverse" and insert "revise".

LEGISLATIVE BILL 52. Placed on Select File as amended.
E & R amendments to LB 52:

1. On page 3, line 23, strike "and" and insert "or".

2. In committee amendments, page 2, line 7, strike "and".

3. On page 6, line 21, insert a comma after "agreements".

4. On page 7, line 5, strike the second "for" and insert "of"; and in line 6 insert a comma after

"Association".

5. In committee amendments, page 5, line 25, strike the comma.

6. In committee amendments, page 6, insert "of this act" after "17" in line 6 and "24" in line 10.

LEGISLATIVE BILL 180. Placed on Select File as amended.
E & R amendments to LB 180:

(Note: Amendments are to committee amendments.)

1. On page 4, line 4, insert a comma after "products".

2. On Page 6, line 2, insert "for" after "transaction"; in line 4 insert "State" after the second "the"; and in line 11, strike "providing that" and insert "when".

3. 3. On page 7, line 12, insert "that" after "except".

4. On page 11, line 26, strike "date" and insert "data".

5. Strike the quotation marks on page 13, line 22 and page 14, lines 1 and 26 and page 15, line 5.

6. On page 14, lines 12 and 13, strike ", or" and insert "or,".

7. On page 16, line 18, strike the period and insert "; and"; and in line 20 insert "of this section" after "(1)".

8. On page 17, line 14, strike the first comma.

9. On page 18, line 20, strike "signed" and insert the same after "be" in the same line.

10. On page 20, line 5, insert a comma after "Partnership".

11. Strike the quotation marks on page 21, line 11 and page 22, line 9.

12. On page 28, line 26, strike "any" and insert "an".

13. On page 29, line 2, strike "provided" and insert "when"; in line 11, strike "herein"; in line 17, strike "other" and "any"; and in line 18 strike "district" and insert "county" and insert "any" after the first "or".

LEGISLATIVE BILL 220. Placed on Select File as amended.
E & R amendments to LB 220.

1. It being identical to section 1 of LB 269, passed by the Legislature on 3/22, strike section 4 in committee amendments and renumber original section 2 as section 4.

2. On page 5, line 21 as amended, strike "8-152, and 8-153" and insert "and 8-152".

3. In the title, as amended, lines 2 and 3, strike "8-152, and 8-153" and insert "and 8-152"; and strike line 9 and insert "indebtedness;".

LEGISLATIVE BILL 301. Placed on Select File as amended.
E & R amendments to LB 301:

1. In committee amendment 1, line 6, insert "or explosion" after "fire".

2. On page 2, line 24, strike the second "the" and insert "an".

3. On page 3, insert a comma after "mean" in line 5 and "act" in line 6; in line 9 insert "or explosion" after "fire"; and in line 26 strike "office".

4. On page 4, lines 2 and 5, strike "office"; in line 11 strike the comma; in line 20 strike "who releases" and insert "releasing"; and in line 26 strike "who" and insert "which".

5. In the title, line 2, strike "and" and in line 3 insert "; and to declare an emergency" after "penalties".

LEGISLATIVE BILL 334. Placed on Select File as amended.
E & R amendments to LB 334:

1. In committee amendments, page 1, line 9, strike ", however,".

2. In committee amendments, page 5, line 22, strike the comma.

LEGISLATIVE BILL 478. Placed on Select File.

LEGISLATIVE BILL 538. Placed on Select File as amended.
E & R amendment to LB 538:

1. In committee amendments, page 1, lines 16 and 17, strike ", however,".

LEGISLATIVE BILL 268. Placed on Select File as amended.
E & R amendments to LB 268:

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, as amended, line 2, insert "to amend section 23-394, Revised Statutes Supplement, 1978," after "Act"; in line 3 strike "and"; and in line 4 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 342. Placed on Select File as amended.
E & R amendments to LB 342:

1. On page 17, line 26, reinstate the stricken "and".

2. In the title, line 5, insert "to correct citations;"

after the first semicolon, and at the end of the line insert "and change".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 102.

Correctly Engrossed

The following bills were correctly engrossed: 57, 125, 187, and 377.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 23, 1979, at 9:50 a.m., were the following bills: 577, 441, 307, 269, and 36.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

March 23, 1979

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

Dear Mr. President and Senators:

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

Gerald A. Novelly, 14562 Shirley Street, Omaha 68144 - succeeding Norman L. Stadtler, resigned, term expiring May 18, 1979.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Gerald A. Novelly
Committee on Committees
Motor Vehicle Industry Licensing Board

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 29.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 395. Placed on General File.

LEGISLATIVE BILL 546. Placed on General File as amended. Standing Committee amendments to LB 546:

1. On page 3, line 24 strike the second comma and insert "~~,~~ and"; and strike beginning with the first comma in line 25 through "cost" in line 27 and show as stricken.

2. On page 4, strike beginning with "the" in line 3 through "use" in line 4, show as stricken, and insert "a public water supply system as defined in section 71-5301, Reissue Revised Statutes of Nebraska, 1943,"; strike beginning with "the" in line 10 through "specifications" in line 12 and insert "a public water supply system as defined in section 71-5301, Reissue Revised Statutes of Nebraska, 1943, only the Department of Health shall be required to review such plans and specifications and approve the same if in compliance with Chapter 71, article 53, and departmental regulations adopted thereunder".

3. On page 9, line 4 strike the first comma and insert "~~,~~ and"; strike beginning with the second comma in line 4 through "cost" in line 6 and show as stricken; and strike beginning with the second "the" in line 14 through "improvement" in line 16 and insert "a public water supply system as defined in section 71-5301, Reissue Revised Statutes of Nebraska, 1943, only the Department of Health shall be required to review the plans and specifications for such improvement and approve the same if in compliance with Chapter 71, article 53, and departmental regulations adopted thereunder".

(Signed) Maurice Kremer, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 32. Read. Considered.

Messrs. Newell and Hasebroock asked unanimous consent to add their names to LR 32. No objections. So ordered.

LR 32 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 33. Read. Considered.

Mrs. Pirsch asked unanimous consent to add her name to LR 33. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 18 ayes, 9 nays, and 22 not voting.

The Chair declared the Call raised.

LR 33 was adopted with 28 ayes, 1 nay, and 20 not voting.

LEGISLATIVE RESOLUTION 34. Read. Considered.

LR 34 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 28. Read. Considered.

LR 28 was adopted with 30 ayes, 0 nays, and 19 not voting.

MOTION - Adopt Report

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on page 1051 on the following Governor appointments: John B. Barrette, John Knight, William E. Mountford, Edward Narjes, Vance D. Rogers, Gayle Stock, Monroe Usher, Jr., and George Van Pelt.

Voting in the affirmative, 28:

Burrows	Goodrich	Keyes	Marvel	Simon
Carsten	Haberman	Labedz	Murphy	Venditte
Clark	Hasebroock	Lamb	Nichol	Wagner
Cope	Hefner	Landis	Reutzel	Warner
Cullan	Kahle	Maresh	Rumery	
Fitzgerald	Kelly	Marsh	Sieck	

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Beutler	Fowler	Lewis	Schmit	Wesely
Brennan	George	Newell	Stoney	
Duis	Johnson	Pirsch	Vickers	

Excused and not voting, 7:

DeCamp	Hoagland	Koch	Merz
Dworak	Kennedy	Kremer	

The motion prevailed with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

The Chair declared the appointments confirmed.

MOTION - Place LB 382 on General File

Mr. Venditte withdrew his pending motion found in the Journal on page 1033 to place LB 382 on General File.

MOTION - Place LB 382 on General File

Mr. Kahle moved to place LB 382 on General File pursuant to Rule 3, Sec. 10(b).

Mr. Kelly 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. Venditte moved for a Call of the House. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Kahle requested a roll call vote on the motion.

Voting in the affirmative, 31:

Beutler	Duis	Kahle	Merz	Venditte
Brennan	Fitzgerald	Kelly	Newell	Wagner
Burrows	George	Keyes	Nichol	Warner
Carsten	Goodrich	Labedz	Pirsch	
Chambers	Hasebroock	Lamb	Reutzel	
Clark	Hefner	Lewis	Rumery	
Cope	Johnson	Maresh	Sieck	

Voting in the negative, 12.

Cullan	Landis	Murphy	Stoney
Fowler	Marsh	Schmit	Vickers
Hoagland	Marvel	Simon	Wesely

Present and not voting, 1:

Haberman

Excused and not voting, 5:

DeCamp Dworak Kennedy Koch Kremer

The Kahle motion prevailed with 31 ayes, 12 nays, 1 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendments to LB 26

Mr. Kelly asked unanimous consent to withdraw his pending amendment found in the Journal on page 858 to LB 26. No objections. So ordered.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 903 to LB 26. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 763 to LB 26. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Stoney asked unanimous consent to be excused tomorrow afternoon, March 27, 1979. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first by title:

LEGISLATIVE BILL 559A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 559, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

ATTORNEY GENERAL'S OPINION

Opinion No. 66
March 21, 1979

Dear Senator Simon:

You have asked for our opinion as to the constitutional validity of LB 188. In our opinion the bill is constitutionally suspect in several respects. Section 1(1) of the bill provides:

> "The maximum amount of any ad valorem tax on real property shall not exceed one and one half per cent of the actual value of such property. The tax shall be collected by the counties and apportioned according to law to the political subdivisions within the counties."

Standing alone, the first sentence is vague and uncertain in referring to "any tax." Does this mean that the sum of all taxes levied on the property in any given year may not exceed one and one-half percent of the actual value of the property, or does it mean that no one tax may exceed that figure? The literal language would dictate the latter interpretation. However, the second sentence would support the first interpretation, since there would be no apportionment if only one political subdivision was involved, as the act would simply lower the permissible mill levy of the subdivision whose budget would require a higher mill levy. We will therefore interpret the act to place a maximum levy on the total taxes which may be levied on the property.

The act does not specify how the tax is to be apportioned, but we assume that if the total mill levy went over one and one-half percent of the value, the taxes actually collected would be one and one-half percent of the value, and the share of each taxing subdivision would be reduced by the same percentage.

We believe this may violate the uniformity clause of Article VIII, Section 1, and may constitute unreasonable classification, in violation of Article III, Section 18 of the Nebraska Constitution, and perhaps the Equal Protection Clause of the Fourteenth Amendment.

If all taxpayers in a county paid taxes to the same taxing entities, and to none outside the county, perhaps these problems would not exist. But let us take an example to show the problems. Two properties lie across the road from each other. One is within the limits of a city, and the other is not. Both, however, are in the same school district and other taxing districts, except the city. The combined county, school district, and miscellaneous levies bring the taxes on the property not in the city to just one and one-half times the value of the property.

The property in the city is subject to the same levies as the other property, and in addition is subject to the city levy, which takes it over the limit. Let us suppose that the city tax would bring the total up to two percent. Nevertheless, all that could be collected would be one and one-half percent. Therefore, the taxes payable to the county, school district, and other subdivisions from this property would be reduced by one-fourth. The property outside the city would be paying more for the support of the county, school districts, etc. than the

property in the city. We believe that this would be in violation of the constitutional provisions referred to above.

In State v. Osborn, 60 Neb. 415, 83 N.W. 357 (1900), the court said that the rule of uniformity is satisfied if observed by each jurisdiction imposing the tax. In State v. Savage, 65 Neb. 714, 91 N.W. 716 (1902), a syllabus by the court says:

> "The constitution requires that in the assessment of taxes for municipal purposes, such taxes shall be uniform with respect to persons and property within the jurisidiction of the body imposing the same."

As we have shown, the application of LB 188 would sometimes make uniformity within each taxing district impossible. We also call attention to the fact that the bill refers only to real property. No such limitation can be put on the taxation of real property that is not also applicable to taxable personal property, without violation of Article VIII, Section 1.

Section 2 of the bill provides:

> "The actual value may reflect from year to year the inflationary rate not to exceed two per cent for any given year or reduction as shown in the consumer price index or comparable data for the area under taxing jurisdiction."

This language is very unclear, and we are not sure what is intended. Property is required to be assessed at actual value, and, presumably, that value reflects inflationary or deflationary trends. If this section means that actual value for assessment purposes is increased only two percent per year, it is in clear violation of Article VIII, Section 1, which requires taxes to be raised by evaluation uniformly. An arbitrary limit on value cannot be uniform, as the value of different properties fluctuates at different rates.

Or, if the section means that the property shall be assessed at actual value, but that two percent may be added each year for purposes of the limitations of LB 188, we have problems of both clarity and uniformity. How this would be applied, if at all, to new property is not specified. If it means that existing property shall be assessed at actual value, and that two percent per year can be added to that value for purposes of computing the maximum tax, what would be done as to new construction? If the two percent is not also applied to new construction, an obvious violation of uniformity results.

Section 3 of the bill would require a two-thirds vote of the Legislature to enact changes in state laws increasing state taxes. This provision is clearly ineffective. Article III, Section 13 of the Nebraska Constitution provides that bills shall be passed by the majority of all members elected. Future Legislatures cannot be bound by a statute, which the Legislature could, after all, repeal. The provision of Section

3 could have no greater force that the subsequent bill increasing taxes. We therefore believe that Section 3 is in violation of Article III, Section 13 of the Constitution.

Section 4 of the bill provides:

> "Any political subdivision with taxing authority, by a two-thirds vote of the qualified electors of such subdivision, may impose special taxes on such subdivision, except ad valorem taxes on real property within such political subdivision."

It is difficult for us to say whether or not this is constitutional. It would, apparently, authorize any political subdivision to impose any type of tax the mind of man can conceive, except additional property taxes, including sales and income taxes, cigarette taxes, gasoline taxes, and the many other taxes imposed by this or other states. LB 188 lays down no limitations or guidelines whatever for these taxes.

Were this a delegation of authority to an administrative agency, there is no question but what it would amount to an unlawful delegation of legislative authority, since no standards are laid down for the exercise of the authority. However, it is not so clear when a political subdivision is involved. In Nickel v. School Board of Axtell, 157 Neb. 813, 61 N.W.2d 566 (1953), the court discussed delegation of legislative powers to local authorities, but implied that standards were necessary, saying:

> "We find the Legislature had authority to delegate to the county committee the authority given it and that the Act provides reasonable limitations and standards for its proper guidance in carrying them out."

While we are in some doubt as to the validity of such a broad delegation of taxing authority to political subdivisions, we are not prepared to say categorically that it is invalid. There are a number of cases holding invalid delegation of legislative authority to administrative bodies because of lack of standards set out in the statute, but we have found none holding such delegation to a political subdivision void. It is therefore possible that the court would uphold Section 4 of the act, in spite of its complete lack of guidelines or limitations, except as to property taxes.

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

RHG:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 35.

Introduced by Schmit, 23rd District; Stoney, 4th District; Simon, 31st District; Venditte, 7th District; Goodrich, 20th District; Fitzgerald, 14th District.

WHEREAS, in recent years basketball games between Creighton University and the University of Nebraska-Lincoln have been heavily attended; and

WHEREAS, such games generate much school spirit; and

WHEREAS, such games are beneficial to the athletic programs of both schools.

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

1. That the Legislature encourages the continuation of basketball games between Creighton University and the University of Nebraska-Lincoln.

2. That copies of this resolution be sent to the head basketball coaches of both schools.

Laid over.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 196. E & R amendment found in the Journal on page 1048 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 74. E & R amendment found in the Journal on page 1048 for the Fifty-Second Day was adopted.

Mrs. Marsh requested a machine vote to advance LB 74.

Mr. Schmit moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Schmit requested a roll call vote to advance LB 74.

Voting in the affirmative, 29:

Brennan	George	Keyes	Merz	Sieck
Burrows	Goodrich	Labedz	Newell	Simon
Carsten	Hasebroock	Lamb	Nichol	Wagner
Cope	Hefner	Lewis	Reutzel	Warner
Duis	Kahle	Maresh	Rumery	Wesely
Fowler	Kelly	Marvel	Schmit	

Voting in the negative, 10:

Cullan	Johnson	Marsh	Pirsch	Venditte
Hoagland	Landis	Murphy	Stoney	Vickers

Present and not voting, 5:

Beutler	Chambers	Clark	Fitzgerald	Haberman

Excused and not voting, 5:

DeCamp	Dworak	Kennedy	Koch	Kremer

Advanced to E & R for Engrossment with 29 ayes, 10 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 321. E & R amendments found in the Journal on page 1048 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 544. Mr. Burrows offered the following amendment:

On page 2 lines 6 and 7, reinstate the stricken material.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 174. E & R amendments found in the Journal on page 1049 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 506. E & R amendments found in the Journal on page 1049 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 506A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 208. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 294. E & R amendments found in the Journal on page 1049 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 234. E & R amendments found in the Journal on page 1049 for the Fifty-Second Day were adopted.

Messrs. Reutzel and Landis offered the following amendments:

1. Strike the standing committee amendments.
2. On page 2, line 22 strike "eighteen" and insert "nineteen".
3. On page 11 line 20 strike "consisting" and insert "which shall consist"; in line 21 strike "the" and insert "may include"; and in line 21 strike "at least eighteen years of age" and insert "of sufficient age to serve on a jury".
4. On page 18, line 1 strike "leiu" and insert "lieu"; in line 8 strike "clerk of the court" and insert "jury commissioner"; strike beginning with "be" in line 22 through "weeks" in line 24 and insert "attend court for prospective service as a petit juror for more than ten court days".

Mr. Stoney requested a division of the question on the amendments.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Reutzel requested a roll call vote on amendment (1).

Voting in the affirmative, 22:

Beutler	DeCamp	Keyes	Merz	Simon
Brennan	Fitzgerald	Landis	Newell	Wesely
Burrows	Fowler	Lewis	Reutzel	
Chambers	Hoagland	Marsh	Rumery	
Cullan	Johnson	Marvel	Sieck	

Voting in the negative, 20:

Carsten	George	Kahle	Murphy	Venditte
Clark	Haberman	Kelly	Nichol	Vickers
Cope	Hasebroock	Lamb	Schmit	Wagner
Duis	Hefner	Maresh	Stoney	Warner

Present and not voting, 3:

Goodrich	Labedz	Pirsch

Excused and not voting, 4:

Dworak	Kennedy	Koch	Kremer

Amendment (1) lost with 22 ayes, 20 nays, 3 present and not voting, and 4 excused and not voting.

Amendments (2), (3), and (4) pending.

The Chair declared the Call raised.

VISITORS

Visitors to the Chamber were 30 members of the Nebraska Committee for Freedom of Choice in Cancer Therapy from various Nebraska cities and towns; 11 ninth through twelfth grade students, teachers, and parents from Brady High School, Brady, Nebraska; and a group of visitors from Ord, Nebraska.

RECESS

At 12:03 p.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Koch, and Kremer who were excused; and Messrs. Brennan, Kennedy, Lewis, Sieck, and Mrs. Labedz who were excused until they arrive.

EXPLANATION OF VOTE

Had I been present on March 26, 1979, I would have voted the following way: LB 269, yes; LB 36, yes; LB 307, yes; LB 441, yes; and LB 577, yes.

(Signed) Rex Haberman

UNANIMOUS CONSENT-Add Co-Introducers

Mrs. Labedz and Mr. Kahle asked unanimous consent to add their names to LB 382. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Lewis asked unanimous consent to print the following amendments to LB 42 in the Journal. No objections. So ordered.

1. Insert a new section as follows:

"Sec. 9. Each railroad company shall be responsible for the removal of all litter, as defined in section 28-523, Revised Statutes Supplement, 1978, on property owned or leased by the railroad which is under a bridge, trestle, or similar structure.".

2. Renumber remaining section accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 36.

Introduced by Burrows, 30th District.

WHEREAS, many Nebraska public schools augment their athletic program by supporting basketball teams for boys and girls; and

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-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend congratulations to the Adams High School girls basketball team and the Filley Consolidated High School boys basketball team for winning the Class D championship in the Nebraska statewide basketball competition for 1979.

2. That the Legislature also commends the competitive spirit and sportsmanship exhibited by all teams in the Class D championship games.

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.

GENERAL FILE

LEGISLATIVE BILL 578. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 253. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 339. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 352. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 195. 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 345. Title read. Considered.

Mr. Fitzgerald 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 11 ayes, 0 nays, and 38 not voting.

The motion to close debate prevailed with 25 ayes, 9 nays, and 15 not voting.

Advanced to E & R for Review with 27 ayes, 9 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Maresh asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 418. Title read. Considered.

Standing Committee amendments found in the Journal on page 731 for the Thirty-Ninth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 418A. 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 175. Title read. Considered.

Standing Committee amendments found in the Journal on page 739 for the Thirty-Ninth Day were considered.

Mr. Simon offered the following amendment to the Standing Committee amendments:

1. In committee amendments, page 1, line 5, before the period insert "due to improvements to such structures".

The amendment was adopted with 16 ayes, 0 nays, 28 present and not voting, and 5 excused and not voting.

Mr. Merz asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Simon moved for a Call of the House. The motion prevailed with 13 ayes, 4 nays, and 32 not voting.

Standing Committee amendments as amended, were adopted with 25 ayes, 14 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 18 nays, and 6 excused and not voting.

LEGISLATIVE BILL 571. Title read. Considered.

Standing Committee amendments found in the Journal on page 740 for the Thirty-Ninth Day were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?"

Mr. Lewis moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Lewis requested a roll call vote on the motion to close debate.

Voting in the affirmative, 23:

Brennan	George	Landis	Nichol	Venditte
Burrows	Goodrich	Lewis	Reutzel	Wagner
DeCamp	Hasebroock	Marvel	Rumery	Wesely
Fitzgerald	Kahle	Murphy	Schmit	
Fowler	Lamb	Newell	Simon	

Voting in the negative, 15:

Carsten	Cullan	Hoagland	Kennedy	Stoney
Clark	Duis	Johnson	Marsh	Vickers
Cope	Hefner	Kelly	Pirsch	Warner

Present and not voting, 6:

Beutler	Haberman	Labedz
Chambers	Keyes	Sieck

Excused and not voting, 5:

Dworak	Koch	Kremer	Maresh	Merz

The motion to close debate lost with 23 ayes, 15 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 250. Title read. Considered.

Standing Committee amendments found in the Journal on page 765 for the Fortieth 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 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

Mr. Warner announced that the Appropriations Committee will meet at 12:00 noon and immediately after adjournment in Room 1003, Tuesday, March 27, 1979.

CORRECTED SELECT COMMITTEE REPORT
Committee on Committees

March 26, 1979

The Committee on Committees' hearing notice printed in the March 21, 1979 Legislative Journal showed that Dr. Richard M. Evans had been appointed to the State Board of Health and therefore needed legislative confirmation.

Since that hearing notice has been submitted, it has been discovered that Dr. Evans has resigned from the State Board of Health.

(Signed) Shirley Marsh, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 42 in the Journal. No objections. So ordered.

Insert a new section to read "Whenever a railroad line is no longer in operation. The Dept of Roads shall remove all railroad grade crossing protection devices to protect the state's investment."

Mr. Kelly asked unanimous consent to print the following amendments to LB 58 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2773.)

Mr. Wesely asked unanimous consent to print the following amendments to LB 344 in the Journal. No objections. So ordered.

1. On page 2, line 1 strike "13" and insert "14"; in line 9 strike "6" and insert "7"; and insert a new section 7 as follows:

"Sec. 7. Bar shall mean any commercial establishment that serves liquor under a valid liquor license.".

2. On page 4, lines 20 and 25 strike "7" and insert "8".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 543. Placed on General File.
LEGISLATIVE BILL 555. Placed on General File.
LEGISLATIVE BILL 557. Placed on General File.

(Signed) Jerome Warner, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 101A. By Labedz, 5th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 101, Eighty-sixth Legislature, First Session, 1979.

UNANIMOUS CONSENT - Member Excused

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 356. Title read. Considered.

Standing Committee amendments found in the Journal on page 766 for the Fortieth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 257. Title read. Considered.

Standing Committee amendments found in the Journal on page 766 for the Fortieth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Kennedy asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 298. Title read. Considered.

Standing Committee amendments found in the Journal on page 788 for the Forty-Second Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 116. Title read. Considered.

Mr. Cope asked unanimous consent to add his name to LB 116. No objections. So ordered.

Standing Committee amendment found in the Journal on page 802 for the Forty-Second Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Fowler moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Advanced to E & R for Review with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 560. Title read. Considered.

Standing Committee amendments found in the Journal on page 803 for the Forty-Second Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 492. Title read. Considered.

Standing Committee amendment found in the Journal on page 807 for the Forty-Second Day was considered.

Mr. DeCamp offered the following amendment to the Standing Committee amendment:
Change 18% to 16%.

Mr. Fowler moved to recommit LB 492 to the Banking, Commerce and Insurance Committee.

Mr. Fowler withdrew his motion.

Mr. DeCamp withdrew his amendment to the Standing Committee amendment.

Standing Committee amendment lost with 0 ayes, 21 nays, 22 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 278. Title read. Considered.

Standing Committee amendments found in the Journal on page 822 for the Forty-Third Day were adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 3 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 312. Mr. DeCamp moved to recommit LB 312 to the Banking, Commerce and Insurance Committee.
The motion prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

REPORT OF EXECUTIVE BOARD

March 26, 1979

Motion was made and seconded by the Legislative Council Executive Board at its March 26, 1979 meeting that all permanent legislative

employees be authorized to take as administrative leave April 13 and April 16 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) Frank Lewis, Chairman
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Johnson asked unanimous consent to print the following amendments to LB 143 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments on page 2, line 1 and page 5, line 1 after "in" insert "sections 1 to 14 of"; on page 3, line 26 and page 4, line 11 after "to" insert "sections 1 to 14 of"; and on page 7, line 1 strike "This" and insert "Sections 1 to 14 of this".

2. Insert the following new sections:

"Sec. 15. (1) Whenever an owner, agent, lessor, or manager of a residential dwelling is billed directly by a public or municipal electric, gas, telepoone, or water utility for utility service furnished to such building not occupied exclusively by such owner, agent, lessor, or manager, and such public or municipal utility has actual or constructive knowledge that the occupants of such dwelling are not the persons to whom the utility usually sends its bills, such utility shall not terminate such service for nonpayment of a delinquent account owed to such utility by such owner, agent, lessor, or manager unless: (a) Such public or municipal utility makes a good faith effort to notify the occupants of such building of the proposed termination by the means most practicable under the circumstances and best designed to provide actual notice; and (b) such public or municipal utility provides an opportunity, when practicable, for such occupants to receive service in their own names without any liability for the amount due while service was billed directly to the lessor, owner, agent, or manager and without the necessity for a security deposit, except that if it is not practicable for such occupants to receive service in their own names, the public or municipal utility shall not terminate service to such residential dwelling but may pursue the remedy provided in section 17 of this act.

(2) Whenever a public or municipal utility has terminated service to a residential dwelling whose occupants are not the persons to whom it usually sends its bills, such public or municipal utility shall, upon

obtaining knowledge of such occupancy, immediately reinstate service and thereafter not effect termination unless it first complies with subsection (1) of this section.

Sec. 16. (1) Any payments made by the occupants of any residential dwelling pursuant to subsection (1) of section 15 of this act shall be deemed to be in lieu of an equal amount of rent or payment for use and occupancy and each occupant shall be permitted to deduct such amounts from any sum of rent or payment for use and occupancy due and owing or to become due and owing to the owner, agent, lessor, or manager.

(2) Whenever a public or municipal utility provides service pursuant to subdivision (1) (b) of section 15 of this act, the public or municipal utility shall notify each occupant of such building in writing that service will be provided in the occupant's own name. Such writing shall contain a conspicuous notice in boldface type stating:

NOTICE TO OCCUPANT. YOU MAY DEDUCT THE FULL AMOUNT YOU PAY (name of public or municipal utility) FOR (type of service) FROM THE MONEY YOU PAY YOUR LANDLORD OR HIS OR HER AGENT.

(3) The owner, agent, lessor, or manager shall not increase the amount paid by such occupant for rent or for use and occupancy in order to collect all or part of that amount lawfully deducted by the occupant pursuant to subsections (1) and (2) of this section.

(4) Nothing in sections 15 and 16 of this act shall be construed to prevent the public or municipal utility from pursuing any other action or remedy at law or equity that it may have against the owner, agent, lessor, or manager.

Sec. 17. Upon default of the owner, agent, lessor, or manager of a residential dwelling who is billed directly by an electric, gas, telephone, or water public or municipal utility for utility service furnished to such building, such public or municipal utility may petition the district court or a judge thereof, if the court is not in session, for appointment of a receiver of the rents or payments for use and occupancy for any dwelling for which the owner, agent, lessor, or manager is in default. The court or judge shall forthwith issue an order to show cause why a receiver should not be appointed, which shall be served upon the owner, agent, lessor, or manager or his or her agent in a manner most reasonably calculated to give notice to such owner, agent, lessor, or manager as determined by such court or judge, including, but not limited to, a posting of such

order on the premises in question. A hearing shall be had on such order not later than seventy-two hours after its issuance or the first court day thereafter. The sole purpose of such a hearing shall be to determine whether there is a sum due and owing between the owner, agent, lessor, or manager and the public or municipal utility. The receiver appointed by the court shall collect all rents or payments for use and occupancy forthcoming from the occupants of the building in question in place of the owner, agent, lessor, or manager. The receiver shall pay the petitioner, from such rents or payments for use and occupancy, for electric, gas, telephone, or water supplied on and after the date of his or her appointment. The owner, agent, lessor, or manager shall be liable for such reasonable fees and costs determined by the court to be due the receiver, which fees and costs may be recovered from the rents or payments for use and occupancy under the control of the receiver, however no such fees or costs shall be recovered until after payment for current electric, gas, telephone, and water service has been made. The owner, agent, lessor, or manager shall be liable to the petitioner for reasonable attorney's fees and costs incurred by the petitioner, however no such fees or costs shall be recovered until after payment for current electric, gas, telephone, and water service has been made and after payments of reasonable fees and costs to the receiver. Any money from rental payments or payments for use and occupancy remaining after payment (1) for current electric, gas, telephone, and water service, (2) for reasonable costs and fees to the receiver, and (3) to petitioner for reasonable attorney's fees and costs, shall be applied to any arrearage found by the court to be due and owing the public or municipal utility from the owner, agent, lessor, or manager for service provided such building. Any money remaining shall be turned over to the owner, agent, lessor, or manager. The court may order an accounting to be made at such times as it determines to be just, reasonable, and necessary.

Sec. 18. (1) Any receivership established pursuant to section 17 of this act shall be terminated by the court upon its finding that the arrearage which was the subject of the original petition has been satisfied, that all occupants have agreed to assume liability in their own names for prospective service supplied by the petitioner, or that the building has been sold and the new owner has assumed liability for prospective service supplied by the petitioner.

(2) Nothing in sections 17 and 18 of this act shall be construed to prevent the petitioner from

pursuing any other action or remedy at law or equity that it may have against the owner, agent, lessor, or manager.

(3) Any owner, agent, lessor, or manager who collects or attempts to collect any rent or payment for use and occupancy from any occupant of a building subject to an order appointing a receiver shall be found, after due notice and hearing, to be in contempt of court.

Sec. 19. Any owner, agent, lessor, or manager or any public or municipal utility which willfully or maliciously violates sections 15 to 18 of this act shall be guilty of a Class III misdemeanor.

Sec. 20. Nothing in this act shall be construed to prevent the occupant of such building from pursuing any other action or remedy at law or equity that it may have against the owner, agent, lessor, manager, or public or municipal utility.

3. Renumber sections 15 and 16 added by the Committee Amendments as sections 21 and 22.

Mr. Johnson asked unanimous consent to print the following amendments to LB 158 in the Journal. No objections. So ordered.

1. On page 7, line 21 strike "and", and in line 27 strike the underscored period and insert an underscored semicolon; and after line 27 insert the following:

"(22) Affirmative action shall mean a deliberate and sustained effort to identify and eliminate barriers to employment and advancement which may discriminate against various groups. Particular emphasis shall be focused on racial minorities and women; and

(23) Equal employment opportunity shall mean the right of all persons to work and advance on the basis of merit and ability without regard to race, color, religion, national origin, age, sex, marital status, and physical or mental disability.".

2. Insert the following new sections:

"Sec. 18. It is declared to be the public policy of Nebraska that each division of state government shall take positive action in all areas of their operation to insure that all citizens are given fair and equal opportunities for employment and advancement regardless of race, color, religion, national origin, age, sex, marital status, and physical or mental disability.

Affirmative actions shall be taken to insure the implementation of this policy in the award of redevelopment contracts under Chapter 18, article 21.

Sec. 19. That section 18-2104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

18-2104. The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under sections 18-2101 to 18-2144, including the formulation of a workable program, the approval of urban renewal plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements. The governing body in formulating a program to rehabilitate or redevelop an urban renewal area shall to the greatest extent possible utilize an affirmative action program to encourage award of redevelopment contracts to minority contractors.

Sec. 20. That section 18-2119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2119. An authority shall, by public notice by publication once each week for two consecutive weeks in a legal newspaper having a general circulation in the city, prior to the consideration of any redevelopment contract proposal, invite proposals from, and make available all pertinent information to private redevelopers or any persons interested in undertaking the redevelopment of an area, or any part thereof, which the governing body has declared to be in need of redevelopment. An authority shall attempt to identify minority redevelopers and invite proposals from them. Such notice shall identify the area, and shall state that such further information as is available may be obtained at the office of the authority. The authority shall consider all redevelopment proposals and the financial and legal ability of the prospective redevelopers to carry out their proposals and may negotiate with any redevelopers for proposals for the purchase or lease of any real property in the redevelopment project area. The authority may accept such redevelopment contract proposal as it deems to be in the public interest and in furtherance of the purposes of sections 18-2101 to 18-2144; Provided, that the authority has, not less than thirty days prior thereto, notified the governing body in writing of its intention to accept such redevelopment

contract proposal. Thereafter, the authority may execute such redevelopment contract in accordance with the provisions of section 18-2118 and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such redevelopment contract. In its discretion, the authority may, without regard to the foregoing provisions of this section, dispose of real property in a redevelopment project area to private redevelopers for redevelopment under such reasonable competitive bidding procedures as it shall prescribe, subject to the provisions of section 18-2118.".

3. On page 29, line 1 after "18-2103," insert "18-2104,"; and in line 2 after "18-2118," insert "18-2119,".

4. Renumber remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Business and Labor

Claim No. 078 against Nebraska Military Department to pay Major Robert J. Van Valkenburg for legal representation in a breach of contract suit - April 2, 1979 12:00 p.m.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 278 in the Journal. No objections. So ordered.

Strike committee amendment in sec 84-301 which reads "The auditor shall be a certified public accountant"

VISITORS

Mr. Lewis introduced former Speaker Jules Burbach from Hartington.

ADJOURNMENT

At 4:46 p.m., on a motion by Mr. Duis, the Legislature adjourned until 9:00 a.m., Tuesday, March 27, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - MARCH 27, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 27, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Lord God, restore those of us who feel caught in the routine, in the structure, in the system. Release the ones oppressed by the advice of others, by the rules, the guidelines, the by-laws, the schedules, the time clocks, and the deadlines. Refresh us. We are exhausted by the pressure; we are dazed by the loose ends; we are bewildered by the procedures; we are confused by the temptations; we are distraught by the deceptions enchained by our responsibilities. Return the lost. Refresh the weary. Release the enslaved. Restore the caught. Renew the bored. Come, and our boredom will leave us. Show us the people, Lord, and our hearts will be glad. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Fowler, and Kremer who were excused; and Messrs. Koch and Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1096, line 10 of the amendment, correct spelling of "telephone". The Journal for the Fifty-Third Day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 23. Replaced on Select File as amended.
E & R amendments to LB 23:

1. Amendatory material having been removed therefrom, strike original section 14 and renumber remaining sections accordingly.

2. On page 44, line 22, strike "sections 60-401 and" and insert "section".

3. In the title, line 2, strike "sections 60-401 and" and insert "section".

(Signed) Don Wesely, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 66. With Emergency.

A BILL FOR AN ACT to amend sections 46-190 and 46-192, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to provide procedures for the distribution of funds remaining after the discontinuance of an irrigation district; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 43:

Brennan	Dworak	Kelly	Merz	Simon
Burrows	Fitzgerald	Kennedy	Murphy	Stoney
Carsten	George	Keyes	Newell	Venditte
Chambers	Haberman	Labedz	Nichol	Vickers
Clark	Hasebroock	Lamb	Pirsch	Wagner
Cope	Hefner	Landis	Reutzel	Warner
Cullan	Hoagland	Maresh	Rumery	Wesely
DeCamp	Johnson	Marsh	Schmit	
Duis	Kahle	Marvel	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Goodrich

Excused and not voting, 5:

Beutler	Fowler	Koch	Kremer	Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 435 to Select File

Mr. Haberman moved to return LB 435 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 32 ayes, 0 nays, and 17 not voting.

The Haberman motion lost with 13 ayes, 25 nays, 6 present and not voting, and 5 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 435.

A BILL FOR AN ACT to amend section 37-213, Revised Statutes Supplement, 1978, relating to game and parks; to make an additional act unlawful; to harmonize an exemption; and to repeal the original section.

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

Voting in the affirmative, 29:

Brennan	Hasebroock	Kelly	Marvel	Reutzel
Carsten	Hefner	Keyes	Merz	Rumery
Chambers	Hoagland	Labedz	Murphy	Schmit
Dworak	Johnson	Maresh	Newell	Sieck
Goodrich	Kahle	Marsh	Pirsch	Simon

Stoney	Venditte	Warner	Wesely

Voting in the negative, 12:

Clark	Duis	Kennedy	Nichol
Cope	Fitzgerald	Lamb	Vickers
Cullan	Haberman	Landis	Wagner

Present and not voting, 3:

Burrows	DeCamp	George

Excused and not voting, 5:

Beutler	Fowler	Koch	Kremer	Lewis

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

SELECT FILE

LEGISLATIVE BILL 42. Mr. Maresh renewed his pending amendment found in the Journal on page 1092.

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Dworak renewed his pending motion found in the Journal on page 1043 to reconsider action on his amendment found in the Journal on page 1038.

The motion to reconsider lost with 9 ayes, 22 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Cullan offered the following amendment:

Amend LB 42, Section 4 (of the Committee amendments previously adopted):

line 3, strike "74-913" and insert "75-426".

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. DeCamp offered the following amendment:

1. In the committee amendments, on page 1, line 20 strike "railroad officials and".

2. In the committee amendments, on page 2, strike beginning with "either" in line 12 through "or" in line 13; and strike beginning with "and" in line 18

through the comma in line 19.

3. Strike the Cullan amendment to the committee amendments found in the Journal on page 1037.

4. In the committee amendments, on page 4, line 15 strike the underscored comma and insert "and"; strike beginning with "and" in line 16 through "involved" in line 17; in line 23 strike the second comma and show as stricken.

5. In the committee amendments, on page 5, line 6 strike "eighty-seven and one" and insert "ninety-five"; in line 7 strike "half"; strike beginning with "ten" in line 10 through "cent" in line 11 and show the old matter as stricken; and strike beginning with the comma in line 12 through the semicolon in line 15, show as stricken and insert ";".

Mr. Cullan offered the following amendment to the DeCamp amendment:

1. On page 4, line 24 strike "the railroad," and

2. On page 5, strike in line 19 "For any automatic" and strike lines 20 through line 1 on page 6.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

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

The Cullan amendment to the DeCamp amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

The DeCamp amendment, as amended, was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Lewis renewed his pending amendment found in the Journal on page 1088.

The amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 154. E & R amendments found in the Journal on page 1048 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 234. Mr. Reutzel withdrew his pending amendments (2), (3), and (4) found in the Journal on page 1086.

Mr. Lamb offered the following amendment:

1. On page 18, line 1 strike "leiu" and insert "lieu".

2. On page 19 line 12 after "duty" insert ", except an employer may reduce the pay of an employee by an amount equal to any salary other than expenses paid by the court for jury duty".

Mr. Lamb moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Clark	Haberman	Lamb	Nichol	Wesely
Cullan	Hasebroock	Maresh	Rumery	
DeCamp	Hefner	Merz	Sieck	
Dworak	Kahle	Murphy	Venditte	
George	Kelly	Newell	Wagner	

Voting in the negative, 22:

Brennan	Fowler	Labedz	Pirsch	Vickers
Burrows	Goodrich	Landis	Reutzel	Warner
Carsten	Hoagland	Lewis	Schmit	
Chambers	Johnson	Marsh	Simon	
Cope	Keyes	Marvel	Stoney	

Present and not voting, 2:

Duis	Fitzgerald

Excused and not voting, 4:

Beutler	Kennedy	Koch	Kremer

The Lamb amendment lost with 21 ayes, 22 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp offered the following amendment:

1. Strike committee amendment 1.
2. On page 2, line 22 strike "eighteen" and
3 insert "nineteen".

Mr. Kelly requested a ruling of the Chair on whether this amendment is a reconsideration.

The Chair ruled the amendment in order and not a reconsideration.

Mr. Newell offered the following amendment to the DeCamp amendment:

Strike "19" years and insert Age of Majority.

Mr. Johnson 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 Newell amendment to the DeCamp amendment lost with 10 ayes, 25 nays, 11 present and not voting, and 3 excused and not voting.

Mr. DeCamp 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. Newell moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Newell requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 25:

Brennan	Duis	Hoagland	Marsh	Schmit
Burrows	Dworak	Johnson	Marvel	Simon
Chambers	Fowler	Keyes	Merz	Vickers
Cullan	Goodrich	Landis	Newell	Warner
DeCamp	Hasebroock	Lewis	Reutzel	Wesely

Voting in the negative, 20:

Carsten	Haberman	Kennedy	Murphy	Sieck
Clark	Hefner	Labedz	Nichol	Stoney
Cope	Kahle	Lamb	Pirsch	Venditte
George	Kelly	Maresh	Rumery	Wagner

Present and not voting, 1:

Fitzgerald

Excused and not voting, 3:

Beutler Koch Kremer

The DeCamp amendment was adopted with 25 ayes, 20 nays, 1 present and not voting, and 3 excused and not voting.

Mr. DeCamp offered the following amendment:

1. On page 9, line 3, reinstate the stricken matter; strike the new matter in lines 3 and 4.

2. Stike section 9.

3. On page 12, line 8, reinstate the stricken matter and strike "determining the"; and on line 10 strike "13" and insert "12".

4. On page 16, strike the new matter in lines 7-9 and reinstate the stricken matter in lines 9 to 16.

5. Renumber sections 10 to 19 as sections 9 to 18; strike "13 to 17" and insert "12 to 16" on page 5, lines 18 and 19, page 7, line 3, page 14, line 18 and line 27, and page 15, line 9, line 12, lines 18 and 19 and line 23.

6. On page 18, line 2, strike "13 and 14" and insert "12 and 13"; and on line 4. strike "16" and insert "15".

7. On page 19, line 15, strike "25-1628,".

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.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 312* Tuesday, April 3, 1979 12:00 Noon

*Provides for the authorization and regulation of service contracts by the State Department of Insurance and proposes to exclude original manufacturers from such provisions.

(Signed) John DeCamp, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 37.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Kahle, 37th District; Burrows, 30th District; DeCamp, 40th District; Maresh, 32nd District; Nichol, 48th District; Haberman, 44th District.

WHEREAS, weed control in the various counties of the state is not uniform; and

WHEREAS, consistent, uniform control of weeds in each county is necessary to achieve maximum weed control throughout the state; and

WHEREAS, responsibility for weed control in each county lies with the county weed district board.

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

1. That the Agriculture and Environment Committee study all aspects of the various county weed district boards in the state.

2. That the committee report the results of such study along with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 47 fourth grade students, teachers, and mothers from Seward Elementary Grade School, Seward, Nebraska; JoAnn Sieck and Jeff Sieck, grandson of Senator Sieck of Seward; 27 fourth grade students and teacher from Arnold Elementary, Lincoln, Nebraska; 30 Nebraska Dental Auxiliary members; and 24 fourth grade students and teachers from Watson Elementary School, Hastings, Nebraska.

RECESS

At 12:02 p.m., on a motion by Speaker Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Koch, Kremer, and Stoney who were excused; and Messrs. Clark, Hoagland, Lewis, Newell, Schmit, Venditte, and Mrs. Labedz who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 26, 137, 201, 204, 205, 213, 255, 265, 288, 292, 302, 425, 475, 476, 477, 509, 545, and 551.

(Signed) Don Wesely, Chairman

MESSAGE FROM THE GOVERNOR

March 27, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 159.
This bill was signed by me on March 26, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 490. Placed on General File.

LEGISLATIVE BILL 319. Placed on General File as amended.
Standing Committee amendments to LB 319:

1. On page 2, line 4 before "of" insert ", eight hours per day,".
2. Insert two new sections as follows:

"Sec. 2. That section 81-1829, Revised Statutes Supplement, 1978, be amended to read as follows:

81-1829. The Department of Correctional Services ~~shall~~ may establish and maintain farms to provide food for the institutions under the jurisdiction of the department and also to provide opportunity for all able-bodied inmates to work eight hours per day.

Sec. 3. That section 83-145, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

83-145. All departments, institutions and agencies of this state, which are supported in whole or in part by taxation for state purposes, and all counties and other governmental subdivisions of this state shall purchase from the Department of Correctional Services all articles required by the departments, institutions and agencies of the state, or by the counties or other governmental subdivisions, produced, printed, or manufactured by offenders or misdemeanants confined in the Nebraska Penal and Correctional Complex, or elsewhere, including products of any farms operated by the department unless such articles of equal quality and materials could be purchased from another supplier at a lesser cost. The quality and materials must be certified as being equal by the Director of Correctional Services. No such article shall be purchased by any department, institution or agency of the state from any other source unless excepted from the provisions of this section as provided in sections 83-144 to 83-152. ~~Printing by offenders or misdemeanants shall be restricted to such as may be required at the various institutions under the jurisdiction of the department. No products of any institutional printing plant shall be sold in competition with outside labor.~~ Nothing in this section shall be construed to prohibit the department from exchanging Department of Correctional Services-made goods with other states. Goods received from divisions of corrections outside of Nebraska shall be of the same status and will be subject to the same restrictions and penalties as if they had been manufactured in the Nebraska Department of Correctional Services. In cases of exchange of Department of Correctional Services-made goods with other states, the department is authorized to pay or receive in cash any differences that may exist in the articles exchanged, the amounts paid or received to be charged or credited to the Nebraska State Use System of Department of Correctional Services Employment Fund. In exchange of Department of Correctional Services-made goods with other states, the goods received in exchange shall be restricted to such use and needs as may be required in the various institutions under the jurisdiction of the department. Any authorized agency, bureau, commission, or department of the federal government may purchase from the Department of Correctional Services goods produced or manufactured by offenders or misdemeanants confined in the Nebraska Penal and Correctional Complex, or elsewhere, including products of any farms operated by the department.".

3. On page 3, line 1 strike "7" and insert "9"; in lines 23 and 24 and 26 strike "confined person" and insert "persons committed to the department".

4. On page 4, line 1 strike "confined persons" and insert "persons committed to the department".

5. On page 5, line 14 after "employed" insert ", eight hours per day,".

6. On pages 6 and 7, strike the new matter and reinstate the stricken matter; on page 6, line 7 strike reinstated "Wage" and insert "Except as provided in section 8 of this act, ~~Wage~~ wage".

7. Strike original section 6.

8. Insert a new section as follows:

"Sec. 8. Wages of an inmate employed by another state department or agency or by private business who, as determined by the director, receives at least minimum wage under state law shall be distributed pursuant to section 9 of this act.".

9. On page 9, line 11 strike "Wage payments" and insert "Wages paid"; line 12 after "department" insert ", when such person is employed by another state department or agency or by a private business and is earning at least minimum wage,".

10. On page 10, line 1 after "full" insert "or until his or her release from custody"; in line 22, strike "83-152" and insert "83-145, 83-152,"; in line 24 after the second comma insert "81-1829, and", and strike "and 83-184,".

11. Renumber original sections 2 to 5, 7, and 8 as sections 4 to 7, 9, and 10 respectively.

LEGISLATIVE BILL 378. Placed on General File as amended.
Standing Committee amendments to LB 378:

1. Insert ten new sections as follows:

"Section 1. As used in sections 1 to 9 of this act, unless the context otherwise requires:

(1) Sexual offense shall mean:

(a) Any of the crimes set forth in sections 28-319, 28-320, or 28-805; and

(b) The commission of any crime as defined by law in which the sexual excitement of the person committing the crime is a substantial motivational factor; and

(2) Mentally disordered sex offender shall mean any person who has a mental disorder and who, because of the mental disorder, has been determined to be disposed to repeated commission of sexual offenses which are likely to cause substantial injury to the health of others.

Sec. 2. After a person is convicted of a sexual offense, the court, prior to sentencing, shall order a

presentence investigation which shall include an evaluation to determine whether the defendant is a mentally disordered sex offender.

Sec. 3. To conduct the evaluation the court shall appoint a panel of two physicians, licensed to practice medicine and surgery who have had at least three years special training in treatment of mental disorders or one such physician and one clinical psychologist who has had at least three years special training in treatment of mental disorders, to conduct individual psychiatric examinations of the defendant. The panel shall file with the court the written report as to whether in their opinion, the defendant is a mentally disordered sex offender. Such reports shall include the facts on which the conclusions are based and shall be filed at least ten days prior to the date set for the sentencing of the defendant. Copies of the reports shall be furnished to counsel for the defendant. If the defendant, or counsel for the defendant, disagrees with the conclusions of the court appointed panel he or she may file a motion with the court requesting an additional evaluation by two other physicians of the defendant's choice licensed to practice medicine who have had at least three years of special training in the treatment of mental disorders or one such physician and one clinical psychologist who has had at least three years special training in treatment of mental disorders. Such evaluation shall be at defendant's expense unless otherwise ordered by the court. Such additional evaluation shall be made part of the presentence investigation and shall be filed with the court at least ten days prior to the date set for sentencing. Copies of such report shall be furnished to the county attorney.

Sec. 4. If the court determines that the defendant is not a mentally disordered sex offender, or is a mentally disordered sex offender whose disorder is nontreatable, or that treatment is not available in the state, based on the information and conclusions in the presentence investigation, the court shall sentence the defendant as provided by law on the offense of which he or she has been convicted.

Sec. 5. If the court determines that: (1) The defendant is a mentally disordered sex offender based on the information and conclusions in the presentence investigation; (2) the disorder is treatable; and (3) such treatment is available in the state, the court shall sentence the defendant to one of the regional centers until such time that it is determined the defendant is no longer mentally disordered or until the defendant has received the maximum benefit of treatment as determined

by the committee established by section 6 of this act.

The court's decision that the defendant is a mentally disordered sex offender and the decision to commit the defendant for treatment may be appealed. On appeal the presentence investigation shall be made part of the record of the court.

Sec. 6. The Governor shall appoint a Sentencing Review Committee. The committee shall consist of:

(1) One attorney;

(2) One psychologist;

(3) Two physicians with qualifications similar to those described in section 3 of this act; and

(4) One lay person.

Of the persons first appointed, the Governor shall appoint two members to serve for two years and three persons to serve for four years. Upon completion of the initial terms, all members shall serve for four years.

The committee shall meet quarterly.

Sec. 7. The members of the Sentencing Review Committee shall serve without pay, but shall be reimbursed for their expenses as provided in section 84-306.01, Revised Statutes Supplement, 1978, for state employees.

Sec. 8. (1) The Sentencing Review Committee shall annually or upon motion of the defendant review all records of mentally disordered sex offenders.

(2) Prior to any review the regional center shall prepare and provide to the committee all data, including test results, which are relevant to the issues of whether the defendant still has a mental disorder or whether the defendant has received the maximum benefit of treatment. The committee, before making a final determination, may request from the appropriate regional center any additional information it deems necessary.

(3) The committee shall file a written report with the sentencing court on the results of their review. Such reports shall include reasons for the conclusions.

Sec. 9. If the committee determines that the defendant no longer has a mental disorder or that the defendant has received the maximum benefit of treatment, the defendant shall be returned to the sentencing court for further disposition. The defendant shall then be sentenced under the original offense and credit shall be given for the time spent in treatment.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original sections 1 and 2 as sections 10 and 11 respectively.

(Signed) William E. Nichol, Chairman

SELECT FILE

LEGISLATIVE BILL 65. E & R amendments found in the Journal on page 1072 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 87. E & R amendments found in the Journal on page 1072 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 58. E & R amendments found in the Journal on page 1072 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 164. E & R amendments found in the Journal on page 1072 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 237. E & R amendment found in the Journal on page 1072 for the Fifty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 241. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 373. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 249. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 315. E & R amendments found in the Journal on page 1073 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 536. E & R amendments found in the Journal on page 1073 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 414. E & R amendments found in the Journal on page 1073 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 52. E & R amendments found in the Journal on page 1073 for the Fifty-Third Day were adopted.

Laid over temporarily.

LEGISLATIVE BILL 180. E & R amendments found in the Journal on page 1074 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 220. E & R amendments found in the Journal on page 1074 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 301. E & R amendments found in the Journal on page 1075 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 334. E & R amendments found in the Journal on page 1075 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 478. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 538. E & R amendment found in the Journal on page 1075 for the Fifty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 268. E & R amendments found in the Journal on page 1075 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 342. E & R amendments found in the Journal on page 1075 for the Fifty-Third Day were adopted.

Mr. George offered the following amendment:

1. In standing committee amendment 4, line 3, strike "one" and insert "five".

Mr. George moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

The Chair declared the Call raised.

The George amendment was adopted with 27 ayes, 4 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 428A. 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 460. Title read. Considered.

Mr. Simon offered the following amendment:

1. On page 2, in lines 18 and 19 and in lines 22 and 23, strike "the lowest available rate to all" and insert "a rate below the cost previously determined to be applicable to".

The amendment was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Kahle moved to indefinitely postpone.

Messrs. Schmit and Goodrich asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Simon requested a roll call vote on the Kahle motion to indefinitely postpone.

Voting in the affirmative, 19:

Carsten	DeCamp	Hasebroock	Kelly	Maresh
Clark	Dworak	Hefner	Kennedy	Merz
Cope	Haberman	Kahle	Lamb	Murphy

Nichol	Sieck	Wagner	Warner	

Voting in the negative, 20:

Brennan	Fowler	Keyes	Marvel	Rumery
Chambers	George	Labedz	Newell	Simon
Cullan	Hoagland	Landis	Pirsch	Vickers
Fitzgerald	Johnson	Marsh	Reutzel	Wesely

Present and not voting, 2:

Burrows	Duis

Excused and not voting, 8:

Beutler	Koch	Lewis	Stoney
Goodrich	Kremer	Schmit	Venditte

The motion to indefinitely postpone lost with 19 ayes, 20 nays, 2 present and not voting, and 8 excused and not voting.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a roll call vote to advance LB 460.

Voting in the affirmative, 21:

Brennan	Fowler	Labedz	Pirsch	Wesely
Burrows	George	Landis	Reutzel	
Chambers	Hoagland	Marsh	Rumery	
Cullan	Johnson	Marvel	Simon	
Fitzgerald	Keyes	Newell	Vickers	

Voting in the negative, 19:

Carsten	Duis	Hefner	Lamb	Sieck
Clark	Dworak	Kahle	Maresh	Wagner
Cope	Haberman	Kelly	Murphy	Warner
DeCamp	Hasebroock	Kennedy	Nichol	

Excused and not voting, 9:

Beutler	Koch	Lewis	Schmit	Venditte
Goodrich	Kremer	Merz	Stoney	

Failed to advance to E & R for Review with 21 ayes, 19 nays, and 9 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 143. Title read. Considered.

Standing Committee amendments found in the Journal on page 522 for the Thirtieth Day were considered.

Mr. Simon renewed his pending amendment to the Standing Committee amendments found in the Journal on page 513.

The amendment was adopted with 17 ayes, 0 nays, 23 present and not voting, and 9 excused and not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 9 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment:
Amend Committee amendment to LB 143 by exempting villages entirely from the committee's amendment provisions.

The amendment lost with 16 ayes, 10 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. Simon moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Advanced to E & R for Review with 25 ayes, 9 nays, 5 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 123. Placed on General File as amended.
Standing Committee amendments to LB 123:

1. Strike original section 1 and insert:

"Section 1. No person may directly or indirectly own or acquire any shares of capital stock of any Nebraska bank or bank holding company after January 1, 1981, except that the owners of such shares who would otherwise be disqualified shall have until January 1, 1983, to dispose of the shares if such shares were acquired prior to the effective date of this act, unless he or she is a citizen of the United States or a corporation including but not limited to bank holding companies authorized to conduct business in Nebraska, or an estate or trust domiciled in the United States in which the beneficiaries are citizens of the United States.

Sec. 2. All shares not owned as specified or excepted in section 1 of this act shall escheat to the State of Nebraska.".

(Signed) John W. DeCamp, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 390 in the Journal. No objections. So ordered.

1. In the committee amendments on page 1, line 8 after "balance" insert "through August 31, 1980, and after such date not exceeding eleven per cent per annum on the unpaid balance".

Mr. Burrows asked unanimous consent to print the following amendment to LB 492 in the Journal. No objections. So ordered.

1. On page 2, line 14 strike "eighteen" and insert "sixteen".

Mr. Lamb asked unanimous consent to print the following amendments to LB 226 in the Journal. No objections. So ordered.

1. Insert a new section as follows:

"Section 1. That section 43-646, Revised Statutes Supplement, 1978, be amended to read as follows:

43-646. This act shall apply to any ~~children~~ child, who is at least three years of age, from the date of diagnosis or the date of notification of the resident school district to age twenty-one. The State Department of Education, Division of Vocational Rehabilitation

shall, in compliance with federal guidelines, assume responsibility for the training of those individuals whose education or training is terminated and for whom additional supportive services are required.".

2. On page 6, line 24 strike "43-646.01" and insert "43-646".

3. Renumber remaining sections accordingly.

Mr. Keyes asked unanimous consent to print the following amendments to LB 220 in the Journal. No objections. So ordered.

1. Insert three new sections as follows:

"Section 1. That section 8-115.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-115.01. When an application required by the provisions of section 8-120 is made by a corporation for a new bank charter or for transfer of a bank charter to any location other than within the corporate limits of the city or village of its original charter or if such bank charter is not located in a city or village, then for transfer outside the county in which it is located, notice of the filing of the application shall be published by the Department of Banking and Finance three weeks in a legal newspaper published in or of general circulation in the county where the applicant proposes to operate the bank or where the transfer is contemplated. The expense of the publication shall be paid by the applicant. A public hearing shall be held on each application. The date for hearing the application shall not be more than ninety days after filing the application and not less than thirty days after the last publication of notice, except that the Director of Banking and Finance shall take immediate action on any charter application or applications concerned without the benefit of a hearing in the case of an emergency so declared by the Governor, the Secretary of State and the Director of Banking and Finance. A move of any state bank's main office within the city, ~~or~~ village, or county, if not chartered within a city or village, of its original charter shall not be considered a transfer of charter within the meaning of this section, but an application for such a move must be made to the Department of Banking and Finance and be approved by the director. Upon receiving such application, the director shall give notice of such intended move by certified mail to all banks, and such other interested parties as the director shall determine, located within the corporate limits of such city or village. Should the director receive any objection to such move within ten days of mailing such

notice, he or she shall publish a notice and hold a hearing as provided in this section for the transfer of a bank outside the corporate limits of the city or village or outside the limits of the county of its original charter.

Sec. 2. That section 8-116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-116. A charter for a bank hereafter organized shall not be issued unless the corporation applying therefor shall have a surplus of not less than fifty thousand dollars or fifty per cent of its paid-up capital stock, whichever is greater, and a paid-up capital stock as follows: In villages or counties of less than one thousand inhabitants, one hundred thousand dollars; in citys, ~~and~~ villages, or counties of one thousand or more and less than twenty-five thousand inhabitants, not less than one hundred fifty thousand dollars; in cities or counties of twenty-five thousand or more and less than one hundred thousand inhabitants, not less than two hundred thousand dollars; and in cities or counties of one hundred thousand or more inhabitants, not less than five hundred thousand dollars. Such corporation shall also have minimum paid-in undivided profits of not less than twenty per cent of its paid-up capital stock; Provided, the department shall have the authority to determine the minimum amount of paid-up capital stock, surplus and paid-in undivided profits required for any corporation applying for a bank charter which amounts shall not be less than the foregoing. For purposes of this section, population shall be determined by the most recent federal decennial census.

Sec. 3. That section 8-123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-123. It shall be unlawful for two or more banks in the same city, ~~or~~ village, or county in this state to have or use the same name or names so nearly alike as to cause confusion in transacting business. In all cases where such similarity of names now exists, or may hereafter exist, complaint may be made to the department, and if in the judgment of the department such a similarity does exist and does create confusion in conducting the business of either or both of such banks, the department may require the junior bank in time or organization to so change or modify its name as to prevent such confusion, and the change of name so made shall be approved by the department.".

2. On page 5, line 21 strike "section" and insert "sections 8-115.01, 8-116, 8-123, and"; and in

line 22 strike "is" and insert "are".
3. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were Toni and Mike Lenagh, (Toni, daughter of Senator Labedz); Ruth Meyer, Dawson County Register of Deeds; and 9 Brownie Girl Scouts, Leader, and adults from Brownie Troop #46, May Morley School, Lincoln.

ADJOURNMENT

At 4:00 p.m., on a motion by Senator Clark, the Legislature adjourned until 9:00 a.m., Wednesday, March 28, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - MARCH 28, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 28, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, while working with bills and procedure 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 Mr. Beutler who was excused; and Messrs. Lewis, Newell, Sieck, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1111, line 6, show 425 as Correctly Re-Engrossed.
The Journal for the Fifty-Fourth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 234. Replaced on Select File as amended.
E & R amendment to LB 234:
1. In the title, line 3, strike "25-1628,".

LEGISLATIVE BILL 428. Replaced on Select File as amended.
E & R amendments to LB 428:
1. On page 5, lines 20 and 21, strike "more or serve for" and insert "or serve for more".
2. On page 6, line 26, insert an underscored comma after "examiners".
3. On page 7, line 23, strike "16" and insert "(16)"; and strike the last comma and show as stricken.

LEGISLATIVE BILL 564. Replaced on Select File as amended.
E & R amendment to LB 564:
1. On page 14, line 13, strike "54-146" and insert "54-156".

LEGISLATIVE BILL 578. Placed on Select File.

LEGISLATIVE BILL 253. Placed on Select File as amended.
E & R amendments to LB 253:
1. On page 5, line 17, strike the first comma and insert "and".
2. On page 6, line 1, insert an underscored comma after "board"; and in line 9 strike "county".

LEGISLATIVE BILL 339. Placed on Select File as amended.
E & R amendment to LB 339:
1. In the title, line 4, strike "corporations" and insert "cooperative credit associations".

LEGISLATIVE BILL 352. Placed on Select File.

LEGISLATIVE BILL 195. Placed on Select File as amended.
E & R amendment to LB 195:
1. On page 2, insert a comma after "commission" in line 21, "Committee" in line 24, and "functions" in line 25.

LEGISLATIVE BILL 345. Placed on Select File.

LEGISLATIVE BILL 418. Placed on Select File as amended.
E & R amendments to LB 418:

1. On page 4, line 1, strike "as is mounted on or" and insert "or may be"; and in line 27 strike "travel, or camping" and insert "camping, or travel".

2. On page 9, line 1, strike "so".

3. On page 11, line 10, strike the commas.

4. On page 21, line 13, insert an underscored comma after "hazard".

5. On page 24, line 11, strike the comma.

6. In the title, line 4, strike "71-4609,"; and strike beginning with the second "to" in line 11 through the second semicolon in line 12.

LEGISLATIVE BILL 418A. Placed on Select File.

LEGISLATIVE BILL 175. Placed on Select File as amended.
E & R amendment to LB 175:

1. On page 4, strike line 3, and the amendment thereto and insert "taxation for a period of time the increase in valuation of existing structures due to improvements to such structures.".

LEGISLATIVE BILL 356. Placed on Select File as amended.
E & R amendment to LB 356:

1. In the title, line 6, insert "and advertising for bids" after "estimate".

LEGISLATIVE BILL 257. Placed on Select File as amended.
E & R amendments to LB 257:

1. In committee amendments, page 2, line 2, insert an underscored comma after "act".

2. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT relating to telephones; to prohibit installation of certain equipment without a permit; to provide procedures; to provide a penalty; to amend sections 87-302 and 87-303.08, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.".

LEGISLATIVE BILL 298. Placed on Select File as amended.
E & R amendments to LB 298:

1. In committee amendments, page 2, line 3, strike the comma; and in line 19 strike "subsection" and insert "subdivision".

2. In committee amendments, page 4, lines 2, 4, and 5, strike "where" and insert "when".

3. In committee amendments, page 6, line 6, strike

"29" and insert "27"; and in line 16, insert "show old matter stricken and" after "and".

4. In the title, strike lines 8 to 12 and insert "define and redefine terms; to authorize performance of prescribed emergency medical procedures; to harmonize provisions; to provide for rules and".

LEGISLATIVE BILL 116. Placed on Select File as amended.
E & R amendments to LB 116:

1. In committee amendments, page 3, insert a comma at the end of line 3.

2. In the title, line 2, strike "Bank" and insert "Collection"; and strike line 3 and insert "duties.".

LEGISLATIVE BILL 560. Placed on Select File as amended.
E & R amendment to LB 560:

1. In the title, line 6, insert "to provide for review; to change a fund;" after the semicolon.

LEGISLATIVE BILL 278. Placed on Select File as amended.
E & R amendment to LB 278:

1. In committee amendments, page 1, lines 17 and 18, strike "all subsequent offices" and insert "each additional office".

Correctly Engrossed

The following bills were correctly engrossed: 59, 176, 200, 302A, 537, 548, 567, and LR 5.

Correctly Enrolled

The following bills were correctly enrolled: 66 and 435.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 66 and 435.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #879).

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 582. By Appropriations Committee: Warner, 25th District, Chairman; Marsh, 29th District; Dworak, 22nd District; Fowler, 27th District; Labedz, 5th District; Hasebroock, 18th District; Rumery, 42nd District; Hoagland, 6th District; Cope, 36th District.

A BILL FOR AN ACT to amend section 81-8,266, Reissue Revised Statutes of Nebraska, 1943, relating to the Commission on Mexican-Americans; to change the number of meetings of the commission; and to repeal the original section.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #888).

The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 583. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Dworak, 22nd District; Marsh, 29th District; Cope, 36th District; Fowler, 27th District; Labedz, 5th District; Hasebroock, 18th District; Hoagland, 6th District.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1978, relating to motor vehicles; to change the frequency of issuing new license plates; and to repeal the original section.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #890).

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 584. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Dworak, 22nd District; Labedz, 5th District; Hasebroock, 18th District; Cope, 36th District; Fowler, 27th District; Marsh, 29th District; Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 23-362 and 23-362.03, Reissue Revised Statutes of Nebraska, 1943, relating to support of Indians; to prescribe the amount of state aid to certain counties; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 484. Title read. Considered.

Standing Committee amendments found in the Journal on page 526 for the Thirtieth Day were considered.

Mr. Newell offered the following amendment to the Standing Committee amendments:

1. In the committee amendments on page 1, line 11, strike "by identifying" and insert "if such person identifies"; and in line 12 after "department" insert ", except a person who is a candidate for public office may identify himself or herself as a member of the sheriff's department".

The amendment was adopted with 20 ayes, 0 nays, 27 present and not voting, and 2 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Kelly asked unanimous consent to be excused until 11:00 a.m. No objections. So ordered.

Mr. Chambers offered the following amendment:

Committee amendment: Reinstate stricken matter; strike new matter.

Add: Provided, such person may campaign for himself or herself.

MR. NICHOL PRESIDING

Mr. Venditte requested a record vote on the Chambers amendment.

Voting in the affirmative, 11:

Carsten	Cullan	Hoagland	Nichol
Chambers	Duis	Kennedy	Stoney
Clark	George	Marsh	

Voting in the negative, 24:

Burrows	Hasebroock	Kremer	Newell	Venditte
Cope	Hefner	Labedz	Reutzel	Vickers
Dworak	Johnson	Lamb	Rumery	Wagner
Fitzgerald	Kahle	Landis	Sieck	Warner
Goodrich	Keyes	Maresh	Simon	

Present and not voting, 11:

Brennan	Haberman	Merz	Schmit
DeCamp	Koch	Murphy	Wesely
Fowler	Marvel	Pirsch	

Excused and not voting, 3:

Beutler	Kelly	Lewis

The Chambers amendment lost with 11 ayes, 24 nays, 11 present and not voting, and 3 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Venditte requested a record vote to advance LB 484.

Voting in the affirmative, 33:

Brennan	Fitzgerald	Kahle	Labedz	Marsh
Burrows	Goodrich	Kennedy	Lamb	Newell
Cope	Hasebroock	Keyes	Landis	Reutzel
Duis	Hefner	Koch	Lewis	Rumery
Dworak	Johnson	Kremer	Maresh	Schmit

Sieck	Stoney	Vickers	Warner
Simon	Venditte	Wagner	Wesely

Voting in the negative, 4:

Chambers	Clark	Cullan	Hoagland

Present and not voting, 9:

Carsten	Fowler	Haberman	Merz	Pirsch
DeCamp	George	Marvel	Murphy	

Excused and not voting, 3:

Beutler	Kelly	Nichol

Advanced to E & R for Review with 33 ayes, 4 nays, 9 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 38.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Fitzgerald, 14th District; Landis, 46th District; Kahle, 37th District; Simon, 31st District; Brennan, 9th District; DeCamp, 40th District.

WHEREAS, volunteer workers play a significant role in the activities of nonprofit organizations and in the labor force generally; and

WHEREAS, most volunteer workers are not entitled to any type of employer-provided financial reimbursement for medical and hospital bills or disability income due to injuries received while in the course of performing their volunteer services; and

WHEREAS, the workmen's compensation system is designed to provide benefits for workers who are injured in the course of their work.

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

1. That the Business and Labor Committee conduct an interim study to determine the feasibility of extending coverage of the workmen's compensation system to volunteer workers. The study shall place particular emphasis upon the following topics:

a. The costs of extending workmen's compensation coverage to volunteer workers;

b. The various types of volunteer work, volunteer workers, and organizations which utilize volunteer workers; and

c. The impact that coverage of volunteer workers would have upon the various organizations which utilize volunteer workers.

2. Results of the study and drafts of proposed legislation shall be presented to the next regular session of the Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 68
March 27, 1979

Re: LB 42, Eighty-Sixth Legislature,
First Session

Dear Senator DeCamp:

You have asked for a review of the above legislative bill from the standpoint of constitutionality, questioning whether payment of money can be forced without agreement on the part of the payor or following due process procedures.

The bill, as amended, gives the Department of Roads authority to determine that (1) a railroad crossing shall be eliminated, (2) automatic railroad grade crossing protection devices shall be installed, modified, or improved, or (3) other measures are necessary to improve public safety at railroad crossings.

The bill further provides for establishing a safety improvement priority list and for the allocation of funds to pay the costs of safety improvements.

The initial authority apparently conferred in Sec. 2 of the act is modified, however, by Sec. 8, sub paragraphs (1) and (5), by requiring agreements regarding grade crossing eliminations or the 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 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."

The conclusion is, that under Sec. 2, the Department has the authority to "determine" but not to "eliminate", "install", "modify", etc.

Such being the case, no one is being forced to undertake any crossing safety measure without agreement, and with agreement there is no constitutional issue, no party being required to pay involuntarily. If agreement is reached, then proportionate amounts are set by the act.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Randall E. Sims
Assistant Attorney General

RES/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Member Excused

Mr. Rumery asked unanimous consent to be excused from the Legislature March 29 and 30, 1979. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Committee on Committees

March 28, 1979

The Committee on Committees will meet on Wednesday, April 4, 1979, at 12:10 p.m., in Room 1520, State Capitol, for the purpose of hearing appointments or reappointments as follows:

Norval Bowen - State Electrical Board
S. R. Chaulk, D.V.M. - State Board of Health
Jack Thompson - Nebraska Arts Council
Glenn Wilson - Nebraska Power Review Board

(Signed) Shirley Marsh, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 345 in the Journal. No objections. So ordered.

1. On page 2, line 20 after "thousand" insert an underscored period, strike the remainder of the sentence, and show as stricken.

2. On page 4, line 15 strike "elected by districts" and insert "nominated by district and elected at large".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 54A. By Cullan, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 54, Eighty-sixth Legislature, First Session, 1979.

GENERAL FILE

LEGISLATIVE BILL 291. Title read. Considered.

MR. NICHOL PRESIDING

Advanced to E & R for Review with 25 ayes, 7 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 103. Title read. Considered.

Standing Committee amendments found in the Journal on page 536 for the Thirty-First Day were adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Maresh moved to hold LB 103 until the 1980 Session.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

Mr. Maresh moved for a Call of the House. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

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

Voting in the affirmative, 16:

Carsten	Haberman	Kennedy	Merz
Clark	Hasebroock	Kremer	Murphy
Duis	Hefner	Lamb	Nichol
George	Kahle	Maresh	Vickers

Voting in the negative, 28:

Brennan	Cope	Fowler	Johnson	Koch
Burrows	Cullan	Goodrich	Kelly	Labedz
Chambers	Fitzgerald	Hoagland	Keyes	Landis

Lewis	Newell	Sieck	Venditte	Wesely
Marsh	Pirsch	Simon	Wagner	
Marvel	Rumery	Stoney	Warner	

Present and not voting, 4:

DeCamp	Dworak	Reutzel	Schmit

Excused and not voting, 1:

Beutler

The Maresh motion lost with 16 ayes, 28 nays, 4 present and not voting, and 1 excused and not voting.

Mr. Haberman offered the following amendments:

1. Insert a new section as follows:

"Sec. 6. Notwithstanding any other provision of this act no governmental subdivision shall receive less revenue pursuant to sections 77-602 to 77-604, 77-606, and 77-621, after the effective date of this act than it did in 1978.".

2. Renumber remaining sections accordingly.

Amendment pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 260A. By Cullan, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 260, Eighty-sixth Legislature, First Session, 1979.

LEGISLATIVE BILL 355A. By Clark, 47th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 355, Eighty-sixth Legislature, First Session, 1979.

UNANIMOUS CONSENT - Member Excused

Mr. Hoagland asked unanimous consent to be excused this afternoon, March 28th and tomorrow, March 29th, 1979. No objections. So ordered.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 224. Placed on General File as amended.
Standing Committee amendments to LB 224:

1. Insert a new section 1 as follows:

"Section 1. That section 53-125, Revised Statutes Supplement, 1978, be amended to read as follows:

53-125. No license of any kind shall be issued to (1) a person who is not a resident of the county in which the premises covered by the license are located, except in case of railroad, airline, or boat licenses, (2) a person who is not of good character and reputation in the community in which he resides, (3) a person who is not a citizen of the United States, (4) a person who has been convicted of or has pleaded guilty to a felony under the laws of the State of Nebraska, any other state, or of the United States, (5) a person who has been convicted of or has pleaded guilty to being the keeper of or is keeping a house of ill fame, (6) a person who has been convicted of or has pleaded guilty to being the proprietor of a gambling house, or of pandering or other crime or misdemeanor opposed to decency and morality, (7) a person whose license issued under this act has been revoked for cause, (8) a person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application, (9) a copartnership, unless one of the copartners is a resident of the county, in which the premises covered by the license is located, and unless all the members of such copartnership shall otherwise be qualified to obtain a license, (10) a corporation, if any officer, manager or director thereof, or any stockholder, owning in the aggregate more than twenty-five per cent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence within the governmental subdivision; Provided, this subdivision shall not apply to railroad licenses; and provided further, that where the trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or a person who is mentally incompetent, (11) a person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee, or (12) a person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued, but if,

because of a change in the renewal period provided for in section 53-124, the lease is for less than the full period for which the license is to be issued, the license shall be issued and a new lease covering the remainder of the license period must be filed with the commission prior to expiration of the original lease or the license shall be revoked by the commission on ten days' written notice to the licensee. ~~, or (13) except for persons presently possessing a valid license issued by the commission, to a husband or wife, either as an individual, a partner, or as an officer or stockholder in a corporation if the spouse of such husband or wife is ineligible to secure a license in his or her own name.~~

Nothing in this section shall preclude issuing a license to a husband and wife with rights of survivorship if both persons make applications and are eligible to secure a license in his or her own name.".

2. On page 8, line 23 strike "two" and insert "three".

3. On page 11, line 10 strike "section" and insert "sections 53-125 and".

4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 165. Indefinitely postponed.
LEGISLATIVE BILL 258. Indefinitely postponed.
LEGISLATIVE BILL 386. Indefinitely postponed.

(Signed) Dave Newell, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Venditte asked unanimous consent to print the following amendments to LB 378 in the Journal. No objections. So ordered.

1. Insert a new section as follows:

"Section 1. That section 28-801, Revised Statutes Supplement, 1978, be amended to read as follows:

28-801. (1) Any person who performs, offers, or agrees to perform any act of sexual penetration, as defined in subdivision (5) of section 28-318, with any person not his spouse in exchange for money or other thing of value commits prostitution.

~~Any person violating this section shall be issued a citation in lieu of arrest pursuant to sections 29-422 to 29-430.~~

(2) Prostitution is a Class ~~V~~ IIIA misdemeanor.".

2. Renumber original sections 1 and 2 as sections 2 and 3.

3. On page 3, line 3, strike "section" and insert "sections 28-801 and".

Mr. Fowler asked unanimous consent to print the following amendments to LB 495 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Section 1. That section 18-2201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2201. The furnishing of community antenna television service is hereby declared to be a business affected with such a public interest that it must be regulated locally. All municipalities in Nebraska are hereby authorized and empowered, by ordinance, to regulate, to prohibit, and to consent to the construction, installation, operation, and maintenance within their corporate limits of all persons or entities furnishing community antenna television service. All municipalities, acting through the mayor and council or board of trustees, shall have power to require every individual or entity offering such service, subject to reasonable rules and regulations, to furnish any person applying therefor along the lines of its wires, cables or other conduits, with television and radio service. The mayor and council or board of trustees shall have power to prescribe reasonable quality standards for such service and ~~to~~ shall regulate ~~and fix~~ rate increases so as to provide reasonable and compensatory rents or rates for such service including installation charges. In the regulation of rate increases the procedure provided in section 2 of this act shall be used. Such person or entity furnishing community antenna television service shall be required to carry all broadcast signals as prescribed by franchise and permitted to be carried by Federal Communications Commission regulations during the full period of the broadcast day of its stations.

Sec. 2. (1) Approval of a rate increase for a person or entity furnishing community antenna television service shall be required and shall be made by the council or board of trustees which granted the franchise to such person or entity. Such approval shall be made by ordinance or resolution.

(2) Prior to voting on a rate increase the council or board of trustees shall hold at least two public meetings at which the ratepayers and the franchisee may comment on the programming content and rates of such franchisee.

(3) At least thirty days prior to the first public meeting held to examine programming content and rates, each ratepayer or subscriber shall be notified by a billing statement or other written notice when and where such public meeting shall be held. Such notice

shall also provide information as to what rates are proposed by the franchisee for consideration by the council or board of trustees.".

2. On page 2, line 18 strike "section" and insert "sections 18-2201 and"; and in line 19 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were former Senator Warren Swigart from Omaha; 67 fourth grade students and teachers from Rock Brook Elementary School, Omaha; Bob and Doris Nickman from Pleasanton, Nebraska; 45 seniors and teacher from Platteview Senior High, Springfield, Nebraska; 50 fourth grade students, teachers, and parents from Meadow Lane, Lincoln; 130 students, 10 sponsors, from 61 counties, and Mr. Frank Chambers, Director of Field Services, Nebraska Farm Bureau Federation; Mr. and Mrs. Walt Peffer and Tim Peffer from Omaha; and 47 members of Clay County Home Extension Club from Clay County, Nebraska.

RECESS

At 12:04 p.m., on a motion by Mr. Hefner, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:39 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler and Hoagland who were excused; and Messrs. Chambers, Johnson, Lewis, and Reutzel who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 103. Considered.

Mr. Haberman renewed his pending amendment found in this day's Journal.

Mr. DeCamp 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. Haberman moved for a Call of the House. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Carsten	Dworak	Kahle	Lamb	Nichol
Clark	George	Kelly	Landis	Schmit
Cope	Haberman	Kennedy	Maresh	Wagner
DeCamp	Hasebroock	Keyes	Merz	Warner
Duis	Hefner	Kremer	Murphy	

Voting in the negative, 18:

Brennan	Fowler	Labedz	Rumery	Vickers
Burrows	Goodrich	Marsh	Sieck	Wesely
Cullan	Johnson	Marvel	Simon	
Fitzgerald	Koch	Newell	Stoney	

Present and not voting, 2:

Pirsch	Venditte

Excused and not voting, 5:

Beutler	Chambers	Hoagland	Lewis	Reutzel

The Haberman amendment lost with 24 ayes, 18 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Schmit moved to indefinitely postpone.

Mr. Schmit moved for a Call of the House. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

Mr. Schmit requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 18:

Clark	George	Kahle	Maresh	Vickers
DeCamp	Haberman	Kennedy	Merz	Warner
Duis	Hasebroock	Kremer	Murphy	
Dworak	Hefner	Lamb	Schmit	

Voting in the negative, 25:

Brennan	Fitzgerald	Koch	Newell	Simon
Burrows	Fowler	Labedz	Nichol	Stoney
Chambers	Goodrich	Landis	Pirsch	Venditte
Cope	Johnson	Marsh	Rumery	Wagner
Cullan	Kelly	Marvel	Sieck	Wesely

Present and not voting, 3:

Carsten	Keyes	Reutzel

Excused and not voting, 3:

Beutler	Hoagland	Lewis

The Schmit motion to indefinitely postpone lost with 18 ayes, 25 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 14 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 227. Title read. Considered.

Standing Committee amendments found in the Journal on page 542 for the Thirty-First Day were adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Mr. Lewis renewed his pending amendment found in the Journal on page 974.

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 524. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 355 in the Journal. No objections. So ordered.

Add new section.

Section 15. The provisions of this act shall not be construed to prohibit any duly licensed nurse from providing services considered as the ordinary practice of nursing as defined in Section 71-1,132.05, Revised Statutes Supplement, 1978.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 180A. By Simon, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 180, Eighty-sixth Legislature, First Session, 1979.

LEGISLATIVE BILL 414A. By Keyes, 3rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 414, Eighty-sixth Legislature, First Session, 1979.

ANNOUNCEMENT

Mr. Koch announced that the Education Committee will meet in executive session on Thursday, March 29, 1979, at 12:00 p.m. (noon) in Room 1515.

EXPLANATION OF VOTE

Had I been present on Tuesday, March 27, 1979, I would have voted aye on LB 66 and aye on LB 435 when these measures were before the Body for Final Reading.

(Signed) Jerry D. Koch

MESSAGE FROM THE GOVERNOR

March 28, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 36, 269, 307, 441 and 577.

These bills were signed by me on March 27, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

MR. NICHOL PRESIDING

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Rumery asked unanimous consent to add his name to LB 103. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Merz asked unanimous consent to be excused for the remainder of the afternoon and tomorrow. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 358. Title read.

Standing Committee amendments found in the Journal on page 569 for the Thirty-Second Day were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Brennan offered the following amendment:

On Pg. 5 line 14 and 19 after the word "eyes" insert "or total loss of hearing in both ears".

Strike all the new language.

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 412. Considered.

Standing Committee amendments referred to in the Journal on page 570 for the Thirty-Second Day (Req. #2582) were adopted, as amended, with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 3 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 500. Considered.

Mr. Johnson offered the following amendment:

By striking from Section 3 on page 4 on the Bill the phrase "for the purpose of organization only" and reinstating in such section the language stricken by the committee amendment.

The amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Messrs. Burrows, Venditte, Lewis, Nichol, and Schmit asked unanimous consent to be excused. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 25 ayes, 6 nays, 9 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 438 in the Journal. No objections. So ordered.

1. On page 2, line 9 after the period insert "No such ordinance or resolution shall place a duty or liability on any person, other than an employer, employment agency, or labor organization, for acts similar to those prohibited by section 48-1115, Revised Statutes Supplement, 1978.".

Mr. Duis asked unanimous consent to print the following amendment to LB 412 in the Journal. No objections. So ordered.

AMENDMENTS TO COMMITTEE AMENDMENT TO LB 412

1. On page 24, line 5 strike "effective" and insert "operative".
2. Insert the following new section:

"Sec. 33. This act shall become operative on July 1, 1979.".

3. Renumber remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 74, 154, 174, 196, 208, 294, 321, and 544.

(Signed) Don Wesely, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 412A. By Keyes, 3rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 412, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 1979, at 3:40 p.m., were the following bills: 66 and 435.

(Signed) Hazel Kaltenberger, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 39.

Introduced by Simon, 31st District.

WHEREAS, children and incompetent individuals are especially vulnerable to abuse and neglect at the hands of others; and

WHEREAS, the State of Nebraska has an interest in protecting children and incompetent individuals in the state from such abuse and neglect, while trying to sustain the family as the basic social institution within the state; and

WHEREAS, the problems of abuse and neglect of children differ from the problems of abuse and neglect of incompetent individuals, because such problems arise in different ways, and are often caused by different circumstances; and

WHEREAS, the procedures for reporting, investigating, adjudicating, and treating children and incompetent individuals in Nebraska should be studied to determine whether separate procedures for the two types of persons should be enacted, and whether any changes in the existing procedures should be made.

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

1. That the Judiciary Committee conduct an interim study of the procedures for reporting, investigating, adjudicating, and treating both children and incompetent individuals be undertaken.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 572. Placed on General File.

LEGISLATIVE BILL 107. Placed on General File as amended.
Standing Committee amendments to LB 107:

1. Strike original section 1 and insert the following:

"Section 1. That section 29-813, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-813. (1) A warrant may be issued under sections 29-812 to 29-821 to search for and seize any property ~~(1)~~ (a) stolen, embezzled, or obtained under false pretenses in violation of the laws of the State of Nebraska, ~~(2)~~ (b) designed or intended for use or which is or has been used as the means of committing a criminal offense, ~~or (3)~~ (c) possessed, controlled, designed, or intended for use or which is or has been possessed, controlled, designed, or used in violation of any law of the State of Nebraska making such possession, control, design, or use, or intent to use, a criminal, ~~.~~

~~A warrant may be issued under sections 29-812 to 29-821 to search for and seize any property~~ or (d) which constitutes evidence that a criminal offense has been committed or that a particular person has committed a criminal offense.

(2) Notwithstanding subsection (1) of this section, no warrant shall be issued to search any place or seize anything in the possession, custody, or control of any person engaged in procuring, gathering, writing, editing, or disseminating news or other information for distribution to the public through a medium of communication unless probable cause is shown that such

person has committed or is committing a criminal offense. For purposes of this subsection, the terms person, information, and medium of communication shall be defined as provided in section 20-145, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 483. Placed on General File as amended.
Standing Committee amendments to LB 483:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2663.)

LEGISLATIVE BILL 534. Placed on General File as amended.
Standing Committee amendments to LB 534:

1. Insert a new section as follows:
"Sec. 2. Except as provided in section 29-432, Revised Statutes Supplement, 1978, for any offense classified as an infraction, a citation shall be issued in lieu of arrest or continued custody pursuant to sections 29-422 to 29-430, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".
2. On page 2, strike beginning with "All" in line 26 through "be" in line 27.
3. On page 3, strike beginning with "removed" in line 1 through the period in line 2.
4. Renumber remaining sections accordingly.

(Signed) William E. Nichol, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 69
March 27, 1979

Re: LB 164

Dear Senator Johnson:

This is in reply to your inquiry concerning the constitutionality of LB 164 as it would amend the Bingo Act in the following respects:

(a) Forbid a licensed organization to conduct bingo outside the county in which the organization has its principal office.
(b) Forbid a licensed organization to hold more than fourteen bingo occasions per month.
(c) Forbid more than three bingo occasions per week within the same structure or building, with the exception of allowing an additional two limited period bingos per year. If it is shown that there are no other suitable structures available, the local

governing unit which the structure is in may allow more than three bingo occasions per week.

(d) Declare that profits from the sale of food or beverage must be paid to the licensed organizations conducting the bingo occasion. No compensation shall be paid to any persons for the operation of concessions.

(e) Allow for the hiring of custodial personnel for bingo occasions, and also the hiring of security personnel.

(f) Eliminate the requirement of bingoing immediately on the last number.

(g) Provide for the payment of the tax on gross receipts to the Clerk of the political subdivision in which the occasion is held.

(h) Delete from section 9-126 of the Act the provision that lawful purpose shall not include: The erection, adquisition, improvement, maintenance, or repair of any real property, unless the license issuing authority specifically authorizes such expenditures after finding that the property will be used exclusively for charitable purposes or one or more of the purposes.

(i) Delete from section 9-158 the provision that: The person who accounts for bingo gross receipts and profits shall be a different person than the person who accounts for other revenue of an organization.

(j) Provide for a civil action in the event of violations.

(k) Declare an emergency.

In 1958, Section 24 of Article III of the Nebraska Constitution was amended to authorize the Legislature to provide for the licensing and regulation of bingo games conducted by non-profit associations which have been in existence for a period of five years immediately proceeding the application for license.

From our examination of the provisions of LB 164, as it would amend the existing Bingo Act, it is our opinion that it does not violate the provisions of Article III, Section 24 of the Constitution, and we see no apparent violation of any other provisions of the Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP/cmb
cc: Patrick J. O'Donnell
Clerk of the Legislature

ANNOUNCEMENTS

Mr. Carsten announced an executive session of the Revenue Committee tomorrow morning at 8:30 a.m., in room 1520.

Speaker Marvel announced Senator Merz has been admitted to Bryan Hospital, Room 402, for tests.

VISITORS

Visitors to the Chamber were Mr. David Wegner from North Platte; 6 members of the Community Discovery from the Lincoln Regional Center; 50 eighth grade students, teachers, and parents from Christ the King School, Omaha; and Mary Jo Rasmussen and Leah Horner.

ADJOURNMENT

At 4:11 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Thursday, March 29, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 29, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke 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 was called and all members were present except Messrs. Hoagland, Merz, and Rumery who were excused; and Mr. Schmit and the members of the Revenue Committee who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 506. Replaced on Select File as amended.
E & R amendments to LB 506:

1. On page 9, line 5, insert "71-5634,"
after the first comma.

2. In the title, insert "71-5634," at the

end of line 3.

LEGISLATIVE BILL 42. Replaced on Select File as amended.
E & R amendments to LB 42:

1. Insert the Murphy amendment on page 3, line 1 of the committee amendments.

2. In lieu of the new section added by the Maresh amendment, insert a new section to read:

"Sec. 9. Whenever a railroad line is no longer in operation, the Department of Roads shall remove all grade crossing protection devices therefrom to protect the state's investment therein.".

3. In lieu of the Cullan amendment to section 4 adopted 3/27, in committee amendments, page 2, line 3, strike "74-913" and insert "75-426".

4. In committee amendments, page 2, line 18, insert an underscored comma after "subdivision".

5. Show as stricken the matter on pages 4, 5, and 6, stricken by the Cullan amendments adopted 3/27.

6. Insert the section added by the Lewis amendment as section 10 and renumber section 9 added by the committee amendment as section 11.

7. In the title, line 5, insert "to provide additional duties for the Department of Roads and railroads;" after the semicolon.

LEGISLATIVE BILL 428A. Placed on Select File.

LEGISLATIVE BILL 143. Placed on Select File as amended.
E & R amendments to LB 143:

1. In the committee amendments, on page 2, lines 9 and 14, strike the comma.

2. In the committee amendments, on page 4, line 8, strike "such" and insert "the"; in line 11, strike "Such" and insert "The"; and in line 18 insert an underscored comma after "subscriber".

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 28, LR 32, LR 33, and LR 34.

SELECT COMMITTEE REPORT
Committee on Committees

March 29, 1979

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Dennis Oelschlager - Administrator,
State Office of Highway Safety
Jan Carlson - Nebraska Educational Television Commission
Philip Heckman - Nebraska Educational Television Commission
Dr. W. J. Higgins - State Board of Health
Jack Langford - Nebraska Educational Television Commission
Robert Monke - Nebraska Educational Television Commission
John E. Olsson - State Board of Health
Heasty W. Reesman - Board of Public Roads Classifications and Standards
Daniel A. Rietz, D.P.M. - State Board of Health

VOTE: For: Marsh, Simon, Burrows, Cope, Cullan, Nichol, Reutzel, Wesely. (8) Against: None. Not Voting: None. Excused: Hasebroock, Lewis, Newell. (3) Absent: Labedz, Schmit. (2)

(Signed) Shirley Marsh, Chairperson

GENERAL FILE

LEGISLATIVE BILL 313. Title read. Considered.

Standing Committee amendments found in the Journal on page 826 for the Forty-Third 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.

LEGISLATIVE BILL 417. Title read. Considered.

Standing Committee amendment found in the Journal on page 828 for the Forty-Third Day was adopted with 25 ayes, 0 nays, 13 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 135. Title read. Considered.

Standing Committee amendment found in the Journal on page 832 for the Forty-Third Day was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Murphy offered the following amendment:
On page 2, line 27, strike "three" and insert "five".

The amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 416. Title read. Considered.

Standing Committee amendments found in the Journal on page 833 for the Forty-Third Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Murphy offered the following amendment:
By transferring section 23-2305 to section 84-1503.

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 251. Title read. Considered.

Standing Committee amendments found in the Journal on page 833 for the Forty-Third Day were adopted with 29 ayes, 0 nays, 16 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 252. Title read. Considered.

Standing Committee amendments found in the Journal on page 833 for the Forty-Third 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 394. Title read. Considered.

Standing Committee amendments found in the Journal on page 859 for the Forty-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 438. Title read. Considered.

Standing Committee amendments found in the Journal on page 862 for the Forty-Fourth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Newell renewed his pending amendment found in the Journal on page 1145.

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

Advanced to E & R for Review with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 510. Title read. Considered.

Standing Committee amendments found in the Journal on page 862 for the Forty-Fourth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 328. Title read. Considered.

Standing Committee amendment found in the Journal on page 885 for the Forty-Fifth Day was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 54. Title read. Considered.

Standing Committee amendments found in the Journal on page 888 for the Forty-Sixth Day were adopted with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 54A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 500A. By Keyes, 3rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, Eighty-sixth Legislature, First Session, 1979.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 52 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Sec. 28. Any professional association or organization which offers or is affiliated with a legal expense insurance plan shall not use any funds or resources of such association or organization for organizing, advertising, capitalizing, or maintaining directly or indirectly the legal expense insurance plan. The funds of such association or organization shall not be commingled in any way with any legal expense insurance plan funds.".

2. Renumber remaining sections accordingly.

Mr. Murphy asked unanimous consent to print the following amendment to LB 54 in the Journal. No objections. So ordered.

Page 2, line 15 after "Independent" insert "and such person shall have been a registered member of that party for at least two years prior to his appointment."

Mr. Venditte asked unanimous consent to print the following amendment to LB 23 in the Journal. No objections. So ordered.

(White copy Req. 2539)

1. Insert the following new section:

"Sec. 14. That section 60-403.01, Revised Statutes Supplement, 1978, be amended to read as follows:

60-403.01. No person shall operate a motorcycle on the streets, alleys, or public highways of the State of Nebraska until such person shall have obtained a motorcycle operator's license or permit. No such license or permit shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he or she meets the vision and physical requirements established under the provisions of section 60-407 for operation of a motor vehicle, and (2) successfully completed such examination, including the actual operation of a motorcycle, as may be prescribed by the Director of Motor Vehicles. The examination of an operator's actual operation of a motorcycle shall test the same driving skills required to operate other motor vehicles and shall be as extensive as such other motor vehicle tests. Any applicant who qualifies for a motorcycle operator's license or permit shall be issued a license or permit for such operation by the county treasurer, to which license shall be affixed a color photograph as provided for the issuance of a motor vehicle operator's license or, if he or she is the holder of a valid motor vehicle operator's license, shall have endorsed thereon by the county treasurer, upon receipt of the examiner's certificate, the authorization to operate a motorcycle. Fees for motorcycle operators' licenses shall be the same as provided by section 60-409 for motor vehicle operators' licenses. A person operating a motorcycle without a motorcycle operator's license or permit shall be guilty of a traffic infraction, and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars.".

2. On page 44, line 24 strike "and 60-301" and insert "60-301, and 60-403.01".

3. Renumber remaining sections accordingly.

UNANIMOUS CONSENT - Member Excused

Mr. Johnson asked unanimous consent to be excused on Friday, March 30, 1979. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present I would have voted "aye" on the advancement of LB 394.

(Signed) Don Wesely

GENERAL FILE

LEGISLATIVE BILL 101. Title read. Considered.

Standing Committee amendment found in the Journal on page 891 for the Forty-Sixth Day was considered.

Mr. Johnson 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 Standing Committee 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 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 101A. Title read. Considered.

SPEAKER MARVEL PRESIDING

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mrs. Labedz 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, 8 nays, 12 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 271. Title read. Considered.

Standing Committee amendments found in the Journal on page 895 for the Forty-Sixth 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 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 421. Title read. Considered.

Standing Committee amendments found in the Journal on page 895 for the Forty-Sixth Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mrs. Pirsch offered the following amendment:
Insert the following new section:
Sec. 4. That section 10-703.01 Line 48 be amended to read as follows:
Strike "two" show as stricken and insert "three dollars and thirty cents".

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 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 465. Title read. Considered.

Standing Committee amendments found in the Journal on page 896 for the Forty-Sixth Day were adopted with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Lamb moved to indefinitely postpone.

Motion pending.

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Friday, March 30, 1979. No objections. So ordered.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 285. Placed on General File as amended.
Standing Committee amendments to LB 285:

1. Strike the original sections and insert the following:

"Section 1. This act shall be known and may be cited as the Political Subdivision Budget Limit Act of 1979.

Sec. 2. The Legislature hereby finds and declares that it will serve the best interests of the

people of the State of Nebraska to provide limitations on the allowable annual increase permitted in the continuation budget requirements of the political subdivisions in the State of Nebraska funded by state and local tax sources as provided for in this act.

Sec. 3. For the purposes of this act, unless the context otherwise requires, the definitions found in sections 4 to 11 of this act shall be used.

Sec. 4. The terms governing body, fiscal year, tax, and adopted budget statement shall be used as defined in section 23-922, Reissue Revised Statutes of Nebraska, 1943.

Sec. 5. Current fiscal year shall mean the present fiscal year for which an adopted budget statement is in effect. The term current fiscal year shall be used in a manner consistent with subdivision (2) of section 23-923, Reissue Revised Statutes of Nebraska, 1943.

Sec. 6. Prior fiscal year shall mean the immediately preceding fiscal year for which an adopted budget statement is no longer in effect. The term prior fiscal year shall be used in a manner consistent with subdivision (1) of section 23-923, Reissue Revised Statutes of Nebraska, 1943.

Sec. 7. Ensuing fiscal year shall mean the immediately upcoming fiscal year for which an adopted budget has or will be authorized pursuant to the Nebraska Budget Act. The term ensuing fiscal year shall be used in a manner consistent with subdivision (3) of section 23-923, Reissue Reivsed Statutes of Nebraska, 1943.

Sec. 8. Except as provided in section 13 of this act, receipts from local tax sources shall mean funds received from the tax or taxes the governing body of a political subdivision is authorized to levy or cause to be levied.

Sec. 9. Except as provided in section 14 of this act, receipts from state tax sources shall mean funds received by a political subdivision, the original source of which is a tax or taxes imposed or levied by the State of Nebraska.

Sec. 10. Combined receipts shall mean the total of the funds received by a political subdivision from local tax sources, as defined in section 8 of this act, and funds received from state tax sources, as defined in section 9 of this act.

Sec. 11. Combined receipts budget base shall mean that amount that is the anticipated combined receipts of a political subdivision for the current fiscal year, or that amount that would have been the anticipated combined receipts of a political subdivision for the current fiscal year if the current fiscal year's

anticipated receipts would have been increased by seven per cent above the anticipated combined receipts of the political subdivision for the prior fiscal year.

Sec. 12. Except as otherwise provided in this act, no governing body of any political subdivision shall adopt a budget statement pursuant to section 23-925, Reissue Revised Statutes of Nebraska, 1943, in which the anticipated combined receipts for the ensuing fiscal year exceeds an increase of more than seven per cent above the combined receipts budget base.

Sec. 13. For the purposes of this act, anticipated receipts from local tax sources shall not include: (1) Receipts for any fund used for retiring, refinancing, or repayment of the principal and interest on bonded indebtedness approved prior to the effective date of this act, or approved by the voters of any political subdivision after the effective date of this act; (2) receipts from any tax imposed pursuant to sections 77-27,142 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; (3) funds used to pay for the first year's implementation of any new program established by state law and specifically designated as a new program for the purposes of this act; and (4) receipts from the increased tax levied or caused to be levied pursuant to the authority granted under section 17 of this act.

Sec. 14. For purposes of this act, anticipated receipts from state tax sources shall not include: (1) Receipts from nonrecurring special grants, loans, or contracts intended to fully or partially fund special projects or programs or to match specific federal grants; and (2) funds used to pay for the first year's implementation of any new program established by state law and specifically designated as a new program for purposes of this act.

Sec. 15. Any political subdivision that is authorized by state law to levy a tax or cause a tax to be levied, which tax or portion thereof is in addition to the tax such political subdivision is authorized to levy or cause to be levied on the effective date of this act, shall not include as a receipt from local tax sources the anticipated receipts from such newly authorized levy during the first fiscal year for which such newly authorized levy generates tax receipts, but thereafter the receipts from such newly authorized tax shall be included in determining receipts from local tax sources. Any political subdivision that has its authority to levy a tax or cause a tax to be levied reduced by operation of state law shall reduce the combined receipts base for the ensuing year by the amount of reduced receipts.

Sec. 16. Any political subdivision may add to the limit established pursuant to section 12 of this act an amount equal to the percentage that the population in the political subdivision for the ensuing fiscal year is anticipated to exceed the population of such political subdivision for the current fiscal year. If the anticipated population increase does not occur, then that portion of the receipts from local tax sources increased because of the anticipated population increase which did not occur shall not be spent but shall be carried forward to the next fiscal year and treated as receipts from local tax sources by such political subdivision. Except for the public schools and the technical community college areas, population shall be determined by census or population projections approved by the governing body of the political subdivision and the Auditor of Public Accounts. For any school district, population shall be based on enrollments as determined as provided in section 79-1333.01, Reissue Revised Statutes of Nebraska, 1943, and for any technical community college area, population shall be based on full-time equivalent student enrollment as provided in section 79-2637, Revised Statutes Supplement, 1978.

Sec. 17. In the event an emergency situation is proclaimed by the Governor or ascertained by the appropriate governing body of any political subdivision, the governing body of such political subdivision affected by such emergency may authorize an increase in the limit provided for in section 12 of this act. In addition to complying with the requirements imposed by section 23-929, Reissue Revised Statutes of Nebraska, 1943, the governing body shall certify to the Auditor of Public Accounts that (1) the additional expenditures which necessitated such increase in the limit were brought about by an extraordinary event or occurrence which could not reasonably have been foreseen or prevented and which required immediate expenditure of public funds to preserve the health or safety of the people within such political suvdivision, and (2) such increased expenditures were consistent with the roles, functions, or purposes of such political subdivision. The provisions of this section shall in no way restrict the powers and duties of county boards provided for in section 23-918, Reissue Revised Statutes of Nebraska, 1943.

Sec. 18. That section 77-1356, Revised Statutes Supplement, 1978, as amended by section 2, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, be amended to read as follows:

77-1356. (1) If the governing body of any

political subdivision ~~authorized to levy a tax or cause a tax to be levied determines that a budget funded from ad valorem taxes higher than is permitted by section 77-1355 is needed, it shall~~ determines that the portion of the budget funded from the receipts from local tax sources needs to be higher than is permitted under section 12 of this act, the governing body of such political subdivision shall by resolution call for a special election of such political subdivision for that purpose. The ~~budget~~ increase above the limit permitted by section ~~77-1355~~ 12 of this act may be adopted if approved by a majority of those voting in such special election.

(2) The resolution calling for the election and the election notice shall refer to ~~section 77-1355~~ this act and state that the limitations contained therein are proposed to be exceeded and show the proposed increase in the ~~budget amount~~ receipts from local tax sources in terms of dollars and percentages over the limitation as computed in section ~~77-1355~~ 12 of this act, and in terms of dollars and per cent increase over the ~~current budget~~ receipts from local tax sources for the current fiscal year and shall give the date of the election. The election shall be held prior to August 1, ~~during~~ preceding the year in which taxes will be levied to fund ~~the~~ such budget.

(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 the political subdivision at least fifteen days prior to such election. If no newspaper is published in or of general circulation in the political subdivision, notice shall be posted in each of three public places therein.

(4) The governing body of the political subdivision shall prescribe the form of the ballot to be used at the election, and the proposition appearing on such ballot shall state the percentage increase which is proposed to be adopted as compared to 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. 19. The Auditor of Public Accounts shall adopt and promulgate rules and regulations to assist the political subdivisions in complying with this act.

Sec. 20. 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. 21. This act shall terminate on December 31, 1984, unless reenacted or reestablished by the Legislature.

Sec. 22. That original section 77-1356, Revised Statutes Supplement, 1978, as amended by section 2, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, and also section 77-1355, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, are repealed.

Sec. 23. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Calvin F. Carsten, Chairman

VISITORS

Visitors to the Chamber were 33 members of the Gosper County Extension Club; 25 third and fourth grade students, teacher, and parents from St. John Lutheran School, Seward, Nebraska; 10 fourth through eighth grade students, teacher, and parents from Prairie Hill School, Broken Bow, Nebraska; 13 eighth grade students and teacher from Lake Alice Elementary School, Scotts Bluff County; and 21 sixth grade students and teacher from Friend Public School, Friend, Nebraska.

RECESS

At 11:55 a.m., on a motion by Mr. Venditte, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, Merz, and Rumery who were excused; and Messrs. Johnson, Schmit, Warner, and Mrs. Labedz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 505. Title read. Considered.

Standing Committee amendments found in the Journal on page 904 for the Forty-Sixth Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 396. Title read. Considered.

Standing Committee amendments found in the Journal on page 912 for the Forty-Sixth Day were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Landis renewed his pending amendment found in the Journal on page 1038.

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 Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 553. Title read. Considered.

Standing Committee amendments found in the Journal on page 924 for the Forty-Seventh 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 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 326. Title read. Considered.

Standing Committee amendment found in the Journal on page 925 for the Forty-Seventh Day was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 376. Title read. Considered.

Standing Committee amendments found in the Journal on page 937 for the Forty-Seventh Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Venditte offered the following amendment:
Amend committee amendment as follows:
Line 9 after the period. If a person is in actual control of his or her automobile or motorcycle shall be incarcerated 1 day.

Mr. Venditte withdrew the amendment.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

MR. NICHOL PRESIDING

LEGISLATIVE BILL 427. Title read. Considered.

Standing Committee amendments found in the Journal on page 958 for the Forty-Eighth Day were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 207. Title read. Considered.

Standing Committee amendments found in the Journal on page 959 for the Forty-Eighth Day were adopted with 27 ayes, 0 nays, 18 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 575. Title read. Considered.

Standing Committee amendments found in the Journal on page 965 for the Forty-Ninth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Venditte offered the following amendment:
Retain the original section 39-669.07 and insert the following new language:

"If any person is arrested, such person shall immediately be confined for one day in jail."

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. Venditte withdrew his amendment.

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 415. Title read. Considered.

Standing Committee amendments found in the Journal on page 976 for the Forty-Ninth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 507. Placed on General File as amended.
Standing Committee amendments to LB 507:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2771.)

(Signed) Maurice A. Kremer, Chairman

MOTION - Return LB 176 to Select File

Mr. Koch moved to return LB 176 to Select File for the following specific amendment:
"Strike the enacting clause."

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Stoney asked unanimous consent to print the following amendments to LB 271 in the Journal. No objections. So ordered.

1.) Page 2, line 12, after the "comma" strike the remainder of line 12 and all language in line 13 through the first "the".

2.) Page 2, line 17, strike the comma and replace with a period. Strike remaining language in line 17 through the first comma in line 19.

Mr. Koch asked unanimous consent to print the following amendments to LB 250 in the Journal. No objections. So ordered.

1. On page 2 reinstate the stricken matter in lines 4 and 5; and strike beginning with "owners" in line 5 through "the" in line 7.
2. On page 3 reinstate the stricken matter in lines 7 and 8; and strike the new matter in lines 8 and 9.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused Friday afternoon at 2:00 p.m. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 70
March 28, 1979

Dear Senator Maresh:

You stated that LB 506 of the Eighty-sixth Legislature, First Session (1979), was introduced to amend the Nebraska Medical Student Assistance Act, Neb.Rev.Stat. sections 71-5613 to 71-5645 (Supp. 1978). In connection therewith you state that a question has arisen as to whether loans authorized by LB 506, supra, can constitutionally be made to students attending medical school at a private institution in Nebraska, such as Creighton University. You state that you are aware of the provisions contained in Article XIII, section 3 of the Constitution of Nebraska which seemingly allows such loans. You also state that you are aware of Article VII, section 11 of the Constitution of Nebraska and the cases construing it which seem to lead to the opposite result. The same is hereinafter discussed.

If it were to become operative law, LB 506 would amend or repeal fourteen (14) sections of the Nebraska Medical Student Assistance Act. For example, section 6 of LB 506 would amend Neb.Rev.Stat. section 71-5628 (Supp. 1978) to read as follows:

> "Loan applicants and recipients must be enrolled or accepted for enrollment in an accredited medical education program in ~~the United States~~ Nebraska."

Thus it seems clear to us that section 6 of LB 506 is in conformity with section 3 of Article XIII of the Constitution of Nebraska. Consequently the fact that loan applicants and recipients are enrolled or accepted for enrollment in an accredited medical education program at Creighton University would not, in our opinion, render LB 506 unconstitutional.

The distinction between section 11 of Article VII of the Constitution of Nebraska and section 3 of Article XIII of the Constitution of Nebraska is that the former prohibits, inter alia, tuition grants of public funds to Nebraska residents enrolled in an "institution of learning not owned or controlled by the state or a political subdivision thereof" whereas the latter permits "loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state." See and compare Gaffney v. State Department of Education, 192 Neb. 358, N.W.2d 550 (1974) with the exception stated in section 3 of Article XIII of the Constitution of Nebraska.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM/cmb
cc: Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 40.

Introduced by Dworak, 22nd District.

WHEREAS, John Overly Peck spent a life dedicated to assisting his fellow man; and

WHEREAS, Mr. Peck's life, as shown by his professional, occupational, civic, and political activism, should serve as a model to be emulated by his fellow citizens; and

WHEREAS, Mr. Peck's dedication to service to the state was evidenced by his being a member of the Nebraska Legislature representing the Twenty-Sixth District from 1959 to 1964; and

WHEREAS, on March 29, 1979 at the age of 78 Mr. Peck was called to his final duty.

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

1. That the Legislature extends its deepest sympathies to the family of Mr. John Overly Peck.

2. That the Legislature recognizes Mr. Peck's record of dedication and service to the people of the State of Nebraska.

3. That a copy of this resolution be presented to the family of John Overly Peck as an expression of sorrow at his passing.

Mr. Dworak moved to suspend the rules, Rule 4, Sec. 6, to consider LR 40 today.

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

LR 40 was adopted with 37 ayes, 0 nays, and 12 not voting.

Mr. Dworak asked unanimous consent to add all members' names to LR 40. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 42. E & R amendments found in the Journal on page 1152 were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 42 to Select File

Mr. DeCamp moved to return LB 42 to Select File for the following specific amendment:

To add the emergency clause

The motion prevailed with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 42. 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.

Advanced to E & R for Engrossment.

MOTION - Return LB 220 to Select File

Mr. Keyes moved to return LB 220 to Select File for the specific amendment found in the Journal on page 1122.

The motion prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 220. The Keyes specific amendment found in the Journal on page 1122 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 495. Mr. Fowler withdrew his pending motion found in the Journal on page 1063 to indefinitely postpone.

Mr. Fowler renewed his pending amendment found in the Journal on page 1139.

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 183. Mr. Brennan offered the following amendment:

1. On page 4, reinsert original language.

Mr. DeCamp offered the following amendment to the Brennan amendment:

1. On page 4, line 8, strike "through 2600.00" and insert "and over"' and strike line 9.

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. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Brennan	Fitzgerald	Johnson	Lewis	Reutzel
Burrows	Fowler	Keyes	Marsh	Schmit
Chambers	George	Koch	Marvel	Simon
Cullan	Goodrich	Labedz	Newell	Venditte
DeCamp	Haberman	Landis	Pirsch	Wesely

Voting in the negative, 18:

Beutler	Duis	Kahle	Lamb	Wagner
Carsten	Dworak	Kelly	Maresh	Warner
Clark	Hasebroock	Kennedy	Stoney	
Cope	Hefner	Kremer	Vickers	

Present and not voting, 3:

Murphy	Nichol	Sieck

Excused and not voting, 3:

Hoagland	Merz	Rumery

The DeCamp amendment was adopted with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

Mr. DeCamp requested a roll call vote on the Brennan amendment, as amended.

Voting in the affirmative, 25:

Brennan	Fitzgerald	Johnson	Lewis	Reutzel
Burrows	Fowler	Keyes	Marsh	Schmit
Chambers	George	Koch	Marvel	Simon
Cullan	Goodrich	Labedz	Newell	Venditte
DeCamp	Haberman	Landis	Pirsch	Wesely

Voting in the negative, 18:

Beutler	Duis	Kahle	Lamb	Vickers
Carsten	Dworak	Kelly	Maresh	Wagner
Clark	Hasebroock	Kennedy	Nichol	
Cope	Hefner	Kremer	Stoney	

Present and not voting, 3:

Murphy	Sieck	Warner

Excused and not voting, 3:

Hoagland	Merz	Rumery

The Brennan amendment, as amended, was adopted with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 23. E & R amendments found in the Journal on page 1103 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

Messrs. Kelly and Nichol asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 23 to Select File

Mr. Venditte moved to return LB 23 to Select File for the specific amendment found in the Journal on page 1157.

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

The Venditte motion lost with 7 ayes, 10 nays, 27 present and not voting, and 5 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 505A. By Simon, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, Eighty-sixth Legislature, First Session, 1979.

UNANIMOUS CONSENT - Members Excused

Mrs. Labedz and Mr. Goodrich asked unanimous consent to be excused Friday, March 30, 1979. No objections. So ordered.

ANNOUNCEMENTS

Mr. Schmit announced an executive session of the Agriculture and Environment Committee in room 1105 tomorrow morning at 8:30 a.m., March 30, 1979.

Mr. Warner announced an Appropriation Committee meeting in room 1003 on Friday, March 30, 1979 at 12:00, noon.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendments to LB 345 in the Journal. No objections. So ordered.

1. On page 2, line 10 after "shall" insert ", at the first meeting of the county board after the effective date of this act,".

2. On page 4, line 11 after the comma insert "successors for"; strike beginning with "continue" in line 13 through the comma in line 14 and insert "be elected at the general election in the year in which their predecessor's term expires".

Mr. Beutler asked unanimous consent to print the following amendments to LB 198 in the Journal. No objections. So ordered.

(Amendments to the Committee Amendments)

1. On page 3, line 20 strike "chosed" and insert "chosen"; and in lines 22 and 26 strike "three", show as stricken, and insert "five".

2. On page 4, line 3 after "women" insert ", not employed in the health industry or in the health professions, who are".

3. On page 5, line 1 before "municipality" insert "board of county commissioners and the"; in line 14 strike "in July of", and show as stricken; in line 16 strike "in October, January, and April of", and show as stricken; and strike beginning with "on" in line 24 through the comma in line 25, show as stricken, and insert "for each year,".

4. On page 7, line 7 strike "and" and show as stricken; in line 18 after "county" insert "; and (14) establish fees for the costs of all services including those services for which third party payment is available"; strike beginning with the first comma in line 27 through the second comma and show as stricken.

5. On page 8, line 7 after (3) insert "review annually, with the local board of health, the proposed budget of the department; (4)"; in line 11 strike "(4)" and insert "~~(4)~~ (5)".

6. On page 9, line 3 strike "71-1631.02" and insert "71-1630.02"; in line 4 strike "71-1631.03" and insert "71-1630.03"; and in line 5 strike "71-1631.01" and insert "71-1630.01".

VISITORS

Visitors to the Chamber were 15 second and third grade students, teacher, and parents from Cheney Grade School; members of the Ralston Area Chamber of Commerce and guests; and Thomas C. Farley, Jr. of Grand Island, New York.

ADJOURNMENT

At 4:20 p.m., on a motion by Mr. Vickers, the Legislature adjourned until 9:00 a.m., Friday, March 30, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - MARCH 30, 1979

LEGISLATIVE JOURNAL

FIFTY-SEVENTH DAY - MARCH 30, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH JOURNAL
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 30, 1979

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> We know, our Father, that there is a time to speak and a time to keep silent. Help us to tell the one from the other. When we should speak, give us the courage of our convictions. When we should keep silent, restrain us from speaking, lest, in our desire to appear wise, we give ourselves away. Teach us the sacraments of silence, that we may use them to know ourselves, and, above all, to know Thee. Then shall we be wise. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Goodrich, Johnson, Koch, Merz, Rumery, Simon, and Mrs. Labedz who were excused; and Messrs. Chambers, Lewis, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Sixth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused this afternoon. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 484. Placed on Select File as amended.
E & R amendments to LB 484:

1. In the Newell amendment, line 4, insert "that" after "except".

2. In the title, strike lines 2 to 5 and insert:
"FOR AN ACT to amend section 23-1736, Reissue Revised Statutes of Nebraska, 1943, relating to the sheriff's office merit system; to change a restriction on political activities; to provide a penalty; and to repeal the original section.".

LEGISLATIVE BILL 291. Placed on Select File.

LEGISLATIVE BILL 103. Placed on Select File as amended.
E & R amendments to LB 103:

1. Strike original sections 1, 2, 4, 5, and 6.

For correlation purposes, insert new sections as follows:

"Section 1. That section 77-602, Reissue Revised Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 105, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

77-602. The State Board of Equalization and Assessment on the first Monday of May of each year shall proceed to ascertain all operating property of any railroad company owning, operating, or controlling any railroad or railroad service in this state, which for the purpose of assessment and taxation, shall be held to include the main track, side track, spur tracks, warehouse tracks, roadbed, right-of-way and depot grounds, all machine and repair shops, general office buildings, storehouses, and all water and fuel stations, buildings and superstructures located on any of such property, any manufacturing plant necessary in the operation of such railroad and any property used or held in connection with the manufacturing plant, all machinery, rolling stock, telegraph lines and instruments connected with such lines, all material on hand and supplies provided for operating and carrying on the business of such road, in whole or in part, ~~together with~~ franchises, ~~and~~ all ~~other real or~~ personal property of such railroad company, ~~used or held for the purpose of operating its road, and appraise and assess the same as personal property~~ and all real property of such railroad company which is adjacent and contiguous to the railroad right-of-way and is used or held for the sole purpose of operating the railroad. The board shall appraise and

assess such property as other personal property.

Sec. 2. That section 77-603, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 105, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

77-603. On or before April 1 each year, the person, company, or corporation owning, operating, or controlling any railroad or railroad service in this state, shall, by its president, secretary, principal accounting officer, or duly authorized corporate representative or official, return to the State Board of Equalization and Assessment a sworn statement or schedule of the property of such company on January 1 preceding, as follows:

(1) A list of the right-of-way, track and roadbed, giving the entire length of the main track and side track in this and other states, and showing as to this state the portion in each governmental subdivision;

(2) A complete list giving size, location as to governmental subdivision, material and value of all depots, station houses, machine shops, stockyards, scales, or other buildings situated wholly or in part on the right-of-way, together with all platforms, fuel and water stations, and the machinery and tanks connected therewith;

(3) A list showing the number of ties in track per mile, and weight of iron or steel rails per yard, used in the main or side track, what joints or chairs are used in track, kind of ballasting, length of time iron or steel has been used, and what length of time the road has been built;

(4) A full list of the rolling stock belonging to or operated by such road, which shall distinctly set forth the number, class, and value of all locomotives, passenger cars, dining cars, express cars, mail cars, baggage cars, grain cars, box cars, horse cars, cattle cars, coal cars, flat cars, wrecking cars, pay cars, and all other kinds of cars owned or used by such company, whether within or without the State of Nebraska, together with a statement of the number of miles traveled by each of the classes of cars over the line of such company within the State of Nebraska and without the State of Nebraska, separately during the preceding year ending December 31;

(5) A statement of schedule showing: (a) The amount of capital stock authorized and the number of shares into which such capital stock is divided; (b) the amount of capital stock paid up; (c) the market value of the stock, or, if no market value, then the true value of the shares of stock; (d) the total amount of all

secured and unsecured indebtedness, except for current expenses of operating the road; and (e) the location and actual valuation of all its real estate and personal property in this state that is locally assessed. Such schedule shall be made in conformity with such instructions and forms as may be prescribed by the State Board of Equalization and Assessment, which values shall be taken into account and be considered in arriving at the true value of such railroad property and its franchises;

(6) A correct return of the value of all tools and materials used for repairs and of all other personal property in the State of Nebraska, together with such other information as the State Board of Equalization and Assessment may require;

(7) A true statement of all bridges, showing where located as to governmental subdivisions, the true value thereof, kind and material, the length, width, and height of such structure; and

(8) The total gross earnings and net earnings of such corporation during the year for which the statement is made, and the total amount expended in the operation and maintenance of the property and the improvements to such property, distinguishing that expended in improvement or betterment from that expended in maintenance and operations; also the dividend last declared upon its shares and the amount thereof, and the date, number, and amount of all dividends declared upon its stock during the year preceding the date of such report, and such other information as the state board may in writing require, all of which shall be taken into consideration in ascertaining and fixing the value of such road and the franchise thereof.

Sec. 4. That section 77-606, Reissue Revised Statutes of Nebraska, 1943, as amended by section 5, Legislative Bill 105, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

77-606. Any railroad company operating any road within the State of Nebraska shall, on or before April 1 of each year, report to the county assessor, or the county clerk where he is ex officio county assessor, of each county through which its track runs, the number of miles of main track <u>and side track</u> situated within each governmental subdivision in the county as of January 1, together with all real and personal property belonging to such railroad company which is not subject to assessment and assessed by the State Board of Equalization and Assessment under section 77-602.

Sec. 5. That section 77-621, Reissue Revised Statutes of Nebraska, 1943, as amended by section 13,

Legislative Bill 105, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

77-621. The return by the State Board of Equalization and Assessment to the county clerks shall include the following:

(1) The number of miles of main track and side track of each railroad located in each governmental subdivision ~~in the county,~~ and the total length of ~~such~~ main track and side track in the county;

(2) The ~~average~~ assessed valuation per mile of such main track and side track;

(3) The valuations that shall be placed to the credit of such governmental subdivision in the county.

Sec. 6. That original section 77-604, Reissue Revised Statutes of Nebraska, 1943, and sections 77-602, 77-603, 77-606, and 77-621, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 2, 3, 5, and 13, respectively, Legislative Bill 105, Eighty-sixth Legislature, First Session, 1979, are repealed.".

2. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT to amend section 77-604, Reissue Revised Statutes of Nebraska, 1943, and sections 77-602, 77-603, 77-606, and 77-621, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 2, 3, 5, and 13, respectively, Legislative Bill 105, Eighty-sixth Legislature, First Session, 1979, relating to revenue and".

LEGISLATIVE BILL 227. Placed on Select File as amended.

E & R amendments to LB 227:

1. Insert the sections added by the Lewis amendments as sections 2 and 3 and renumber original sections 2 to 4 as sections 4 to 6.

2. Strike the Lewis amendments 2 to 5.

3. On page 9, strike line 16 and insert "Reissue Revised Statutes of Nebraska, 1943,".

4. On page 10, line 10, insert "60-311.05 and 60-311.07, Reissue Revised Statutes of Nebraska, 1943, and sections" after "sections".

5. In the title, line 2, insert "60-311.05 and 60-311.07, Reissue Revised Statutes of Nebraska, 1943, and sections" after "sections"; and in line 9 insert "to provide for amateur radio plates on commercial trucks;" after the semicolon.

LEGISLATIVE BILL 524. Placed on Select File as amended.

E & R amendments to LB 524:

1. On page 3, lines 2 and 4, strike "find" and insert "return".

2. On page 5, line 1, strike "advisement".
3. On page 6, line 12, strike the comma.
4. On page 7, line 5, strike "However, counsel" and insert "Counsel".
5. On page 8, line 24, insert "that" after "except".
6. On page 9, lines 15 and 19, strike "imprisoned" and insert "confined".
7. On page 10, line 1, strike ", if" and insert "if,"; and in lines 14 and 15, strike ", imprisoned,".
8. On page 11, line 13, strike "found" and insert "~~found~~ returned".
9. On page 12, line 11, insert "that" after "finds".
10. In committee amendment 2, line 4, strike "where" and insert "when".

LEGISLATIVE BILL 358. Placed on Select File as amended.
E & R amendments to LB 358:

1. In lieu of the first Brennan amendment, on page 5, lines 14 and 19, insert ", or hearing in both ears" after "eyes".
2. Pursuant to the second Brennan amendment, strike committee amendments 1 and 2, and strike the new and reinstate the stricken matter on page 3, lines 11, 14, 16, and 18, page 4, lines 6, 15, 16, 18, 20, and 22, and page 5, lines 1 and 5; and strike the new matter on page 5, line 3.
3. For correlation purposes, on page 2, line 2, page 7, line 9, and in the title, line 3, insert ", as amended by section 1, Legislative Bill 114, Eighty-sixth Legislature, First Session, 1979" after "1978"; and on page 2, lines 10 and 23, and page 6, line 15, strike "fifty-five" and insert "eighty".
4. In the title, strike beginning with "to" in line 4 through the semicolon in line 5, and insert "to change provisions for total loss of hearing in both ears;".

(Signed) Don Wesely, Chairman

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 29, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Kuhle, Shirley (Amended Employer), Kuhle, Shirley, Concerned Citizen

UNANIMOUS CONSENT - Print in Journal

Mr. Reutzel asked unanimous consent to print the following amendments to LB 380 in the Journal. No objections. So ordered.

1. In the committee amendments insert a new section as follows:

"Sec. 21. The department shall apply for any funds, federal or otherwise, which may be available to assist in the financing of the recycling program established pursuant to this act.".

2. In the committee amendments, renumber section 21 as section 22.

BIRTHDAY

The Chair announced today is Senator Wesely's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 19.

A BILL FOR AN ACT to adopt the Nebraska Child Custody Jurisdiction 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, 37:

Beutler	Dworak	Kelly	Marvel	Stoney
Burrows	Fitzgerald	Kennedy	Murphy	Venditte
Carsten	Fowler	Keyes	Newell	Vickers
Clark	George	Kremer	Nichol	Wagner
Cope	Hasebroock	Lamb	Pirsch	Wesely
Cullan	Hefner	Landis	Reutzel	
DeCamp	Hoagland	Maresh	Schmit	
Duis	Kahle	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 11:

Brennan	Johnson	Lewis	Simon
Chambers	Koch	Merz	Warner
Goodrich	Labedz	Rumery	

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

LEGISLATIVE BILL 112. With Emergency.

A BILL FOR AN ACT to amend sections 39-6,179 and 39-6,184, Revised Statutes Supplement, 1978, relating to rules of the road; to change maximum length provisions as prescribed; to provide a weight provision; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 33:

Beutler	Duis	Kelly	Marsh	Sieck
Burrows	Fitzgerald	Kennedy	Marvel	Stoney
Carsten	George	Keyes	Murphy	Venditte
Clark	Hasebroock	Kremer	Newell	Vickers
Cope	Hefner	Lamb	Nichol	Wagner
Cullan	Hoagland	Landis	Reutzel	
DeCamp	Kahle	Maresh	Schmit	

Voting in the negative, 4:

Dworak	Fowler	Pirsch	Wesely

Present and not voting, 1:

Haberman

Excused and not voting, 11:

Brennan	Johnson	Lewis	Simon
Chambers	Koch	Merz	Warner
Goodrich	Labedz	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 240.

A BILL FOR AN ACT to amend section 24-733, Reissue Revised Statutes of Nebraska, 1943, and section 24-729, Revised Statutes Supplement, 1978, relating to courts; to provide for assignment of certain retired judges; to provide for compensation; and to repeal the original sections.

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

Voting in the affirmative, 37:

Beutler	Dworak	Kelly	Marvel	Stoney
Burrows	Fitzgerald	Kennedy	Murphy	Venditte
Carsten	Fowler	Keyes	Newell	Vickers
Clark	George	Kremer	Nichol	Wagner
Cope	Hasebroock	Lamb	Pirsch	Wesely
Cullan	Hefner	Landis	Reutzel	
DeCamp	Hoagland	Maresh	Schmit	
Duis	Kahle	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 11:

Brennan	Johnson	Lewis	Simon
Chambers	Koch	Merz	Warner
Goodrich	Labedz	Rumery	

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

LEGISLATIVE BILL 375.

A BILL FOR AN ACT to amend sections 25-1267.37 and 25-1267.41, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to change certain time limits 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:

Beutler	Dworak	Kahle	Maresh	Schmit
Burrows	Fitzgerald	Kelly	Marsh	Sieck
Carsten	Fowler	Kennedy	Marvel	Stoney
Clark	George	Keyes	Murphy	Venditte
Cope	Hasebroock	Kremer	Newell	Vickers
Cullan	Hefner	Lamb	Nichol	Wagner
Duis	Hoagland	Landis	Reutzel	Wesely

Voting in the negative, 1:

Pirsch

Present and not voting, 2:

DeCamp Haberman

Excused and not voting, 11:

Brennan	Johnson	Lewis	Simon
Chambers	Koch	Merz	Warner
Goodrich	Labedz	Rumery	

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

LEGISLATIVE BILL 57.

A BILL FOR AN ACT to amend sections 79-2201.01 and 79-2208, Reissue Revised Statutes of Nebraska, 1943, relating to educational service units; to provide that the units may acquire personal property or act as purchasing agents for resale 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, 24:

Carsten	Fowler	Kahle	Marsh	Sieck
Cope	George	Keyes	Marvel	Vickers
Duis	Hasebroock	Kremer	Newell	Wagner
Dworak	Hefner	Lamb	Nichol	Wesely
Fitzgerald	Hoagland	Landis	Reutzel	

Voting in the negative, 11:

Beutler	Kelly	Murphy	Stoney
Clark	Kennedy	Pirsch	Venditte
Cullan	Maresh	Schmit	

Present and not voting, 3:

Burrows	DeCamp	Haberman

Excused and not voting, 11:

Brennan	Johnson	Lewis	Simon
Chambers	Koch	Merz	Warner
Goodrich	Labedz	Rumery	

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 102. With Emergency.

A BILL FOR AN ACT relating to corporations; to provide alternate procedure for the domestication and withdrawal of domestication of foreign corporations; to make additional designations as corporations; to amend section 21-608, Reissue Revised Statutes of Nebraska, 1943, 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:

Beutler	Duis	Kelly	Marsh	Sieck
Burrows	Fitzgerald	Kennedy	Marvel	Stoney
Carsten	Fowler	Keyes	Murphy	Venditte
Clark	George	Kremer	Nichol	Wagner
Cope	Hasebroock	Lamb	Pirsch	Wesely
Cullan	Hefner	Landis	Reutzel	
DeCamp	Hoagland	Maresh	Schmit	

Voting in the negative, 2:

Dworak	Vickers

Present and not voting, 3:

Haberman	Kahle	Newell

Excused and not voting, 11:

Brennan	Johnson	Lewis	Simon
Chambers	Koch	Merz	Warner
Goodrich	Labedz	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 125.

A BILL FOR AN ACT to amend section 79-518.04, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide procedures to recall Class I, IV, and V school board or board of education 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:

Beutler	Dworak	Kahle	Maresh	Schmit
Burrows	Fitzgerald	Kelly	Marsh	Sieck
Carsten	Fowler	Kennedy	Marvel	Stoney
Cope	George	Keyes	Murphy	Venditte
Cullan	Hasebroock	Kremer	Nichol	Vickers
DeCamp	Hefner	Lamb	Pirsch	Wagner
Duis	Hoagland	Landis	Reutzel	Wesely

Voting in the negative, 1:

Newell

Present and not voting, 2:

Clark Haberman

Excused and not voting, 11:

Brennan	Johnson	Lewis	Simon
Chambers	Koch	Merz	Warner
Goodrich	Labedz	Rumery	

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

LEGISLATIVE BILL 377.

A BILL FOR AN ACT to amend section 24-212, Reissue Revised Statutes of Nebraska, 1943, and section 24-209, Revised Statutes Supplement, 1978, relating to Supreme Court Reports; to change the distribution of such reports; to provide for microform copies; to provide that the Supreme Court prescribe the price for such reports and copies; 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:

Beutler	Dworak	Kelly	Marsh	Venditte
Carsten	Fitzgerald	Kennedy	Murphy	Vickers
Clark	Fowler	Keyes	Nichol	Wagner
Cope	George	Kremer	Pirsch	Wesely
Cullan	Hasebroock	Lamb	Schmit	
DeCamp	Hefner	Landis	Sieck	
Duis	Hoagland	Maresh	Stoney	

Voting in the negative, 2:

Newell Reutzel

Present and not voting, 4:

Burrows	Haberman	Kahle	Marvel

Excused and not voting, 11:

Brennan	Johnson	Lewis	Simon
Chambers	Koch	Merz	Warner
Goodrich	Labedz	Rumery	

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

LEGISLATIVE BILL 26.

A BILL FOR AN ACT to amend sections 46-658, 46-663, 46-665, 46-666, and 46-673, Revised Statutes Supplement, 1978, relating to the Nebraska Ground Water Management Act; to change provisions and procedures for establishing or modification of control areas; to provide for dissolution; and to repeal the original sections.

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

Voting in the affirmative, 36:

Beutler	Dworak	Kennedy	Murphy	Vickers
Burrows	Fowler	Keyes	Newell	Wagner
Carsten	George	Kremer	Nichol	Warner
Clark	Hasebroock	Lamb	Pirsch	Wesely
Cope	Hefner	Landis	Reutzel	
Cullan	Hoagland	Maresh	Sieck	
DeCamp	Kahle	Marsh	Stoney	
Duis	Kelly	Marvel	Venditte	

Voting in the negative, 0.

Present and not voting, 3:

Fitzgerald	Haberman	Schmit

Excused and not voting, 10:

Brennan	Goodrich	Koch	Lewis	Rumery
Chambers	Johnson	Labedz	Merz	Simon

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

LEGISLATIVE BILL 137.

A BILL FOR AN ACT to amend section 84-912, Reissue Revised Statutes of Nebraska, 1943, relating to administrative procedures; to provide for appeal of rulings; and to repeal the 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:

Beutler	Dworak	Kennedy	Murphy	Vickers
Burrows	Fitzgerald	Keyes	Newell	Wagner
Carsten	George	Kremer	Nichol	Warner
Clark	Hasebroock	Lamb	Pirsch	Wesely
Cope	Hefner	Landis	Reutzel	
Cullan	Hoagland	Maresh	Sieck	
DeCamp	Kahle	Marsh	Stoney	
Duis	Kelly	Marvel	Venditte	

Voting in the negative, 0.

Present and not voting, 3:

Fowler	Haberman	Schmit

Excused and not voting, 10:

Brennan	Goodrich	Koch	Lewis	Rumery
Chambers	Johnson	Labedz	Merz	Simon

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

LEGISLATIVE BILL 201.

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.

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

Voting in the affirmative, 36:

Beutler	Fitzgerald	Kennedy	Murphy	Vickers
Carsten	Fowler	Keyes	Newell	Wagner
Clark	George	Kremer	Nichol	Warner
Cope	Hasebroock	Lamb	Pirsch	Wesely
Cullan	Hefner	Landis	Reutzel	
DeCamp	Hoagland	Maresh	Sieck	
Duis	Kahle	Marsh	Stoney	
Dworak	Kelly	Marvel	Venditte	

Voting in the negative, 0.

Present and not voting, 3:

Burrows	Haberman	Schmit

Excused and not voting, 10:

Brennan	Goodrich	Koch	Lewis	Rumery
Chambers	Johnson	Labedz	Merz	Simon

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

LEGISLATIVE BILL 204.

A BILL FOR AN ACT to amend sections 46-230, Reissue Revised Statutes of Nebraska, 1943, and section 46-602, Revised Statutes Supplement, 1978, relating to irrigation; to provide for notification of ownership of appropriations and wells; and to repeal the original sections.

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

Voting in the affirmative, 31:

Beutler	George	Lamb	Nichol	Wagner
Carsten	Hasebroock	Landis	Pirsch	Warner
Clark	Hefner	Maresh	Reutzel	Wesely
Cope	Hoagland	Marsh	Schmit	
Cullan	Kelly	Marvel	Sieck	
Dworak	Keyes	Murphy	Stoney	
Fowler	Kremer	Newell	Venditte	

Voting in the negative, 5:

Burrows	Duis	Fitzgerald	Kennedy	Vickers

Present and not voting, 3:

DeCamp	Haberman	Kahle

Excused and not voting, 10:

Brennan	Goodrich	Koch	Lewis	Rumery
Chambers	Johnson	Labedz	Merz	Simon

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

LEGISLATIVE BILL 205.

A BILL FOR AN ACT to amend section 60-403.06, Revised Statutes Supplement, 1978, relating to certain trucks and truck-tractors; to permit operation for learning purposes as prescribed; and to repeal the original section.

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

Voting in the affirmative, 36:

Beutler	Fitzgerald	Keyes	Newell	Vickers
Burrows	Fowler	Kremer	Nichol	Wagner
Carsten	George	Lamb	Pirsch	Warner
Clark	Hasebroock	Landis	Reutzel	Wesely
Cope	Hefner	Maresh	Schmit	
Cullan	Hoagland	Marsh	Sieck	
Duis	Kelly	Marvel	Stoney	
Dworak	Kennedy	Murphy	Venditte	

Voting in the negative, 0.

Present and not voting, 3:

DeCamp	Haberman	Kahle

Excused and not voting, 10:

Brennan	Goodrich	Koch	Lewis	Rumery
Chambers	Johnson	Labedz	Merz	Simon

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

LEGISLATIVE BILL 213.

A BILL FOR AN ACT relating to roads; to provide for construction of dams in lieu of bridges or culverts in certain instances; to provide duties for the Department of Roads, county boards, and the natural resources districts; and to provide for studies.

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

Voting in the affirmative, 35:

Beutler	Dworak	Kelly	Marsh	Sieck
Burrows	Fitzgerald	Kennedy	Marvel	Stoney
Carsten	Fowler	Keyes	Newell	Venditte
Chambers	George	Kremer	Nichol	Vickers
Clark	Hasebroock	Lamb	Pirsch	Wagner
Cope	Hefner	Landis	Reutzel	Warner
Cullan	Kahle	Maresh	Schmit	Wesely

Voting in the negative, 2:

Duis	Hoagland

Present and not voting, 3:

DeCamp	Haberman	Murphy

Excused and not voting, 9:

Brennan	Johnson	Labedz	Merz	Simon
Goodrich	Koch	Lewis	Rumery	

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

LEGISLATIVE BILL 255.

A BILL FOR AN ACT to repeal sections 75-406, 75-407, and 75-408, Reissue Revised Statutes of Nebraska, 1943, relating to rail carriers.

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

Voting in the affirmative, 37:

Beutler	Fitzgerald	Kennedy	Murphy	Venditte
Carsten	Fowler	Keyes	Newell	Vickers
Chambers	George	Kremer	Nichol	Wagner
Clark	Hasebroock	Lamb	Pirsch	Warner
Cope	Hefner	Landis	Reutzel	Wesely
Cullan	Hoagland	Maresh	Schmit	
Duis	Kahle	Marsh	Sieck	
Dworak	Kelly	Marvel	Stoney	

Voting in the negative, 0.

Present and not voting, 3:

Burrows	DeCamp	Haberman

Excused and not voting, 9:

Brennan	Johnson	Labedz	Merz	Simon
Goodrich	Koch	Lewis	Rumery	

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

LEGISLATIVE BILL 265. With Emergency.

A BILL FOR AN ACT relating to roads; to permit the inundation of certain roads by floodwaters as prescribed; to limit liability; 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:

Beutler	Chambers	Cullan	Fitzgerald	Hasebroock
Burrows	Clark	Duis	Fowler	Hefner
Carsten	Cope	Dworak	George	Hoagland

Kahle	Lamb	Murphy	Schmit	Wagner
Kelly	Landis	Newell	Sieck	Warner
Kennedy	Maresh	Nichol	Stoney	Wesely
Keyes	Marsh	Pirsch	Venditte	
Kremer	Marvel	Reutzel	Vickers	

Voting in the negative, 0.

Present and not voting, 2:

DeCamp Haberman

Excused and not voting, 9:

Brennan	Johnson	Labedz	Merz	Simon
Goodrich	Koch	Lewis	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 288.

A BILL FOR AN ACT relating to indemnification agreements; to provide that certain provisions for indemnity in certain contracts are against public policy, void, and unenforceable.

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

Voting in the affirmative, 35:

Beutler	Dworak	Kahle	Maresh	Sieck
Burrows	Fitzgerald	Kelly	Marsh	Stoney
Chambers	Fowler	Kennedy	Marvel	Venditte
Clark	George	Keyes	Newell	Vickers
Cope	Hasebroock	Kremer	Nichol	Wagner
Cullan	Hefner	Lamb	Pirsch	Warner
Duis	Hoagland	Landis	Reutzel	Wesely

Voting in the negative, 0.

Present and not voting, 5:

Carsten	DeCamp	Haberman	Murphy	Schmit

Excused and not voting, 9:

Brennan	Johnson	Labedz	Merz	Simon
Goodrich	Koch	Lewis	Rumery	

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

LEGISLATIVE BILL 292.

A BILL FOR AN ACT to amend section 29-2262, Revised Statutes Supplement, 1978, relating to criminal procedure; to provide an additional probation condition; and to repeal the original section.

Voting in the affirmative, 33:

Beutler	Duis	Kelly	Marsh	Sieck
Burrows	Dworak	Kennedy	Marvel	Venditte
Carsten	George	Keyes	Newell	Vickers
Clark	Hasebroock	Kremer	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Hoagland	Landis	Reutzel	
DeCamp	Kahle	Maresh	Schmit	

Voting in the negative, 2:

Chambers	Stoney

Present and not voting, 5:

Fitzgerald	Fowler	Haberman	Murphy	Wesely

Excused and not voting, 9:

Brennan	Johnson	Labedz	Merz	Simon
Goodrich	Koch	Lewis	Rumery	

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

LEGISLATIVE BILL 425.

A BILL FOR AN ACT to amend section 79-490, Revised Statutes Supplement, 1978, relating to schools; to remove an exception; and to repeal the original section.

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

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 19:

Beutler	Cope	Hefner	Marsh	Sieck
Burrows	Fitzgerald	Hoagland	Newell	Stoney
Carsten	Fowler	Landis	Pirsch	Wesely
Chambers	George	Maresh	Reutzel	

Voting in the negative, 17:

Cullan	Kahle	Lamb	Schmit	Warner
Duis	Kelly	Marvel	Venditte	
Dworak	Kennedy	Murphy	Vickers	
Hasebroock	Kremer	Nichol	Wagner	

Present and not voting, 4:

Clark	DeCamp	Haberman	Keyes

Excused and not voting, 9:

Brennan	Johnson	Labedz	Merz	Simon
Goodrich	Koch	Lewis	Rumery	

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 476.

A BILL FOR AN ACT to amend section 28-1240, Revised Statutes Supplement, 1978, relating to transportation of anhydrous ammonia; to change requirements of a tank vehicle; and to repeal the 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:

Beutler	Duis	Kelly	Marvel	Venditte
Burrows	Dworak	Kennedy	Newell	Vickers
Carsten	Fitzgerald	Keyes	Nichol	Wagner
Chambers	Fowler	Kremer	Pirsch	Warner
Clark	George	Lamb	Reutzel	Wesely
Cope	Hasebroock	Landis	Schmit	
Cullan	Hefner	Maresh	Sieck	
DeCamp	Hoagland	Marsh	Stoney	

Voting in the negative, 0.

Present and not voting, 3:

Haberman	Kahle	Murphy

Excused and not voting, 9:

Brennan	Johnson	Labedz	Merz	Simon
Goodrich	Koch	Lewis	Rumery	

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

LEGISLATIVE BILL 477.

A BILL FOR AN ACT relating to explosive materials; to allow a permit holder to bring explosive material into the state as prescribed.

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

Voting in the affirmative, 38:

Beutler	Duis	Kahle	Marsh	Stoney
Burrows	Dworak	Kelly	Marvel	Venditte
Carsten	Fitzgerald	Kennedy	Murphy	Vickers
Chambers	Fowler	Keyes	Newell	Wagner
Clark	George	Kremer	Nichol	Warner
Cope	Hasebroock	Lamb	Pirsch	Wesely
Cullan	Hefner	Landis	Reutzel	
DeCamp	Hoagland	Maresh	Schmit	

Voting in the negative, 0.

Present and not voting, 2:

Haberman Sieck

Excused and not voting, 9:

Brennan	Johnson	Labedz	Merz	Simon
Goodrich	Koch	Lewis	Rumery	

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

LEGISLATIVE BILL 509.

A BILL FOR AN ACT relating to public power districts; to provide a duty with respect to ornamental or decorative street lighting systems.

Whereupon the 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:

Beutler	DeCamp	Hoagland	Marsh	Sieck
Burrows	Duis	Kelly	Marvel	Venditte
Carsten	Dworak	Kennedy	Murphy	Vickers
Chambers	Fitzgerald	Keyes	Newell	Wagner
Clark	Fowler	Kremer	Nichol	Warner
Cope	George	Landis	Pirsch	Wesely
Cullan	Hasebroock	Maresh	Reutzel	

Voting in the negative, 5:

Hefner	Kahle	Lamb	Schmit	Stoney

Present and not voting, 1:

Haberman

Excused and not voting, 9:

Brennan	Johnson	Labedz	Merz	Simon
Goodrich	Koch	Lewis	Rumery	

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

Mr. Hefner asked unanimous consent to be excused at 10:30 a.m. until noon. No objections. So ordered.

LEGISLATIVE BILL 545.

A BILL FOR AN ACT to amend section 46-238, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to change application requirements as prescribed; and to repeal the original section.

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

Voting in the affirmative, 38:

Beutler	Duis	Kelly	Marvel	Stoney
Burrows	Dworak	Kennedy	Murphy	Venditte
Carsten	Fitzgerald	Keyes	Newell	Vickers
Chambers	Fowler	Kremer	Nichol	Wagner
Clark	George	Lamb	Pirsch	Warner
Cope	Hasebroock	Landis	Reutzel	Wesely
Cullan	Hoagland	Maresh	Schmit	
DeCamp	Kahle	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 10:

Brennan	Hefner	Koch	Lewis	Rumery
Goodrich	Johnson	Labedz	Merz	Simon

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 77-427, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide an award for certain assessors or deputy assessors 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, 37:

Beutler	Duis	Kahle	Marsh	Stoney
Burrows	Dworak	Kelly	Marvel	Venditte
Carsten	Fitzgerald	Kennedy	Newell	Wagner
Chambers	Fowler	Keyes	Nichol	Warner
Clark	George	Kremer	Pirsch	Wesely
Cope	Hasebroock	Lamb	Reutzel	
Cullan	Hefner	Landis	Schmit	
DeCamp	Hoagland	Maresh	Sieck	

Voting in the negative, 0.

Present and not voting, 3:

Haberman	Murphy	Vickers

Excused and not voting, 9:

Brennan	Johnson	Labedz	Merz	Simon
Goodrich	Koch	Lewis	Rumery	

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

SPEAKER MARVEL PRESIDING

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 524 in the Journal. No objections. So ordered.

1. On page 8, line 21, insert "or to pay a fine of not to exceed five hundred dollars" after "confined".

RESOLUTION

LEGISLATIVE RESOLUTION 41.

Introduced by Fowler, 27th District; Wesely, 26th District.

WHEREAS, recent events in Pennsylvania have focused public attention on the hazards of nuclear power plant operation and create a need to assure the public that such plants meet adequate safety standards established by the state and federal government; and

WHEREAS, Nebraska has three such nuclear plants, two active and one decommissioned; and

WHEREAS, plans for notification and evacuation of local residents and safety monitoring have been developed by state officials for use in the event of incidents similar to those that have been recently reported.

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

1. That the Legislature's Public Works Committee study such plans and safety procedures to determine whether the safety of Nebraska's communities is insured.

2. That such committee hold public hearings in areas covered by such plans, receive input from local officials and citizens as to the adequacy and effectiveness of such plans, and insure that present state plans are a practical and reliable method of handling incidents similar to those which recently occurred in Pennsylvania.

3. That the committee shall, in cooperation with state and local officials, identify and recommend to the Legislature any changes which need to be made in state laws, procedures, or practices.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 260. Title read. Considered.

Standing Committee amendments found in the Journal on page 596 for the Thirty-Third Day were considered.

Mr. Cullan offered the following amendments to the Standing Committee amendments:

(1)

1. On page 2, line 5 of the Committee amendments found on page 597 of the Journal after "20," strike all the material through "thirteen" in line 6;

(2)

2. Strike section 20 of the original bill.

Amendment (1) was adopted with 15 ayes, 0 nays, 24 present and not voting, and 10 excused and not voting.

Amendment (2) was adopted with 14 ayes, 0 nays, 25 present and not voting, and 10 excused and not voting.

Mr. Cullan offered the following amendment to the Standing Committee amendments:

(3)

3. Strike the new language contained in Committee amendment 2 as shown on page 597 of the journal and reinstate the original language; on line 23 after "region." insert "Regional governing boards shall not be required to provide such matching funds for alcohol treatment programs located on Indian reservations."

The amendment was adopted with 11 ayes, 0 nays, 28 present and not voting, and 10 excused and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Murphy moved to indefinitely postpone LB 260.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 17 nays, and 20 not voting.

The Murphy motion to indefinitely postpone lost with 7 ayes, 21 nays, 11 present and not voting, and 10 excused and not voting.

Laid over.

EXPLANATION OF VOTE

Had I been present I would have voted the following way on these bills: "aye" on LB's 19, 112, 240, 375, 102e, 125, 377, 26, 137, 201, 204, 205, 213, 255, 265e, 288, 292, 476, 477, 509, 545, and 551: "nay" on LB's 57 and 425.

(Signed) Rex Haberman

MOTION - Reconsider Action on LB 57

Mr. Koch moved to reconsider action on the Final Reading of LB 57.

Motion pending.

MOTION - Reconsider Action on LB 425

Mr. Koch moved to reconsider action on the Final Reading of LB 425.

Motion pending.

UNANIMOUS CONSENT - Expedite LB 376

Mr. Warner asked unanimous consent to expedite LB 376. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Johnson asked unanimous consent to print the following amendments to LB 35 in the Journal. No objections. So ordered.

1. On page 2, strike lines 14 through 19; in line 20, strike "(3)" and insert "(2)"; and in line 25, strike "(4)" and insert "(3)".

2. Strike original section 14.

3. Insert a new section as follows:

"Sec. 14. Should it appear to the department at the beginning of any fiscal year that uniform state-wide application of the standard of need as established pursuant to this act would result in expenditures during such fiscal year of more money than was appropriated for its use as direct or indirect assistance payments, the department may, by regulation, establish a percentage factor to be applied uniformly during such fiscal year to such standard of need as to result in aggregate assistance payment expenditures not signifigantly different from the money appropriated for the fiscal year.".

Mr. Dworak asked unanimous consent to print the following amendments to LB 285 in the Journal. No objections. So ordered.

(1)

1. In the Committee amendments, Req. 2796, on page 5, line 3, after "add" insert "one percentage"; in line 5, strike "an amount equal to the" and insert "for each", and after "percentage" insert ", in excess of seven per cent,".

(2)

1. In the Committee amendments, Req. 2796, on page 5, line 14, after the underscored period, insert:

"Any political subdivision shall deduct one percentage from the limit established pursuant to section 12 of this act for each percentage that the population in the political subdivision for the ensuing fiscal year is anticipated to be less than the population of such political subdivision for the current fiscal year."

Mr. Nichol asked unanimous consent to print the following amendments to LB 143 in the Journal. No objections. So ordered.

1. In the committee amendments on page 1, line 7 after "company" insert ", other than a municipal utility owned and operated by a village, second-class city, or first-class city,".

2. Insert a new section as follows:

"Sec. 16. No municipal utility owned and operated by a village, second-class city, or first-class city 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 such utility 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 utility 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.".

3. Renumber remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 42.

Introduced by Newell, 13th District; Kelly, 35th District; DeCamp, 40th District; Sieck, 24th District; Carsten, 2nd District.

WHEREAS, the Eighty-Sixth Legislature is faced with various suggestions for altering the financial relationship between the state government and its political subdivisions; and

WHEREAS, one of these proposals is embodied in a comprehensive set of amendments to Legislative Bill 487, Eighty-Sixth Legislature, First Session, 1979, and was offered by Senator Schmit; and

WHEREAS, such a proposal, if enacted into law, would serve to replace a portion of ad valorem property tax receipts with distributed receipts from the general sales, individual income, and corporate income taxes imposed by the state of Nebraska; and

WHEREAS, the result of the property tax replacement would be a reduction in the burden of ad valorem taxation in Nebraska; and

WHEREAS, the proper and equitable level and distribution of state tax funds to local subdivisions is a matter of continuing discussion and concern.

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

1. That the Revenue Committee conduct an interim study of the financial relationship between the state and its political subdivisions.

2. That such study include a detailed analysis of the levels and relative burdens imposed by property, sales and income taxation.

3. That such study include an investigation of alternative methods of financing local government and for distributing receipts from state tax sources to political subdivisions.

4. That such study include an analysis of the continuing effects of the imposition of a statutory limitation upon the annual growth in the budgets of political subdivisions.

5. That the study proposed by this resolution shall be conducted in conjunction with the study proposed by Legislative Resolution 6 of this year.

6. That Senator Loran Schmit may serve as an ex-officio member of the Revenue Committee for the purposes of such study.

7. That the Committee and its staff shall seek assistance from, cooperative with, and receive suggestions from organizations and concerns outside of state government.

8. That the Revenue Committee report its findings, together with any recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 34 fourth grade students, teachers, and parents from Sunset Hills and Westbrook from District 66, Omaha; 52 fourth grade students, teachers, and parents from Swanson Elementary, Omaha; 41 fourth grade students and teachers from Meadow Lane Elementary, Lincoln; Mr. and Mrs. Dale Stubblefield from Shelton; 90 fourth grade students, teachers, and parents from Waverly Elementary, Waverly; and 11 senior high students and teachers from Cathedral High School, Omaha.

RECESS

At 12:04 p.m., on a motion by Mr. Kelly, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:39 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Brennan, Carsten, Clark, Duis, Goodrich, Johnson, Koch, Kremer, Merz, Rumery, and Simon who were excused; Messrs. Chambers, Kahle, Kelly, Schmit, and Warner who were excused until they arrive; and Mrs. Marsh who was excused at 2:00 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 65. Replaced on Select File as amended.
E & R amendments to LB 65:

1. In lieu of the Carsten amendments 3 and 4, adopted 3/22, on page 20, line 4, and in the title, line 5, insert ", section 77-1240.05, Revised Statutes Supplement, 1978, as amended by section 8, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979" after "1943".

2. In the title, line 6, insert "and" after the semicolon.

Correctly Enrolled

The following bills were correctly enrolled: 19, 26, 102, 112, 125, 137, 201, 204, 205, 213, 240, 255, 265, 288, 292, 375, 377, 476, 477, 509, 545, and 551.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 19, 26, 102, 112, 125, 137, 201, 204, 205, 213, 240, 255, 265, 288, 292, 375, 377, 476, 477, 509, 545, and 551.

GENERAL FILE

LEGISLATIVE BILL 136. Title read. Considered.

Standing Committee amendments found in the Journal on page 976 for the Forty-Ninth 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 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 331. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 977 for the Forty-Ninth Day (Req. #2693) were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

PRESIDENT LUEDTKE PRESIDING

Advanced to E & R for Review with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 181. Title read. Considered.

Standing Committee amendments found in the Journal on page 997 for the Forty-Ninth 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.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 497. Placed on General File as amended.
Standing Committee amendments to LB 497:

1. Strike the original sections and insert the following:

"Section 1. This act shall be known and may be cited as the Nebraska Voluntary Litter Reduction Act.

Sec. 2. The Legislature declares that the protection of the public health, safety, and well-being, the maintenance of the environmental quality of the state, and the conservation of natural resources require the implementation of a voluntary litter reduction program throughout the state. Such a program shall not be funded or supported by any tax levied or imposed by any government agency or political subdivision beyond

those funds already allocated to programs currently authorized and existing within the government agencies.

Sec. 3. For the purposes of this act, unless the context otherwise requires, the definitions found in sections 4 to 11 of this act shall be used.

Sec. 4. Fund shall mean the Litter Voluntary Contributions Fund created under section 26 of this act.

Sec. 5. Litter shall mean all rubbish, waste material, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind and description, susceptible of being dropped, deposited, discarded, or otherwise disposed of upon any public or private property in the state, but not including the waste or primary processes of farming or manufacturing.

Sec. 6. Person shall mean any natural person, political subdivision, government agency, public or private corporation, partnership, joint venture, association, firm, or individual proprietorship.

Sec. 7. Public place shall mean any place or area in the state that is used or held out for use by the public, whether owned or operated by public or private interests.

Sec. 8. Recycling shall mean the process of separating, cleaning, treating, and reconstituting waste or other discarded materials for the puspose of recovering and reusing the resources contained therein.

Sec. 9. Recycling center shall mean a central collection point in a community for recyclable materials.

Sec. 10. Vehicle shall mean every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Sec. 11. Watercraft shall mean any boat, ship, vessel, barge, or other floating craft.

Sec. 12. That section 28-523, Revised Statutes Supplement, 1978, be amended to read as follows:

28-523. (1) Any person who deposits, throws, discards, or otherwise disposes of ~~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, but does not include the waste or primary processes of farming or manufacturing.

(3) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or watercraft ~~is presumed to have caused or permitted such litter to have been so thrown, deposited, dropped, or dumped therefrom~~ commits the offense of littering.

(4) Littering is a Class ~~V~~ IV misdemeanor.

Sec. 13. That section 39-6,190, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,190. Any person who shall deposit any wood, stone, or other kind of material on any part of any lawful public road in this state, inside of the ditches of such road or outside of the ditches, but so near thereto as to cause the banks thereof to break into the same or cause the accumulation of rubbish, or any kind of obstruction, ~~shall upon conviction thereof be fined in any sum not exceeding one hundred dollars and the cost of prosecution, or~~ shall be ~~imprisoned in the county jail for not more than thirty days~~ guilty of a Class IV misdemeanor.

Sec. 14. The State Treasurer shall offer and pay, from the receipts of the Litter Voluntary Contributions Fund, a reward of fifty dollars to any person providing information leading to the conviction of any person for littering except that in no case shall the amount paid out for reward exceed fifty dollars for each conviction.

Sec. 15. Each law enforcement officer of this state or any political subdivision of this state shall enforce this act and all rules and regulations adopted pursuant to this act and shall issue citations to any person violating this act.

Sec. 16. The Game and Parks Commission, the Department of Roads, the Department of Environmental Control, the Department of Correctional Services, and the Department of Labor shall coordinate with one another in carrying out this act. Such agencies shall utilize existing programs to promote and actively support the concepts of this act and cooperate among themselves to provide services including, but not limited to: Litter pick-up, litter receptacles, antilitter educational programs, and recycling centers.

Sec. 17. The Game and Parks Commission shall continue to participate in litter pick-up activities in

all state parks, recreation grounds, and in all other areas under its jurisdiction. The commission may utilize the labor of persons committed to the Department of Correctional Services to assist in carrying out this act.

Sec. 18. The Department of Roads shall continue to participate in litter pick-up activities along state roadways and in all other areas where it has authority or currently participates in litter pick-up. The department may utilize the labor of persons committed to the Department of Correctional Services to assist in carrying out this act.

Sec. 19. The Department of Roads shall post on roadside signs the penalties which may be imposed for littering in this state. Such signs shall be placed along public highways of this state, at visitor centers, at the entrance to state parks and recreation areas, at public beaches, and at such other public places as the department determines is necessary to accomplish the purposes of this act.

Sec. 20. The Department of Environmental Control shall continue through its Keep Nebraska Beautiful program and other existing programs to conduct a statewide program of public education against discarding litter and debris at places other than disposal sites. The department shall also continue to work towards establishing throughout the state recycling centers and recycling concepts for conservation of natural resources.

Sec. 21. The Department of Correctional Services shall cooperate with the Game and Parks Commission and the Department of Roads for the employment for the purpose of litter pick-up, of persons committed to the Department of Correctional Services. The Department of Correctional Services shall continue any litter pick-up activities currently being carried out under its authority.

Sec. 22. To assist in creating litter free areas, the Department of Labor may design programs and grant funds for the use of unemployed individuals on a seasonal and part-time basis. In designing such programs, the department shall cooperate and coordinate with federal, other governmental, and private programs aimed at providing jobs. The department may utilize the resources available under the Comprehensive Employment and Training Act. (P.L. 95-524)

Sec. 23. Litter receptacles of uniform design and color shall be placed along the public highways of this state and shall be placed, to the extent possible, at parks, campgrounds, trailer parks, drive-in restaurants, gasoline stations, tavern parking lots,

shopping centers, parking lots of business and industrial firms, marinas and boat launching areas, beaches and bathing areas, and other necessary public places within this state.

Sec. 24. Any person owning or operating any establishment or public place in which litter receptacles are required by section 23 of this act shall be responsible for procuring, placing, and maintaining such receptacles on the premises at his or her own expense.

Sec. 25. (1) No person shall damage, deface, abuse, or misuse any litter receptacle so as to interfere with its proper function or to detract from its proper appearance.

(2) No person shall deposit leaves, clippings, prunings, garden refuse, or household waste materials in any litter receptacle, except with the permission of the owner of such receptacle.

(3) Any person violating this section shall be guilty of a Class IV misdemeanor.

Sec. 26. There is hereby created a fund to be known as the Litter Voluntary Contributions Fund. There shall be placed in such fund all donations received for the purpose of litter pick-up and recycling from any person, manufacturer, wholesaler, retailer, and public or private corporations. Any balance in the fund shall be equally distributed to the Game and Parks Commission, the Department of Roads, and the Department of Environmental Control and applied to their existing programs relative to litter pick-up or recycling. Any reward outstanding under section 18 of this act shall be paid before the fund balance is distributed.

Sec. 27. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not effect the validity or constitutionality of the remaining portions thereof.

Sec. 28. That original section 39-6,190, Reissue Revised Statutes of Nebraska, 1943, and section 28-523, Revised Statutes Supplement, 1978, are repealed.".

2. In the title, strike lines 2 through 6 and insert:

"FOR AN ACT to adopt the Nebraska Voluntary Litter Reduction Act; to create a fund; to provide penalties; to provide for severability; and to repeal the original sections.".

(Signed) Loran Schmit, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 40.

MESSAGE FROM THE GOVERNOR

March 30, 1979

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

Dear Mr. President and Senators:

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

William H. Palmer, Lincoln, Nebraska - Director, Nebraska Energy Office, succeeding George Dworak, for a term as provided by law.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: William H. Palmer
Committee on Committees
Accountability and Disclosure Commission

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 492 in the Journal. No objections. So ordered.

On page 2, line 11, strike "An unladen" and insert "A" on page 2, line 14 strike "Eighteen" and insert "Sixteen"

Mr. Nichol asked unanimous consent to print the following amendments to LB 14 in the Journal. No objections. So ordered.

1. On page 4, line 12, strike "Two" and insert "Three"; strike lines 16 and 17; and in line 18 strike "(4)" and insert "(3)".
2. On page 4, line 26 and page 5, line 4, strike

"effective" and insert "operative".

3. On page 7, strike beginning with the comma in line 22 through the comma in line 23.

4. On page 8, line 9 after "more" insert "or less"; in line 10 after "reduce" insert "or increase"; in line 12 after "year" insert "and"; and strike beginning with the period in line 12 through "fees" in line 15; in line 23 after the period insert "The Department of Agriculture may enter into reciprocal agreements with other states for the collection of such fees. All fees collected by the Department of Agriculture pursuant to this act shall be deposited in the state treasury utilizing a specific program designation within an existing cash fund of the Department of Agriculture.".

5. On page 10, lines 24 and 25 strike "all fees collected" and insert "funds forwarded"; in line 25 after the first "the" insert "Department of Agriculture to the".

6. In the committee amendments, on page 1, strike lines 10 through 13 and insert "4. On page 4, line 19".

7. In the committee amendments, on page 3, line 25 after "agency" insert "except that the Attorney General shall have access to such statements during a bona fide investigation".

8. In the committee amendments, on page 4, line 3 after "shall" insert "retain the amount estimated to be necessary to make refunds for overpayments and shall", strike "total" and insert "balance of the"; in line 4 strike "of the" and insert "received from"; in line 5 strike "hundred weight" and insert "hundredweight".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 58, 164, 237, 241, 249, 315, and 373.

(Signed) Don Wesely, Chairman

GENERAL FILE

LEGISLATIVE BILL 547. Title read. Considered.

Standing Committee amendments found in the Journal on page 1006 for the Fiftieth Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 327. Title read. Considered.

Standing Committee amendments found in the Journal on page 1007 for the Fiftieth Day were adopted with 26 ayes, 3 nays, 7 present and not voting, and 13 excused and not voting.

Mr. Warner offered the following amendment:
Line 15 strike "five" and insert "ten".

Mr. Warner moved for a Call of the House. The motion prevailed with 15 ayes, 8 nays, and 26 not voting.

Mr. Warner requested a roll call vote on his amendment:

Voting in the affirmative, 14:

Chambers	Dworak	George	Marvel	Warner
Cope	Fitzgerald	Hoagland	Murphy	Wesely
Cullan	Fowler	Landis	Newell	

Voting in the negative, 19:

Beutler	Hasebroock	Keyes	Pirsch	Stoney
Burrows	Hefner	Lamb	Reutzel	Vickers
DeCamp	Kahle	Lewis	Schmit	Wagner
Haberman	Kennedy	Maresh	Sieck	

Present and not voting, 3:

Kelly	Nichol	Venditte

Excused and not voting, 13:

Brennan	Duis	Koch	Marsh	Simon
Carsten	Goodrich	Kremer	Merz	
Clark	Johnson	Labedz	Rumery	

The Warner amendment lost with 14 ayes, 19 nays, 3 present and not voting, and 13 excused and not voting.

Laid over.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 353. Title read. Considered.

Standing Committee amendments found in the Journal on page 1007 for the Fiftieth 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 569. Title read. Considered.

Standing Committee amendments found in the Journal on page 1039 for the Fifty-First Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Wesely offered the following amendment:
To strike new language in lines 3-5 on page 2 of the Amendment

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.

The Wesely amendment lost with 17 ayes, 3 nays, 16 present and not voting, and 13 excused and not voting.

Laid over.

LEGISLATIVE BILL 198. Title read. Considered.

Standing Committee amendments found in the Journal on page 611 for the Thirty-Fourth Day were considered.

Mr. Beutler renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1174.

The amendment was adopted with 12 ayes, 0 nays, 24 present and not voting, and 13 excused and not voting.

Standing Committee amendments, as amended, 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.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #897).

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 585. By Appropriations Committee: Warner, 25th District, Chairman; Hasebroock, 18th District; Marsh, 29th District; Fowler, 27th District; Dworak, 22nd District; Labedz, 5th District; Hoagland, 6th District; Cope, 36th District.

A BILL FOR AN ACT to make appropriations for state aid programs for the period of July 1, 1979, to June 30, 1980; and to declare an emergency.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #891).

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 586. By Appropriations Committee: Warner, 25th District, Chairman; Marsh, 29th District; Hoagland, 6th District; Hasebroock, 18th District; Cope, 36th District; Fowler, 27th District; Dworak, 22nd District; Labedz, 5th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1979, to June 30, 1980; to recite limitations on expenditures; to provide severability; and to declare an emergency.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #892).

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 587. By Appropriations Committee: Warner, 25th District, Chairman; Marsh, 29th District; Hasebroock, 18th District; Cope, 36th District; Hoagland, 6th District; Fowler, 27th District; Dworak, 22nd District; Labedz, 5th District.

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1979, to June 30, 1980; and to declare an emergency.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #893).

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 588. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Hasebroock, 18th District; Marsh, 29th District, Fowler, 27th District, Hoagland, 6th District; Labedz, 5th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1979, to June 30, 1980; to recite limitations on expenditures; to provide severability; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sec. 5 and 19, Rule 6, Sec. 1, to place LB 585, 586, 587, and 588 on General File.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wagner asked unanimous consent to print the following amendment to LB 101 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments, on page 3, line 7 after "shall" insert "annually"; in line 9 strike "shall" and insert "may", after "hold" insert "the same", strike "one year" and insert "not more than two years"; and in line 14 after "director" insert "who shall serve at the pleasure of the commission".

Mr. Kelly asked unanimous consent to print the following amendments to LB 345 in the Journal. No objections. So ordered.

1. On page 2, line 12, after "five" insert ", if a vote to elect commissioners by district pursuant to section 2 of this act is successful".

2. On page 4 reinstate the stricken matter in lines 3 through 10; in line 11 strike "After the effective date of this act" and insert "If a vote to elect commissioners by district pursuant to section 2 of this act is successful".

3. Insert the following new section:

"Sec. 1. No county with more than three thousand inhabitants shall elect its commissioners by district unless the matter has been submitted to a vote of the inhabitants of the county and receives a majority vote of such inhabitants.".

4. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 103 in the Journal. No objections. So ordered.

1. Strike the original sections and insert:

"Section 1. The Legislature finds that the energy crisis and the resultant increase in demand for coal has caused increased rail traffic in the state.

Such increased rail traffic transporting coal creates hazards to the citizens of the state because of increased potential for derailments and car-train accidents at highway crossings.

The rail traffic also causes inconvenience to citizens because of time lost while waiting at rail crossings. In addition, a large amount of gasoline is wasted by people who are forced to wait for trains at railroad crossings.

To offset the impact of the coal hauling trains in Nebraska, it is the intent of the Legislature to enact a tax on the transportation of coal by rail as set

forth in sections 1 to 6 of this act.

Sec. 2. As used in this act unless the context otherwise requires:

(1) Railroad carrier shall have the meaning provided by section 75-402, Reissue Revised Statutes of Nebraska, 1943.

(2) Railroad shall have the meaning provided by section 75-402, Reissue Revised Statutes of Nebraska, 1943.

Sec. 3. Every railroad carrier engaged in transporting coal in interstate commerce through the state shall pay to the Tax Commissioner a tax of one cent on each ton of coal transported. Such tax shall be paid in addition to all other taxes.

Sec. 4. Every railroad carrier transporting coal in interstate commerce through the state shall file with the Tax Commissioner on blanks furnished by the commissioner, reports for the preceding calendar quarter setting forth the total amount of coal transported in interstate commerce through the state by such railroad. The report shall also set forth the amount of tax due for the transportation of coal. Payment of the amount due shall be made at the time such report is filed.

Sec. 5. The proceeds of the tax provided by section 3 of this act shall be credited to the Coal Transportation Tax Fund which is hereby created.

Sec. 6. Money in the Coal Transportation Tax Fund shall be distributed to the counties, cities and villages of the state to be used for construction of railroad crossings, overpasses, and safety devices. Distribution shall be as follows:

(1) Fifty per cent of such money shall be distributed to the various counties, cities and villages in the same proportion that the total miles of railroad track used for interstate coal transportation in the state bears to the number of miles of such track within a county, city, or village.

(2) Fifty per cent of such money shall be distributed to the various counties, cities, and villages on the basis of the ratio of the population of the particular county, city, or village to the population of the entire state as determined by the latest federal census.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 1979, at 3:37 p.m., were the following bills: 19, 112, 240, 375, 102, 125, 377, 26, 137, 201, 204, 205, 213, 255, 265, 288, 292, 476, 477, 509, 545, and 551.

(Signed) Hazel Kaltenberger, Enrolling Clerk

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 582, 583, and 584 for the approval of the Nebraska State Legislature.

LB	Committee
582	Miscellaneous Subjects
583	Public Works
584	Appropriations

(Signed) Frank Lewis, Chairman
Executive Board

VISITORS

Visitors to the Chamber were Mayor Lester Fitch and group from Niobrara.

ADJOURNMENT

Mr. Venditte moved to adjourn until 10:00 a.m., Monday, April 2, 1979.

Mr. Kelly moved to amend the motion to adjourn until 9:30 a.m., Monday, April 2, 1979. The motion prevailed with 25 ayes, 1 nay, and 23 not voting. The Legislature adjourned at 3:43 p.m. until 9:30 a.m., Monday, April 2, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 2, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 2, 1979

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Luedtke 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. Schmit and Wagner who were excused; and Mrs. Marsh, Messrs. Dworak, George, Lewis, Merz, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Seventh Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Wagner asked unanimous consent to be excused Monday, April 2, 1979 through Thursday, April 5, 1979. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 376. Placed on Select File as amended.
E & R amendments to LB 376:

1. In committee amendments, page 1, strike the comma at the end of line 14.

2. In the title, line 8, strike "and"; and in line 9, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 220. Replaced on Select File as amended.
E & R amendments to LB 220:

1. Renumber new sections in the Keyes amendments as sections 2 to 4, new section 2 in committee amendments as section 5, and original sections 1 and 2 as sections 6 and 7.

2. In the Keyes amendments, page 1, line 10, insert an underscored comma after "or".

3. In the Keyes amendments, page 2, line 14, insert ", or within such county, whichever is applicable" after "village".

4. Strike the Keyes amendments 2 and 3.

5. In committee amendments, page 4, line 14, insert "8-115.01, 8-116, 8-123," after the first comma.

6. In the title as amended, line 2, insert "8-115.01, 8-116, 8-123," after the first comma; and at the end of line 7 insert "to authorize the location of banks outside the corporate limits of cities or villages;".

LEGISLATIVE BILL 495. Replaced on Select File as amended.
E & R amendment to LB 495:

1. In the title, line 2, strike "section" and insert "sections 18-2201 and"; and in line 4 insert "to require regulations of rate increases as prescribed;" after the semicolon.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 542. Placed on General File as amended.
Standing Committee amendments to LB 542:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. No. 2787.)

(Signed) Jerome Warner, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 475.

A BILL FOR AN ACT to adopt an official state soil.

Whereupon the 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:

Beutler	DeCamp	Kahle	Landis	Rumery
Brennan	Duis	Kelly	Maresh	Sieck
Burrows	Fitzgerald	Keyes	Marvel	Simon
Carsten	Fowler	Koch	Murphy	Stoney
Chambers	Goodrich	Kremer	Newell	Vickers
Cope	Hasebroock	Labedz	Nichol	Warner
Cullan	Hefner	Lamb	Reutzel	

Voting in the negative, 0.

Present and not voting, 3:

Haberman	Kennedy	Pirsch

Excused and not voting, 12:

Clark	Hoagland	Marsh	Venditte
Dworak	Johnson	Merz	Wagner
George	Lewis	Schmit	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 59. Laid over at the request of Mr. Koch.

LEGISLATIVE BILL 74.

A BILL FOR AN ACT relating to gasohol; to require use of gasohol in certain vehicles as prescribed; to provide duties for the Department of Roads; and to define terms.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 25:

Brennan	Duis	Hasebroock	Kremer	Nichol
Burrows	Fitzgerald	Hefner	Labedz	Reutzel
Carsten	Fowler	Kahle	Lamb	Rumery
Cope	Goodrich	Kelly	Maresh	Simon
DeCamp	Haberman	Keyes	Marvel	Warner

Voting in the negative, 12:

Chambers	Kennedy	Murphy	Sieck
Cullan	Koch	Newell	Stoney
Hoagland	Landis	Pirsch	Vickers

Present and not voting, 2:

Beutler Johnson

Excused and not voting, 10:

Clark	George	Marsh	Schmit	Wagner
Dworak	Lewis	Merz	Venditte	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 154.

A BILL FOR AN ACT to amend section 8-319, Reissue Revised Statutes of Nebraska, 1943, and section 8-355, Revised Statutes Supplement, 1978, relating to building and loan associations; to

provide an alternative form of security; to provide the same advantages as federal savings and loan associations; 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:

Beutler	Duis	Kahle	Landis	Rumery
Brennan	Fitzgerald	Kelly	Maresh	Sieck
Burrows	Goodrich	Kennedy	Marvel	Simon
Carsten	Haberman	Keyes	Murphy	Stoney
Chambers	Hasebroock	Koch	Newell	Vickers
Cope	Hefner	Kremer	Nichol	Warner
Cullan	Hoagland	Labedz	Pirsch	
DeCamp	Johnson	Lamb	Reutzel	

Voting in the negative, 0.

Present and not voting, 2:

Fowler Wesely

Excused and not voting, 9:

Clark	George	Marsh	Schmit	Wagner
Dworak	Lewis	Merz	Venditte	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 176 to Select File

Mr. Koch moved to return LB 176 to Select File for the specific amendment found in the Journal on page 1167.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 18 nays, and 14 not voting.

Mr. Koch withdrew his motion.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 176. Laid over at the request of Mr. Koch.

LEGISLATIVE BILL 196.

A BILL FOR AN ACT to amend section 44-319.10, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to create a trust fund; to provide the disposition of fines and penalties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Beutler	Goodrich	Keyes	Newell	Venditte
Burrows	Haberman	Koch	Nichol	Vickers
Carsten	Hasebroock	Kremer	Pirsch	Warner
Cope	Hefner	Labedz	Reutzel	Wesely
Cullan	Hoagland	Lamb	Rumery	
Duis	Kahle	Maresh	Sieck	
Fitzgerald	Kelly	Marvel	Simon	
Fowler	Kennedy	Murphy	Stoney	

Voting in the negative, 0.

Present and not voting, 5:

Brennan	Chambers	DeCamp	Johnson	Landis

Excused and not voting, 8:

Clark	George	Marsh	Schmit
Dworak	Lewis	Merz	Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 200.

A BILL FOR AN ACT to amend section 38-1004, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Gifts to Minors

Act; to change provisions relating to beneficiaries of a policy or contract on the life of a minor as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Beutler	Duis	Johnson	Lamb	Reutzel
Brennan	Fitzgerald	Kahle	Landis	Rumery
Burrows	Fowler	Kelly	Maresh	Sieck
Carsten	Goodrich	Kennedy	Marvel	Simon
Chambers	Haberman	Keyes	Murphy	Stoney
Cope	Hasebroock	Koch	Newell	Venditte
Cullan	Hefner	Kremer	Nichol	Vickers
DeCamp	Hoagland	Labedz	Pirsch	Warner

Voting in the negative, 0.

Present and not voting, 1:

Wesely

Excused and not voting, 8:

Clark	George	Marsh	Schmit
Dworak	Lewis	Merz	Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 208. With Emergency.

A BILL FOR AN ACT to amend section 84-906.02, Reissue Revised Statutes of Nebraska, 1943, relating to the Revisor of Regulations; to remove the office and position of Revisor of Regulations from the office of Revisor of Statutes; to provide an operative date; to repeal the original section, and also section 84-906.04, 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:

Brennan	Fitzgerald	Kelly	Maresh	Sieck
Burrows	Goodrich	Kennedy	Marvel	Simon
Carsten	Haberman	Keyes	Murphy	Stoney
Chambers	Hasebroock	Koch	Newell	Venditte
Cope	Hefner	Kremer	Nichol	Warner
Cullan	Hoagland	Labedz	Pirsch	Wesely
DeCamp	Johnson	Lamb	Reutzel	
Duis	Kahle	Landis	Rumery	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Fowler	Vickers

Excused and not voting, 8:

Clark	George	Marsh	Schmit
Dworak	Lewis	Merz	Wagner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 294.

A BILL FOR AN ACT to amend section 77-348, 77-349, and 77-350, Reissue Revised Statutes of Nebraska, 1943, relating to the Ad Valorem Advisory Committee; to provide for joint meetings with the State Board of Equalization and Assessment; to change the duties of the committee; to provide for selection of a chairperson; to specify meeting times; 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 the affirmative, 41:

Beutler	Cullan	Haberman	Kelly	Lamb
Brennan	DeCamp	Hasebroock	Kennedy	Landis
Burrows	Duis	Hefner	Keyes	Maresh
Carsten	Fitzgerald	Hoagland	Koch	Marvel
Chambers	Fowler	Johnson	Kremer	Murphy
Cope	Goodrich	Kahle	Labedz	Newell

Nichol	Rumery	Stoney	Warner
Pirsch	Sieck	Venditte	Wesely
Reutzel	Simon	Vickers	

Voting in the negative, 0.

Excused and not voting, 8:

Clark	George	Marsh	Schmit
Dworak	Lewis	Merz	Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Hasebroock asked unanimous consent to be excused at 10:30 a.m. until he returns. No objections. So ordered.

LEGISLATIVE BILL 321. With Emergency.

A BILL FOR AN ACT to amend sections 19-2107, 81-1503, 81-1509, 81-1518, and 81-1528, Reissue Revised Statutes of Nebraska, 1943, and section 81-1533, Reissue Revised Statutes of Nebraska, 1943, as amended by section 58, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979, relating to disposal of waste; to change notice, hearing, and licensing requirements pertaining to solid waste disposal systems; to delete a requirement for reconfirmation; to change appeal procedures as prescribed; to prohibit pollution by solid waste disposal systems; to provide for state allocations concurrent with federal grants 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, 34:

Beutler	Duis	Kahle	Landis	Sieck
Brennan	Fitzgerald	Kelly	Maresh	Simon
Carsten	Fowler	Keyes	Marvel	Stoney
Chambers	Goodrich	Koch	Newell	Venditte
Cope	Haberman	Kremer	Nichol	Warner
Cullan	Hefner	Labedz	Reutzel	Wesely
DeCamp	Johnson	Lamb	Rumery	

Voting in the negative, 1:

Kennedy

Present and not voting, 5:

Burrows	Hoagland	Murphy	Pirsch	Vickers

Excused and not voting, 9:

Clark	George	Lewis	Merz	Wagner
Dworak	Hasebroock	Marsh	Schmit	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 537. With Emergency.

A BILL FOR AN ACT to amend sections 2-1012, 2-1014, and 2-1024, Reissue Revised Statutes of Nebraska, 1943, relating to agriculture; to change licensing dates; to change provisions relating to nonresidents; to eliminate nonresident's permits; to delete provisions relating to a disease; to repeal the original sections, and also sections 2-1018, and 2-1039 to 2-1045, 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:

Beutler	Duis	Kahle	Landis	Rumery
Brennan	Fitzgerald	Kelly	Maresh	Sieck
Burrows	Fowler	Kennedy	Marvel	Simon
Carsten	Goodrich	Keyes	Murphy	Stoney
Chambers	Haberman	Koch	Newell	Venditte
Cope	Hefner	Kremer	Nichol	Vickers
Cullan	Hoagland	Labedz	Pirsch	Warner
DeCamp	Johnson	Lamb	Reutzel	Wesely

Voting in the negative, 0.

Excused and not voting, 9:

Clark	George	Lewis	Merz	Wagner
Dworak	Hasebroock	Marsh	Schmit	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 544.

A BILL FOR AN ACT to amend section 46-277, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to change provisions for inspection of dams 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:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Brennan	Fowler	Keyes	Murphy	Stoney
Burrows	Goodrich	Koch	Newell	Venditte
Carsten	Haberman	Kremer	Nichol	Vickers
Cope	Hefner	Labedz	Pirsch	Warner
Cullan	Hoagland	Lamb	Reutzel	Wesely
DeCamp	Kahle	Landis	Rumery	
Duis	Kelly	Maresh	Sieck	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Johnson

Excused and not voting, 9:

Clark	George	Lewis	Merz	Wagner
Dworak	Hasebroock	Marsh	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 548. With Emergency.

A BILL FOR AN ACT to amend sections 81-2,171 and 81-2,173, Reissue Revised Statutes of Nebraska, 1943, relating to bee husbandry; to exempt certain persons from an entry permit; to change the period for inspection of an apiary; to provide for registration of bee colonies; to repeal the original sections, and also section 81-2,177, 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:

Beutler	Duis	Kelly	Maresh	Sieck
Brennan	Fowler	Kennedy	Marvel	Simon
Burrows	Goodrich	Keyes	Murphy	Venditte
Carsten	Haberman	Koch	Newell	Vickers
Chambers	Hefner	Kremer	Nichol	Warner
Cope	Hoagland	Labedz	Pirsch	Wesely
Cullan	Johnson	Lamb	Reutzel	
DeCamp	Kahle	Landis	Rumery	

Voting in the negative, 0.

Present and not voting, 2:

Fitzgerald Stoney

Excused and not voting, 9:

Clark	George	Lewis	Merz	Wagner
Dworak	Hasebroock	Marsh	Schmit	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 567.

A BILL FOR AN ACT to amend sections 76-1206 and 76-1208, Reissue Revised Statutes of Nebraska, 1943, relating to acquisition of real property; to allow excess payments 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, 30:

Brennan	DeCamp	Kahle	Lamb	Sieck
Burrows	Fitzgerald	Kelly	Marvel	Simon
Carsten	Fowler	Keyes	Murphy	Stoney
Chambers	Goodrich	Koch	Newell	Vickers
Cope	Haberman	Kremer	Reutzel	Warner
Cullan	Hefner	Labedz	Rumery	Wesely

Voting in the negative, 7:

Beutler	Kennedy	Maresh	Venditte
Duis	Landis	Nichol	

Present and not voting, 3:

Hoagland	Johnson	Pirsch

Excused and not voting, 9:

Clark	George	Lewis	Merz	Wagner
Dworak	Hasebroock	Marsh	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LR 5 to Select File

Mr. Murphy moved to return LR 5 to Select File for the following specific amendment:

On line 9, page 1, strike "General Election in November" and insert "Primary Election of"

The motion prevailed with 37 ayes, 0 nays, 3 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 5. The Murphy specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused until 11:30 a.m. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 43.

Introduced by Chambers, 11th District; Fowler, 27th District.

WHEREAS, slavery of black people was prohibited by the Territorial Legislature of Nebraska in 1861; and

WHEREAS, the admission of the State of Nebraska to the Union affirmed the rights of all persons, regardless of "race or color", including the right to vote; and

WHEREAS, the Constitution of Nebraska declares that "All persons are by nature free and independent, and have certain inherent and inalienable rights"; and

WHEREAS, the laws of the State of Nebraska uphold the equal rights of people of all races; and

WHEREAS, the Nebraska Fair Employment Practice Act of 1965 states that racial discrimination in employment is "contrary to the principles of freedom" and contrary to the laws of the state; and

WHEREAS, the Nebraska Civil Rights Act of 1969 states that racial discrimination in housing and the use of any place of public accommodation is contrary to the policy and laws of the state; and

WHEREAS, the principle of racial equality enunciated in the Nebraska Constitution and upheld in its laws has not yet found expression in policy governing the management of state public funds; and

WHEREAS, the Nebraska Legislature has charged the State Investment Officer with the careful and prudent investment of state funds, but has provided no further guidance; and

WHEREAS, the State Investment Council's approved list for investment of trust funds includes many corporations which support the apartheid regime of South Africa; and

WHEREAS, the South African government is unstable, resting not with the consent of the governed, but rather relying on violence and the support of outside investment in strategic sectors of the economy; and

WHEREAS, the South African apartheid regime, solely for reason of race or color denies 19 million South Africans basic human rights,

including decent housing, education, and farmland, as well as the right to vote, organize, travel, and speak freely.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature declares the investment of Nebraska state funds in institutions which support the apartheid system of South Africa to be contrary to Nebraska's principle of human rights and social equality.

2. That the Legislature calls on the Nebraska Investment Council to review the list of corporations and banks which invest in South Africa, as compiled by the American Consulate General in Johanesburg, and to remove them from the approved list for investment of Nebraska trust funds.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Rumery asked unanimous consent to add his name as co-introducer to LB's 585, 586, 587, 588. No objections. So ordered.

ANNOUNCEMENT

Mr. Kremer announced that the Public Works Committee will hold an executive session in Room 1515 on Tuesday, April 3, 1979, at 4:30 P.M. or immediately upon adjournment.

SPEAKER MARVEL PRESIDING

EXPLANATION OF VOTE

Had I been present on Final Reading I would have voted to support LB 475, LB 59, LB 74, LB 154, and LB 174.

(Signed) Patrick Venditte

Had I been present I would have voted yes on LB 475.

(Signed) Rex Haberman

MESSAGE FROM THE GOVERNOR

April 2, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 66.
This bill was signed by me on March 30, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Mr. Johnson asked unanimous consent to print the following statement of intent on LB 164 in the Journal. No objections. So ordered.

Statement of Intent

In my amendment on March 21, 1979 to LB 164, when I moved to strike sections 1 and 2 of the Committee Amendment, I intended that the first two sections of the Committee Amendment be struck, specifically that section beginning with the number 1 and that section beginning with the number 2. I intended that only the third section of the Committee Amendment be retained, that is the section enacting the emergency clause.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 250. Placed on Select File as amended.
E & R amendments to LB 250:

1. On page 4, line 23, strike the semicolon and insert an underscored comma.

2. In the title, strike beginning with the second "to" in line 4 through the semicolon in line 8 and insert "to provide for petitions and objections by owners of record title; to provide for notice and

levies; to provide for railroad properties as prescribed;".

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 345 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Section 1. That section 23-148, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-148. Except as provided in section 23-151, the ~~The~~ board of county commissioners in all counties having not more than two hundred thousand inhabitants, shall consist of three persons, and in counties having more than two hundred thousand inhabitants the board shall consist of five persons; Provided, the electors in any county containing more than ten thousand inhabitants and not more that two hundred thousand inhabitants, may vote at any general election as to whether their county board shall consist of three or five commissioners. The electors of counties under township organization voting as to a change to the commissioner system may vote at the same time as to the number of commissioners desired; Provided, the electors of counties may vote to have the same number of commissioners as there were supervisors in the county. Thereafter, if a petition is filed and an election held, as provided in section 23-149, the number of commissioners may be changed to three. The proposition shall be submitted upon the ballot under the titles For three commissioners and Against three commissioners. If the proposition submitted is carried by a majority of the electors voting thereon, three commissioners shall be appointed by the county clerk, county treasurer, and county judge from the county at large, who shall take and hold office, as provided by section 23-297, until their successors are elected and qualified.

Sec. 3. That section 23-155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-155. When ~~two only~~ less than a majority of the commissioners of the board shall attend, and shall be divided on any question, the decision thereof shall be deferred until the next meeting of the board, and then the matter shall be decided by a majority of the board.".

2. On page 2, line 10 strike "five" and insert "twelve"; in lines 11 and 12 strike ", two, three, four,

and five" and insert "to twelve"; and in line 24 strike "more" and insert "less".

3. On page 4, strike lines 11 through 20 and insert "After the effective date of this act, in counties having more than three hundred thousand inhabitants the county board shall divide the county into twelve compact and contiguous commissioner districts equal in population and at the next primary and general election elect commissioners by districts for staggered four-year terms, except that commissioners currently holding office shall serve the balance of their term.".

4. On page 4, line 21 after "original" insert "sections 23-148 and 23-155, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 22 strike "is" and insert "are".

5. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 344. Title read. Considered.

Standing Committee amendments found in the Journal on page 669 for the Thirty-Seventh Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Wesely withdrew his pending amendment found in the Journal on page 1093.

Mr. Maresh offered the following amendment:

Amend LB 344 in line 23 after bar insert "or a restaurant having a total serving area of less than 1800 sq. feet."

In line 25 after bar insert "or small restaurant".

MR. NICHOL PRESIDING

Mr. Maresh moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

SPEAKER MARVEL PRESIDING

Mr. Maresh requested a roll call vote on his amendment:

Voting in the affirmative, 18:

Beutler	DeCamp	Johnson	Labedz	Rumery
Brennan	Duis	Kahle	Lamb	Vickers
Burrows	Haberman	Kennedy	Landis	
Carsten	Hefner	Keyes	Maresh	

Voting in the negative, 21:

Chambers	Goodrich	Marvel	Reutzel	Wesely
Cope	Hoagland	Murphy	Sieck	
Cullan	Kelly	Newell	Stoney	
Fitzgerald	Koch	Nichol	Venditte	
Fowler	Kremer	Pirsch	Warner	

Present and not voting, 2:

George Simon

Excused and not voting, 8:

Clark	Hasebroock	Marsh	Schmit
Dworak	Lewis	Merz	Wagner

The Maresh amendment lost with 18 ayes, 21 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 25 ayes, 10 nays, 6 present and not voting, and 8 excused and not voting.

ANNOUNCEMENT

Mr. Newell announced an executive session of the Miscellaneous Subjects Committee on Tuesday, April 3, 1979 at 9:30 a.m. in the East Lounge.

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following amendment to LB 500A in the Journal. No objections. So ordered.

1. On page 2, lines 1 and 2 strike "one hundred sixteen thousand four hundred seventy" and insert "forty-three thousand three hundred seventy-five".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 412. Placed on Select File as amended.
E & R amendments to LB 412:
(Note: References are to committee amendments except as specified.)

1. In line 2 of the Duis amendments 1 and 2, insert a comma after "84-138".

2. Because of the Duis amendments, strike section 4 and renumber original sections 5 to 33 as sections 4 to 32.

3. For correlation purposes, on page 7, line 23, insert ", as amended by sections 2, 3, and 3, respectively, Legislative Bills 96, 97, and 98, Eighty-sixth Legislature, First Session, 1979" after "1978"; in lines 24 and 25, strike "agencies, boards, or commissions" show as stricken and insert "agency"; strike lines 26 and 27; and on page 8, strike "(2)" and insert "~~(1)~~"; in line 2 strike the semicolon and insert ". ~~;and~~"; strike lines 3 to 6; and in line 7, strike "~~(5)~~" and insert "~~(2)~~".

4. On page 12, line 17, strike the first comma and show as stricken.

5. On page 17, line 20, insert an underscored comma after "Advise".

6. For correlation purposes, on page 28, line 26, insert ", as amended by section 71, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979" after "1943"; and on page 30, line 7, insert "Clerk of the" after the first "the" and after line 9 insert "Each member of the Legislature shall receive a copy of such report by making a request for it to the ~~Director of Planning and Programming~~ Policy Research Office.".

7. On page 32, line 13, strike "23-343.82,"; at the end of line 13, insert "84-135, 84-136,"; in line 15, strike "84-156" and insert "84-157"; in line 16 strike "81-194,"; and in line 18 after "1978" insert ", section 84-156, Reissue Revised Statutes of Nebraska, 1943, as amended by section 71, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979, and section 81-194, Revised Statutes Supplement, 1978, as amended by sections 2, 3, and 3, respectively, Legislative Bills 96, 97, and 98, Eighty-sixth Legislature, First Session, 1979".

8. In the title, line 2, strike "23-343.82,"; at the end of line 3 insert "84-135, 84-136,"; in line 5 strike "84-156" and insert "84-157"; in line 7 strike "81-194,"; and in line 9 after "1978" insert ", section

84-156, Reissue Revised Statutes of Nebraska, 1943, as amended by section 71, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979, and section 81-194, Revised Statutes Supplement, 1978, as amended by sections 2, 3, and 3, respectively, Legislative Bills 96, 97, and 98, Eighty-sixth Legislature, First Session, 1979".

LEGISLATIVE BILL 500. Placed on Select File as amended.
E & R amendments to LB 500:

1. On page 2 line 3, strike "their" and insert "its".
2. In committee amendments, page 1, lines 2 and 4, strike "'and'" and insert "'or'".
3. On page 3, line 10, strike the second comma.
4. Because of the Johnson amendment, strike the commas inserted on page 4, line 3.
5. On page 4, lines 5 and 11, strike "of the Department".
6. On page 5, line 26, strike "; ethnic" and insert ": Ethnic".
7. On page 7, line 25, strike "where" and insert "when".
8. In the title, strike line 6 and insert "provide an operative date.".

LEGISLATIVE BILL 313. Placed on Select File as amended.
E & R amendments to LB 313:

1. In committee amendments, page 1, line 13, insert an underscored comma after "Corporation".
2. On page 4, line 2, strike the comma.
3. On page 22, line 15, strike the semicolon; and in lines 23 and 27 strike "their" and insert "its".
4. On page 23, line 6, strike the comma; and in line 18 strike ", and" and insert "and,".
5. In the title, line 2, strike "section 44-309," and insert "sections 44-309, 44-311.03, 44-311.04, and 44-321,"; and strike lines 4 to 14 and insert "insurance; to change and provide additional authorized investments; to require lists of certain investments; to change bank of deposit provisions; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 417. Placed on Select File as amended.
E & R amendment to LB 417:

1. In the title, line 5, insert "to change provisions for hiring and compensating officers and employees;" after the semicolon.

LEGISLATIVE BILL 135. Placed on Select File as amended.
E & R amendments to LB 135:

1. In lieu of the Murphy amendment, on page 2, line 27, strike "three" and insert "~~three~~ five".

2. In the title, line 4, insert "increase and" after "to"; and in line 6 insert "to increase the quorum required;" after the first semicolon.

LEGISLATIVE BILL 251. Placed on Select File as amended.
E & R amendments to LB 251:

1. On page 2, line 18, strike "and" and insert "or".

2. On page 3, insert a comma at the end of line 19.

3. On page 4, line 26, strike "expires" and insert "expire".

4. On page 5, line 1, insert "remainder of the" after "the"; and in line 20 strike "has" and insert "have".

5. On page 8, renumber subdivisions (6) and (7) as subdivisions (3) and (4) and subdivisions (3) to (5) as (5) to (7); at the end of line 19 insert "and"; and in line 24, strike "and".

LEGISLATIVE BILL 252. Placed on Select File as amended.
E & R amendments to LB 252:

1. On page 13, line 10, strike the comma and show as stricken.

2. In the title, line 4, strike "31-735,"; in lines 7 and 8 strike "to change election procedures;" and in line 8 insert "to change a notice requirement;" after the semicolon.

LEGISLATIVE BILL 394. Placed on Select File as amended.
E & R amendments to LB 394:

(NOTE: References are to committee amendments.)

1. On page 1, lines 18 and 24, strike "where" and insert "when".

2. On page 2, line 4, strike "and where" and insert "when"; and in line 24, strike "sections 2, 3, and" and insert "section 2, 3, or".

3. On page 4, line 5, and lines 14 and 15, strike "or exhibition" and insert ", exhibition,"; and in line 15, insert "of this act" after "9".

LEGISLATIVE BILL 438. Placed on Select File as amended.
E & R amendment to LB 438:

1. In the title, line 4, insert "to state intent;" after the semicolon.

LEGISLATIVE BILL 510. Placed on Select File.
LEGISLATIVE BILL 328. Placed on Select File.
LEGISLATIVE BILL 54. Placed on Select File.

LEGISLATIVE BILL 54A. Placed on Select File.

LEGISLATIVE BILL 101. Placed on Select File as amended.
E & R amendment to LB 101:

1. In committee amendments, page 1, line 15, insert a comma after "commission"; and in line 18, and in the title, line 2, strike "Deaf" and insert "Hearing Impaired".

LEGISLATIVE BILL 101A. Placed on Select File as amended.
E & R amendment to LB 101A:

1. On page 2, line 2, insert "to the Commission for the Hearing Impaired Fund" after "Fund"; and in line 3, insert "which fund is hereby appropriated" after the fourth comma.

LEGISLATIVE BILL 271. Placed on Select File.

(Signed) Don Wesely, Chairman

VISITORS

Visitors to the Chamber were Mr. and Mrs. Norman Harris from Shelton, Nebraska.

RECESS

At 12:07 p.m., on a motion by Mr. Haberman, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Wagner who were excused; and Mesdames Labedz and Marsh, Messrs. Brennan, Dworak, Lewis, and Merz who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 475, 74, 154, 196, 200, 208, 294, 321, 537, 544, 548, and 567.

(Signed Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 475, 74, 154, 196, 200, 208, 294, 321, 537, 544, 548, and 567.

SELECT FILE

LEGISLATIVE BILL 234. E & R amendment found in the Journal on page 1126 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 428. E & R amendments found in the Journal on page 1126 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 564. E & R amendment found in the Journal on page 1126 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 578. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 253. E & R amendments found in the Journal on page 1126 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 339. E & R amendment found in the Journal on page 1126 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 352. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 195. E & R amendment found in the Journal on page 1126 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 345. Mr. DeCamp renewed his pending amendment found in the Journal on page 1134.

Mr. Cope 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 10 ayes, 0 nays, and 39 not voting.

The DeCamp amendment was adopted with 25 ayes, 17 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Newell withdrew his pending amendment found in the Journal on page 1174.

Mr. Kelly renewed his pending amendment found in the Journal on page 1219.

The amendment lost with 15 ayes, 21 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Kelly renewed his pending amendment found in this day's Journal on page 1238.

The amendment lost with 11 ayes, 19 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 418. E & R amendments found in the Journal on page 1127 for the Fifty-Fifth Day were adopted.

Mr. Goodrich moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 418A. Laid over.

LEGISLATIVE BILL 175. E & R amendment found in the Journal on page 1127 for the Fifty-Fifth Day was adopted.

Mr. Nichol offered the following amendment:
Add "or new construction" to the 1st committee amendment

Mr. Nichol withdrew his amendment.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Mr. Goodrich requested a machine vote to advance LB 175.

Failed to advance to E & R for Engrossment with 12 ayes, 19 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 356. E & R amendment found in the Journal on page 1127 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 257. E & R amendments found in the Journal on page 1127 for the Fifty-Fifth Day were adopted.

Mr. Lamb offered the following amendment:

1. In the committee amendments insert the following new section:

"Sec. 2. As used in this act, unless the context otherwise requires, automatic dialing announcing device shall mean a device which selects and dials telephone numbers and without obtaining permission of the recipient plays a recorded advertising message.".

2. In the committee amendments page 1, line 5 strike "2 to 5" and insert "3 to 6"; and on page 2 line 2 strike "2" and insert "3".

3. Renumber sections 2 to 6 added by the committee amendments as sections 3 to 7 respectively.

The amendment was adopted with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 278. E & R amendments found in the Journal on page 1128 for the Fifty-Fifth Day was adopted.

Mr. Keyes offered the following amendment:

Strike Section 7.

In line 5 and in line 10 following section 7 on page 825 of the journal, strike ",84-301" from each line.

Mr. Keyes moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, amd 37 not voting.

The Keyes amendment was adopted with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 116. E & R amendments found in the Journal on page 1128 for the Fifty-Fifth Day were adopted.

Mr. Murphy offered the following amendment:

In the Committee Amend. page 3, section 8 - line 5. Strike "state". Add new sentence "in no event shall state funds be utilized"

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Fowler offered the following amendment to the Murphy amendment:

To amend the Murphy amendment by amending line 6 page 2 of the Committee Amendments by adding "No general funds shall be used for the acquisition of art except on a matching basis."

Mr. Fowler moved for a Call of the House. The motion prevailed with 10 ayes, 0 nayes, and 39 not voting.

Mr. Fowler requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beutler	Fowler	Kahle	Marvel	Simon
Chambers	George	Keyes	Merz	Warner
Cope	Hasebroock	Koch	Newell	Wesely
DeCamp	Hoagland	Landis	Rumery	
Fitzgerald	Johnson	Maresh	Sieck	

Voting in the negative, 16:

Carsten	Goodrich	Kremer	Nichol
Cullan	Haberman	Labedz	Pirsch
Duis	Hefner	Lamb	Stoney
Dworak	Kennedy	Murphy	Vickers

Present and not voting, 4:

Brennan	Burrows	Kelly	Reutzel

Excused and not voting, 6:

Clark	Marsh	Venditte
Lewis	Schmit	Wagner

The Fowler amendment lost with 23 ayes, 16 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Murphy requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Burrows	Goodrich	Keyes	Murphy	Simon
Carsten	Haberman	Kremer	Nichol	Stoney
Cullan	Hefner	Labedz	Pirsch	Vickers
DeCamp	Kelly	Lamb	Rumery	
Duis	Kennedy	Maresh	Sieck	

Voting in the negative, 19:

Beutler	Dworak	Hasebroock	Koch	Reutzel
Brennan	Fitzgerald	Hoagland	Landis	Warner
Chambers	Fowler	Johnson	Marvel	Wesely
Cope	George	Kahle	Newell	

Present and not voting, 1:

Merz

Excused and not voting, 6:

Clark	Marsh	Venditte
Lewis	Schmit	Wagner

The Murphy amendment lost with 23 ayes, 19 nays, 1 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #903).

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 589. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Cope, 36th District; Hasebroock, 18th District; Hoagland, 6th District; Labedz, 5th District; Dworak, 22nd District; Fowler, 27th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1979, to June 30, 1980; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sec. 5 and 19, Rule 6, Sec. 1, to place LB 589 on General File.

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Maresh asked unanimous consent to print the following amendments to LB 227 in the Journal. No objections. So ordered.

1. On page 9, line 20 after "vehicle" insert "or cabin trailer".

2. On page 10, line 2, strike "and" and show as stricken and insert an underscored comma, and after "trucks" insert ", and cabin trailers"; in line 4 after "vehicle" insert "or trailer"; and in line 8 after "vehicle" insert "or cabin trailer".

3. Insert a new section as follows:

"Sec. 5. That section 77-1240.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1240.03. Upon the transfer of ownership of any motor vehicle or cabin trailer, the transferor shall be credited with the number of unexpired months remaining in the registration period; Provided, that ~~where~~ when such vehicle or trailer is transferred within the same calendar month in which acquired, no refund shall be allowed for such month. Should such transferor acquire another motor vehicle or cabin trailer at the time of such tranfer, such transferor shall have the credit herein provided applied toward payment of the motor vehicle or cabin trailer tax then owing and otherwise such transferor shall file a claim with the county assessor upon a form prescribed by the Auditor of Public

Accounts. The county assessor shall certify to the county treasurer the amount of tax refund and the taxing unit where the motor vehicle or cabin trailer is registered. The county treasurer shall make payment to the claimant from the undistributed motor vehicle or cabin trailer taxes of the taxing unit where the tax money was originally distributed but no refund of less than two dollars shall be paid.".

4. In E and R amendment 4, line 1, strike "and" and insert a comma; and in line 2 after "60-311.07," insert "and 77-1240.03,".

5. In E and R amendment 5, line 1, strike "and" and insert a comma; in line 2 after "60-311.07," insert "and 77-1240.03,"; and in line 4 after "trucks;" insert "to provide a credit for cabin trailers as prescribed;".

6. Renumber remaining sections accordingly.

UNANIMOUS CONSENT - Withdraw Name from LR 30

Mr. Koch asked unanimous consent to withdraw his name from LR 30. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 44.

Introduced by Kelly, 35th District; DeCamp, 40th District; George, 16th District; Haberman, 44th District; Hasebroock, 18th District; Hefner, 19th District; Kahle, 37th District; Keyes, 3rd District; Koch, 12th District; Labedz, 5th District; Maresh, 32nd District; Nichol, 48th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Venditte, 7th District.

WHEREAS, the matter of electing county commissioners in counties with more than three hundred thousand inhabitants has been a source of controversy for many years; and

WHEREAS, the manner of electing county commissioners in such counties has been changed by the Legislature several times in the past fifteen years; and

WHEREAS, the merits of electing county commissioners in such counties by district or at large should be the subject of a study by this Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature appoint a committee to conduct an interim study on the manner of electing county commissioners in counties having more than three hundred thousand inhabitants.

2. That at the conclusion of its study the committee make a report, together with its recommendations for legislation, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 45.

Introduced by Hefner, 19th District.

WHEREAS, availability of sand and gravel in Nebraska is vital to the maintainance of our extensive public roads system and sustaining our native construction industry; and

WHEREAS, Nebraska sand and gravel operators have compiled an industry safety record which is a source of great pride; and

WHEREAS, newly implemented rules of safety resulting from the Mine Safety Health Act of 1977 have worked a hardship upon Nebraska sand and gravel operators by imposing safety standards which seem unnecessary or unwarranted by the circumstances of current operator safety records.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That sand and gravel operators be exempt from the jurisdiction of the U. S. Bureau of Mines.

2. That the representative of the U. S. Bureau of Mines no longer make on-site inspections of any kind relating to sand and gravel operations.

3. That a copy of this resolution be dispatched to all members of the Nebraska Congressional delegation with a request to take whatever corrective action may be necessary to terminate the inequities caused by the Mine Safety Health Act of 1977.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Wesely and Warner asked unanimous consent to print the following amendments to LB 327 in the Journal. No objections. So ordered.

1. Insert new sections as follows:

"Section 1. That section 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.

Sec. 6. That section 23-174.03, Revised Statutes Supplement, 1978, 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, and such city or village is exercising such jurisdiction, 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 in.".

2. On page 12, line 11 after "sections" insert "15-901,"; in line 13 strike "section 19-911" and insert "sections 19-911 and 23-174.03".

3. Renumber original sections 1 to 4 and 5 to 8 as sections 2 to 5 and 7 to 10 respectively.

4. In the committee amendments, on page 1, line 15 strike "five" and insert "ten".

Mr. Hefner asked unanimous consent to print the following amendment to LB 101A in the Journal. No objections. So ordered.

1. On page 2, lines 1 and 2 strike "two hundred ten" and insert "one hundred fifty".

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 583 Wednesday, April 11, 1979 12:30 p.m.

(Signed) Maurice A. Kremer, Chairman

Appropriations

LB 584 Tuesday, April 10, 1979 12:15 p.m.

(Signed) Jerome Warner, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 2, 1979, at 2:50 p.m., were the following bills: 475, 74, 154, 196, 200, 208, 294, 321, 537, 544, 548, and 567.

(Signed) Judy West, Enrolling Clerk

UNANIMOUS CONSENT - Substitute Motions

Mr. Koch asked unanimous consent to offer the following substitute motions on LB 57 and LB 425. No objections. So ordered.

To reconsider the action of the body on LB 57 on Final Reading.

Motion pending.

To reconsider the action of the body on LB 425 on Final Reading.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

On Page 4, line 1, after the word "election.", insert the following language:

The election commissioner or county clerk shall first use existing personnel to comply with the registration process. If such registration on election day becomes burdensome to the workings of the election, the election commissioner or county clerk may issue mail-in registration forms to the elector.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 344A. By Stoney, 4th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 344, Eighty-sixth Legislature, First Session, 1979.

UNANIMOUS CONSENT - Print in Journal

Messrs. Cullan and Keyes asked unanimous consent to print the following amendments to LB 103 in the Journal. No objections. So ordered.

Strike the original sections and insert:

Section 1. The Legislature hereby recognizes the impact of interstate transportation by common carriers on the public highways and lines of this state. The intent and purpose of this act is to collect a special tax to be used by all political subdivisions to insure the continued health, safety and welfare of all citizens.

Section 2. For the purpose of this act, unless the context otherwise requires, the definitions and requirements found in sections 2 to 15 of this act shall be used. Section 2. For the purpose of this act unless the text otherwise requires:

(1) Person shall have the meaning provided by section 75-302, Reissue Revised Statutes of Nebraska, 1943;

(2) Commissioner shall mean the Tax Commissioner;

(3) Permit shall mean the interstate tax transport permit to be issued and administered under the provisions of this article to all interstate common transport carriers as defined;

(4) Commerce shall mean all products or goods, of any kind or form which are transported for public use;

(5) Public highways shall mean all roads, highways or highway system, railways, and all other ways of transport throughout this state;

(6) Motor vehicle shall mean any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon

the public highways of this state in the interstate transportation of all property and commerce;

(7) Motor carrier shall mean any person owning, controlling, managing, operating or causing to be operated any motor-propelled vehicle, of any kind, used in the interstate transport of all property and commerce over any public highways in this state.

(8) Common carrier shall mean any person who or which undertakes to transport property or commerce for or to the general public in interstate commerce by motor vehicle for hire, whether over regular or irregular routes, upon the highways of this state; and

(9) Contract carriers shall have the meaning provided by section 75-302, Reissue Revised Statutes of Nebraska, 1943.

Section 3. Every common and contract carrier engaged in interstate commerce through the state of Nebraska shall pay to the Tax Commissioner the tax of one cent on each ton per mile of commerce, transported across this state. Such tax shall be paid in addition to all other taxes.

Section 4. The person responsible for the operation of any such motor vehicle for the purpose of interstate commerce in Nebraska shall make application in writing in advance to the commissioner for such permit, or make application at the port of entry. The application shall be signed by the applicant and shall contain his post office address and shall contain such other information as the commissioner may reasonably require, including an estimate of the number of miles the motor vehicle will be operated monthly in Nebraska. A separate application shall be required for each such motor vehicle. The application shall be accompanied by a fee of five dollars to be paid to the commissioner or port of entry to cover the expense of issuing permit. The commissioner is authorized whenever it is deemed necessary to require the applicant before or after issuance of the permit to furnish security for the payment of any ton/mileage tax which may become due under the provisions of this act either by cash deposit or surety bond to be approved by the commissioner, the amount thereof to be determined in each case by the commissioner but not to exceed three times the estimated monthly mileage tax liability of the applicant. The commissioner is authorized to suspend any permit upon failure of the permittee to provide such security within five days after written demand therefor by the United States mail addressed to the permittee at the address shown on the application. If the application is made at the port of entry, the permit shall be issued upon payment of the fee and if security is required, the port of entry may accept a cash bond in lieu thereof.

Section 5. The commissioner shall issue such permit to the applicant if the application is properly executed, contains the required

information and security, if any required is deposited and the required fee paid.

Section 6. The commissioner shall date and sign or cause to be dated and signed each permit issued and the seal of the department shall be attached thereto. The commissioner shall retain a copy of each permit. The permit shall state the name and address of the permittee, describe the motor vehicle for which it is issued, with such details as the commissioner shall deem necessary, together with such other information as may be considered by the commissioner to be necessary. No permit shall be transferable. If the motor vehicle for which permit is issued shall be transferred, destroyed or its operation through Nebraska discontinued for one year, the permit therefor shall be surrendered and the same cancelled and up on satisfaction of all liability for ton/mileage tax under the provisions of this act incurred by the operation of such motor vehicle any security deposited with the department shall be released. The motor vehicle may be operated by a lessee of the permittee, in which event the permittee shall continue to be responsible for compliance with all the provisions of this act, including the keeping of records, making of returns and payment of tax.

Section 7. Every permittee shall keep or cause to be kept by the person operating the motor vehicle covered by the permit a record kept and maintained in the vehicle in which shall be entered each day the number of miles, tons hauled and the places between which the motor vehicle was operated in Nebraska. Each day's entry shall be signed by the person making same. Such daily record shall be maintained for each calendar month and said record shall be carried on the vehicle during the calendar month for which it is being kept. The commissioner may describe forms for such record and may require recording thereon of any additional information the commissioner deems necessary for the administration and enforcement of the provisions by the permittee for not less than two years and may be thereafter destroyed if the commissioner notifies the permittee in writing that the record for any months need no longer be preserved. The commissioner may, if deemed necessary, require that the daily record be kept in duplicate and one copy thereof filed with the permittee's ton/mileage tax return provided for by this act. Such daily record shall be subject to inspection at any time by the commissioner and enforcement officers and agents.

Section 8. Every person to whom a permit is issued under the provisions of this act shall quarterly file with the department on forms prescribed by it a ton mile tax return stating as to the motor vehicle covered by the permit such information as the department may require, including the name and address of the permittee, the number

of the permit and such identification as the department may require of the motor vehicle, the number of miles operated and number of tons hauled during the calendar month covered by the return. Such return shall be filed on or before the fifteenth day of the month following the month covered by the return. If the filing date falls on a Saturday or legal holiday, the filing date shall be extended to the first following day not a holiday. For good cause the commissioner may grant reasonable extensions for filing the tax return but not to exceed ten days for any one return. The return shall be signed by the permittee who shall declare the return and the statements therein to be true and correct.

Section 9. The tax for the ton/mileage operated by the motor vehicle for which the return is made during the month covered by the return shall be computed and stated in the return and shall be due and payable at the time the return is required to be filed and the permittee shall pay and remit the amount thereof to the commissioner with the return. Such return and the amount of tax liability under any permit shall be subject to review and audit by the commissioner and if any additional tax is due the same shall be due and payable ten days after written notice to the permittee by United States mail.

Section 10. Any permittee shall pay an additional tax of five dollars for each day such permittee is in default of payment of any tax due under the provisions of this act, and any such permittee shall further pay an additional tax of five dollars for each day such permittee is in default in making the tax return required by the provisions of this act in addition to the ton/mileage tax due from such permittee.

Section 11. Any permittee shall give notice in writing to the commissioner at the time of payment of any tax demanded by the commissioner of any over assessment of such tax. Such notice shall specify and identify the license and vehicle on account of which demand is made and shall set forth in detail the basis of the taxpayer's claim. The commissioner shall determine such claim and shall refund any over assessment within sixty days. If the taxpayer is dissatisfied with the decision, or if no decision is rendered by the commissioner within sixty days, the taxpayer may institute an action against the commissioner within sixty days thereafter in the district court of Lancaster County, Nebraska, to recover his claim. In such action, the taxpayer shall have the burden of proving the correctness of his claim. The commissioner shall issue voucher for any refund finally determined to be due.

Section 12. The commissioner shall enforce the provisions of this act and may prescribe, adopt, and enforce reasonable rules and regulations for the administration and enforcement thereof.

Section 13. The commissioner may examine the records of permittees at all reasonable times and make such other investigation as it may deem necessary for the proper and efficient administration and enforcement of the provisions of this act. All records of a permittee material to the tax provided by this act shall at the request of the commissioner be examined, audited and investigated by the Auditor of Public Accounts, the cost and expense thereof to be paid from the revenues provided by this act.

Section 14. The revenue from the ton/mileage tax collected under the provisions of this act shall be remitted by the Tax Commissioner into the Highway Allocation Fund as provided in section 39-2401, and 39-2402, Reissue Revised Statutes of Nebraska, 1943. A fair proportion of the cost and expense of the department chargeable to the administration and enforcement of the provisions of this act shall be determined by the department and charged to and paid from the Highway Allocation Fund, but not more than five percent thereof.

Section 15. Any person, as defined by this act, by himself or by his agent, employee or lessee, or any agent, employee or lessee of such person, operating any motor vehicle in this state, who intentionally violates any of the provisions of this act, who makes any false entry or statement in any record required to be kept and maintained, who evades or attempts to evade the ton/mileage tax on the operation of any motor vehicle, or who operates or causes any motor vehicle to be operated on any highway in this state without the permit required by the provisions of this act, with the intention of violating the provisions of this act, shall be quilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum not less than two hundred fifty dollars nor more than five thousand dollars. All motor vehicles used in violation thereof shall be seized upon the arrest of the person so using or owning such motor vehicle and upon the conviction of such person for the violation of the provisions of this act such motor vehicle shall, as a part of the element of such violation, at the descretion of the court, be forfeited to the state, and delivered to the Tax Commissioner to be disposed of as provided by law; the sale of such property shall be subject to any liens of record. The proceeds from such sale shall be paid into the state treasury and by the State Treasurer placed in the Highway Allocation Fund to be used as prescribed.

STANDING COMMITTEE REPORT

Education

LEGISLATIVE BILL 357. Placed on General File as amended.
Standing Committee amendments to LB 357:

1. On page 2, line 3 strike "three" and insert

"two".

LEGISLATIVE BILL 442. Placed on General File as amended.
Standing Committee amendment to LB 442:

1. On page 3, lines 15 and 16 strike "two" and insert "three"; in line 17 before "and" insert an underscored period; in lines 17 and 18 strike "and such" and insert "The board may extend the probationary period for a fourth year, if written notice of intent to extend the probationary period is given to the faculty member. Such"; and in lines 18 and 19 strike "terminated during such probationary period without cause" and insert "amended or terminated at the close of the contract period during such probationary period without a showing of just cause, except that the notice and hearing requirements for amending or terminating a nonprobationary contract shall apply when amending or terminating a probationary contract".

(Signed) Jerry Koch, Chairman

EXPLANATION OF VOTE

For the record, had I been present on Friday, March 30, 1979, I would have voted aye when the following bills were on Final Reading: 19, 112, 240, 375, 102e, 125, 377, 26, 137, 201, 204, 205, 213, 255, 265e, 288, 292, 476, 477, 509, 545, and 551.

(Signed) Jerry D. Koch

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

FINAL READING COPY

1. On page 3, line 5 after "writing" insert an underscored period; and strike beginning with "on" in line 5 through the period in line 8 and show as stricken.

Mr. George asked unanimous consent to print the following amendment to LB 181 in the Journal. No objections. So ordered.

1. In the committee amendments on page 2, line 5 reinstate the stricken "or"; and in lines 26 and 27 strike the new matter.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2831.)

Messrs. Sieck and Hoagland asked unanimous consent to print the following amendments to LB 484 in the Journal. No objections. So ordered.

1. In the committee amendments, on page 1, line 6 before "No" insert "(1)"; and after line 12 insert a new subsection as follows:

"(2) No deputy sheriff shall participate, by contributing funds, personal services, or otherwise, in any campaign conducted by any candidate for sheriff in the county in which the deputy is employed, unless such deputy sheriff is a candidate for sheriff.".

MOTION - Place LB 221 on General File

Mr. Murphy moved to place LB 221 on General File pursuant to Rule 3, sec. 10.

Motion pending.

MOTION - Return LB 164 to E & R

Mr. Johnson moved to return LB 164 to E & R for the purpose of correcting an engrossing error.

The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

ADJOURNMENT

At 4:49 p.m., on a motion by Mr. Koch, the Legislature adjourned until 9:00 a.m., Tuesday, April 3, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 3, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 3, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, our Father, as the battery is recharged without sound or motion, so wilt Thou, in this moment of quiet, send Thy spirit into the hearts and minds of each one here. With newness of life, with spiritual power, vision, and lively faith, enable them to meet all the demands which lie before them with glad anticipation, and then give them peace for the night. Through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Wagner who were excused; and Mrs. Labedz, Messrs. Lewis, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Eighth Day was approved.

MESSAGE FROM THE GOVERNOR

April 2, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 112 and 435.

These bills were signed by me on April 2, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

EXPLANATION OF VOTE

Had I been present, I would have voted yes on the following bills: 475, 154, 196, 200, 208, 294, 221, 537, 544, 548, and 567; no on 74.

(Signed) Donald N. Dworak

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following amendments to LB 285 in the Journal. No objections. So ordered.

Amendment to Committee Amendments to LB 285 (Req 2796)
1. In line 10 of page 1, following the word "in" insert the following: "certain portions of"
2. In line 12 of page 1, following the word "by" insert the word "some"
3. In line 27 of page 2, following the word "act" insert the following: "and all other funds, regardless of source"
4. In line 16 of page 3, following the word "base" insert the following: "provided receipts from local tax sources as defined in Section 8 of this act shall not exceed an increase of more than nine percent above the receipts from local tax sources in the combined receipts budget base"
5. In line 24 on page 3, strike subsection 2 and renumber the remaining subsections accordingly.
6. In line 5, page 4 following the word "act" insert the following: "and (5) the funds used by any elementary or secondary school district for the purchase of electricity and fuel for any purpose"
7. On page 5, strike the language beginning with the word "not" in line 12 through the word "subdivision" in line 14 and insert the following: "be subtracted from the combined receipts budget base as defined in section 11 of this act to arrive at a new combined receipts budget base"

GENERAL FILE

LEGISLATIVE BILL 15. Title read. Considered.

Standing Committee amendments found in the Journal on page 832 for the Forty-Third 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 29 ayes, 3 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 14. Title read. Considered.

Standing Committee amendments found in the Journal on page 542 for the Thirty-First Day were considered.

Mr. Nichol renewed his pending amendments to the Standing Committee amendments found in the Journal on page 1213.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Nichol amendments were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Keyes offered the following amendment:
In line 5, after "of", strike "dry beans" and insert "any crop grown in Nebraska"

The amendment lost with 12 ayes, 19 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Nichol moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Nichol requested a roll call vote on the motion to advance LB 14.

Voting in the affirmative, 25:

Carsten	Hasebroock	Keyes	Maresh	Rumery
Cope	Hefner	Koch	Marvel	Schmit
DeCamp	Kahle	Kremer	Murphy	Sieck
George	Kelly	Lamb	Nichol	Stoney
Haberman	Kennedy	Landis	Reutzel	Warner

Voting in the negative, 10:

Beutler	Chambers	Cullan	Johnson	Vickers
Burrows	Clark	Dworak	Simon	Wesely

Present and not voting, 11:

Brennan	Fowler	Lewis	Pirsch
Duis	Goodrich	Merz	Venditte
Fitzgerald	Hoagland	Newell	

Excused and not voting, 3:

Labedz	Marsh	Wagner

Advanced to E & R for Review with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 416. Placed on Select File as amended.
E & R amendments to LB 416:

1. Pursuant to the Murphy amendment, on page 2, line 4, strike the colon and insert "; to administer the provisions of sections 23-2301 to 23-2331 as provided in section 84-1503."; and strike beginning with page 2, line 5, through page 3, line 17, showing old matter stricken.

2. Pursuant to the Murphy amendment, insert a new section to read:

"Sec. 4. That section 84-1503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1503. (1) It shall be the duty of such board:

~~(1)~~ (a) To administer the retirement systems provided for in sections 24-701 to 24-714, 60-441 to 60-461, 79-1501 to 79-1557, and 84-1301 to 84-1331, and the authority of the board to administer such systems shall commence thirty days after August 27, 1971; and to administer the retirement system provided for in sections

23-2301 to 23-2331, and the authority of the board to administer such system shall commence thirty days after September 2, 1973;

~~(2)~~ (b) To hire a director to administer the systems under direction of the board. The director shall not be a member of the board. Salaries of the director and his employees shall be set by the board; and

~~(3)~~ (c) To provide for an equitable allocation of expenses among the retirement systems administered by the board, and all expenses shall be provided from the investment income earned by the various retirement funds unless alternative sources of funds to pay expenses shall be specified by law.

(2) In administering the retirement system provided for in sections 23-2301 to 23-2331, it shall be the duty of the board:

(a) To select, on the basis of the most sound proposal or proposals received, after written notice of such proposition to all domestic companies, one or more life insurance companies, banks or trust companies authorized to do business in Nebraska to underwrite or serve as trustee for the retirement system, and to enter into a contract or contracts with such company or companies in the name of the retirement system; Provided, that if a bank or trust company is chosen as the primary carrier the funds shall be invested or reinvested in such securities and investments as are authorized for trustees, guardians, conservators, executors, or administrators under the laws of Nebraska;

(b) To change underwriters or trustees if, in the judgment of the board, such action would be desirable; Provided, that the board shall give thirty days' notice in writing to the company whose contract is proposed to be canceled and, if such company makes demand therefor before such time has expired, a public hearing shall be held to determine the reasonableness of the proposed cancellation;

(c) To determine the prior service annuity, if any, for each person who shall be an employee of the county on the date of adoption of the retirement system;

(d) To determine the eligibility of an individual to be a member of the retirement system and other questions of fact in the event of a dispute between an individual and the county board in his county;

(e) To adopt rules and regulations for the management of the board;

(f) To keep a complete record of all proceedings taken at any meeting of the board;

(g) To employ such actuarial and other assistance as may be necessary in the performance of its duties; and

(h) To determine, annually in January, the amount to be contributed by each county to the board in order to enable the board to meet its expected expenses for the coming year, which amount shall be a percentage of the employee contribution for the county but not more than four and one half per cent.".

3. Renumber original section 4 as section 5.

4. On page 4, line 18, strike "and 23-2317" and insert "23-2317, and 84-1503".

5. In the title, lines 2 and 3, strike "and 23-2317" and insert "23-2317, and 84-1503"; and at the end of line 4 insert "to increase the maximum expense percentage;".

LEGISLATIVE BILL 421. Placed on Select File as amended.
E & R amendments to LB 421:

1. Pursuant to the Pirsch amendment, insert a new section to read:

"Section 1. That section 10-703.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-703.01. In all special elections called for voting on the question of issuing bonds of the district, the county clerk or election commissioner or, if the school district lies in more than one county, the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question, shall designate the polling places and appoint the election officials, who need not be the regular election officials, and otherwise conduct the election as provided under Chapter 32, except as otherwise specifically provided in this section. The school district shall designate the form of ballot and reimburse the county clerk or election official for the expenses of conducting the election. The school district officers shall give notice of the election at least twenty days prior to the election and cause the sample ballot to be published in a newspaper of general circulation in the school district one time not more than ten days nor less than three days prior to the election, and no notice of the election shall be required to be given by the county clerk or election commissioner. The notice of election shall state where absent and disabled voters ballots may be obtained. The ballots shall be counted by the county clerk or election commissioner conducting the election and two disinterested persons appointed by him. When the polls are closed the election board shall deliver the ballots to the county clerk or election commissioner conducting the election who, with the two disinterested persons appointed by him, shall proceed to count the

ballots. Absent and disabled voters ballots shall be furnished to the county clerk or election commissioner and ready for distribution by the county clerk or election commissioner conducting the election not less than fifteen days prior to the election as set out in section 32-819 and returned as provided in section 32-812. When a school district lies in more than one county, the county clerk or election commissioner in any other county containing part of such school district shall upon request certify its registration books for those precincts in which the school district is located to the county clerk or election commissioner conducting the election and shall immediately forward all requests for absentee and disabled voters ballots to the county clerk or election commissioner charged with the issuing of absent and disabled voters ballots. Not less than five days prior to the election the school district officers shall certify to the county clerk or election commissioner conducting the election a list of all registered electors of the school district in any other county or counties qualified to vote on the bond issue. Absent and disabled voters ballots cast at the election shall be counted by the same board as counted the ballots at the election and in the same manner as absent and disabled voters ballots are counted. When all the ballots have been counted, the returns of such election shall be turned over to the school board or board of education of the district in which the election was held, for the purpose of making a canvass thereof. The two disinterested persons appointed on the counting board shall receive ~~two~~ three dollars and thirty cents per hour for each hour of service rendered.".

2. Renumber sections accordingly.

3. On page 2, line 23, strike "section" and insert "sections 10-703.01 and".

4. In the title, line 2, insert "sections 10-703.01 and 32-212, Reissue Revised Statutes of Nebraska, 1943, and" after "amend".

LEGISLATIVE BILL 505. Placed on Select File as amended.
E & R amendments to LB 505:
(Note: All references, except to the title, are to committee amendments.)

1. On page 1, line 4, strike "78-710" and insert "28-710".

2. On page 3, line 1, strike "and" and insert "or".

3. On page 7, line 6, insert "that" after "or".

4. On page 8, line 3, strike the first "such" and insert "the"; in line 7, strike "inform" and insert an underscored comma, and insert "inform" before "any"; and in line 11 strike "and" and insert "or".

5. On page 9, line 10, insert an underscored comma after "incompetent".

6. In the title, strike lines 2 to 9 and insert:

"FOR AN ACT to amend sections 28-710 to 28-713 and 28-715, Revised Statutes Supplement, 1978, relating to abuse or neglect of children or others; to provide for central reporting; to require maintenance of a registry; to provide for confidentiality except as prescribed; to provide a penalty; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 396. Placed on Select File as amended.
E & R amendments to LB 396:

1. Because of the Landis amendments, the later adopted, strike committee amendments.

2. In the title, line 2, insert "23-1703," after "sections"; in line 6 insert "and correctional facilities" after "jails"; and in line 10 insert ", and also sections 23-2807 and 23-2808, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 553. Placed on Select File as amended.
E & R amendment to LB 553:

1. In the title, line 5, insert "except" before "as"; in line 6, strike "and"; and in line 7 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 326. Placed on Select File.

LEGISLATIVE BILL 207. Placed on Select File as amended.
E & R amendments to LB 207:

1. On page 2, line 19, insert a comma after "policies".

2. On page 3, line 20, insert a comma after "act".

3. On page 4, line 13, insert "that" after "extent".

4. On page 7, insert a comma after "dispute"

in line 8 and "records" in line 13.

5. On page 8, line 4, insert "that" after "determines".

6. In the title, line 3, strike "and" and in line 6 insert "; and to provide an operative date" after "prescribed".

LEGISLATIVE BILL 575. Placed on Select File.

LEGISLATIVE BILL 415. Placed on Select File as amended.
E & R amendments to LB 415:

1. On page 3, line 17, strike "; however" and insert ", but".

2. In lieu of the committee amendment thereto, on page 5, line 1, strike "hundred" and insert "two-hundred".

3. On page 5, line 23, strike "Where" and insert "When".

4. On page 6, line 10, strike "; if," and insert ", if".

LEGISLATIVE BILL 164. Replaced on Select File as amended.
E & R amendments to LB 164:

Pursuant to the statement of intent found on page 1237 of the Journal:

1. Renumber original sections 1 to 8 as sections 2 to 9, original sections 9 to 15 as sections 11 to 17, original section 17 as section 18, original section 16 as section 19, and original section 18 as section 20, and section 19 added by committee amendments, as section 21

2. In lieu of previous amendments thereto, on page 13, line 24, and page 14, line 3, strike "12 and 13" and insert "14 to 17".

3. In lieu of previous amendments thereto, on page 14, lines 18 and 19, strike "13 to 15" and insert "15 to 17".

4. Strike E & R 5, adopted 3/27.

5. In lieu of E & R 6 adopted 3/27, in the title, line 2, insert "9-126," after "sections"; in line 4 insert "9-158," after the third comma; in line 13 strike "and"; and in line 14 insert "; and to declare an emergency" after "sections".

Correctly Engrossed

The following bills were correctly engrossed: 87, 180, 268, 301, 334, 342, 414, 478, and 536.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Messrs. Wesely and Landis asked unanimous consent to print the following amendment to LB 569 in the Journal. No objections. So ordered.

In the Committee Amendments strike on page 2, Line 4 beginning with "none" through "Above" in line 5 and insert in its place "Uncommitted Delegates".

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 14A. Title read. Considered.

Mr. Nichol moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Advanced to E & R for Review with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 180A. 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.

The Chair declared the Call raised.

Mr. Beutler asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 412A. Title read. Considered.

Mr. Duis offered the following amendment:

1. On page 2, line 2 strike "twelve" and insert "eighteen" and strike "seven hundred".

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 414A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 500A. Title read. Considered.

Mr. Keyes renewed his pending amendment found in the Journal on page 1240.

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 505A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 260. Considered.

Advanced to E & R for Review with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 260A. Title read. Considered.

Mr. Cullan moved for a Call of the House. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Advanced to E & R for Review with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 174A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 560. E & R amendment found in the Journal on page 1128 for the Fifty-Fifth Day was adopted.

Mr. Warner offered the following amendment:

1. On page 5, line 24 after "elements"
insert ", coordinate the collection of data, consolidate
data files or data banks, and review and approve or

4 disapprove the establishment of separate data banks".

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 506. E & R amendments found in the Journal on page 1151 for the Fifty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 65. E & R amendments found in the Journal on page 1207 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 428A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 143. E & R amendments found in the Journal on page 1152 for the Fifty-Sixth Day were adopted.

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Johnson renewed his pending amendment found in the Journal on page 1096.

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 Johnson amendment lost with 12 ayes, 24 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Nichol renewed his pending amendment found in the Journal on page 1205.

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.

The Nichol amendment lost with 16 ayes, 16 nays, 15 present and not voting, and 2 excused and not voting.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 158 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Sec. 15. That section 18-2122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2122. ~~An~~ No authority shall have the right to acquire by the exercise of the power of eminent domain any real property ~~which it may deem necessary~~ for a redevelopment project or for its purposes under the provisions of sections 18-2101 to 18-2144. Real property shall be acquired on a willing buyer-willing seller basis. ~~after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.~~

~~When an authority has found and determined by resolution that certain real property described therein is necessary for a redevelopment project or for its purposes under the provisions of sections 18-2101 to 18-2144, the resolution shall be conclusive evidence that the acquisition of such real property is necessary for the purposes described therein.~~".

2. On page 29, line 2 after "18-2118," insert "18-2122,".

3. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 120. Placed on General File.

(Signed) Loran Schmit, Chairman

VISITORS

Visitors to the Chamber were 16 students and instructor from Chadron State College, Chadron; 29 tenth grade students and teacher from Friend High School, Friend; Mr. and Mrs. Henry Specht, Mitchell; and 42 ninth grade students and teacher from Aurora High School, Aurora.

RECESS

At 11:57 a.m., on a motion by Mr. Kremer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:39 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Wagner who were excused; and Messrs. Chambers, Fowler, and Schmit who were excused until they arrive.

UNANIMOUS CONSENT - Withdraw Amendment to LB 58

Mr. Kelly asked unanimous consent to withdraw his pending amendment to LB 58 referred to in the Journal on page 1092. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 143. Mr. Warner offered the following amendment:

1. In the committee amendments on page 1, line 7 after "company" insert ", other than a municipal utility owned and operated by a village,".

2. Insert a new section as follows:

"Sec. 16. No municipal utility owned and operated by a village 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 such utility 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 utility 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. 17. Prior to the discontinuance of service to any domestic subscriber by a municipal utility owned and operated by a village, the domestic subscriber, upon request, shall be provided a conference with the board of trustees of the village. A municipal utility owned and operated by a village shall not be subject to sections 5 to 13 of this act, but the board of trustees shall establish a procedure to resolve utility bills

when a conference is requested by a domestic subscriber. The procedure shall be in writing and a copy of such procedure shall be furnished upon the request of any domestic subscriber. The board of trustees shall notify the domestic subscriber of the time, place, and date scheduled for such conference.".

3. Renumber the remaining section accordingly.

The amendment was adopted with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 484. E & R amendments found in the Journal on page 1177 for the Fifty-Seventh Day were adopted.

The Sieck-Hoagland pending amendment found in the Journal on page 1262 was renewed.

Mr. DeCamp 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. Hoagland moved for a Call of the House. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Hoagland requested a roll call vote on the amendment.

Voting in the affirmative, 26:

Beutler	Goodrich	Kelly	Maresh	Warner
Burrows	Haberman	Kennedy	Merz	Wesely
Chambers	Hasebroock	Kremer	Murphy	
Cope	Hefner	Labedz	Pirsch	
Cullan	Hoagland	Lamb	Sieck	
George	Kahle	Landis	Stoney	

Voting in the negative, 15:

Brennan	Fitzgerald	Keyes	Marvel	Schmit
Carsten	Fowler	Koch	Newell	Simon
Dworak	Johnson	Lewis	Rumery	Vickers

Present and not voting, 6:

Clark	Duis	Reutzel
DeCamp	Nichol	Venditte

Excused and not voting, 2:

Marsh	Wagner

The Sieck-Hoagland amendment was adopted with 26 ayes, 15 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Venditte requested a machine vote to advance LB 484.

Advanced to E & R for Engrossment with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following resolution was correctly re-engrossed: LR 5.

Correctly Engrossed

The following bills were correctly engrossed: 23, 42, and 183.

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 304. Placed on General File as amended.
Standing Committee amendments to LB 304:

1. On page 2, line 5 strike "a nonresident fee to each nonresident", show as stricken, and insert "nonresident fees to be paid by nonresidents"; in line 8 strike "fee" and insert "~~fee~~ fees"; in line 9 strike "Resident" and insert "Subject to the minimum standards provided by section 85-502, resident"; in line 12 strike "section 85-501" and insert "sections 85-501 and 85-502"; and in line 13 strike "is" and insert "and also sections 85-502.01 and 85-502.02, Reissue Revised Statutes of Nebraska, 1943, are".

2. Insert a new section 2 as follows:

"Sec. 2. That section 85-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

85-502. ~~A~~ Rules and regulations established by the governing board of each state educational institution shall require as a minimum that a person shall not be deemed to have established a ~~domicile~~ residence in this state, for the purpose of sections 85-501 to 85-504, unless:

(1) Such person is of legal age or is an emancipated minor and shall have established a home in Nebraska where he or she is habitually present for a minimum period of one hundred eighty days, with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

(2) The parents, parent, or guardian having custody of a minor registering in ~~a state~~ the educational institution shall have established a home in Nebraska where such parents, parent, or guardian is habitually present with the bona fide intention of such parents, parent, or guardian to make this state their, his, or her permanent residence, supported by documentary proof; Provided, that if a person has matriculated in ~~a~~ any state educational institution while his or her parents, parent, or guardian had an established ~~domicile~~ home in this state, and the parents, parent, or guardian leave the state, such person shall not lose his or her resident ~~domiciliary~~ status by reason of such parents, parent, or guardian having ceased to reside in this state if such person has the bona fide intention to make this state his or her permanent residence, supported by documentary proof;

(3) Such person is of legal age and is a dependent for federal income tax purposes of a parent or former guardian, ~~An emancipated minor,~~ who shall have established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof; ~~and shall not have lived with nor been supported by his parents, or either of them, for two years or more prior to such registration;~~

(4) Such person is a nonresident of this state prior to marriage, and marries a person who has established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

(5) Such person, if an alien, ~~shall have begun processing his United States naturalization papers, and~~ shall have established a home in Nebraska where he or she is habitually present with the bona fide intention to become a naturalized citizen of the United States and

make this state his or her permanent residence, supported by documentary proof;

(6) Such person is a dependent of a staff member of the University of Nebraska or one of the Nebraska state colleges who joins the staff immediately prior to the beginning of a term from an out-of-state location; ~~or~~

(7) Such person is on active duty with the armed services of the United States and has been assigned a permanent duty station in Nebraska, or is a legal dependent of a person on active duty with the armed services of the United States assigned a permanent duty station in Nebraska; or ~~.~~

(8) Such person is a graduate of a high school of this state or has been previously registered in a state educational institution at a time when he or she was a resident of this state.".

3. Renumber the remaining sections accordingly.

(Signed) Jerry Koch, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 398A. By Nichol, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 398, Eighty-sixth Legislature, First Session, 1979.

LEGISLATIVE BILL 565A. By Nichol, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 565, Eighty-sixth Legislature, First Session, 1979.

RESOLUTION

LEGISLATIVE RESOLUTION 46.

Introduced by Keyes, 3rd District; Wesely, 26th District.

WHEREAS, the high cost of food is a great concern to all Nebraskans; and

WHEREAS, more and more citizens are using food coupons to supplement their food dollar; and

WHEREAS, retail food stores must honor all food coupons to maintain the requested cost-benefit services to their customers; and

WHEREAS, there is an increasing problem of retail food stores not being reimbursed for such coupons; and

WHEREAS, the grocer, particularly the privately-owned grocery stores of this state, are experiencing considerable expense and profit losses due to unredeemable coupons; and

WHEREAS, if such problems continue they will add to the already increasing number of financial problems which effect the small grocer and forecast a collapse of the small grocery stores throughout this state; and

WHEREAS, the coupon problem ultimately affects all Nebraskans in higher food prices and the loss of needed profit to the privately-owned grocery store.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted by a special subcommittee of the Legislature's Business and Labor Committee.

2. The study shall consist of the following:

(a) Public hearings to determine the problems, if any, in the redemption of food coupons in Nebraska;

(b) To research how other states regulate the use of food coupons; and

(c) To study the effects of food coupons on the small retail grocery businesses of this state.

3. That the Business and Labor Committee and its staff seek assistance from, cooperation with, and receive suggestions from organizations and concerns which will add to the purpose of this study.

4. That the Business and Labor Committee report its findings, together with any recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 291. Mr. Murphy moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 227. E & R amendments found in the Journal on page 1180 for the Fifty-Seventh Day were adopted.

Mr. Maresh renewed his pending amendments found in the Journal on page 1250.

Amendment (1) was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The remaining Maresh amendments were adopted with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Venditte offered the following amendments:

1. Insert the following new sections:

"Sec. 5. The Department of Motor Vehicles shall provide a recycling program for all license plates issued for motor vehicles. An owner of a motor vehicle shall return his or her license plates to the county treasurer when acquiring new or different plates. If the plates are not returned to the county treasurer a fee of fifty cents shall be charged. The fee shall be transmitted by the county treasurer to the State Treasurer and shall, by the State Treasurer, be credited to the Department of Motor Vehicles Recycling Fund which fund is hereby created. Such fund shall be used for purposes of sections 5 to 7 of this act.

Sec. 6. The Director of Motor Vehicles shall promulgate rules and regulations to carry out section 5 of this act.

Sec. 7. The Director of Motor Vehicles may contract with any person to help implement a recycling program for license plates received under section 5 of this act.".

2. Renumber remaining sections accordingly.

Mr. Venditte withdrew his amendment.

Advanced to E & R for Engrossment with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 524. E & R amendments found in the Journal on page 1180 for the Fifty-Seventh Day were adopted.

Mr. Chambers renewed his pending amendment found in the Journal on page 1201.

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 358. E & R amendments found in the Journal on page 1181 for the Fifty-Seventh Day were adopted.

Mr. Brennan offered the following amendment:

1. On page 5, strike the sentence beginning in line 1 and show as stricken.

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 52. Mr. Fowler renewed his pending amendment found in the Journal on page 1060.

The amendment lost with 17 ayes, 15 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Fowler withdrew his pending amendment found in the Journal on page 1156.

Mr. Fowler offered the following amendment:
In the Committee Amendments, page 4, after line 14, insert a new subsection as follows:

"(8) No part of the securities or bond to be filed under this section shall be supplied directly or indirectly by dues payments made for the purpose of meeting requirements to practice a profession."

The amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for Engrossment with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 298. E & R amendments found in the Journal on page 1127 for the Fifty-Fifth Day were adopted.

Laid over at the request of Mr. Cullan.

LEGISLATIVE BILL 376. E & R amendments found in the Journal on page 1223 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 220. E & R amendments found in the Journal on page 1223 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 495. E & R amendment found in the Journal on page 1223 for the Fifty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 500. E & R amendments found in the Journal on page 1242 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 313. E & R amendments found in the Journal on page 1242 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 417. E & R amendment found in the Journal on page 1242 for the Fifty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 135. E & R amendments found in the Journal on page 1243 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 251. E & R amendments found in the Journal on page 1243 for the Fifty-Eighth Day were adopted.

Laid over at the request of Mr. George.

LEGISLATIVE BILL 252. E & R amendments found in the Journal on page 1243 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 438. E & R amendment found in the Journal on page 1243 for the Fifty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 510. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 328. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 54A. Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 35. Read. Considered.

LR 35 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 36. Read. Considered.

LR 36 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 43. Read. Considered.

Mr. Chambers moved to refer LR 43 to the Banking, Commerce and Insurance Committee for a public hearing.

The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 45. Read. Considered.

Mr. Maresh moved to amend LR 45 as follows:
Add "Limestone quaries" after the words "sand and gravel".

Mr. Brennan asked unanimous consent to have LR 45 laid over.

Mr. Wesely objected.

Mr. Fowler moved to refer LR 45 to the Business and Labor Committee.

The motion lost with 15 ayes, 15 nays, and 19 not voting.

The Maresh amendment was adopted with 25 ayes, 0 nays, and 24 not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

MR. NICHOL PRESIDING

Mr. Hefner requested a roll call vote on LR 45.

Voting in the affirmative, 25:

Carsten	George	Kelly	Marvel	Schmit
Clark	Haberman	Kennedy	Merz	Sieck
Cope	Hasebroock	Kremer	Murphy	Stoney
DeCamp	Hefner	Lamb	Nichol	Vickers
Duis	Kahle	Maresh	Rumery	Warner

Voting in the negative, 8:

Brennan	Goodrich	Johnson	Reutzel
Fowler	Hoagland	Keyes	Wesely

Present and not voting, 14:

Beutler	Cullan	Koch	Lewis	Simon
Burrows	Dworak	Labedz	Newell	Venditte
Chambers	Fitzgerald	Landis	Pirsch	

Excused and not voting, 2:

Marsh Wagner

LR 45 was adopted with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

MOTION - Adopt Report

Mr. Simon moved the adoption of the Committee on Committees report found in the Journal on page 1153 on the following Governor appointments: Dennis Oelschlager, Jan Carlson, Philip Heckman, Dr. W. J. Higgins, Jack Langford, Robert Monke, John E. Olsson, Heasty W. Reesman, and Daniel A. Rietz, D.P.M.

Voting in the affirmative, 33:

Brennan	Fitzgerald	Hoagland	Merz	Simon
Burrows	Fowler	Johnson	Murphy	Stoney
Carsten	George	Kahle	Newell	Vickers
Cope	Goodrich	Kelly	Nichol	Warner
Cullan	Haberman	Kremer	Reutzel	Wesely
Duis	Hasebroock	Maresh	Schmit	
Dworak	Hefner	Marvel	Sieck	

Voting in the negative, 0.

Present and not voting, 14:

Beutler	DeCamp	Koch	Landis	Rumery
Chambers	Kennedy	Labedz	Lewis	Venditte
Clark	Keyes	Lamb	Pirsch	

Excused and not voting, 2:

Marsh Wagner

The motion prevailed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The Chair declared the appointments confirmed.

SPEAKER'S ORDER

Legislative Bills scheduled and confirmed for "SPECIAL ORDER" debate are:

Date	Legislative Bill
April 4, 1979	LB 285
April 5, 1979	LB 365
April 6, 1979	LB 80
	LB 179
April 9, 1979	LB 568
	LB 457
April 10, 1979	LB 16 (9:30 a.m.)
	LB 44 (2:00 p.m.)
April 11, 1979	LB 378
	LB 581
April 12, 1979	LB 11
April 17, 1979	LB 398

(Signed) Richard D. Marvel, Speaker

ANNOUNCEMENTS

Mr. Warner announced that the Appropriations Committee will meet at 4:30 p.m., April 3, 1979 in Room 1003.

Mr. Carsten announced that the Revenue Committee will meet in executive session today following adjournment.

Mr. Warner announced that the informational meetings for members of the Legislature will be held April 4 and 5 at 7:30 p.m. in Room 1019. Discussions will be relative to the 1979-80 Appropriations recommendations of the Appropriations Committee.

MESSAGE FROM THE GOVERNOR

April 3, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 19, 26, 125, 137, 201, 204, 205, 213, 240, 255, 265, 288, 292, 375, 377, 476, 477, and 551.

These bills were signed by me on April 2, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ATTORNEY GENERAL'S OPINION

Opinion No. 71
March 29, 1979

Dear Senator Lewis:

In your letter of March 26, 1979, you called to our attention the adoption by the Nebraska Legislature of Legislative Resolution 30, generally calling upon the Ninety-fifth Congress of the United States of America to reject a proposed amendment to the United States Constitution, generally affording the District of Columbia status as a state.

Specifically, you ask whether or not it is within the legal and procedural bounds of the Nebraska Legislature to make such a request of Congress. It is our opinion that the Nebraska Legislature may do so but we question the timeliness of Legislative Resolution 30.

It appears to us from an examination of the language of the resolution that the Ninety-fifth Congress of the United States of America has already proposed such an amendment to the United

States Constitution. If such is the case, then it simply remains to be determined whether or not the legislatures of three-fourths of the several states shall, within seven years of the date of the action of Congress, ratify this proposed amendment. If the amendment has already been proposed by Congress, we question the purpose of informing Congress of the Nebraska Legislature's opinion upon a resolution already adopted by that body.

It may be that it would be more appropriate for the Nebraska Legislature to consider this proposed amendment pursuant to Rule 4, Section 2 of the Rules of the Nebraska Legislature and either ratify the proposed amendment or not, depending upon the vote of the Legislature.

You also ask whether or not Legislative Resolution 30 should be handled according to the processes outlined in Rule 4, Section 2, of the Legislative Rules. As set forth above, it may be that it would be more appropriate for the Legislature to make known its opinion as to this matter by the form of either ratifying or not ratifying this measure under Rule 4, Section 2. However, as you are aware, Article III, section 10 of the Constitution of the State of Nebraska, specifies that the Legislature shall create its own rules for proceeding and we are not prepared to say that the manner in which Legislative Resolution 30 has been adopted is beyond the limits of those rules, or that the Legislature's only course of action is to proceed under Rule 4, Section 2. We only point out as we did above that the United States Congress appears to have already taken the action opposed by Legislative Resolution 30 and suggested it may be more appropriate to proceed under Rule 4, section 2.

In conclusion, we are of the opinion that the Nebraska Legislature may, as a matter of law and within its rules of procedure, adopt such a resolution as Legislative Resolution 30 and may forward the same on to the parties designated. We are also of the opinion that Rule 4, Section 2, is not controlling but rather might provide a more timely and appropriate means of expressing the opinion of the Nebraska Legislature on this matter.

If we can be of further assistance to you in this regard, please let us know.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:ksf
cc: Patrick O'Donnell

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 526 in the Journal. No objections. So ordered.

1. Insert a new section 1 as follows:

"Section 1. That section 80-903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-903. (1) It shall be the responsibility of the individual member of the Active Selected Reserve to obtain a certificate from his or her commanding officer attesting to his or her satisfactory performance and to submit it to the Director of Veterans' Affairs who, if he or she finds that granting the entitlement will not exceed the limitation of new entitlements provided in section 80-902, shall endorse the certificate of performance as approved and return it to the member for presentation to the college or university in order to obtain tuition credit upon initial enrollment. Such certification, without the necessity of endorsement by the Director of Veterans' Affairs, shall be accomplished and presented at the time of enrollment for each subsequent term for which tuition credit is requested.

(2) The college or university shall compile a record of the total dollar amount of the tuition credits granted for the academic year. At the completion of the academic year, the college or university shall submit the total amount of such credits together with a request for reimbursement of such amount to the Director of Veterans' Affairs. Upon receipt of the request, the director shall reimburse the college or university.".

2. On page 2, strike beginning with "Within" in line 8 through the period in line 12 and insert "The educational institution shall compile a record of the total dollar amount of the tuition credits granted for the academic year. At the completion of the academic year, the institution shall submit the total amount of such credits together with a request for reimbursement of such amount to the National Guard. Upon receipt of the request, the National Guard shall reimburse the institution.".

3. Insert a new section 3 as follows:

"Sec. 3. That original section 80-903, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Koch asked unanimous consent to print the following amendments to LB 285 in the Journal. No objections. So ordered.

1. Page 3, Section 13, line 24, after "act;" insert the following: "(2) funds used for payment which are in excess of one hundred seven percent of that amount budgeted in the previous fiscal year for the following items: employer contributions to the Federal Insurance Contributions Act, payment to a retirement system, insurance premiums, fuel for any purpose, electricity, water, and sewer".
2. Page 3, Section 13, line 24, strike "(2)" and insert "(3)".
3. Page 3, Section 13, line 26, strike "(3)" and insert "(4)".
4. Page 4, Section 13, line 3, strike "(4)" and insert "(5)".

VISITORS

Visitors to the Chamber were Mr. and Mrs. William Gaygin, Wisconsin Representative, State Legislature, Wisconsin; Wayne Hendrickson from Kearney, Nebraska; Jose Sabogal-Wiesse, Peru; Bengt Scmidtbauer, Sweden; Peter Hallaraker, Norway; Poo Chow, Taiwan; Ihora Vasile, Romania; Lucian Rosu, Romania; Hannu Uusitalo, Finland; Heiner Dolle, Germany; Rod Lambert, New Zealand; and Mary Ernst, the escort of the visiting Fulbright-Hays Scholars attending the Midwestern Conference on Energy at the Nebraska Center, UNL.

ADJOURNMENT

At 4:53 p.m., on a motion by Mr. Hoagland, the Legislature adjourned until 9:00 a.m., Wednesday, April 4, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 4, 1979

LEGISLATIVE JOURNAL

SIXTIETH DAY - APRIL 4, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 4, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, we pray that you will bless these men and women, chosen by the people of every district of this great State, for you know each one of them, their needs, their motives, their hopes, and their fears. Put Your arm around them to give them strength, and speak to them to give them wisdom greater than their own. May they hear Your voice and seek Your guidance.
>
> May they remember that you are concerned about what is said and done here, and may they have a clear conscience before You, that they need fear no one. So bless each of us according to our deepest need, and use us for Thy greatest glory; we ask it in our Master's name. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Wagner who were excused; and Messrs. Lewis and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 345. Replaced on Select File as amended.
E & R amendment to LB 345:
1. In the title, line 4, strike "election" and insert "nomination".

LEGISLATIVE BILL 257. Replaced on Select File as amended.
E & R amendments to LB 257:
1. In committee amendments, page 3, lines 5 and 6, strike "2 to 5" and insert "3 to 6".
2. Renumber original section 2 as section 8.

LEGISLATIVE BILL 278. Replaced on Select File as amended.
E & R amendments to LB 278:
1. In lieu of the second Keyes amendment, in committee amendments, page 6, line 5 and lines 9 and 10, strike "1-136.01, and 84-301" and insert "and 1-136.01".
2. Renumber original section 5 as section 7.

LEGISLATIVE BILL 136. Placed on Select File.

LEGISLATIVE BILL 181. Placed on Select File as amended.
E & R amendments to LB 181:
1. In committee amendments, page 3, line 22, and page 4, line 26, insert an underscored comma after "facility".
2. In committee amendments, page 5, line 13, strike "where" and insert "when".
3. In the title, as amended, line 2, insert "to amend sections 14-1733, 14-1735, 14-1737, and 14-1738, Reissue Revised Statutes of Nebraska, 1943," after "ACT".

LEGISLATIVE BILL 547. Placed on Select File as amended.
E & R amendments to LB 547:
1. On page 2, line 8, strike "each" and insert "~~each~~" the first".
2. On page 3, line 10, insert "the" after "of".

LEGISLATIVE BILL 353. Placed on Select File as amended.
E & R amendments to LB 353:
1. On page 3, line 10, strike "where" and insert "when"; and in line 12 insert "that" after

"extent".

2. On page 4, line 22, strike ", such" and insert ". Such"; and in line 23 strike the comma.

LEGISLATIVE BILL 198. Placed on Select File as amended.
E & R amendment to LB 198:

1. In committee amendments, page 8, line 17, strike "71-1631.02 and 71-1631.03" and insert "71-1630.02 and 71-1630.03"; and in line 18 strike "71-1631.01" and insert "71-1630.01".

LEGISLATIVE BILL 344. Placed on Select File as amended.
E & R amendment to LB 344:

1. In committee amendments, page 1, line 7, strike "line 24" and insert "lines 24 and 25".

(Signed) Don Wesely, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 72
April 3, 1979

Dear Senator Murphy:

In your letter of March 28, 1979, you express concern about the constitutionality of LB 105, and its companion bill, LB 103. You question the constitutional propriety of assessing real property of railroads as personal property. We believe there is no constitutional problem with respect to these bills in the area you mention.

We point out that the provision about appraising and assessing some of the real estate of railroads the same as personal property did not originate with LB 105, but is found in the present law. Section 2 of LB 105 amends section 77-602, R.R.S. 1943. That section now provides for ascertainment by the State Board of Equalization and Assessment of various itemized types of property belonging to railroads, including real property, and orders the board to "appraise and assess the same as personal property." LB 105 does not change the general scheme of the statute, so what you are asking, in effect, is whether the present statute is valid.

This provision has been in section 77-602 since its enactment in 1903. As a matter of fact, its predecessor had a similar provision. The Nebraska Supreme Court has considered the system of taxing railroad property a number of times, and has not questioned this provision. The purpose is to permit a unified valuation of the property of the

railroad, which would be very difficult to value piecemeal. In Chicago, B. & Q. R. Co. v. Box Butte County, 99 Neb. 208, 155 N.W. 881 (1915), we find this explanation of the system:

> ". . . The general purpose of this legislation is stated in State v. Savage, 65 Neb. 714, 750, as follows: 'It seems reasonably clear that in assessing railroad and telegraph property, as contemplated by sections 39 and 40, the whole property belonging to any one corporation, and subject to assessment in this state, should be valued for tax purposes in its entirety, and that in such valuation should be included all elements going to make up the entire property, whether consisting of franchises or other intangible property, or physical property, be it real, personal or mixed.' . . ."

The court has, therefore, not felt that assessment of real property as personal property, in this situation, violates the uniformity requirement of Article VIII, Section 1, of the Nebraska Constitution. We point out that, whether it is regarded as real property or personal property, it is required to be valued at actual value, and assessed at 35 percent of that value. So long as that is done, we do not believe the provision you inquire about violates uniformity of taxation.

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 58.

A BILL FOR AN ACT to amend section 53-124.03, Revised Statutes Supplement, 1978, relating to liquor; to provide an exemption relating to ownership of more than two licenses; to provide for costs as prescribed; to require reports; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mr. Koch requested a roll call vote.

Voting in the affirmative, 20:

Beutler	Cope	George	Keyes	Nichol
Brennan	Dworak	Goodrich	Labedz	Rumery
Burrows	Fitzgerald	Hoagland	Marvel	Stoney
Carsten	Fowler	Johnson	Newell	Warner

Voting in the negative, 21:

Clark	Hasebroock	Kremer	Murphy	Vickers
Cullan	Kahle	Lamb	Pirsch	
DeCamp	Kelly	Landis	Reutzel	
Duis	Kennedy	Maresh	Schmit	
Haberman	Koch	Merz	Sieck	

Present and not voting, 4:

Chambers	Hefner	Simon	Venditte

Excused and not voting, 4:

Lewis	Marsh	Wagner	Wesely

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 237.

A BILL FOR AN ACT to amend sections 24-202, 24-301, 26-103, and 43-233, Reissue Revised Statutes of Nebraska, 1943, and section 48-153, Revised Statutes Supplement, 1978, relating to judicial qualifications; to provide qualifications as prescribed; and to repeal the original sections, and also section 24-505, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 32:

Beutler	Cope	George	Johnson	Kremer
Brennan	Cullan	Goodrich	Kahle	Labedz
Carsten	Duis	Hasebroock	Kelly	Lamb
Clark	Fitzgerald	Hefner	Koch	Landis

Lewis	Murphy	Reutzel	Sieck
Maresh	Nichol	Rumery	Stoney
Merz	Pirsch	Schmit	Venditte

Voting in the negative, 11:

Chambers	Haberman	Marvel	Vickers
Dworak	Hoagland	Newell	Warner
Fowler	Kennedy	Simon	

Present and not voting, 3:

Burrows	DeCamp	Keyes

Excused and not voting, 3:

Marsh	Wagner	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 241. Laid over.

LEGISLATIVE BILL 249.

A BILL FOR AN ACT to amend section 17-938, Reissue Revised Statutes of Nebraska, 1943, relating to cemeteries; to change a mill levy; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Beutler	Dworak	Kahle	Maresh	Sieck
Brennan	Fitzgerald	Kelly	Marvel	Simon
Burrows	Fowler	Kennedy	Merz	Stoney
Carsten	George	Keyes	Murphy	Venditte
Chambers	Goodrich	Koch	Newell	Vickers
Clark	Haberman	Kremer	Nichol	Warner
Cope	Hasebroock	Labedz	Pirsch	
Cullan	Hefner	Lamb	Reutzel	
DeCamp	Hoagland	Landis	Rumery	
Duis	Johnson	Lewis	Schmit	

Voting in the negative, 0.

Excused and not voting, 3:

Marsh Wagner Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 315.

A BILL FOR AN ACT relating to jails; to redefine terms; to provide where certain sentences may be served; to amend sections 15-259 and 47-409, Reissue Revised Statutes of Nebraska, 1943, and section 47-401, Revised Statutes Supplement, 1978; 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:

Beutler	Dworak	Johnson	Landis	Rumery
Brennan	Fitzgerald	Kahle	Lewis	Schmit
Burrows	Fowler	Kelly	Maresh	Sieck
Chambers	George	Kennedy	Marvel	Simon
Clark	Goodrich	Keyes	Merz	Stoney
Cope	Haberman	Koch	Newell	Vickers
Cullan	Hasebroock	Kremer	Nichol	Warner
DeCamp	Hefner	Labedz	Pirsch	
Duis	Hoagland	Lamb	Reutzel	

Voting in the negative, 1:

Venditte

Present and not voting, 2:

Carsten Murphy

Excused and not voting, 3:

Marsh Wagner Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 373.

A BILL FOR AN ACT to amend section 43-239, Reissue Revised Statutes of Nebraska, 1943, and sections 24-517, 43-229, and 43-234, Revised Statutes Supplement, 1978, relating to courts; to harmonize provisions relating to county and juvenile courts; and to repeal the original sections, and also section 43-233.02, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler	Dworak	Johnson	Landis	Rumery
Brennan	Fitzgerald	Kahle	Lewis	Schmit
Burrows	Fowler	Kelly	Maresh	Simon
Carsten	George	Kennedy	Marvel	Stoney
Clark	Goodrich	Keyes	Merz	Venditte
Cope	Haberman	Koch	Newell	Vickers
Cullan	Hasebroock	Kremer	Nichol	Warner
DeCamp	Hefner	Labedz	Pirsch	
Duis	Hoagland	Lamb	Reutzel	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Murphy	Sieck

Excused and not voting, 3:

Marsh	Wagner	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

CORRECTED EXPLANATION OF VOTE

Correct my explanation of vote on page 1264 by deleting "221" and inserting "321".

(Signed) Donald N. Dworak

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendments to LB 44 in the Journal. No objections. So ordered.

1. On page 3, line 24 strike beginning with "equal" through "dollars", show the old matter as stricken, and insert ", in an amount determined annually by the Tax Commissioner pursuant to section 2 of this act,"

2. Insert a new section as follows:

"Sec. 2. For tax year 1979 there shall be allowed a food sales tax credit of twenty-three dollars. For each year thereafter the Tax Commissioner shall adjust the previous year's credit by a percentage equal to the percentage change in the cost of living for the most recent twelve-month period. For purposes of this section, the Tax Commissioner shall compute the cost-of-living change for the state based upon: (1) General Fund receipts; (2) available econometric models and forecasts; (3) data from the federal government including the Consumer Price Index as established by the United States Department of Labor; and (4) any other information the Tax Commissioner deems relevant.".

3. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 188. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hasebroock asked unanimous consent to add his name to LR 45. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 285. Title read. Considered.

Standing Committee amendments found in the Journal on page 1159 for the Fifty-Sixth Day were considered.

Mr. Dworak renewed his pending amendment (1) to the Standing Committee amendments found in the Journal on page 1204.

Mr. Dworak moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mr. Dworak requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Burrows	Dworak	Labedz	Murphy
Clark	Fitzgerald	Lamb	Pirsch
Cope	Haberman	Landis	Vickers
Cullan	Kennedy	Marvel	Warner

Voting in the negative, 27:

Beutler	Goodrich	Kelly	Newell	Stoney
Brennan	Hasebroock	Keyes	Nichol	Venditte
Carsten	Hefner	Koch	Rumery	Wesely
Duis	Hoagland	Kremer	Schmit	
Fowler	Johnson	Lewis	Sieck	
George	Kahle	Maresh	Simon	

Present and not voting, 4:

Chambers	DeCamp	Merz	Reutzel

Excused and not voting, 2:

Marsh	Wagner

The Dworak amendment lost with 16 ayes, 27 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Venditte asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dworak withdrew his pending amendment (2) to the Standing Committee amendments found in the Journal on page 1205.

Mr. Dworak offered the following amendment to the Standing Committee amendments:

Amend the Committee amendments to LB 285 (Req. #2796):
1. Strike sec. 21.
2. Renumber remaining sections accordingly.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Dworak amendment lost with 11 ayes, 19 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Murphy offered the following amendment to the Standing Committee amendments:
Section 13 - Strike subsection two. Pg 3

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Murphy moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. Murphy requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler	Duis	Kelly	Marvel	Reutzel
Burrows	Dworak	Labedz	Merz	Schmit
Clark	George	Lamb	Murphy	Sieck
Cullan	Kahle	Landis	Pirsch	Warner

Voting in the negative, 18:

Brennan	Fowler	Johnson	Newell	Stoney
Carsten	Hasebroock	Koch	Nichol	Vickers
Cope	Hefner	Kremer	Rumery	
Fitzgerald	Hoagland	Maresh	Simon	

Present and not voting, 8:

Chambers	Goodrich	Kennedy	Lewis
DeCamp	Haberman	Keyes	Wesely

Excused and not voting, 3:

Marsh Venditte Wagner

The Murphy amendment to the Standing Committee amendments was adopted with 20 ayes, 18 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment to the Standing Committee amendments:

(1)

1. In the Committee amendments, Req. 2796, on page 5, line 3, after "add" insert "one percentage"; in line 5, strike "an amount equal to the" and insert "for each", and after "percentage" insert ", in excess of three per cent,".

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 Warner amendment to the Standing Committee amendments was adopted with 17 ayes, 16 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Keyes withdrew his pending amendment (5) to the Standing Committee amendments found in the Journal on page 1264.

Mr. Keyes renewed his pending amendments (1), (2), (3), (4), (6), and (7) to the Standing Committee amendments found in the Journal on page 1264.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Mr. Keyes withdrew amendments (1) and (2).

The Keyes amendment (3) lost with 2 ayes, 24 nays, 20 present and not voting, and 3 excused and not voting.

The Keyes amendment (4) lost with 4 ayes, 24 nays, 18 present and not voting, and 3 excused and not voting.

The Keyes amendment (6) was adopted with 19 ayes, 15 nays, 12 present and not voting, and 3 excused and not voting.

The Keyes amendment (7) lost with 5 ayes, 23 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment to the Standing Committee amendments:
Amend the Warner Amend to strike 3% and insert 1%.

The amendment was adopted with 17 ayes, 16 nays, 13 present and not voting, and 3 excused and not voting.

Standing Committee amendments, as amended, were adopted with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

Mr. Fitzgerald asked unanimous consent to be excused. No objections. So ordered.

Mr. Carsten withdrew his pending amendments found in the Journal on page 836.

Mr. DeCamp offered the following amendment:
To repeal all provisions of LB 1, First Special Session, 1978.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 17 ayes, 4 nays, and 28 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Brennan	Goodrich	Koch	Rumery	Vickers
Cullan	Hoagland	Landis	Schmit	
DeCamp	Johnson	Lewis	Sieck	
Fowler	Kahle	Merz	Simon	

Voting in the negative, 23:

Beutler	Duis	Kelly	Marvel	Stoney
Burrows	George	Kennedy	Murphy	Warner
Carsten	Haberman	Labedz	Newell	Wesely
Clark	Hasebroock	Lamb	Nichol	
Cope	Hefner	Maresh	Reutzel	

Present and not voting, 5:

Chambers	Dworak	Keyes	Kremer	Pirsch

Excused and not voting, 4:

Fitzgerald Marsh Venditte Wagner

The DeCamp amendment lost with 17 ayes, 23 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 65, 428, 506, 506A, and 564.

Correctly Enrolled

The following bills were correctly enrolled: 237, 249, 315, and 373.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 237, 249, 315, 373, and LR 35, LR 36, and LR 45.

ANNOUNCEMENT

Mr. Maresh announced that the Business and Labor Committee will meet in executive session today following recess at noon under the north balcony.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendments to LB 505 in the Journal. No objections. So ordered.

(Amendments are to the Committee Amendments)

1. On page 2, line 11 after "agency" insert "or to the department on the toll-free number established by subsection (2) of this section"; and strike lines 25 to 27 and insert:

"(2) There shall be established a single, statewide toll-free number within the department to be

used by any person any hour of the day or night, any day of the week to make reports of abuse or neglect to the department. Reports of abuse or neglect not previously made to or by a law enforcement agency shall be made immediately to such agency by the department. Reports of abuse or neglect not previously made to or by the division shall be made to such division by the department on the next business day after the department receives the report.".

2. On page 3, strike lines 1 to 7; and in line 21 strike "divisions" and insert "department", and after the period insert "Such notification shall be made on the next business day following receipt of the report.".

NOTICE OF COMMITTEE HEARING
Committee on Committees

April 4, 1979

The Committee on Committees will meet at 12:10 p.m., Wednesday, April 11, 1979, in Room 1520, State Capitol, for the purpose of hearing appointments or reappointments as follows:

Gerald A. Novelly
Motor Vehicle Industry Licensing Board
William H. Palmer, Director
Nebraska Energy Office
Ann-Margaret Ulrich
Nebraska Investment Council

(Signed) Shirley Marsh, Chairperson

VISITORS

Visitors to the Chamber were Gabe Barajas from Omaha, Nebraska; 36 fourth grade students and teacher from Loveland School, Omaha, Nebraska; Mrs. Bill Hill and Supt. Skip Finch from Stanton, Nebraska; 30 twelfth grade students and teachers from Meridian School, Daykin, Nebraska; Dennis Costello from Omaha, Nebraska; and 12 students and sponsor from Nebraska Wesleyan University, Lincoln, Nebraska.

RECESS

At 12:23 p.m., on a motion by Speaker Marvel, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Wagner who were excused; and Mrs. Labedz, Messrs. Chambers, Keyes, Lewis, and Schmit who were excused until they arrive.

ANNOUNCEMENT

Mr. Warner announced that the Appropriations Committee will meet at adjournment in Room 1003 today, April 4, 1979.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 185. Placed on General File.
LEGISLATIVE BILL 186. Placed on General File.

LEGISLATIVE RESOLUTION 22. Placed on General File.

COMMITTEE STATEMENT
MISCELLANEOUS SUBJECTS COMMITTEE
LR 22 - Introduced by Senator Dave Newell
Public Hearing held on March 29, 1979

INTENT: LR 22, introduced by Senator Newell, would put the Legislature on record as opposing deregulation of the trucking industry by administrative fiat of the Interstate Commerce Commission. LR 22 requests that any such deregulation be dealt with by following the normal procedures of Congress thus allowing all interested parties an opportunity to voice their views and concerns. If passed, LR 22 would be presented to the Nebraska congressional delegation.

PROPONENTS: Testifying in favor of LR 22 were: Richard Collins, representing the International Brotherhood of Teamsters; Jim Preston, representing the Nebraska Motor Carriers Association; and Duane Acklie, president of the Nebraska Motor Carriers Association.

OPPONENTS: No one opposed LR 22.
AMENDMENTS: The Committee did not adopt any amendments to LR 22.
COMMITTEE ACTION: Senator Murphy moved and Senator Venditte seconded a motion to advance LR 22 to the full Legislature. Those voting in favor of the motion were: Senators Newell, Brennan, Sieck, Lewis, Fitzgerald, Murphy, Simon and Venditte.
LR 22 was advanced to the full Legislature.

LEGISLATIVE BILL 166. Placed on General File as amended.
Standing Committee amendments to LB 166:

1. Strike original section 2 and insert a new section 2 as follows:

"Sec. 2. No employer, prospective employer, or agent thereof shall require as a condition of employment or as a condition for continued employment that a person submit to a truth and deception examination unless such employment involves public law enforcement, private security, private investigation, or a business related to the security of persons, firms, copartnerships, associations, or corporations. Nothing in this section shall be construed to prohibit such employer from asking a person to submit to a truth and deception examination. Any employer asking any applicant or employee to take a truth and deception test shall give oral and written notice to the employee or applicant that such test is not a mandatory condition of employment or continued employment. Such employer shall also have the employee or applicant sign a form stating that the test being taken is being taken voluntarily and not as a mandatory condition of employment or continued employment.".

LEGISLATIVE BILL 368. Placed on General File as amended.
Standing Committee amendments to LB 368:

1. Strike the original sections and insert:

"Section 1. There is hereby created the Nebraska Transportation and Safety Commission. The initial membership of the commission shall consist of one of the present members from each of the following:

(1) The Nebraska Aeronautics Commission;
(2) The Nebraska Commission on Alcoholism;
(3) The Commission on Drugs;
(4) The State Highway Commission;
(5) The Board of Examiners for County Highway and City Street Superintendents;
(6) The Nebraska Liquor Control Commission;
(7) The Nebraska Motor Vehicle Industry Licensing

Board;

(8) The Advisory Committee on Motor Vehicle Inspection; and

(9) The Board of Public Roads Classifications and Standards.

All members of the commission shall be appointed by the Governor.

Sec. 2. Of the initial commission the Governor shall appoint four members to serve one-year terms, three members to serve two-year terms and two members to serve three-year terms. Upon completion of the initial terms, all members of the commission shall be appointed for three years.

Sec. 3. Members of the commission shall meet within thirty days after January 1, 1980 to select from the members of the commission a chairperson, and such other officers as commission members deem necessary, who shall serve for a period of two years. The commission shall meet at regular intervals at least once each month and may hold special meetings at the call of the chairperson or at the request of a majority of the members of the commission. The commission shall meet at Lincoln, Nebraska or such other place as the members of the commission may designate.

Sec. 4. Five members of the commission shall constitute a quorum for the purpose of conducting the business thereof.

Sec. 5. Members of the commission shall receive forty dollars per day as compensation for their services and shall be reimbursed for their expenses as provided in section 84-306.01, Revised Statutes Supplement, 1978. Reimbursement shall be for not more than one regular meeting each month and not more than three special meetings for any one fiscal year.

Sec. 6. The commission shall establish and maintain its principal office in the city of Lincoln and such other offices within the state as it may deem necessary. The commission shall appoint an executive director who shall be directly responsible to the commission. Such director shall be qualified by education and experience to assume the responsibilities of such office. The executive director may appoint such assistants, clerks, agents, and other employees as may be necessary, fix their compensation within the limitations provided by law, and prescribe duties of such employees.

Sec. 7. On or before January 1, 1980, the assets, records, personnel, retirement provisions, functions, and duties of the commissions, committees, and boards set forth in section 1 of this act shall be transferred to the Nebraska Transportation and Safety

Commission. Upon completion of the transfer, such commissions, committees, and boards shall cease to exist.

Sec. 8. The Revisor of Statutes is directed to change the name of any of the commissions, committees, or boards set forth in section 1 of this act wherever such names appear in the Nebraska statutes to the Nebraska Transportation and Safety Commission.

LEGISLATIVE BILL 485. Placed on General File as amended.
Standing Committee amendments to LB 485:

1. On page 13, strike lines 11 to 17; in line 18 strike "(11)" and insert "(10)".

2. On page 14, line 1 strike the period and insert ";" and after line 1 insert two new subdivisions as follows:

"(11) Requiring or requesting an answer or answers to a question or questions, during the course of administering a truth and deception examination to any person, which are not directly germane to the issue for which the examination is being conducted or which are of such a personal nature as to render it or them an invasion of the examinee's privacy; or

(12) Requiring or requesting an answer or answers to a question or questions, during the course of administering a truth and deception examination to any person, which are not included in the standardized examination questions adopted and promulgated by the secretary pursuant to section 32 of this act".

3. Strike original sections 32 and 33.

4. On page 15, line 24 after the period insert "Such rules and regulations shall provide for the development and use of truth and deception examination questions which are commonly used by truth and deception examiners in the various types of examinations administered by licensed truth and deception examiners.".

5. Renumber the remaining sections accordingly.

(Signed) Dave Newell, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 222A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 222, Eighty-sixth Legislature, First Session, 1979.

SELECT FILE

LEGISLATIVE BILL 421. E & R amendments found in the Journal on page 1268 for the Fifty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 505. E & R amendments found in the Journal on page 1269 for the Fifty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 396. E & R amendments found in the Journal on page 1270 for the Fifty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 553. E & R amendment found in the Journal on page 1270 for the Fifty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 326. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 575. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 415. E & R amendments found in the Journal on page 1271 for the Fifty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 164. E & R amendments found in the Journal on page 1271 for the Fifty-Ninth Day were adopted.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 505 to Select File

Mr. Goodrich moved to return LB 505 to Select File for the specific amendment found in this day's Journal on page 1305.

The motion prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 505. The Goodrich specific amendment found in this day's Journal on page 1305 was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 505 to Select File

Mr. Simon moved to return LB 505 to Select File for the following specific amendment:

(Amendment To Goodrich Amendment)

1. In line 3 after the semicolon insert "in line 24 after the period insert "Law enforcement agencies receiving any reports of abuse or neglect under this subsection shall notify the State Central Registry on the next working day by phone or mail.";".

The motion prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 505. The Simon 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.

UNANIMOUS CONSENT - Members Excused

Mr. Merz asked unanimous consent to be excused until 3:30 p.m. No objections. So ordered.

Mr. Simon asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

MR. NICHOL PRESIDING

MOTION - Return LB 59 to Select File

Mr. Koch moved to return LB 59 to Select File for the specific amendment found in the Journal on page 1261.

The motion prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 59. The Koch specific amendment found in the Journal on page 1261 was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

SPEAKER MARVEL PRESIDING

MOTION - Place LB 221 on General File

Mr. Murphy renewed his pending motion found in the Journal on page 1262 to place LB 221 on General File, pursuant to Rule 3, Sec. 10.

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Kelly requested a record vote on the Murphy motion:

Voting in the affirmative, 27:

Burrows	Duis	Kennedy	Murphy	Stoney
Carsten	Haberman	Kremer	Nichol	Venditte
Chambers	Hasebroock	Labedz	Pirsch	Warner
Clark	Hefner	Lamb	Rumery	
Cope	Kahle	Maresh	Schmit	
Cullan	Kelly	Marvel	Sieck	

Voting in the negative, 12:

Beutler	George	Landis	Reutzel
Brennan	Hoagland	Lewis	Vickers
Fowler	Johnson	Newell	Wesely

Present and not voting, 5:

DeCamp	Dworak	Fitzgerald	Goodrich	Koch

Excused and not voting, 5:

Keyes	Marsh	Merz	Simon	Wagner

The motion prevailed with 27 ayes, 12 nays, 5 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 538 to Select File

Mr. Schmit moved to return LB 538 to Select File for the following specific amendment:

1. In the committee amendments, on page 1 strike lines 22 through 24.

2. In the committee amendments, on page 2, line 3 strike "8" and insert "7".

3. In the committee amendments, strike sections 6 and 9.

4. In the committee amendments, on page 3 strike lines 1 and 2 and insert:

"Sec. 8. To achieve the purposes of this act the department may perform the following marketing activities:".

5. Insert new sections as follows:

"Sec. 10. The department in entering into contracts authorized under this act, shall not be authorized to set up marketing units or agencies of its own. Only contracts necessary to the furtherance of the intent and purposes of this act shall be entered into.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

6. In the committee amendments renumber sections 7, 8, and 11 as sections 6, 7, and 9 respectively.

The motion prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 538. The Schmit specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 1979, at 3:15 p.m., were the following bills: 237, 249, 315, and 373.

(Signed) Judy West, Enrolling Clerk

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 363. Placed on General File as amended.
Standing Committee amendments to LB 363:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2838.)

(Signed) Jerry Koch, Chairman

UNANIMOUS CONSENT - Member Excused

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 291. Mr. Murphy renewed his pending motion to indefinitely postpone found in the Journal on page 1281.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 5 nays, and 27 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Murphy motion to indefinitely postpone lost with 5 ayes, 26 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Murphy requested a machine vote to advance LB 291.

Advanced to E & R for Engrossment with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Kelly asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 103. E & R amendments found in the Journal on page 1177 for the Fifty-Seventh Day were adopted.

Mr. DeCamp withdrew his pending amendments found in the Journal on page 1219.

The Cullan-Keyes pending amendments found in the Journal on page 1256 were withdrawn.

Mr. Cullan offered the following amendments:

1. Strike committee amendment 1.

2. In the committee amendments on page 2, strike beginning with the comma in line 5 through "appropriate" in line 7.

3. On page 2, line 25 strike "railroad".

4. Insert a new section as follows:

"Sec. 6. That section 77-656, Reissue Revised Statutes of Nebraska, 1943, as amended by section 24, Legislative Bill 105, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

77-656. It shall be the duty of the assessor, upon the receipt of such assessment roll, between ~~January~~ April 1 and ~~March~~ May 1 each year, to value and assess all of the local property of each company in each city and village within his jurisdiction as of January 1 of the current year. The valuation so placed upon the property of each company within each city and village shall be the actual value, as nearly as may be determined, of that part of the company's local property located in such city or village, so that the same may be assessed and taxed on the same basis as other property is required to be assessed and taxed within such city or village. The returns of the companies required by sections 77-637 to 77-675 shall not be held to be conclusive upon the assessor or the State Board of Equalization and Assessment, but each assessor and the board is authorized to make an assessment from all of the facts, circumstances, and evidence which he or it may obtain in carrying out the provisions of sections 77-637 to 77-675. The assessment as made by the assessor shall not be final until reviewed as provided in sections 77-637 to 77-675, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".

5. Renumber original section 6 as section 7.

6. In the E and R amendments on page 6, lines 15 and 22, strike "and" and before "Reissue" insert "and 77-656,"; in lines 16 and 24 strike "and", and after "13," insert "and 24,".

7. In the title, line 6, after the semicolon insert "to change certain dates as prescribed;".

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.

VISITORS

Visitors to the Chamber were Victor Maresh from Schuyler, Nebraska; 24 students from Maywood High School, Maywood, Nebraska; Mary Elizabeth Cessna from Lincoln, Nebraska; and Mr. and Mrs. Bill Morrison from Omaha, Nebraska.

ADJOURNMENT

At 4:19 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m., Thursday, April 5, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIRST DAY - APRIL 5, 1979

LEGISLATIVE JOURNAL

SIXTY-FIRST DAY - APRIL 5, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 5, 1979

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, we labor unceasingly to learn more about our job; to stay up with trends; to please our constituents, and to pass better laws in order to better people.
>
> Sometimes we suffer disappointment, sometimes we become downright unhappy over projects gone awry.
>
> When we are successful, we sometimes act as if we created the phenomenon of success.
>
> In either case, let us recall the words of the Psalmist: "Unless the Lord build the house, they labor in vain who build it. Unless the Lord guard the city, in vain does the guard keep vigil. It is vain for you to rise early, or put off your rest, you that eat hard-earned bread, for He gives to His beloved in sleep." Amen.

ROLL CALL

The roll was called and all members were present except Mr. Wagner who was excused; and Mrs. Labedz, Messrs. Haberman, Warner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixtieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 143. Replaced on Select File as amended.
E & R amendments to LB 143:

1. Renumber new sections added by the Warner amendment as sections 14 and 15 and original committee amendment sections 14 to 16 as sections 16 to 18.

2. In committee amendments, insert "sections 1 to 13 of" after "in" on page 2, line 1, and page 6, line 1, after the first "to" on page 4, line 11, and after "under" on page 5, line 5.

3. In the Warner amendments, page 1, line 23, strike "5" and insert "2".

LEGISLATIVE BILL 15. Placed on Select File as amended.
E & R amendment to LB 15:

1. In the title, line 2, strike "state" and after "colleges" insert "and universities"; and in line 3 insert "; and to declare an emergency" after "prescribed".

LEGISLATIVE BILL 14. Placed on Select File as amended.
E & R amendments to LB 14:

1. On page 3, line 11, strike the first comma.

2. On page 7, line 8, strike "necessary" and insert "as may be necessary in order to".

3. In committee amendments, page 3, line 5, strike ". All" and insert ", and all".

4. In the title, insert "to make an appropriation; to provide penalties; to provide when the act shall become operative;" at the end of line 2.

LEGISLATIVE BILL 14A. Placed on Select File.
LEGISLATIVE BILL 180A. Placed on Select File.
LEGISLATIVE BILL 412A. Placed on Select File.
LEGISLATIVE BILL 414A. Placed on Select File.
LEGISLATIVE BILL 500A. Placed on Select File.
LEGISLATIVE BILL 505A. Placed on Select File.

LEGISLATIVE BILL 260. Placed on Select File as amended.
E & R amendments to LB 260:

1. In committee amendments, page 2, line 6, strike the semicolon.

2. In the title, strike lines 2 to 18 and insert:

"FOR AN ACT relating to alcohol; to increase the taxes on alcoholic liquors; to provide when no local matching shall be required for alcoholism programs; to amend sections 53-160 and 71-5027, Revised Statutes Supplement, 1978; to provide an operative date; and to repeal the original sections.".

LEGISLATIVE BILL 260A. Placed on Select File.
LEGISLATIVE BILL 174A. Placed on Select File.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 164.

Correctly Engrossed

The following bills were correctly engrossed: 116, 195, 234, 253, 339, 352, 356, 376, 428A, 560, and 578.

(Signed) Don Wesely, Chairman

MOTION - Reconsider Action on LB 57

Mr. Koch renewed his pending motion found in the Journal on page 1255 to reconsider action on the final passage of LB 57.

Mr. Koch moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Koch motion to reconsider action prevailed with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 57.

A BILL FOR AN ACT to amend sections 79-2201.01 and 79-2208, Reissue Revised Statutes of Nebraska, 1943, relating to educational service units; to provide that the units may acquire personal property or act as purchasing agents for resale 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:

Brennan	Fowler	Kahle	Lewis	Pirsch
Carsten	George	Keyes	Maresh	Reutzel
Chambers	Goodrich	Koch	Marsh	Rumery
Cope	Haberman	Kremer	Marvel	Sieck
Cullan	Hefner	Labedz	Merz	Simon
Duis	Hoagland	Lamb	Newell	Vickers
Fitzgerald	Johnson	Landis	Nichol	

Voting in the negative, 9:

Beutler	Clark	Kelly	Murphy	Venditte
Burrows	Dworak	Kennedy	Stoney	

Present and not voting, 3:

DeCamp	Hasebroock	Schmit

Excused and not voting, 3:

Wagner	Warner	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Reconsider Action on LB 425

Mr. Koch renewed his pending motion found in the Journal on page 1255 to reconsider action on final passage of LB 425.

The motion prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 345. E & R amendment found in the Journal on page 1293 for the Sixtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 257. E & R amendments found in the Journal on page 1293 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 278. E & R amendments found in the Journal on page 1293 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 136. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 547. E & R amendments found in the Journal on page 1293 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 353. E & R amendments found in the Journal on page 1293 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198. E & R amendment found in the Journal on page 1294 for the Sixtieth Day was adopted.

Mr. Cullan offered the following amendments:

1. In the Standing Committee amendments, page 8, line 17 strike "71-1631.02 and 71-1631.03" and insert "71-1630.02 and 71-1630.03"; and in line 18 strike "71-1631.01" and insert "71-1630.01".

2. In the Standing Committee amendments, page 9, lines 3 and 4 strike "71-1631.02 and 71-1631.03" and insert "71-1630.02 and 71-1630.03"; and in line 5 strike "71-1631.01" and insert "71-1630.01".

The amendments were 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 344. E & R amendment found in the Journal on page 1294 for the Sixtieth Day was adopted.

Mr. Maresh offered the following amendment:

To amend LB 344 in line 23 page 3 after "bar" insert "or restaurant having a serving area of less than 1200 square feet" and in line 25 after bar insert "or restaurant having a serving area of less than 1200 square feet".

Mr. Wesely offered the following amendment to the Maresh amendment:
To amend the Maresh Amendment to 800 sq ft.

The Wesely amendment lost with 12 ayes, 18 nays, 18 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 lost with 23 ayes, 5 nays, and 21 not voting.

Mr. Fowler asked unanimous consent to be excused until 11:30 a.m. No objections. So ordered.

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Maresh amendment was adopted with 25 ayes, 9 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Chambers requested a machine vote to advance LB 344.

Advanced to E & R for Engrossment with 26 ayes, 6 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 418. Mr. Goodrich withdrew his pending motion found in the Journal on page 1246 to indefinitely postpone.

Mr. Simon moved to recommit LB 418 to the Public Health and Welfare Committee.

MR. NICHOL PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

SPEAKER MARVEL PRESIDING

The Simon motion to recommit LB 418 prevailed with 25 ayes, 6 nays, 16 present and not voting, and 2 excused and not voting.

MOTION - Rule Change

Messrs. Hoagland, Murphy and Dworak offered the following rule change:

1. Amend Rule 7, section 1(a) as follows:

"Section 1. (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. In each even-numbered year the Legislature shall meet not more than four days each week. Each day the Legislature convenes shall be considered a legislative day.".

Referred to the Rules Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 47.

Introduced by Johnson, 8th District.

WHEREAS, present law opens for public inspection all arrest records, thereby making such records available to prospective employers, credit grantors, and others; and

WHEREAS, numerous arrests do not result in the filing of formal charges nor findings of probable cause to continue prosecution nor convictions; and

WHEREAS, many prospective employers, credit grantors, and others equate an arrest with a conviction, all to the detriment of the person arrested; and

WHEREAS, law enforcement agencies have a need to retain arrest records for future law enforcement purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature undertake an interim study to examine:

(a) The need to seal arrest records from public access;

(b) The need to maintain arrest records within the files and information processing systems of law enforcement agencies; and

(c) The appropriate methodology to insure complete confidentiality of arrest records while preserving them for use by law enforcement agencies.

2. That the committee make a report of its findings, together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Withdraw Amendment to LB 278

Mrs. Marsh asked unanimous consent to withdraw her pending amendment found in the Journal on page 1101 to LB 278. No objections. So ordered.

SELECT COMMITTEE REPORT
Committee on Committees

April 5, 1979

The Committee on Committee desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Ralph Crowl - State Electrical Board
James D. Keenan - State Highway Commission
Joan Nelson - Nebraska Arts Council
E. A. Olson - Environmental Control Council
Loren G. Olsson - Nebraska Arts Council
Wallace Richardson - Nebraska Arts Council

VOTE: For: Simon, Burrows, Cope, Cullan, Hasebroock, Newell, Reutzel, Schmit, Wesely. (9) Against: None. Not Voting: None. Absent: Labedz. (1) Excused: Marsh, Lewis, Nichol. (3).

(Signed) Neil Simon, Vice Chairperson

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 563. Indefinitely postponed.

(Signed) Maurice Kremer, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following amendments to LB 421 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office Req. #2853.)

GENERAL FILE

LEGISLATIVE BILL 365. Title read. Considered.

Standing Committee amendments found in the Journal on page 784 for the Forty-First Day were considered.

Mr. DeCamp offered the following amendments to the Standing Committee amendments:
1) On page 3, strike "1981" and insert "1983"
2) On page 4, line 2, strike "1982" and insert "1984"; in line 15, strike "1982" and insert "1984".

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The DeCamp amendment lost with 12 ayes, 25 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Simon offered the following amendment to the Standing Committee amendments:
To provide that all city sales taxes on food be eliminated.

Mr. Simon withdrew his amendment.

The Standing Committee amendments were adopted with 29 ayes, 3 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Reutzel asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

Mrs. Labedz 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. Kennedy asked unanimous consent to be excused until he returns this afternoon. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Mr. DeCamp requested a roll call vote to advance LB 365.

Voting in the affirmative, 25:

Brennan	Fitzgerald	Hefner	Labedz	Nichol
Carsten	George	Hoagland	Lewis	Pirsch
Cope	Goodrich	Johnson	Marvel	Rumery
Cullan	Haberman	Kelly	Merz	Sieck
DeCamp	Hasebroock	Koch	Newell	Venditte

Voting in the negative, 19:

Beutler	Duis	Kremer	Marsh	Vickers
Burrows	Dworak	Lamb	Schmit	Warner
Chambers	Fowler	Landis	Simon	Wesely
Clark	Kahle	Maresh	Stoney	

Present and not voting, 2:

Keyes Murphy

Excused and not voting, 3:

Kennedy Reutzel Wagner

Advanced to E & R for Review with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 329 in the Journal. No objections. So ordered.

1. On page 2, line 16 strike "twelve councilmen" and insert "~~councilmen~~ nine council members"; and in line 24 strike "councilmen", show as stricken, and insert "council member".

2. On page 3, line 1 strike "twelve" and insert "nine"; and strike beginning with the comma in line 1 through "districts" in line 4; in line 5 strike "twelve" and insert "nine"; in lines 6 and 23 strike "councilman" and insert "council member"; in lines 8 and 10 strike "councilmen" and insert "council members"; and in line 18 strike "councilman", show as stricken, and insert "council member".

3. On page 4, lines 5 and 19 strike "councilman", show as stricken, and insert "council member".

4. On page 6, line 8 strike "councilmen", show as stricken, and insert "council members"; and in line 11 strike "Councilman" and insert "Council Member".

5. On page 8, line 1 strike "councilmen", show as stricken, and insert "council members"; in line 14 strike "councilman" and insert "council member"; and in line 23 strike "of such councilmen", show as stricken, and insert "council member".

6. On page 9, line 6 after "him" insert "or her"; and in line 18 after "his" insert "or her".

7. On page 10, line 3 after "his" insert "or her".

8. On page 11, lines 6, 9, 16, and 19 after "his" insert "or her"; in line 7 strike "councilman", show as stricken, and insert "council member"; in line 8 after "himself" insert "or herself", and after "he" insert "or she"; and in line 23 after "he" insert "or she".

9. On page 12, line 17 strike "two" and insert "~~two~~ three"; in lines 18, 19, and 22 strike the new matter and reinstate the stricken matter; in line 23 strike "ordinance", and strike "eight" and insert "six".

Mr. Newell asked unanimous consent to print the following amendments to LB 185 in the Journal. No objections. So ordered.

Section 1.; Line 20
statement of fact which is known to be untrue, deceptive,

Section 2.: Line 5
merchandise for sale at retail at less than original actual cost or less than original replacement cost, whichever is lower, if the merchant does not have a sufficient quantity of merchandise to meet the reasonable expected demand, and the advertisement either (1) fails to state in such advertisement the quantity of merchandise available for sale, or (2) fails to state that the advertiser is discontinuing the item.

UNANIMOUS CONSENT - Member Excused

Mr. George asked unanimous consent to be excused for April 17, all day, and April 18, at 4:00 p.m., if we are still on the floor. No objections. So ordered.

CORRECTED STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 368. Indefinitely postponed.

(Signed) Dave Newell, Chairman

VISITORS

Visitors to the Chamber were 50 fifth grade students and teacher from Belmont School, Lincoln; 50 Pack 43 Cub Scouts from Kearney; 13 junior and senior high students and teacher from Elkhorn; Mr. and Mrs. R. E. Reutzel and daughter, Sandy, the parents and sister of Senator Reutzel; group from St. Johns Lutheran Church from Scribner; 60 fourth grade students and teacher from Schuyler; Ron Wall, Medicine Valley High School Superintendent from Curtis; 11 Movite ladies from Nebraska, Iowa, and Missouri; 9 college students and teacher from Kearney State College, Kearney; and 12 seniors and teachers from St. Ann School, Lexington.

RECESS

At 11:55 a.m., on a motion by Mr. Lamb, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Wagner who was excused; and Messrs. Kennedy, Lewis, Schmit, and Warner who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

April 5, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 102, 208, 237, 475, 509, 537, 544, 545 and 567.

These bills were signed by me on April 5, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 57.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 57.

SELECT FILE

LEGISLATIVE BILL 298. Mr. Cullan offered the following amendment:

1. On page 17, line 17, after "thereunder."
insert "Approved ongoing educational programs shall provide an opportunity to remain competent to practice the skills of a certified advanced emergency medical technician - I, certified advanced emergency medical technician - II, or certified emergency medical technician-paramedic. A certificate holder who requests recertification shall have satisfactorily completed approved educational programs every five years that

shall include a minimum of two hundred forty hours as defined below:

(1) Forty hours of classroom instruction; and

(2) Two hundred hours of clinical experience providing advanced emergency medical care in an ambulance or in a hospital.".

2. Add a new section as follows:

"Sec. 15. No person shall be certified as a certified advanced emergency medical technician - I, certified advanced emergency medical technician - II, or certified emergency medical technician-paramedic unless such person submits satisfactory proof that the applicant (1) is of good moral character, (2) has completed four years of high school study or its equivalent as determined by the board, (3) has completed an approved program for the education and training of emergency medical technicians - I, certified advanced emergency medical technicians - II, or certified emergency medical technician-paramedics and holds a certificate indicating successful completion of such programs, (4) is of the age of majority at the time of certification, and (5) is of good mental and physical health.".

3. In the committee amendments, on page 1, lines 8 and 13, page 3, lines 5 and 20, page 5, line 23, and page 6, lines 3, 11, and 18, strike "advanced".

4. In the committee amendments, on page 5, line 24 and page 6, line 4, strike "Technicians-paramedics" and insert "technicians-paramedics".

5. 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 412. E & R amendments found in the Journal on page 1241 for the Fifty-Eighth Day were adopted.

Mr. Duis renewed his pending amendment found in the Journal on page 1145.

The amendment was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell offered the following amendment:
To add the word "Governors" Policy Research office

Mr. Newell moved for a Call of the House. The motion prevailed with 11 ayes, 6 nays, and 32 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Burrows	Fowler	Labedz	Reutzel	Vickers
Chambers	Hoagland	Merz	Rumery	
DeCamp	Kahle	Newell	Sieck	
Fitzgerald	Keyes	Pirsch	Simon	

Voting in the negative, 21:

Beutler	Duis	Kelly	Marsh	Wesely
Carsten	George	Kremer	Marvel	
Clark	Hasebroock	Lamb	Murphy	
Cope	Hefner	Landis	Nichol	
Cullan	Johnson	Maresh	Stoney	

Present and not voting, 5:

Brennan	Dworak	Goodrich	Koch	Venditte

Excused and not voting, 6:

Haberman	Lewis	Wagner
Kennedy	Schmit	Warner

The Newell amendment lost with 17 ayes, 21 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 394. E & R amendments found in the Journal on page 1243 for the Fifty-Eighth Day were adopted.

Mr. Landis moved to suspend the rules, Rule 5, Section 10(d) to add Mr. DeCamp's name to LB 394.

The motion prevailed with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Mr. Landis offered the following amendment:
Amend the Committee Amendments to LB 394 as follows:
1. In subsection 2, Section 2, the Committee Amendment, strike the semicolon and add the following:
"so long as such use does not differ materially in kind, extent or duration from that authorized by the consent as fairly construed;"
2. In Section 5 of the Committee Amendment, strike the first period and add:
"so long as such publication or intrusion does not differ materially in kind, extent, or duration from the implicitly or expressly authorized by the consent as fairly construed."
3. In Section 6 of the Committee Amendment on line 18 after "privileges" insert "and defenses".

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 54. Mr. Koch offered the following amendment:
To add the emergency clause to LB 54

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Murphy renewed his pending amendment found in the Journal on page 1156.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Burrows offered the following amendment:
1. Insert the following new section:
"Sec. 7. That section 49-1434, Revised Statutes Supplement, 1978, be amended to read as follows:
49-1434. (1) Principal shall mean a person who authorizes a lobbyist to lobby in behalf of that principal.
(2) Lobbyist shall mean a person who is authorized to lobby on behalf of a principal, and shall include an officer, agent, attorney or employee of the principal whose regular duties include lobbying.
(3) Principal or lobbyist shall not include:
(a) Any publisher, owner, or working member of

the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business;

(b) Any person who limits his or her lobbying solely to appearances before legislative committees and who advises the committee in writing whom he or she represents;

(c) An employee of a principal or lobbyist whose duties are confined to typing, filing, and other types of clerical office work;

(d) Any person, except as provided in subsection (4) of this section, who limits his or her activities solely to writing letters, placing telephone calls, or furnishing written material to the Legislature or to committees thereof, or who furnishes to the Clerk of the Legislature public copies of letters or written material sent to individual members of the Legislature; or

(e) Any person who limits his or her activities solely to appearances before legislative committees upon the invitation of a member of the Legislature, or at the direction of the Governor, and who so advises the committee at the time of his or her appearance.

(4) Lobbyist shall include any person except a political candidate or candidate campaign committee who solicits funds or support, collects dues, or expends money when such solicitation, collection, or expenditure is in excess of one thousand dollars and such person uses such funds to influence any political issue within the State of Nebraska.".

2. In the committee amendments on page 6, line 18, after "sections" insert "49-1434,".

3. Renumber sections accordingly.

The amendment lost with 8 ayes, 20 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 101. E & R amendment found in the Journal on page 1244 for the Fifty-Eighth Day was adopted.

Mrs. Labedz moved the adoption of the Wagner pending amendment found in the Journal on page 1219.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

The Chair declared the Call raised.

The Wagner amendment lost with 24 ayes, 14 nays, 8 present and not voting, and 3 excused and not voting.

Mrs. Labedz offered the following amendment:

1. In the Standing Committee amendments, on page 3, line 7 after "shall" insert "annually"; in line 9 strike "shall" and insert "may", after "hold" insert "the same", strike "one year" and insert "not more than four years"; and in line 14 after "director" insert "who shall serve at the pleasure of the commission".

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The Labedz amendment was adopted with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

MR. NICHOL PRESIDING

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 3 nays, and 29 not voting.

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell offered the folllowing amendment:

Strike the name and add the name "Commission on the Physically Disabled."

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

SPEAKER MARVEL PRESIDING

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.

Mr. Newell moved for a Call of the House. The motion prevailed with 15 ayes, 12 nays, and 22 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Beutler	Haberman	Kremer	Pirsch
Cullan	Hoagland	Lamb	Simon
Dworak	Kahle	Maresh	Vickers
George	Kennedy	Newell	Wesely

Voting in the negative, 26:

Carsten	Fowler	Keyes	Merz	Sieck
Chambers	Goodrich	Koch	Murphy	Warner
Clark	Hasebroock	Labedz	Nichol	
Cope	Hefner	Landis	Reutzel	
Duis	Johnson	Marsh	Rumery	
Fitzgerald	Kelly	Marvel	Schmit	

Present and not voting, 4:

Brennan	Burrows	Stoney	Venditte

Excused and not voting, 3:

DeCamp	Lewis	Wagner

The Newell amendment lost with 16 ayes, 26 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Koch asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 101A. E & R amendment found in the Journal on page 1244 for the Fifty-Eighth Day was adopted.

Mr. Hefner renewed his pending amendment found in the Journal on page 1255.

The amendment was adopted with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 271. Mr. Stoney renewed his pending amendment found in the Journal on page 1167.

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 416. E & R amendments found in the Journal on page 1266 for the Fifty-Ninth Day were adopted.

Laid over at the request of Mr. Hasebroock.

LEGISLATIVE BILL 207. E & R amendments found in the Journal on page 1270 for the Fifty-Ninth Day were adopted.

Mr. Beutler offered the following amendment:

1. On page 2, line 11 strike "and"; in line 13 after the comma insert "and insure that wholesale rates are adequate, fair, reasonable, and nondiscriminatory,".

2. On page 4, line 18 before the period insert "in conformity with the standards set out in section 2 of this act".

3. Insert a new section as follows:

"Sec. 11. The arbitration board shall hire an official stenographer to report its hearings and may hire an attorney to assist it in ruling on the admissibility of evidence offered and in the preparation of the record which will constitute the bill of exceptions in any appeal from the decision of the arbitration board and may hire such other personnel as it deems necessary to conduct the hearing.".

4. On page 8, line 17 strike beginning with "For" through "the" and insert "The"; in line 18 strike "a copy of", and after "decision" insert ", together with all pleadings and exhibits filed with the arbitration board,"; and in line 19 strike "thirty" and insert "five".

5. On page 9 strike beginning with "Notwithstanding" in line 13 through the first comma in line 15 and insert "Except as otherwise provided in section 26 of this act,".

6. In the committee amendments on page 1, line 11 strike "25" and insert "26"; in line 18 strike "the arbitration board and with "; strike beginning with "mailing" in line 20 through "appealing" in line 21 and insert "filing of the decision with the Nebraska Power Review Board as provided in section 21 of this act"; strike beginning with "date" in line 24 through "appealing"

in line 25 and insert "filing of the decision with the Nebraska Power Review Board as provided in section 21 of this act".

7. In the committee amendments on page 2, lines 17 and 18 strike "the arbitration board and".

8. Renumber sections 24 to 27 added by the committee amendment as sections 25 to 28.

9. Renumber original sections 11 to 23 and 26 as sections 12 to 24 and 29 respectively.

10. Renumber section 29 added by the committee amendments as section 30.

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 582 Tuesday, April 17, 1979 12:00 Noon

(Signed) Dave Newell, Chairman

MOTION - Reconsider Action on LB 58

Mr. DeCamp moved that Rule 7, Section 7 be suspended to allow the reconsideration of LB 58 on April 19, 1979.

Motion pending.

ANNOUNCEMENTS

Mr. Warner announced that the Appropriations Committee will meet at adjournment today, April 5, 1979, in Room 1003.

Mr. Keyes announced that the Government, Military and Veterans Affairs Committee will meet in executive session immediately following Final Reading tomorrow morning under the north balcony.

MOTION - Request Governor to Return LB 321

Mr. Schmit moved to direct the Clerk to request the Governor to return LB 321 to the Legislature for further consideration.

The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

COMMUNICATION

April 5, 1979

The Honorable Charles Thone
Governor of the State of Nebraska
State Capitol
Lincoln, Nebraska 68509

Dear Governor Thone:

The Legislature has directed that I respectfully request of you the return of LB 321 to the Legislature for further consideration.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:sd

VISITORS

Visitors to the Chamber were 18 children and adults from the Villa Marie School; 29 fourth grade students and teachers from Howard School, Grand Island; Mike and Phil Gustafson, and Ralph Merritt from Aurora; 23 Future Homemakers and sponsors from Franklin, Nebraska; Speaker Marvel introduced his mother Mrs. Marti; William Brennan and family, and Shawn Brennan and family, of Scottsbluff.

ADJOURNMENT

At 4:17 p.m., on a motion by Mr. Reutzel, the Legislature adjourned until 9:00 a.m., Friday, April 5, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SECOND DAY - APRIL 6, 1979

LEGISLATIVE JOURNAL

SIXTY-SECOND DAY - APRIL 6, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 6, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Meet with us as we meet once more, O Lord our God, for we do need help. Even our small mistakes become obvious, and our proudest accomplishment but temporary. . .
>
> Our little bills seem so trivial beside the great, breaking events of these times, and so uncertain in response to voices which urge: "Do something about this," "Do nothing about that". .
>
> And those which complain: "To little;" "Too much;" "Too soon;" "Too late."
>
> We need help. Lobby within our hearts and minds, O God, for everything that is right, lest we give in to anything that is easy. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Kelly, and Merz who were excused; and Messrs. Haberman, Johnson, Lewis, Venditte, Wagner, and Wesely who were excused until they arrivē.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 427. Placed on Select File as amended.
E & R amendments to LB 427:

1. For correlation purposes, on page 7, line 24, insert ", as amended by section 1, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979" after "1978"; and on page 8, line 1, strike the first "and" and after "dentistry" insert "the board shall consist of seven members,".

2. On page 8, line 3, insert an underscored comma after "law".

3. On page 11, line 5, strike the comma.

4. On page 13, strike the new matter in lines 18 and 19 and reinsert the same, preceded by an underscored comma, after "and" in line 16.

5. On page 24, line 4, strike "and"; in line 5, strike "to" and insert a comma; and in line 6 after "1978" insert ", and section 71-113, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979".

6. In the title, line 4, insert "and" after the first comma and strike "71-134, and 71-146" and insert "71-133"; in line 5, strike "and"; in line 6 strike "71-102," and strike "to" and insert a comma; and in line 8 after "1978" insert ", and section 71-113, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979".

LEGISLATIVE BILL 285. Placed on Select File as amended.
E & R amendments to LB 285:

1. In committee amendments, page 3, line 26, strike "(3)" and insert "(2)".

2. In committee amendments, page 4, line 3, strike "and (4)" and insert "(3)"; in line 5 immediately after "act" insert an underscored semicolon.

3. In committee amendments, page 7, line 5, insert "and that the provisions of section 16 or 17 of this act are not applicable" after "act".

4. In the title, strike lines 2 to 9 and insert:

"FOR AN ACT to adopt the Political Subdivision Budget Limit Act of 1979; to amend sectiom 77-1356,

Revised Statutes Supplement, 1978, as amended by section 2, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978; to provide for termination; to repeal the original section; and also section 77-1355, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978; and to declare an emergency.".

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 1979, at 8:50 a.m., was the following bill: 57.

(Signed) Hazel Kaltenberger, Enrolling Clerk

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 5, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Epke, Walter H. - York, Tom Ryan-Recreational Vehicles Indiana Association
Norris, Richard G. - Shawnee Mission, KS., Standard Oil Company (Indiana)
Rasmussen, Dennis - Lincoln, Nebraska Land Improvement-Contractors Association
Tews and Radcliffe:
Radcliffe, Walter H. - Lincoln, Nebraska Restaurant Employers
Whelan, Gerald T. - Lincoln, Nebraska Restaurant Employers
Wylie, William M., Tom Ryan-Recreational Vehicles Indiana Association

MESSAGE FROM THE GOVERNOR

April 5, 1979

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

Pursuant to your request I hereby return LB 321 for your further consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
Encl.

ANNOUNCEMENT

The President announced today is Mr. Kahle's birthday.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #899).

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 590. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Dworak, 22nd District; Fowler, 27th District; Labedz, 5th District; Cope, 36th District; Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 81-161.04, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to credit the proceeds from the sale of certain aircraft as prescribed; and to repeal the original section.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #912).

The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 591. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Dworak, 22nd District; Labedz, 5th District; Cope, 36th District; Fowler, 27th District; Hasebroock, 18th District.

A BILL FOR AN ACT to make appropriations to certain agencies of state government for the period of July 1, 1979, to June 30, 1980; and to declare an emergency.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #909).

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 592. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Cope, 36th District; Hasebroock, 18th District; Labedz, 5th District; Fowler, 27th District; Dworak, 22nd District; Hoagland, 6th District.

A BILL FOR AN ACT to repeal section 83-409, Reissue Revised Statutes of Nebraska, 1943; and to provide an operative date.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #913).

The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 593. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Dworak, 22nd District; Labedz, 5th District; Cope, 36th District; Fowler, 27th District; Hasebroock, 18th District.

A BILL FOR AN ACT relating to appropriations; to acknowledge and reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1978, LB 956, sections 4, 5, 6, and 35, Laws 1978, LB 956, sections 33 and 42, with items reduced or disapproved by line-item veto, Laws 1978, LB 937, section 21, and section 81-1414.06, Revised Statutes Supplement, 1978; to provide severability; to repeal the original sections, and also Laws 1978, LB 956, section 6; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sec 5 and 19, Rule 6, Sec 1 and place LB 591 and 593 on General File.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 579. Placed on General File as amended.
Standing Committee amendments to LB 579:

1. On page 9 after line 17 insert:

"Claim No. 110, against the Department of Revenue, pay to Boone County, Boone County Courthouse, Albion, Nebraska, 68620, out of the General Fund 68,455.10

Claim No. 078, against the Nebraska Military Department, pay to Major Robert J. Van Valkenburg, 7921 Reno Road, Lincoln, Nebraska, 68505, out of the General Fund 10,708.00

Claim No. 187, against the Secretary of State, pay to Nebraska Press Advertising Service, 723 Sharp Building, Lincoln, Nebraska, 68508, out of the General Fund 262,152.79"

2. On page 12, line 17, strike "Garger" and insert "Garber".

LEGISLATIVE BILL 580. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

GENERAL FILE

LEGISLATIVE BILL 80. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 912 for the Forty-Sixth Day (Req. #2720) were considered.

Mrs. Marsh renewed her pending amendment to the Standing Committee amendments found in the Journal on page 1019.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Marsh offered the following amendment to the Standing Committee amendments:

To strike committee reference to Sec. 69.

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 10 nays, and 21 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mrs. Marsh requested a roll call vote on her amendment.

Voting in the affirmative, 22:

Beutler	Fowler	Labedz	Newell	Warner
Brennan	Hoagland	Landis	Rumery	Wesely
Burrows	Johnson	Maresh	Schmit	
Chambers	Keyes	Marsh	Simon	
Duis	Koch	Marvel	Vickers	

Voting in the negative, 20:

Carsten	George	Hefner	Lamb	Reutzel
Clark	Goodrich	Kahle	Murphy	Sieck
Cope	Haberman	Kennedy	Nichol	Stoney
Dworak	Hasebroock	Kremer	Pirsch	Wagner

Present and not voting, 2:

Cullan Fitzgerald

Excused and not voting, 5:

DeCamp Kelly Lewis Merz Venditte

The Marsh amendment to the Standing Committee amendments was adopted with 22 ayes, 20 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Standing Committee amendments, as amended, were adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Advanced to E & R for Review with 25 ayes, 12 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 179. Title read. Considered.

Standing Committee amendments found in the Journal on page 1058 for the Fifty-Second Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 48.

Introduced by Newell, 13th District.

WHEREAS, studded snow tires may cause deterioration of the highways and streets of our state; and

WHEREAS, the repair of damaged highways and streets is costly to the taxpayers and inconvenient to the drivers of this state; and

WHEREAS, some studies indicate that under dry conditions studded snow tires may provide less traction than normal snow tires; and

WHEREAS, studded snow tires may give some motorists a false sense of security in conditions of ice and snow; and

WHEREAS, some studies indicate that studded snow tires increase breaking distances under dry conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Miscellaneous Subjects Committee conduct an interim study on the consequences of studded snow tire use with particular attention to the prohibition of their use, the levying of a special studded snow tires usage tax, or the lack of a problem with studded snow tire usage.

2. That the committee make a report of its findings and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 241 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 5, line 4, strike "county" and insert "appointing".

GENERAL FILE

LEGISLATIVE BILL 542. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1224 for the Fifty-Eighth Day (Req. #2787) were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:

Amend the Committee Amendment to LB 542 by striking section 44 and re-numbering sections 45 to 48 as 44 to 47, respectively.

The amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 416. Mr. Murphy offered the following amendment:

(1)

1. On page 3, line 17 strike the new matter and re-instate the stricken matter.

2. On Page 3, line 15 strike "percentage" and insert "part."

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Murphy offered the following amendment:

(2)

Strike section 2 and all amendments thereto:

2. Strike the repeal of 23-2307

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 with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 418A. Mr. Koch moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 143. Mr. Wesely asked unanimous consent to withdraw the E & R amendments found in the Journal on page 1319 for the Sixty-First Day. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 15. E & R amendment found in the Journal on page 1319 for the Sixty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 14. E & R amendments found in the Journal on page 1319 for the Sixty-First Day were adopted.

Mr. Nichol offered the following amendment:

(1)

In the Standing Committee amendment (p. 542-544), on page 4, line 21, after "Fund", insert "for the fiscal year ending June 30, 1979,"

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Nichol offered the following amendment:

(2)

On Pg 2 of Standing Committee amendments Line 16 strike "Jan. 1, 1980" and insert "Sept. 1, 1979"

The amendment was adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Wesely requested a machine vote to advance LB 14.

Advanced to E & R for Engrossment with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 14A. Mr. Nichol offered the following amendment:

1. Create a new section 1,

Sec. 1. There is hereby appropriated ten thousand dollars from the Nebraska Dry Bean Development, Utilization, and Marketing Fund for the period July 1, 1978, to June 30, 1979, to the Department of Agriculture, for program 405 to aid in carrying out the provisions of Legislative Bill 14, Eighty-sixth Legislature, First Session, 1979.

2. Renumber original sections 1 and 2 as sections 2 and 3.

The amendment was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 180A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 412A. Mr. Warner offered the following amendment:

1. Insert a new section to read:
"Sec. 2. That section 26, Legislative Bill 585, Eighty-sixth Legislature, First Session, 1979, and section 43, Legislative Bill 589, Eighty-sixth Legislature, First Session, 1979, are repealed.".
2. Renumber original section 2 as section 3.
3. In the title, insert "to repeal section 26, Legislative Bill 585, Eighty-sixth Legislature, First Session, 1979, and section 43, Legislative Bill 589, Eighty-sixth Legislature, First Session, 1979;" at the end of line 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 for Engrossment.

LEGISLATIVE BILL 414A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 500A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 505A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 260. E & R amendments found in the Journal on page 1319 for the Sixty-First Day were adopted.

Mr. Cullan offered the following amendment:

1. On page 22, line 5, strike "July" and insert "September".

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 260A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 174A. Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 365. Placed on Select File as amended.
E & R amendment to LB 365:

1. In the title, line 4, insert "to require an election and provide the results thereof;" after the

semicolon.

Correctly Engrossed

The following bills were correctly engrossed: 227, 358, 484, and 524.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Simon asked unanimous consent to print the following amendments to LB 221 in the Journal. No objections. So ordered.

1. Insert the following new section:
"Sec. 4. To aid licensees and purchasers of alcoholic liquor in determining intoxication, a person licensed under Chapter 53 shall provide a chemical breath tester at each liquor establishment maintained by such licensee for voluntary determination of the alcohol content of a customer's body fluid.".
2. Renumber remaining sections accordingly.

Messrs. Kahle and Goodrich asked unanimous consent to print the following amendment to LB 138 in the Journal. No objections. So ordered.

1. In the committee amendment on page 1 line 4 after the second underscored comma insert "and"; in line 5 insert an underscored period after "1981"; strike beginning with the second underscored comma in line 5 through the underscored period in line 7; in line 7 strike "1984" and insert "1982"; and in line 8 strike "five" and insert "ten".

VISITORS

Visitors to the Chamber were R. C. Johnson, from Mead, Nebraska; 8 women from the Lewiston Extension Club, Lewiston, Nebraska; 24 exchange students and sponsor from various Nebraska cities; 25 third through sixth grade students and teacher from Holstein, Nebraska; 21 fifth, seventh, and eighth grade students and adults from United Methodist school, Beatrice, Nebraska; 16 students from District 32 school, Howells, Nebraska; 13 students and instructors from Southeast Community College; and Gerhardt Hefner, brother of Senator Hefner.

RECESS

At 11:58 a.m., on a motion by Mr. Simon, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:39 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, DeCamp, Kelly, and Merz who were excused; and Messrs. Chambers, George, Koch, Lewis, Mesdames Labedz, and Pirsch who were excused until they arrive.

ANNOUNCEMENT

Mr. Warner announced that the Appropriations Committee will meet Monday, April 9, 1979 at noon in Room 1003.

GENERAL FILE

LEGISLATIVE BILL 387. Title read. Considered.

Standing Committee amendments found in the Journal on page 977 for the Forty-Ninth Day were considered.

Mr. Murphy offered the following amendment to the Standing Committee amendments:
11th line - insert after "voters" insert "of such ward"

The amendment was adopted with 18 ayes, 0 nays, 21 present and not voting, and 10 excused and not voting.

Standing Committee amendments, as amended, 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 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 273. Considered.

Mr. Murphy renewed his pending amendment found in the Journal on page 1043.

Mr. Landis offered the following amendment to the Murphy amendment:

On line 22 of the Committee amendment reinstate the stricken matter and insert after "forces" "and whose blindness or disability is recognized by the Veterans' Administration of the United States as service connected".

On page 2 of the Committee amendments, reinstate the stricken matter on lines 1 and 2 and after "forces" insert "and whose blindness or disability is recognized by the Veterans' Administration of the United States as service connected".

The amendment was adopted with 20 ayes, 1 nay, 19 present and not voting, and 9 excused and not voting.

The Murphy amendment, as amended, 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 348. Considered.

Mr. Goodrich offered the following amendment:

1. Insert a new section 5 as follows:

"Sec. 5. Motor vehicles parked on private property without the consent of the owner or tenant shall be subject to being towed away as provided by this act if the property is properly posted.".

Mr. Goodrich moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Goodrich amendment was adopted with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Duis offered the following amendment:

Amend to make the one towing responsible for any damage to vehicle

Mr. Duis withdrew his amendment.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 217. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Messrs. Kahle, Maresh, and Mrs. Pirsch asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

LEGISLATIVE BILL 568. Title read. Considered.

Laid over.

LEGISLATIVE BILL 381. 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.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 542. Placed on Select File.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 495 in the Journal. No objections. So ordered.

1. In the Fowler amendment on page 2, line 2 after "used" insert "in any franchise granted or renewed after the effective date of this act".

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 228. Placed on General File as amended.
Standing Committee amendments to LB 228:

1. Strike original sections 1 to 4 and insert:

"Section 1. Commencing January 1, 1980, the Public Employees Retirement Board shall determine a supplemental retirement benefit for each certificated person who is retired from the school retirement system or the retirement system for Class V districts as provided by sections 79-1032 to 79-1060 with twenty-five or more years of verified service as of July 1, 1979.

Sec. 2. For purposes of this act, unless the context otherwise requires, total monthly benefit shall mean the benefit that would have been received under a monthly life annuity with no refund or death benefit

option even though a different option, as provided in section 79-1530, Reissue Revised Statutes of Nebraska, 1943, has been selected. The total monthly benefit shall be computed as if the person had retired at age sixty-five.

Sec. 3. For each person who qualifies under sections 1, 4, 5, and 6 of this act, the Public Employees Retirement Board shall determine the value of the total monthly benefit being received from the school retirement system or the retirement system for Class V districts. From one hundred fifty-five dollars, the Public Employees Retirement Board shall subtract the total monthly benefit. Such difference, if positive, shall be the supplemental benefit and shall be paid to the retired certificated person each month from the Retired Teachers Supplementary Benefits Fund. Such fund shall be separate and not commingled with any other state funds allocated to the school retirement system or the retirement system for Class V districts.

Sec. 4. Section 3 of this act shall not apply to any retired certificated person who was eligible to be, but did not become a Reserve Teacher as provided in section 79-1276, Reissue Revised Statutes of Nebraska, 1943, or who receives a service annuity less than the amount provided in sections 79-1522 and 79-1530, Reissue Revised Statutes of Nebraska, 1943.

Sec. 5. If a retired certificated person has a spouse who is also a retired certificated person, only the person who receives the larger total monthly benefit shall receive the supplemental benefit described in section 3 of this act.

Sec. 6. If a beneficiary is receiving the annuity provided through the school retirement system or the retirement system for Class V districts, the supplemental benefit shall be the benefit that would be computed under section 3 of this act had the deceased retired certificated person still been alive.''.

2. Renumber original section 5 as section 7.

(Signed) William H. Hasebroock, Chairman

Mr. Duis asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 395. Title read. Considered.

Mr. Venditte offered the following amendment:
Insert in Section two "cities of the metropolitan class", strike reference to primary class city

The amendment lost with 6 ayes, 10 nays, 25 present and not voting, and 8 excused and not voting.

Mr. Landis offered the following amendment:
Strike section 2 from the bill.

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #904). The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 594. By Appropriations Committee: Rumery, 42nd District, Vice Chairman; Marsh, 29th District; Cope, 36th District; Hasebroock, 18th District; Hoagland, 6th District; Fowler, 27th District; Dworak, 22nd 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, sections 5 and 19, and Rule 6, section 1 to place LB 594 on General File.

The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 543. 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 555. 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 557. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following amendments to LB 365 in the Journal. No objections. So ordered.

1. Strike the original sections and all amendments thereto and insert:

"Section 1. In addition to the rate of tax imposed by section 77-2715.01, Revised Statutes Supplement, 1978, there is hereby imposed a one per cent sales tax upon the gross receipts of all sales as set forth in section 77-2703, Reissue Revised Statutes of Nebraska, 1943.

Sec. 2. The proceeds from the tax provided by section 1 of this act shall be distributed to the various county treasurers in the same manner as provided in section 77-27,137, Revised Statutes Supplement, 1978.

Sec. 3. Upon receipt of the money provided by section 2 of this act, each county treasurer shall:

(1) Retain twenty per cent of such money for use by the county;

(2) Distribute twenty per cent to the incorporated municipalities within the county on the ratio of the population of the particular incorporated municipalities to the total population of all incorporated municipalities in the county as determined by the latest federal census, which amount shall be placed in the general fund of such municipalities; and

(3) Distribute sixty per cent to the school districts within the county based on the ratio of enrollment in the particular school district to the total enrollment of all school districts in the county.

Sec. 4. (1) The rate of tax imposed by this

act shall not be included when fixing the tax rate in accordance with subdivision (1) (e) of section 77-2715.01, Revised Statutes Supplement, 1978.

(2) All other applicable provisions of sections 77-2701 to 77-27,135 shall apply to this act.

Sec. 5. This act shall become operative on January 1, 1980.".

2. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT relating to taxation; to impose an additional sales tax; to provide for distribution of proceeds; and to provide an operative date.".

VISITORS

Visitors to the Chamber were 40 third and fourth grade students and teacher from District 87 School, Madison County; and 41 fourth grade students and teachers from Lincoln School, Beatrice, Nebraska.

ADJOURNMENT

At 3:16 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:30 a.m., Monday, April 9, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL OF THE STATE OF NEBRASKA Volume II

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

CONVENED JANUARY 3, 1979 ADJOURNED MAY 23, 1979

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

SIXTY-THIRD DAY - APRIL 9, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 9, 1979

Pursuant to adjournment, the Legislature met at 9:32 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Today as we are about to celebrate the great Holy Days of Christians and Jews, Holy Week and Passover, let us be reminded again through the faith and beliefs of our religions of the principles and directives which should guide us. May there be a continuing concern on your part as legislators for those who are in need, for those who are deprived of any of their rights in our State, and for the promotion of justice and prosperity for all. May these Holy Days, then, enable us to act as true followers of the beliefs which we have and may it find expression in every act and law that is passed. May this Holy Season be a happy season for us and for all people of this State. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Vickers who were excused; and Messrs. Beutler, Hoagland, Johnson, Lewis, Schmit, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Second Day was approved.

MESSAGES FROM THE GOVERNOR

April 6, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 74.

This bill was signed by me on April 5, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 6, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 154, 196, 200, 249, 294, 315, 373 and 548.

These bills were signed by me on April 6, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 59.

Correctly Engrossed

The following bills were correctly engrossed: 52, 135, 136, 220, 252, 257, 278, 291, 415, 495, 500, 510, and 575.

(Signed) Don Wesely, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 49.

Introduced by Nichol, 48th District.

WHEREAS, Nebraska collegiate athletes strive for high levels of achievement through their training and competitive spirit; and

WHEREAS, the University of Nebraska Gymnastics team has returned from the NCAA gymnastics competition in Baton Rouge, Louisiana as a national championship team; and

WHEREAS, no University of Nebraska team has ever captured an NCAA championship in the history of its participation in national competition; and

WHEREAS, the fine coaching of Francis Allen was complimented by the dynamic performance of the Nebraska gymnastics team at the NCAA event.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the legislature extend warmest congratulations to every member of the University of Nebraska gymnastics team and their coaching staff for their superb performance at the 1979 NCAA gymnastics meet.

2. That the Legislature express the pride of all Nebraskans acknowledging the national champion stature of the NU gymnasts.

Laid over.

LEGISLATIVE RESOLUTION 50.

Introduced by Nichol, 48th District; Brennan, 9th District; Burrows, 30th District; Carsten, 2nd District; Chambers, 11th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; Duis, 39th District; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Haberman, 44th District; Hasebroock, 18th District; Hefner, 19th District; Hoagland, 6th District; Johnson, 8th District; Kahle, 37th District; Kelly, 35th

District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Merz, 1st District; Murphy, 17th District; Newell, 13th District; Pirsch, 10th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Simon, 31st District; Stoney, 4th District; Venditte, 7th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, Col. Cletus P. Karthauser was a 28 year veteran of the Nebraska State Patrol; and

WHEREAS, Col. Karthauser had risen from the position of dispatcher to the office of patrol chief which he filled for the past six years; and

WHEREAS, his profound love for law enforcement service was typified by his devotion to duty and unerring fairness to all; and

WHEREAS, Col. Karthauser was untimely called from his duty and the responsibilities of this life on April 8, 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature recognize the many contributions to law enforcement made by Col. Karthauser and commemorate his selfless devotion to service in the Nebraska State Patrol.

2. That a copy of this resolution be presented to the family of Col. Cletus P. Karthauser together with the Legislature's expressed condolences at his sudden passing.

Laid over.

MOTION - Rule Change

Messrs. Simon, Sieck, Brennan, Cope, Wesely, Haberman, Johnson, Hefner, Landis, Beutler, George, Nichol, Stoney, Reutzel, Wagner, Kahle, Maresh, Newell, Fitzgerald, Hoagland, Keyes, Rumery, Vickers, Fowler, Murphy, Kennedy, Burrows, Kremer, Marvel, Hasebroock, Carsten, Dworak, Lamb, Warner, Lewis, Koch, Duis, Mesdames Marsh, and Labedz offered the following rule change:

Amend Rule 2, Section 3 by adding a new subsection (h) as follows:

"(h) No individual other than a senator shall be allowed to address the Legislature from the floor. Floor shall be defined as all of the area in the Chamber excluding the podium."

Referred to the Rules Committee.

MOTION - Return LB 412 to Select File

Mr. Cullan moved to return LB 412 to Select File for the following specific amendment:

1. In committee amendments, page 7, line 25, strike "1979" and insert "~~1979~~ 1980".

The motion prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 412. The Cullan specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 241 to Select File

Mr. Nichol moved to return LB 241 to Select File for the specific amendment found in the Journal on page 1348.

The motion prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 241. The Nichol specific amendment found in the Journal on page 1348 was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 87 to Select File

Mr. Fowler moved to return LB 87 to Select File for the following DeCamp specific amendment:

1. In the final reading copy, page 6, line 23, strike "balance" and insert "balances".

The motion prevailed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 87. The DeCamp specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 421 to Select File

Mr. Keyes moved to return LB 421 to Select File for the specific amendment referred to in the Journal on page 1326 (Req. #2853).

The motion prevailed with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 421. The Keyes specific amendment referred to in the Journal on page 1326 was considered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Keyes specific amendment was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Reconsider Action on LB 321

Mr. Schmit moved to reconsider action on final passage of LB 321.

The motion prevailed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

MOTION - Adopt Report

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on page 1325 on the following Governor appointments: Ralph Crowl, James D. Keenan, Joan Nelson, E. A. Olson, Loren G. Olsson, and Wallace Richardson.

Voting in the affirmative, 32:

Brennan	Dworak	Koch	Merz	Simon
Burrows	Fitzgerald	Kremer	Murphy	Stoney
Chambers	Goodrich	Labedz	Newell	Warner
Clark	Hasebroock	Lamb	Nichol	Wesely
Cope	Kahle	Landis	Pirsch	
Cullan	Kennedy	Marsh	Reutzel	
Duis	Keyes	Marvel	Sieck	

Voting in the negative, 0.

Present and not voting, 14:

Beutler	George	Hoagland	Maresh	Venditte
Carsten	Haberman	Johnson	Rumery	Wagner
Fowler	Hefner	Kelly	Schmit	

Excused and not voting, 3:

DeCamp	Lewis	Vickers

The motion prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the appointments confirmed.

UNANIMOUS CONSENT - Print in Journal

Mr. Reutzel asked unanimous consent to print the following amendments to LB 221 in the Journal. No objections. So ordered.

1. Insert a new section 1 as follows:

"Section 1. That section 53-102, Revised Statutes Supplement, 1978, be amended to read as follows:

53-102. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act; Provided, nothing herein contained shall prevent the possession and transportation of alcoholic liquor for the personal use of the possessor, his or her family and guests; nor prevent the making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his or her family and guests; nor prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, or any hospital or other institution

caring for the sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquors in the compounding of prescriptions of duly licensed physicians; nor prevent the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; nor prevent persons who are sixteen years old or older from carrying beer from grocery stores when they are accompanied by a person not a minor; nor prevent persons who are sixteen years old or older from handling beer containers and beer in the course of their employment in grocery stores; nor prevent persons who are sixteen years or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment as waiters, waitresses, or busboys, by any restaurant, club, hotel, or similar organization; nor prevent persons who are nineteen years or older from serving alcoholic liquor in the course of their employment.".

2. On page 13, line 18 after the second comma insert "and section 53-102, Revised Statutes Supplement, 1978,".

3. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendments to LB 321 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. Strike original section 5.

2. On page 17, line 27, after "81-1509," insert "and" and strike "and 81-1528,".

3. Renumber original sections 6 to 8 as sections 5 to 7.

4. In the title, line 2, after "81-1509," insert "and"; in line 3 strike "and 81-1528,"; and strike beginning with "to" in line 12 through the semicolon in line 14.

GENERAL FILE

LEGISLATIVE BILL 568. Considered.

Advanced to E & R for Review with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 457. Title read. Considered.

Standing Committee amendments found in the Journal on page 694 for the Thirty-Eighth Day were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

MR. NICHOL PRESIDING

Mr. Goodrich moved to refer LB 457 to the Public Works Committee to coordinate with other public power legislation.

SPEAKER MARVEL PRESIDING

Mr. Newell moved to amend the Goodrich motion to refer LB 457 back to the Miscellaneous Subjects Committee.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell asked unanimous consent to withdrew his motion. No objections. So ordered.

Mr. Goodrich asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Simon renewed his pending amendment found in the Journal on page 924.

The amendment was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

Mr. Simon moved for a Call of the House.

The motion prevailed with 16 ayes, 10 nays, and 23 not voting.

Mr. Simon requested a roll call vote to advance LB 457.

Voting in the affirmative, 21:

Brennan	Johnson	Lewis	Pirsch	Wesely
Burrows	Keyes	Marsh	Reutzel	
Fitzgerald	Koch	Marvel	Rumery	
Fowler	Labedz	Merz	Simon	
Hoagland	Landis	Newell	Warner	

Voting in the negative, 23:

Beutler	Duis	Hefner	Lamb	Stoney
Carsten	Dworak	Kahle	Maresh	Venditte
Clark	Goodrich	Kelly	Murphy	Wagner
Cope	Haberman	Kennedy	Schmit	
Cullan	Hasebroock	Kremer	Sieck	

Present and not voting, 1:

George

Absent and not voting, 1:

Chambers

Excused and not voting, 3

DeCamp Nichol Vickers

Failed to advance to E & R for Review with 21 ayes, 23 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 187 to Select File

Mr. Keyes moved to return LB 187 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 7 ayes, 26 nays, 13 present and not voting, and 3 excused and not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 73
April 4, 1979

Dear Senator George:

In your letter of April 2, 1979, you call our attention to the provisions of Legislative Bill 176 and Legislative Bill 250 and raise two specific questions. Your first question is whether or not the Legislature can create two classes of persons, one group being owners of property located within a city's limits who actually reside within

those same city limits and the other group being owners of property located within a city's limits who do not reside within those same city limits, and can these two groups be treated differently by the laws pertaining to street improvements.

It has long been the rule in this state that a legislative classification such as that described in your question must rest upon real differences of situation and circumstances surrounding the members of the class relative to the subject of legislation which render appropriate its enactment. United States Cold Storage Corp. v. Stolinski, 168 Neb. 513, 96 N.W.2d 408 (1959).

As early as 1913 the Nebraska Supreme Court stated the rule that while it is competent for the Legislature to classify, the classification to be valid must rest upon some reason of public policy or some substantial difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation with respect to the objects classified. Althouse v. State, 94 Neb. 780, 144 N.W. 799 (1913).

Finally, the Nebraska Supreme Court has stated that the Legislature may legislate with regard to a class of persons but they cannot take what may be termed a natural class of persons, split that class in two, and then arbitrarily designate the dissevered fractions of the original unit as two classes and enact different rules for the government of each. See, for example, in this regard, United Community Services v. The Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956).

Therefore, it is difficult to answer with certainty whether or not the Legislature may create a classification such as you describe in your question. If, as set out above, there is a rational basis for doing so, then most likely the Supreme Court would rule the classification proper. If, on the other hand, the distinction is merely an arbitrary one, the court would no doubt be of a contrary opinion. We would suggest in passing that if the Legislature is intent upon creating such a classification, that it establish in the form of legislative history the reason why it feels such a classification resulting in dissimilarity of, as in this case, the treatment of resident or nonresident landowners, is necessary. It may be that a valid basis can be established for treating resident landowners differently than nonresident landowners within the context of the establishment of street improvement districts and the assessment of costs therefor.

Inasmuch as you have not furnished us any specific legislative intent in this regard, it is most difficult for us to determine with any degree of finality the acceptability or nonacceptability of such a distinction. We are generally, however, of the opinion that such a classification and distinction can be drawn lawfully by the Legislature if the requirements set out above are met.

You also ask whether or not a city, after making such street improvement, must establish that an adjacent property owner has been benefited by the improvement before an assessment can be made against him for that improvement. We are aware of no principle of law which requires a municipality to prove by some quantum of evidence that an improvement such as a street improvement "benefits" the adjacent landowners. In fact, we believe that opposite would be a more correct statement of the law, i.e., that an "improvement" would be presumed to be beneficial to adjacent landowners and that to avoid an assessment for such, the landowner would have the burden of conclusively establishing the contrary. See in this regard, generally, Chicago St. P., M. & O. Ry. Co. v. City of Randolph, 163 Neb. 687, 81 N.W.2d 159 (1957).

If we can be of further assistance to you on these matters, please let us know.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 74
April 6, 1979

Dear Senator Johnson:

You have asked the following question, "Is it conceivable that the enactment of either type of limit described above might cause the public schools of this state to reduce program and course offerings to the degree that the limitation itself might run afoul of the provisions of Article VII, Section 1, or other constitutional prescriptions? To wit, might not a lid, ipso facto, insofar as it applies to the public schools, be unconstitutional?"

The types of limits that you had described above in your letter were a 7 percent annual growth limitation on receipts from the tax a governing body is authorized to levy as embodied in Request 2685 (Legislative Journal, pp. 836, et seq.) and a second limitation to be placed on the combined receipts of both local and property tax funds and funds received from state tax sources. You, of course, in your question postulate a worse case situation. We take your question to be that if the limit in effect caused public schools to fail to be in a

position to provide free public instruction, might constitutional problems under Article VII arise. While there is no doubt that the Legislature is required by the consitutional provision you cite to provide free instruction in common schools, the method and means adopted to furnish that free instruction is for the Legislaure to determine. See Affholder v. State, 51 Neb. 91, 70 N.W. 544. That case discussed the necessity of providing text books to children attending the public schools. While your fundamental proposition may be correct, that is that if acts of the Legislature cause the cessation of the provision of free public instruction in the schools to the citizens of this state, the action of the Legislature in that regard would be unconstitutional. However, we believe that such an extreme case does not form a rational basis for us to conclude that particular acts of the Legislature here under consideration are therefore unconstitutional.

We discern no evidence nor have we been informed of any evidence before the Legislature that a requirement limiting expenditure increases by some percentage of an existing budget will cause such hardships on schools that they will cease to be able to provide the necessary services to educate children within the state. As an example, a variety of services are presently provided by schools which from a strictly utilitarian viewpoint would not be required for the purpose of providing free public instruction. For instance, the expenditure of money on athletic programs and other similar extracurricular activities are unlikely to be found to be necessary to provide free public instruction as required by the Constitution.

The mere act of the Legislature in requiring school districts to allocate the funds they are authorized to raise in a manner different than a school board may determine desirable we do not believe would be constitutional violative of either the Nebraska or the federal Constitution. Thus, it can be said that notwithstanding your postulate in the question you have raised unless there were some evidence or some reason to believe that a limitation of 7 percent on an annual increase in budget allotments to school districts would require the cessation of the fundamental requisites of education, we could not say that such a limitation is or potentially might be unconstitutional.

Absent such a showing we believe that the Legislature is vested with adequate constitutional authority to determine the level at which educational services will be delivered to the citizens of this state under the mandate of Article VII, Section 1.

The leading federal case in this area, San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973), held that education was not a fundamental right for purposes of equal protection. Among other things the court held that the states were free to determine the method and manner in which schools were to be funded. The

Legislature, except as limited by the Constitution of this state, is free to select that method which it sees fit in determining not only how schools are to be financed but to limit the amount of money that may be expended by local school districts in providing such educational services. For these reasons it is our opinion that absent some showing to support the assumptions made in your question, the limitation currently in existence under LB 1, Eighty-Fifth Legislature, First Special Session, 1978, and those potential limitations which you have discussed in your question do not violate the the Constitution of the State of Nebraska, Article VII, Section 1.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 75
April 6, 1979

Dear Senator Johnson:

You have asked us two questions with respect to Amendment No. 6 appearing on page 1264 of the Legislative Journal, Eighty-sixth Legislature, First Session, 1979. You point out that the amendment exempts from the limitation imposed by LB 285 the increased costs of electricity and other fuels purchased by elementary and secondary schools.

In you first question you ask whether or not this violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution as being an unreasonable classification. We refer you to our Opinion No. 262, June 29, 1978, a copy of which is attached to this letter. In that opinion we discussed the question of whether or not classification problems arise where statutes affect geographic or governmental entities in different ways. We concluded in that opinion that such discrimination by the Legislature does not rise to constitutional proportions. We adhere to the sentiments expressed in that opinion.

In the second part of your query regarding the amendment, you ask whether or not it might violate the prohibition against local or special laws in Article III, Section 18, of the Constitution of the State of Nebraska. That section generally prohibits the Legislature from

passing a special or local law. However, that section does not prohibit classifications based upon differences perceived by the Legislature. For instance, in Campbell v. City of Lincoln, 182 Neb. 459, 155 N.W.2d 444 (1968), the court approved an act authorizing primary class cities to annex land. It may well be that there is a valid reason to exempt school districts from the operation of the lid on such items. For instance, such expenditure might be a larger percentage of school budgets.

In any event, the classification of subdivisions for the purposes of different treatment is well recognized. A number of statutory enactments classify various subdivisions for purposes of different treatment. Cities are classified as metropolitan, primary, etc. Counties are classified according to population with certain powers granted some classes not granted others. Different types of subdivisions are granted different powers. None of these types of classifications are held to be improper or in violation of Article III, Section 18, unless the court can clearly see that the Legislature has by artificial and baseless classification attempted to evade and violate the provisions of the Constitution prohibiting local or special legislation. See, Dwyer v. Omaha-Douglas Public Building Commission, 188 Neb. 30, 195 N.W.2d 236 (1972). We do not perceive that the grant of the authority here under consideration is so baseless or arbitrary as to be in violation of Article III, Section 18.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
attach.
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 76
April 6, 1979

Dear Senator Carsten:

You ask that we review Req. 2796, pp. 1159, et seq., Legislative Journal, 1979, which are committee amendments to LB 285 now on general file. You have asked that we review the amendments to see if there are any constitutional or technical problems with the bill. In addition, you ask us to review the bill for language which seems unclear or confusing.

We have reviewed the proposed amendments as you have requested. With respect to any constitutional problems, the amendments to LB 285 are simply an expanded version of LB 1, Eighty-fifth Legislature, First Special Session, 1977. As you are aware, we have previously issued opinions stating that the Legislature is acting within its constitutional authority when it adopts legislation imposing a limitation upon budget increases by local political subdivisions. To that extent we adhere to the views expressed in those previous opinions.

However, there is an apparent problem in section 16 on page 1162, lines 16 through 19. That section generally deals with situations in which a political subdivision may exceed the percentage limitation generally established for the bill. The particular language to which we refer authorizes the local political subdivision governing board and the Auditor of Public Accounts to approve the method of determining population increase. The provision to which we point provides:

> ". . . [P]opulation shall be determined by census or population projections approved by the governing body of the political subdivision and the Auditor of Public Accounts. . . ."

No guidelines are established by that language upon which the local governing body or the Auditor of Public Accounts should act. There are a variety of population projections, a variety of census data, and any number of statistical approaches that may be utilized in projecting or determining the current population of a political subdivision. While we do not believe that the language utilized is clearly unconstitutional, it would seem that the better practice would be to establish some standards by which the governing body and the Auditor of Public Accounts are to make the determinations which are required under this provision. If such standards are not established in the act, we would envision the possibility of similarly situated political subdivisions adopting different standards for determining current population increases which would, of course, authorize different levels of budget increase in excess of the limitation provided by the act.

In section 18 on page 1163(2), lines 20-21, the amendments provide that an election authorized by section 18 to exceed the limitation imposed by the act may be held upon resolution of the governing board. The election to exceed the limitation is required to be held prior to August 1 preceding the year in which the taxes will be levied to fund such budget. Section 77-1601, R.R.S. 1943, in part provides that:

> ". . . [T]he county board of equalization shall each year, on or before September 1, levy the necessary taxes for the current year. . . ."

As we read the language of section 18 the election to exceed the budget limitation would have to be held before August 1 of the calendar year preceding the date of levy. In addition, a variety of definitions are provided within the act with respect to the meaning of particular phrases. Section 5 defines current fiscal year, section 6, prior fiscal years, section 7, ensuing fiscal year. Nowhere is "the prior year" defined. Since that is the case, it must be given its normal meaning; that is, going before in time, order or arrangement. For instance, under this provision, should a political subdivision wish to hold an election to exceed its budget for the fiscal year 1980-81, the election to exceed that budget would be required to be held during the calendar year 1979 prior to August 1. The problem in the language here arises because of the fact that taxes are levied in September of each calendar year and become due and payable on January 1 of the following calendar year and fund both the current fiscal year and the ensuing fiscal year budgets. Thus, as a practical matter, it would appear that this section is inoperative as a method for exceeding the fiscal year budget limit established by the act.

While we do not purport to have exhaustively reviewed every possible problem with the language contained in the proposed amendments to LB 285, it is our opinion that in all other respects it is constitutionally proper and contains no glaring technical errors.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Reconsider Action on LB 58

Mr. Koch moved to reconsider action on LB 58.

Motion pending.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 283. Placed on General File as amended.
Standing Committee amendment to LB 283:
1. On page 2, line 2 strike "or" and insert
"a city of the metropolitan class", strike beginning
with "any" in line 2 through "charter" in line 3 and

4 insert "such"; and in line 3 strike "regularly paid".

(Signed) William H. Hasebroock, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 172A. By Cullan, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 172, Eighty-sixth Legislature, First Session, 1979.

LEGISLATIVE BILL 382A. By Venditte, 7th District; Labedz, 5th District; Kahle, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 382, Eighty-sixth Legislature, First Session, 1979.

LEGISLATIVE BILL 576A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 576, Eighty-sixth Legislature, First Session, 1979.

UNANIMOUS CONSENT - Members Excused

Messrs. Beutler, Hefner, Johnson, Lewis, Merz, and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 187. With Emergency.

A BILL FOR AN ACT relating to property taxation; to restate the method of levying taxes; to increase an authorized levy; to provide an operative date; 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, 2-2501, 2-3225, 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, 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, 39-1621, 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, 72-1005, 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, 77-1303, 77-1311, 77-1315, 77-1327, 77-1338, 77-1406, 77-1504, 77-1506.01, 77-1510, 77-1603, 77-1604, 77-1605, 77-1615, 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, 80-102, 83-1,142, 86-402, and 86-405, Reissue Revised Statutes of Nebraska, 1943, and sections 3-155, 31-727.01, 31-727.03, 31-739, 31-740, 31-755, 35-508, 35-509, 35-536, 39-1619, 46-673, 77-605, 77-1605.01, 77-1725, 79-451, 79-2210, 79-2650, and 85-933, Revised Statutes Supplement, 1978; to repeal the original sections, and also section 81-815.34, 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, 36:

Brennan	Clark	Dworak	Goodrich	Kelly
Burrows	Cope	Fitzgerald	Haberman	Koch
Carsten	Cullan	Fowler	Hasebroock	Kremer
Chambers	Duis	George	Hoagland	Labedz

Landis	Murphy	Rumery	Venditte
Maresh	Newell	Schmit	Wagner
Marsh	Nichol	Simon	Warner
Marvel	Reutzel	Stoney	Wesely

Voting in the negative, 5:

Kahle	Kennedy	Keyes	Lamb	Sieck

Excused and not voting, 8:

Beutler	Hefner	Lewis	Pirsch
DeCamp	Johnson	Merz	Vickers

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 54. Replaced on Select File as amended.
E & R amendment to LB 54:

1. In the Murphy amendment, strike "a registered member of that party" and insert "so registered".

LEGISLATIVE BILL 416. Replaced on Select File as amended.
E & R amendments to LB 416:

1. In lieu of the Murphy amendments to page 3, in E & R amendments, page 3, line 20, strike "percentage" and insert "part"; and in line 22, strike "four and one half" and insert "three".

2. Renumber original section 3 as section 2 and section 4 found in E & R amendments as section 3, and restore original section number to the repeal section.

3. On page 4, line 18, strike "23-2307,".

4. In the title, line 2, strike "23-2307,"; strike E & R amendment to line 4; strike line 5 and "prescribed" in line 6 and insert "to transfer provisions".

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 329 in the Journal. No objections. So ordered.

In Committee amendment #1, after "territory", place underscored period. Starting in line 2, strike all new matter up to and including the period in line 4.

UNANIMOUS CONSENT - Members Excused

Mrs. Marsh asked unanimous consent to be excused at 2:00 p.m. No objections. So ordered.

Mr. Stoney asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

EASE

The Legislature was at ease from 1:54 p.m. until 2:01 p.m.

GENERAL FILE

LEGISLATIVE BILL 586. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 588. 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 593. Title read. Considered.

MR. NICHOL PRESIDING

Mr. George offered the following amendment:
1 1. On page 12, line 23, strike "977,".

SPEAKER MARVEL PRESIDING

Mr. George moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. George requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Beutler	Hefner	Lamb	Nichol	Wesely
Clark	Kennedy	Merz	Schmit	
George	Koch	Murphy	Stoney	

Voting in the negative, 25:

Brennan	Dworak	Hoagland	Labedz	Rumery
Carsten	Fitzgerald	Johnson	Landis	Sieck
Cope	Goodrich	Kelly	Maresh	Simon
Cullan	Haberman	Keyes	Marvel	Wagner
Duis	Hasebroock	Kremer	Reutzel	Warner

Present and not voting, 7:

Burrows	Fowler	Newell	Venditte
Chambers	Kahle	Pirsch	

Excused and not voting, 4:

DeCamp	Lewis	Marsh	Vickers

The George amendment lost with 13 ayes, 25 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LR 43 Tuesday, April 24, 1979 Noon

(Signed) Loran Schmit, Vice Chairman

SPEAKER'S ORDER

Legislative Bills scheduled and confirmed for "SPECIAL ORDER" debate are:

Date	Legislative Bill
April 18, 1979	LB 571
	LB 172
April 19, 1979	LB 226
	LB 152
April 20, 1979	LB 222
	LB 138
	LB 390
April 24, 1979	LB 99
	LB 120
April 25, 1979	LB 444
	LB 221

April 26, 1979 LB 361
LB 69
April 30, 1979 LB 494
May 1, 1979 LB 489

(Signed) Richard D. Marvel, Speaker

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 421. Replaced on Select File as amended.
E & R amendments to LB 421:

1. Pursuant to the Pirsch amendment, insert a new section to read:

"Section 1. That section 10-703.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-703.01. In all special elections called for voting on the question of issuing bonds of the district, the county clerk or election commissioner or, if the school district lies in more than one county, the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question, shall designate the polling places and appoint the election officials, who need not be the regular election officials, and otherwise conduct the election as provided under Chapter 32, except as otherwise specifically provided in this section. The school district shall designate the form of ballot and reimburse the county clerk or election official for the expenses of conducting the election. The school district officers shall give notice of the election at least twenty days prior to the election and cause the sample ballot to be published in a newspaper of general circulation in the school district one time not more than ten days nor less than three days prior to the election, and no notice of the election shall be required to be given by the county clerk or election commissioner. The notice of election shall state where absent and disabled voters ballots may be obtained. The ballots shall be counted by the county clerk or election commissioner conducting the election and two disinterested persons appointed by him. When the polls are closed the election board shall deliver the ballots to the county clerk or election commissioner conducting the election who, with the two disinterested persons appointed by him, shall proceed to count the ballots. Absent and disabled voters ballots shall be furnished to the county clerk or election commissioner and ready for distribution by the county clerk or

election commissioner conducting the election not less than fifteen days prior to the election as set out in section 32-819 and returned as provided in section 32-812. When a school district lies in more than one county, the county clerk or election commissioner in any other county containing part of such school district shall upon request certify its registration books for those precincts in which the school district is located to the county clerk or election commissioner conducting the election and shall immediately forward all requests for absentee and disabled voters ballots to the county clerk or election commissioner charged with the issuing of absent and disabled voters ballots. Not less than five days prior to the election the school district officers shall certify to the county clerk or election commissioner conducting the election a list of all registered electors of the school district in any other county or counties qualified to vote on the bond issue. Absent and disabled voters ballots cast at the election shall be counted by the same board as counted the ballots at the election and in the same manner as absent and disabled voters ballots are counted. When all the ballots have been counted, the returns of such election shall be turned over to the school board or board of education of the district in which the election was held, for the purpose of making a canvass thereof. The two disinterested persons appointed on the county board shall receive ~~two~~ three dollars and thirty cents per hour for each hour of service rendered.".

2. Renumber sections 1 to 4 in the Keyes amendments as sections 2 to 5, original section 1 as section 6, section 2 added by committee amendments as section 7, and sections 6 to 15 in the Keyes amendments as sections 8 to 17.

3. In the Keyes amendments, page 20, insert "and" at the end of line 4.

4. In the Keyes amendments, page 25, line 9, strike ". The" and insert ", and such".

5. In the Keyes amendments, page 30, lines 12 and 22, insert "10-703.01," after "sections"; and in line 13 and 23, insert ", 32-212" after "18-103".

(Signed) Don Wesely, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 312. Placed on General File as amended.
Standing Committee amendments to LB 312:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2866.)

LEGISLATIVE BILL 443. Placed on General File as amended.
Standing Committee amendments to LB 443:

1. Strike original section 1.
2. On page 5, line 24, strike "guaranteed" and insert "~~guaranteed~~ total".
3. On page 6, lines 3 and 24 strike "guaranteed" and insert "~~guaranteed~~ total"; strike the new matter in lines 10 to 14; and in line 23 strike "guaranteed" and show as stricken.
4. On page 7, line 4 after "amount" insert "not exceeding one-tenth of one per cent of the total shares, savings, or deposits as of the previous December 31,"; and in line 10 after "department" insert "but in no event shall a uniform special assessment exceed one-tenth of one per cent of the total shares, savings, or deposits in any year, except on the direction of a three-fourths vote of all the members of the corporation and the approval of the department. The membership vote to be cast on the issue of a uniform special assessment shall be weighted to total shares, savings, or deposits as shall be established in the plan of operation".
5. On page 9, line 3, strike "its members" and insert "all the members of the board".
6. On page 10, line 21 after the second "of" insert "all".
7. On page 11, line 4 after the underscored period insert "In the event the department does not take action within fifteen days from such request, the corporation may make application to the district court of the county in which such member depository institution is located or to any judge of such county for an order placing the department in charge of the institution, its affairs and property or placing the institution in receivership.".
7. Insert the following new section:
"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
8. On page 11, line 5, strike "21-17,134,"; and in line 6 strike the second comma.
9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 496. Placed on General File.

(Signed) John W. DeCamp, Chairman

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 590 for the approval of the Nebraska Legislature.

LB	Committee
590	General File

(Signed) Frank Lewis, Chairman
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 587 in the Journal. No objections. So ordered.

PURPOSE: To eliminate the General Fund appropriation for the three University campuses in 1979-80 to continue activities supported by cash balances in 1978-79.
AMENDMENTS:
On page 17, in line 7, strike "63,462,502" and insert "63,101,544";
in line 8, strike "63,462,502" and insert "63,101,544"; in line 15, strike "19,194,721" and insert "19,033,098"; in line 16, strike "19,194,721" and insert "19,033,098"; in line 27, strike "17,041,465" and insert "16,959,867".
On page 18, in line 1, strike "17,041,465" and insert "16,959,867";
in line 9, strike "31,757,798" and insert "31,714,735"; in line 10, strike "31,757,798" and insert "31,714,735".

Mr. Newell asked unanimous consent to print the following amendment to LB 586 in the Journal. No objections. So ordered.

On page 11, lines 4 and 5, strike "119,453" and insert "90,953"; in line 7, strike "61,298" and insert "33,298".

Mr. Haberman asked unanimous consent to print the following amendment to LB 495 in the Journal. No objections. So ordered.

Strike the Fowler amendments adopted on March 29, 1979, and found on page 1139 of the Legislative Journal.

UNANIMOUS CONSENT - Members Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused the rest of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 589. Title read. Considered.

Mr. George offered the following amendment:
PURPOSE: To transfer the funds for four inspectors plus related operating expenses from the Liquor Control Commission (Agency 35) to the Department of Roads - Nebraska State Patrol (Agency 64) Criminal Investigations program.
AMENDMENT:

On page 33, in lines 17 and 18, strike "291,301" and insert "222,622"; in line 20, strike "219,534" and insert "165,092".

On page 34, in lines 10 and 11, strike "719,203" and insert "650,524".

On page 45, in line 2, strike "2,314,443" and insert "2,383,122"; in line 5, strike "2,586,943" and insert "2,655,622"; in line 7, strike "1,779,504" and insert "1,833,946"; in line 19, strike "12,900,746" and insert "12,969,425"; in line 22, strike "13,337,046" and insert "13,405,725".

Mr. George moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. George requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Burrows	Haberman	Lamb	Merz	Sieck
Cullan	Hefner	Lewis	Murphy	Wesely
George	Koch	Maresh	Schmit	

Voting in the negative, 27:

Beutler	Duis	Johnson	Landis	Simon
Brennan	Dworak	Kahle	Marvel	Wagner
Carsten	Fitzgerald	Kelly	Newell	Warner
Chambers	Fowler	Keyes	Nichol	
Clark	Hasebroock	Kremer	Pirsch	
Cope	Hoagland	Labedz	Rumery	

Present and not voting, 3:

Goodrich	Reutzel	Venditte

Excused and not voting, 5:

DeCamp	Kennedy	Marsh	Stoney	Vickers

The George amendment lost with 14 ayes, 27 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Newell offered the following amendment:

On page 48, line 19, strike "520,395" and insert "515,395"; and line 21, strike "598,502" and insert "593,502".

MR. NICHOL PRESIDING

Mr. Newell moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

SPEAKER MARVEL PRESIDING

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler	George	Keyes	Merz	Pirsch
Brennan	Haberman	Koch	Murphy	Reutzel
Burrows	Hefner	Lamb	Newell	Sieck
Fitzgerald	Kelly	Maresh	Nichol	Wagner

Voting in the negative, 21:

Carsten	Dworak	Johnson	Marvel	Wesely
Chambers	Fowler	Kahle	Rumery	
Clark	Goodrich	Kremer	Schmit	
Cope	Hasebroock	Labedz	Simon	
Duis	Hoagland	Landis	Warner	

Present and not voting, 3:

Cullan	Lewis	Venditte

Excused and not voting, 5:

DeCamp	Kennedy	Marsh	Stoney	Vickers

The Newell amendment lost with 20 ayes, 21 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Newell offered the following amendment:
On page 34, lines 25 and 26, strike "152,787" and insert "142,421".
On page 35, line 2, strike "98,914" and insert "89,369".

The amendment lost with 18 ayes, 20 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 34 ayes, 2 nays, 8 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 543. Placed on Select File.
LEGISLATIVE BILL 555. Placed on Select File.
LEGISLATIVE BILL 557. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 143, 313, 344, and 538.

Correctly Enrolled

The following bill was correctly enrolled: 187.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 187.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 193. Placed on General File as amended.
Standing Committee amendments to LB 193:

1. On page 2, line 4, before "Neither" insert "(1)"; strike the new matter in lines 12 and 13 and insert "provided in subsection (2) of this section"; in line 13 before "Any" make a new paragraph and insert "(2)"; in line 15 after "files" insert "and shall be provided to the Legislative Fiscal Analyst pursuant to section 50-420"; in line 16 strike "section"

and insert "sections 50-420 and"; and in line 17 strike "is" and insert "are".

2. Insert a new section as follows:

"Sec. 2. That section 50-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-420. Each officer, board, commission, and department of state government ~~shall furnish such information to the Legislative Fiscal Analyst as he may require~~ , including the Accounting Administrator of the Department of Administrative Services, shall furnish to the Legislative Fiscal Analyst, upon request, any information in its possession, including records received from other officers, boards, commissions, or departments of state government, whether such information is retained in computer files or otherwise, if such information is directly related to the performance of the official duties of the Legislative Fiscal Analyst under sections 50-418 to 50-420.".

3. Renumber remaining sections accordingly.

(Signed) Jerome Warner, Chairman

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 187, final reading.

(Signed) Elroy Hefner

ATTORNEY GENERAL'S OPINIONS

Opinion No. 77
April 6, 1979

Dear Senator Johnson:

You have asked that we respond to certain questions regarding the proposed amendments to LB 285 appearing in the Legislative Journal, pp. 1159, et seq., Eighty-sixth Legislature, First Session, 1979.

In your first question you in part ask: If two school districts merge and form a new district, would the combined receipts for the fiscal year following merger be the budget base? We believe a negative answer to your question is required. The specific issue which you address within question 1 is not addressed in the amendments contained in the Legislative Journal, pp. 1159, et seq. The creation of a new subdivision of government with taxing authority is not

considered. There is no base budget defined for the creation of a new entity.

The second part of your question is whether or not, under the authority granted to the State Auditor, rules and regulations could be adopted to take care of this situation. Generally, where statutes require the adoption of rules and regulations by executive officers specific guidelines must be set by the Legislature. No such standards are set out in the amendment. We suggest you consult our opinion to Senator Carstens of this date for a further discussion of this point.

In your second question you ask whether a merger of a smaller into a larger district will allow the combination of the base budgets of the two districts. You point out that section 15 of the amendments on page 1641 allows a political subdivision acquiring increased taxing authority to increase the receipts during the first year above the base budget. In answer to the first part of your question, the same considerations apply as in your first question. However, under section 16 of the proposed amendments on page 1162, line 3, et seq., political subdivisions, and specifically schools, are allowed to increase their budget by an amount equal to the increase in student population occurring in any one year. It would seem probable that if a merger occurs of a small school district into a larger school district, there will be an increase in student population. That would allow some flexibility in the increase allowed under the limitation imposed by the proposed amendments. We do not know whether or not that increase would be of the same magnitude as a simple combination of the budget bases of the two school districts. In any event, the question is simply not addressed in this amendment, or any other statutory scheme that we are aware of.

In the second part of this question you refer to subsection 15 which in part provides:

> "Any political subdivision that is authorized by state law to levy a tax or cause a tax to be levied, which tax or portion thereof is in addition to the tax such political subdivision is authorized to levy or cause to be levied on the effective date of this act, shall not include as a receipt from local tax sources the anticipated receipts from such newly authorized levy during the first fiscal year for which such newly authorized levy generates tax receipts,. . ."

However, the consolidation of school districts or the merger of school districts or the creation of new school districts does not increase the authority of the school district as a political subdivision to levy tax. Specifically, school districts have an established limitation or lack thereof under state law. The exact district boundaries and the alteration of those boundaries does not change that preexisting

authority. The authority preexisting, therefore, would apply. Generally the aggregate school tax levied for general school purposes for Class III, IV, and V school districts are without restriction. See sections 79-432 and 79-1007.01, R.R.S. 1943. Class I and II districts have a 12 mill limit. See section 79-432, R.R.S. 1943. Class VI school districts provide high school education in special circumstances and are limited in their expenses. While a Class I or II district merging with a III, IV or V district would then be able to exceed their mill limit, they as an entity have ceased to exist. The change would alter the tax base —not the authority to levy of the larger district. The remaining district always had the ability to levy a higher tax.

Thus, in our view, section 15 would be inapplicable. We do not read that portion of section 15 which says ". . . which tax . . . is in addition to the tax such political subdivision is authorized to levy . . . on the effective date of this act" to mean that a political subdivision such as a school which has changed it character is in a new situation with respect to the application of the limitation provided in the act. Rather, we believe that the section must be read to comprehend action by the Legislature to increase the authorized tax levy of the particular type of subdivision rather than as a situation in which a permutation of preexisting subdivisions into a new or different subdivision occurs.

In your third question you ask whether a merger of a Class I district into a higher district which provides high school education for Class I students would authorize the larger district to recoup the tuition money previously paid. We find no provision in the bill which would authorize such recoupment. We believe the analysis applicable to your previous questions is also applicable to this question.

In your fourth question you ask about the creation of a new political subdivision. The creation of a new political subdivision is simply not contemplated by the amendments proposed to LB 285. We believe that the creation of a new political subdivision would require specific authorization by the Legislature as to the budget requirement for the first year of operation. While a court faced with such problems might imply authority to tax unrestricted the first year, the Legislature should make clear such authority either in the limitation legislation or the legislation creating the new entity.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 78
April 9, 1979

Dear Senator DeCamp:

You have submitted to us proposed amendments to LB 103, and have asked our opinion as to their validity. We are confident that, in their present form, these amendments would not pass constitutional muster.

The amendments would provide for a tax on railroad carriers transporting coal in interstate commerce through this state in the amount of one cent per ton of coal transported. Fifty percent of the proceeds of the tax would be distributed to the various counties, cities, and villages in the proportion that the total miles of track in such counties, cities, and villages bears to the total amount of track in the state. The balance of the tax would be distributed to the various counties, cities, and villages on a population basis.

Until recently, we would have said that this was a tax on interstate commerce, and was forbidden by the commerce clause of the Federal Constitution, as interpreted in Spector Motor Service v. O'Connor, 340 U.S. 602, 95 L.Ed.573, 71 S.Ct. 508 (1951). However, the Supreme Court overruled Spector in Complete Auto Transit, Inc. v. Brady, 430 U.S. 274, 51 L.Ed.2d 326, 97 S.Ct. 1076 (1977). It now appears that some state taxation of interstate commerce is permissible. The Court further discussed the question in Washington Revenue Department v. Stevedoring Assn., 435 U.S. 734, 55 L.Ed.2d 682, 98 S.Ct. ___ (1978). In that case the court permitted state taxation of stevedoring, in spite of its being a vital part of interstate commerce. We cannot therefore say that a tax on the transportation of goods across the state is automatically forbidden.

However, all of the cases emphasize that the tax cannot discriminate against interstate commerce. The tax we are examining applies only to carriers transporting coal in interstate commerce. This is clearly discriminatory, so we need not decide the very complex question of whether a nondiscriminatory tax could be upheld.

Even if the bill were amended to make it nondiscriminatory against interstate commerce, a classification problem would remain. It applies only to the railroad carriers of coal. The first section of the bill recites that the energy crisis has increased the demand for coal, and hence the rail traffic hauling it, with several undesirable side effects. However, we are unable to perceive that the hauling of coal creates any problem unique to that commodity. Mentioned in section 1 are hazards of increased derailments and car-train accidents and inconvenience to citizens and loss of time and gasoline while waiting at railroad

crossings. None of these problems are different with respect to coal than with respect to other freight.

As a matter of fact, because of its compactness and weight, a case could probably be made that a train carrying a given weight of coal would require fewer cars, and hence, cause less inconvenience to the public, than a train hauling the same number of tons of most other freight.

Article III, Section 18, of the Nebraska Constitution requires classifications to rest upon real differences in situation or circumstances which naturally suggest the justice and expediency of diverse treatment of members of the classes created. We are unable to see such differences here, and believe the bill would be held discriminatory in singling out coal carriers for this tax.

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. 79
April 6, 1979

Dear Senator Chambers:

You have requested the opinion of this office concerning LR 30 which rejects the proposed amendment to the United States Constitution granting certain representation to the District of Columbia. Specifically you have inquired: ". . . should LR 30 receive enough affirmative votes to be 'passed' by the Legislature, will it have any legal effect in terms of foreclosing future consideration of ratification by the Nebraska Legislature?"

The question you pose has been considered by several courts in the context of the "Child Labor Amendment" proposed by Congress in 1924. In 1925, the Legislature of Kentucky adopted a resolution rejecting this proposed amendment. In 1937, the Kentucky Legislature adopted a resolution ratifying the amendment. In Chandler v. Wise, 270 Ky. 1, 108 S.W.2d 1024 (1937), the Kentucky Supreme Court determined that the first action taken by the legislature of a state is conclusive and exhausts the power of future legislatures to act upon that amendment.

However, in Coleman v. Miller, 146 Kan. 390, 71 P2d 518 (1937), the Kansas Supreme Court reached the opposite conclusion. In 1925 the Legislature of Kansas adopted a resolution rejecting the proposed amendment. Then in 1937 a resolution ratifying the amendment was adopted by the Kansas Legislature. The Kansas Supreme Court reasoned that Article V of the Constitution of the United States gives the legislature only the power to ratify a proposed amendment. Since a rejection has no constitutional effect, the Kansas Supreme Court concluded that a legislature may ratify a proposed amendment regardless of prior acts of rejection. This rationale appears to be supported by most commentators.

The United States Supreme Court granted certiorari in both of the above cases. The case of Chandler v. Wise, 307 U.S. 474 (1938), was dismissed as moot, for the reason that the Governor of Kentucky had already forwarded a certification of ratification to the Secretary of State of the United States.

In Coleman v. Miller, 307 U.S. 435 (1938), the opinion of the Court affirmed the result of the decision by the Kansas Supreme Court, but it employed a different rationale. The opinion of the court discusses historical instances in which Congress adopted resolutions to the effect that certain amendments had been duly ratified and included in the list of ratifying states those which had rejected the amendment prior to ratification. The Court concluded:

> "We think that in accordance with this historic precedent the question of the efficacy of ratifications by state legislatures, in the light of previous rejection or attempted withdrawal, should be regarded as a political question pertaining to the political departments, with the ultimate authority in the Congress in the exercise of its control over the promulgation of the adoption of the amendment." Id. at 450.

Although some commentators question the continued validity of the Court's holding in Coleman, the Supreme Court has not yet confronted the issue again. Thus the resolution of your inquiry still appears to lie with Congress. In the past Congress has apparently concluded that the adoption by a state legislature of a resolution rejecting a proposed amendment does not affect the legislature's power to subsequently ratify a proposed amendment. While in our opinion this result rests on sound constitutional interpretation, assuming Coleman, supra, remains valid law, there can be no guarantee that Congress would resolve the question in the same manner in the future.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Lynne Rae Fritz
Assistant Attorney General

LRF:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 589 in the Journal. No objections. So ordered.

On page 13, line 14, strike "643,188" and insert "593,611".
On page 13, line 16, strike "687,437" and insert "670,000".
On page 13, line 17, strike "1,863,169" and insert "1,796,255".
On page 13, line 19, strike "1,166,878" and insert "1,114,074".
On page 15, line 13, strike "2,392,825" and insert "2,343,248".
On page 15, line 15, strike "3,374,521" and insert "3,357,184".
On page 15, line 16, strike "7,909,900" and insert "7,842,986".

Mr. Newell asked unanimous consent to print the following amendment to LB 589 in the Journal. No objections. So ordered.

PURPOSE: To delete additional criminalist in the Nebraska State Patrol.

AMENDMENT:

On page 45, in line 2, strike "2,314,443" and insert "2,298,551"; in line 5, strike "2,586,943" and insert "2,571,051"; in line 7, strike "1,779,504" and insert "1,763,612"; in line 19, strike "12,900,746" and insert "12,884,854"; in line 22, strike "13,337,046" and insert "13,321,154".

VISITORS

Visitors to the Chamber were 15 seniors and teacher from Loup County High School; 6 ninth and twelfth grade students, teacher, and parent from O'Neill, Nebraska; 5 ninth and twelfth grade students and teacher from Chambers, Nebraska; and Mr. Mike Singpiel from North Platte, Nebraska.

ADJOURNMENT

At 4:37 p.m., on a motion by Mr. Lewis, the Legislature adjourned until 9:00 a.m., Tuesday, April 10, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FOURTH DAY - APRIL 10, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 10, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

Father in Heaven, when we ponder the problems of Nebraska, the country, and the world, we get the feeling sometimes that we ought to quit and go sit under a tree.

The road seems endless, the hills insurmountable and the streams uncrossable.

It seems that no one really cares but a few of us; and we don't really trust most of them.

But somehow we go on. And when we consider that every generation in the memory of man has felt the same way, we get some consolation. Then we consider why we stayed - which is to do Your will and to serve Your people - the struggle makes sense.

Then we remember that You have promised us to be with us to guide and guard us; that your Son's victory over death is the basis for our hope; that we live not for ourselves, but for You; all our troubles come into perspective and our day makes sense. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Vickers who were excused; and Messrs. Fowler, Goodrich, Kremer, Lewis, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Third Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Vickers asked unanimous consent to be excused for the remainder of the week. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 492. Placed on Select File as amended.
E & R amendment to LB 492:

1. For correlation purposes, on page 2, line 2, page 3, line 16, and in the title, line 3, insert ", as amended by section 1, Legislative Bill 478, Eighty-sixth Legislature, First Session, 1979" after "1978"; and on page 1, insert "Nothing in sections 45-334 to 45-353 shall prohibit a seller or holder of an installment contract from contracting for, computing, and charging a time price differential based upon the application of the rate charged to the unpaid principal balance for the number of days actually elapsed, and the charges so computed shall be used for the purpose of calculating the time price differential, the time price balance, the amount of each installment, and the time sale price.".after the period in line 16.

LEGISLATIVE BILL 179. Placed on Select File as amended.
E & R amendment to LB 179:

1. In the title, strike beginning with "amend" in line 2 through the second comma in line 3; in line 3 insert "certain" after "to"; in line 4 strike "attorneys" and insert "officers"; and in line 7 insert "to amend section 23-1207, Reissue Revised Statutes of Nebraska, 1943;" after the semicolon.

LEGISLATIVE BILL 387. Placed on Select File as amended.
E & R amendments to LB 387:

1. In committee amendments, page 1, lines 2 and 7 insert "the" before "mayor".

2. On page 3, line 2, strike "herein" and insert "in this act".

3. On page 4, line 2, strike "; and" and insert "that"; in line 4 strike the comma; in line 5 strike the first comma; and in line 26 strike "said" and insert "such".

4. On page 5, line 27, strike "herein" and after "provided" insert "in this act".

5. In the title, line 3, insert "and mayors" after

"councilmen".

LEGISLATIVE BILL 273. Placed on Select File as amended.
E & R amendments to LB 273:

1. In committee amendments, page 2, line 1, strike and show stricken the reinstated "~~amputee~~".

2. In the new language added by the Landis amendments, strike "and" and strike "blindness or disability" and insert "disability or blindness".

3. In the title, line 4, strike "redefine terms;" and insert "define a term; to change exemption provisions;".

LEGISLATIVE BILL 348. Placed on Select File as amended.
E & R amendments to LB 348:

1. Renumber section 5 added by the Goodrich amendment as section 4 and original section 4 as section 5.

2. On page 1, line 17, insert ", Reissue Revised Statutes of Nebraska, 1943, and amendments thereto" after "6".

3. In the title, line 2, strike "private".

LEGISLATIVE BILL 217. Placed on Select File as amended.
E & R amendments to LB 217:

1. On page 2, line 8, strike "provided" and insert "except".

2. On page 8, line 16, strike "said" and insert "such".

LEGISLATIVE BILL 381. Placed on Select File as amended.
E & R amendment to LB 381:

1. In the title, line 2, strike "72-274.03" and insert "72-224.03".

LEGISLATIVE BILL 395. Placed on Select File as amended.
E & R amendment to LB 395:

1. In the title, strike line 6 and insert "and to".

Correctly Engrossed

The following bills were correctly engrossed: 103, 198, 326, 328, 345, 353, 438, 547, and 553.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 1979, at 9:00 a.m., was the following bill: 187.

(Signed) Hazel Kaltenberger, Enrolling Clerk

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 162. Placed on General File as amended.
Standing Committee amendments to LB 162:

1. Insert a new section 1 as follows:

"Section 1. That section 49-1419, Revised Statutes Supplement, 1978, be amended to read as follows:

49-1419. (1) Expenditure shall mean a payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question. An offer or tender of an expenditure is not an expenditure if expressly and unconditionally rejected or returned.

(2) Expenditure shall include a contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of any candidate or the qualification, passage, or defeat of a ballot question.

(3) Expenditure shall not include:

(a) An amount paid pursuant to a pledge or promise to the extent the amount was previously reported as an expenditure;

(b) An expenditure for communication by a person strictly with the person's paid members or shareholders;

(c) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot issue or candidate by name or clear inference;

(d) An expenditure by a broadcasting station, newspaper, magazine, or other periodical or publication for any news story, commentary, or editorial in support of or opposition to a candidate for elective office, or a ballot question in the regular course of publication or broadcasting; or

(e) An expenditure for nonpartisan voter registration activities. This exclusion shall not apply if a candidate or group of candidates sponsors, finances, or is identified by name with the activity. This exclusion shall apply to an activity performed pursuant

to Chapter 32, article 2, by an election commissioner or other registration official who is identified by name with the activity.

(4) Expenditure for purposes of sections 49-1480 to 49-1492 shall mean an advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, or subscription of money or anything of value, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make an expenditure. Expenditure shall not include payments for transportation by lobbyists or the cost of communicating positions from a principal to a lobbyist or from a lobbyist to a principal.".

2. On page 2, line 12 after "government" insert "except the University of Nebraska,".

3. On page 4, line 26 after "lobbying" insert an underscored period, and strike beginning with "since" in line 26 through the period in line 27.

4. On page 5, line 1 after "salaried" insert "or retained"; strike beginning with the comma in line 7 through the semicolon in line 9, show as stricken, and in line 7 after "lobby" insert an underscored semicolon.

5. On page 6, lines 12 and 13 strike "principal of".

6. On page 7, reinstate lines 5 to 15; and strike lines 16 to 27.

7. On page 8, strike lines 1 to 10.

8. Strike original section 4.

9. On page 9, line 14 strike "a lobbyist", show as stricken, and insert "either".

10. Strike original sections 7 and 8 and insert a new section 7 as follows:

"Sec. 7. As a part of the statement required to be filed by a principal pursuant to section 49-1483, a principal shall report the name and address of every person from whom it has received more than one hundred dollars in any one month for lobbying purposes.".

11. On page 11, line 11 after "sections" insert "49-1419,"; and in line 12 strike "and 49-1489" and insert "19-1490, and".

12. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 488. Placed on General File as amended.
Standing Committee amendments to LB 488:

1. On page 2, line 9 after the semicolon insert "and"; strike lines 10 to 12; and in line 13 strike "(4)" and insert "(3)".

2. On page 3, line 3 strike "17" and insert "12"; in line 21 strike "four" and insert "nine"; in line 26 strike "two" and insert "nine"; and in line 27 strike

"one" and insert "nine".

3. On page 4, line 7 strike "four" and insert "nine"; in line 16 strike "not"; in line 17 after "taxed" insert "at a rate of two per cent"; in line 19 strike "two" and insert "five"; and in line 20 strike "five" and insert "six".

4. Strike original sections 9 to 13.

5. Insert a new section as follows:

"Sec. 13. Any race track messenger service violating this act shall be guilty of a Class IV felony".

6. Renumber original sections 14 to 17 as sections 9 to 12 respectively and renumber original sections 18 and 19 as sections 14 and 15 respectively.

(Signed) Dave Newell, Chairman

SELECT FILE

LEGISLATIVE BILL 542. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 16. Title read. Considered.

Mr. Newell offered the following amendment:

1. On page 8, strike lines 2 to 8 and insert

"(s) Food or food products for human consumption which are eligible for purchase with food coupons issued by the United States Department of Agriculture pursuant to regulations in effect on July 1, 1979, regardless of whether the retailer from which the foods are purchased is participating in the food stamp program. However, as used in this section, food does not include meals prepared for immediate consumption on or off the premises of the retailer and does not include foods sold through vending machines.".

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.

The Newell amendment was adopted with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 8 nays, and 12 not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Newell requested a roll call vote to advance LB 16.

Voting in the affirmative, 23:

Beutler	Fitzgerald	Koch	Murphy	Schmit
Brennan	Fowler	Labedz	Newell	Simon
Burrows	Hoagland	Landis	Nichol	Stoney
Chambers	Johnson	Lewis	Pirsch	
Dworak	Keyes	Marvel	Reutzel	

Voting in the negative, 22:

Carsten	George	Kelly	Marsh	Warner
Clark	Haberman	Kennedy	Merz	Wesely
Cope	Hasebroock	Kremer	Rumery	
Cullan	Hefner	Lamb	Sieck	
Duis	Kahle	Maresh	Wagner	

Excused and not voting, 4:

DeCamp	Goodrich	Venditte	Vickers

Failed to advance to E & R for Review with 23 ayes, 22 nays, and 4 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 588 in the Journal. No objections. So ordered.

Appropriations Committee amendment

1. On page 3, lines 6 and 7, strike "792,021" and insert "721,781", in line 9 strike "$714,517" and insert "$674,017"; in lines 13 and 14, strike "and Regulations"; after line 19, insert:

"(5) Program No. 128 - Revisor of Regulations

GENERAL FUND	70,240
PROGRAM TOTAL	70,240

Total expenditures for permanent and temporary salaries and per diems shall not exceed $40,500, which shall be the basis for the 1980-81 continuation funding."; and in line 20, strike "(5)" and insert "(6)".

2. On page 4, line 1, strike "(6)" and insert

"(7)"; in line 8, strike "(7)" and insert "(8)".

Mr. Carsten asked unanimous consent to print the following amendments to LB 285 in the Journal. No objections. So ordered.

1. In the committee amendments on page 4, lines 2 and 14 after "act" insert: ", but such funds shall be included in computing the combined receipts budget base for each year following the first year".

2. In the committee amendments on page 5, strike beginning with the second "not" in line 12 through "and" in line 13 and insert "be"; and in line 14, after "subdivision" insert "in the immediately ensuing fiscal year".

3. In the committee amendments on page 7, strike beginning with "prior" in line 21 through "levied" in line 22, show the old matter as stricken, and insert "at least thirty days before the county board is required by section 77-1601, Reissue Revised Statutes of Nebraska, 1943, to levy the necessary taxes".

4. In the committee amendments on page 8, line 16, after the underscored period insert: "Such rules and regulations shall include, but not be limited to, the approval of a method or methods for determining census or population projections pursuant to section 16 of this act.".

5. In E and R amendment 3, line 3 after "applicable" insert "or inadequate".

Mr. Schmit asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

1. On page 2, line 6 strike "providing" and insert "constructing facilities for and operating"; strike beginning with "The" in line 9 through the comma in line 11 and insert "The Board of Regents of the University of Nebraska"; in line 13 after "and" insert "the University of Nebraska"; in line 23 after the period insert "The agreements referred to in section 1 of this act shall provide for the specific number of student positions available to each of the participating states. The agreement shall also provide that if a participating state does not have a sufficient number of qualified applicants to fill its quota for any given year, such state would have the option of forfeiting the positions to another participating regional state, selling the contracts to qualified students from another state, or paying the appropriate fee to the program to assure that a quality program is continued."; in line 24 strike "construction"; in line 25 insert a period after "year" and strike the remainder of the line.

SPEAKER MARVEL PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 23. With Emergency.

A BILL FOR AN ACT relating to mopeds; to amend section 60-501, Reissue Revised Statutes of Nebraska, 1943, sections 39-602, 39-666, and 60-301, Revised Statutes Supplement, 1978, and section 60-407, Revised Statutes Supplement, 1978, as amended by section 5, Legislative Bill 4, Eighty-sixth Legislature, 1979; 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, 44:

Beutler	Dworak	Kelly	Maresh	Rumery
Brennan	Fitzgerald	Kennedy	Marsh	Schmit
Burrows	Fowler	Keyes	Marvel	Sieck
Carsten	George	Koch	Merz	Simon
Chambers	Hasebroock	Kremer	Murphy	Stoney
Clark	Hefner	Labedz	Newell	Wagner
Cope	Hoagland	Lamb	Nichol	Warner
Cullan	Johnson	Landis	Pirsch	Wesely
Duis	Kahle	Lewis	Reutzel	

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 4:

DeCamp Goodrich Venditte Vickers

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 42 to Select File

Mr. Cullan moved to return LB 42 to Select File for the following specific amendment:
Page 6, lines 6-9, reinsert the stricken language starting with ", except"
Page 6, line 13, strike "as of August 24, 1975"
Page 6, lines 26-27, strike ", and for maintenance"
Page 7, lines 15-16, strike "no longer in operation" and insert "abandoned" and in line 16, strike "shall" and insert "may" and strike "all"

Mr. Kelly requested a ruling of the Chair on the amendment being in the category of a specific amendment.

The Chair ruled the amendment in order.

The Cullan motion prevailed with 27 ayes, 0 nays, 18 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 183.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1978, relating to labor; to provide an increased maximum benefit amount; to change a date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Brennan requested a roll call vote.

Voting in the affirmative, 26:

Brennan	George	Labedz	Newell	Simon
Burrows	Hoagland	Landis	Nichol	Wesely
Chambers	Johnson	Lewis	Pirsch	
Cullan	Kelly	Marsh	Reutzel	
Fitzgerald	Keyes	Marvel	Rumery	
Fowler	Koch	Merz	Schmit	

Voting in the negative, 19:

Beutler	Duis	Hefner	Lamb	Stoney
Carsten	Dworak	Kahle	Maresh	Wagner
Clark	Haberman	Kennedy	Murphy	Warner
Cope	Hasebroock	Kremer	Sieck	

Excused and not voting, 4:

DeCamp	Goodrich	Venditte	Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 49. Read. Considered.

LR 49 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 50. Read. Considered.

Messrs. Beutler, Lewis, and Rumery asked unanimous consent to add their names to LR 50. No objections. So ordered.

LR 50 was adopted with 35 ayes, 0 nays, and 14 not voting.

Speaker Marvel designated the following members to represent the Legislature at Col. Karthauser's funeral tomorrow: Senators Clark, Hasebroock, Duis, Schmit, Marsh, Warner, Nichol, Kremer, Lewis, Carsten, and Wagner.

MOTION - Return LB 495 to Select File

Mr. Fowler moved to return LB 495 to Select File for the specific amendment found in the Journal on page 1355.

The motion prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 495. The Fowler specific amendment found in the Journal on page 1355 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.

MOTION - Return LB 321 to Select File

Mr. Schmit moved to return LB 321 to Select File for the specific amendment found in the Journal on page 1367.

MR. NICHOL PRESIDING

The motion prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 321. The Schmit specific amendment found in the Journal on page 1367 was adopted with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

SPEAKER MARVEL PRESIDING

MOTION - Reconsider Action on LB 58

Mr. Koch renewed his pending motion found in the Journal on page 1376 to reconsider action on the final passage of LB 58.

The motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 542.

(Signed) Don Wesely, Chairman

VISITORS

Visitors to the Chamber were 14 seventh and eighth grade students and sponsors from Bee; Ray Frank and Lynn Wedel from Grant; Arvid Ensz and Jake Friesen from Madrid; Wilbur D. Koehn from Ogallala; 28 twelfth grade students and teachers from Palmer; 31 eighth grade students, teacher, and parents from St. Thomas Moore, Omaha; Jim Bowhay, Director; Virginia Thrall, Assistant Director;

and Mrytle Nelson, Office Manager from the Midwestern Conference of Council of State Government's Chicago office; 12 members and staff of Sudbaden Wrestling Team, Black Forest Region, Germany; 15 members of C.E.T.A.; 31 eighth grade students and sponsors from St. Thomas Moore, Omaha; and 27 twelfth grade students and teacher from Nebraska Christian, Central City.

RECESS

At 11:48 a.m., on a motion by Mrs. Labedz, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Vickers who were excused; and Messrs. Lewis, Merz, Schmit, and Venditte who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 586. Placed on Select File as amended.
E & R amendment to LB 586:
1. On page 21, strike line 5 and insert
"July 1, 1979, state".

LEGISLATIVE BILL 588. Placed on Select File.
LEGISLATIVE BILL 593. Placed on Select File.

LEGISLATIVE BILL 589. Placed on Select File as amended.
E & R amendments to LB 589:
1. On pages 76 and 77, in the column headed SECTION, decrease each number, except 3 and 4, by one.
2. On page 76, after line 10, insert:
"Crime Victim's Reparation Board 28";
after line 24, insert:
"Institutions, Department of Public 10".

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendments to LB 65 in the Journal. No objections. So ordered.

FINAL READING COPY

1. On page 22, line 5 strike "This" and insert "Sections 30 and 34 of this act shall become operative for all taxable years commencing on or after January 1, 1979. The other sections of this".

2. Insert new sections as follows:

"Sec. 34. That section 77-1240.05, Revised Statutes Supplement, 1978, as amended by section 8, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979, is repealed.

Sec. 35. 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 22, strike beginning with "and" in line 8 through "1979," in line 11.

4. In the title, line 9 strike "an"; in line 10 strike "date; and" and insert "dates;"; and in line 28 after "1979" insert "; and to declare an emergency".

UNANIMOUS CONSENT - Add Co-Introducer to LR 50

Mr. Goodrich asked unanimous consent to add his name to LR 50. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 44. Title read. Considered.

Mr. Beutler withdrew his pending amendment found in the Journal on page 1300.

Mr. Wesely offered the following amendment:

Add a new section as follows:

Effective January 1, 1980 the food sales tax credit shall be increased to $26.00.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 4 nays, and 21 not voting.

MR. NICHOL PRESIDING

Mr. Maresh 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. Chambers offered the following amendment to the Wesely amendment:

Change operative date to January 1, 1979.

SPEAKER MARVEL PRESIDING

The Chambers amendment lost with 14 ayes, 17 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 11 ayes, 4 nays, and 34 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Beutler	Hefner	Labedz	Marvel	Wesely
Burrows	Kahle	Landis	Nichol	
George	Kelly	Maresh	Schmit	
Hasebroock	Kremer	Marsh	Wagner	

Voting in the negative, 19:

Carsten	Cullan	Johnson	Merz	Simon
Chambers	Duis	Kennedy	Newell	Stoney
Clark	Haberman	Keyes	Rumery	Warner
Cope	Hoagland	Lamb	Sieck	

Present and not voting, 10:

Brennan	Fitzgerald	Goodrich	Lewis	Pirsch
Dworak	Fowler	Koch	Murphy	Reutzel

Excused and not voting, 3:

DeCamp	Venditte	Vickers

The Wesely amendment lost with 17 ayes, 19 nays, 10 present and not voting, and 3 excused and not voting.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 51.

Introduced by Koch, 12th District.

WHEREAS, public high schools in Nebraska afford students an opportunity to engage in a variety of extra curricular activities including high school debate and debate contests; and

WHEREAS, those who choose to participate vigorously in such forensic programs discover a rare opportunity in their development to hone the intellect and augment native powers of reason and perception; and

WHEREAS, while thus equipping their minds for a more fulfilling adult life, a very select few students may rise to championship stature through earnest participation in inter-school debate competition; and

WHEREAS, these special few deserve singular recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates and commends Tracy Johnson and Ann Beeder of Ralston High School upon winning the 1979 Nebraska High School Activities Association debate championship on April 7, 1979.

2. That a copy of this resolution be dispatched with best wishes to these new state debate champions.

Laid over.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 212. Placed on General File as amended.
Standing Committee amendments to LB 212:

1. On page 2, line 10 strike "one half", show as stricken, and insert "three-fourths"; in line 18 strike "one-fourth", show as stricken, and insert "three-eighths".

2. On page 3, line 2 strike "marshal", show as stricken, and insert "insurance"; strike lines 10 through 12 and insert:

"(5) There is hereby created a separate cash fund to be known as the Fire Insurance Tax Fund. Any tax collected pursuant to subsections (1) and (2) of this section shall be deposited in the state treasury and shall be credited by the State Treasurer to the Fire Insurance Tax Fund. Expenditures shall be made from such fund to maintain the office of the State Fire Marshal for the

purpose of fire investigation, detection and suppression of arson, and other fire prevention activities.".

(Signed) Jerome Warner, Chairman

SELECT FILE

LEGISLATIVE BILL 543. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 555. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 557. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 587. Title read. Considered.

Mr. Newell renewed his pending amendment found in the Journal on page 1385.

MR. NICHOL PRESIDING

The Newell amendment lost with 19 ayes, 20 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Wesely offered the following amendment:
1. On page 17, lines 7 and 8 strike "63,462,502" and insert "63,499,002"; in line 11 after "athletics" and insert "and $36,500 which shall be expended for the Energy Research and Development Center at the University of Nebraska-Lincoln and researchers of the Nebraska State Solar Office to cause modification and improvements of the Mable Lee Hall solar hot water facility, measure the performance, and publish the findings of the research".

Mr. Clark 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 Wesely amendment lost with 12 ayes, 19 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment:
PURPOSE: To eliminate General Fund support to the State University of Nebraska (SUN), Nebraska's delivery system for a regional consortium called the University of Mid-America (UMA) which distributes higher education services via television programming.

AMENDMENTS:

On page 17, in line 7, strike "63,462,502" and insert "63,339,074"; in line 8, strike "63,462,502" and insert "63,339,074".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Keyes asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Brennan	Haberman	Lamb	Newell	Simon
Burrows	Johnson	Lewis	Pirsch	Stoney
Clark	Kelly	Marvel	Reutzel	Wagner
Fitzgerald	Kennedy	Merz	Schmit	
George	Kremer	Murphy	Sieck	

Voting in the negative, 17:

Beutler	Dworak	Hoagland	Maresh	Wesely
Carsten	Fowler	Koch	Marsh	
Cope	Goodrich	Labedz	Rumery	
Duis	Hasebroock	Landis	Warner	

Present and not voting, 5:

Chambers	Cullan	Hefner	Kahle	Nichol

Excused and not voting, 4:

DeCamp	Keyes	Venditte	Vickers

The Newell amendment lost with 23 ayes, 17 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment:
PURPOSE: To eliminate extraordinary employee benefits such as housing allowances, automobile maintenance, and yard care for the University President, six vice-presidents, and vice-chancellors of the Institute of Agriculture and the Medical Center.
AMENDMENTS:

On page 16, in line 11, strike "1,848,122" and insert "1,820,922"; in line 13, strike "1,901,793" and insert "1,874,593"; in line 25, strike "2,081,170" and insert "2,053,970".

On page 17, in line 2, strike "190,648,830" and insert "190,621,630"; in line 8, strike "63,462,502" and insert "63,451,442"; in line 15, strike "19,194,721" and insert "19,193,961"; in line 16, strike "19,194,721" and insert "19,193,961"; in line 27, strike "17,041,465" and insert "17,028,815".

On page 18, in line 1, strike "17,041,465" and insert "17,028,815"; in line 9, strike "31,757,798" and insert "31,743,823"; in line 10, strike "31,757,798" and insert "31,743,823".

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Brennan	Johnson	Lamb	Murphy	Schmit
Burrows	Kelly	Landis	Newell	Simon
Chambers	Kennedy	Lewis	Pirsch	Wagner
Fitzgerald	Kremer	Merz	Reutzel	

Voting in the negative, 20:

Beutler	Duis	Hasebroock	Labedz	Rumery
Carsten	Dworak	Hefner	Maresh	Stoney
Clark	Fowler	Kahle	Marsh	Warner
Cope	Goodrich	Koch	Marvel	Wesely

Present and not voting, 6:

Cullan	Haberman	Nichol
George	Hoagland	Sieck

Excused and not voting, 4:

DeCamp	Keyes	Venditte	Vickers

The Newell amendment lost with 19 ayes, 20 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment:
PURPOSE: To eliminate funds for start-up costs associated with the University Areas of Excellence programs. The funds provided for such purposes as faculty recruiting, visitation performance review teams, and data collection.
AMENDMENTS:
On page 17, in line 7, strike "63,462,502" and insert "63,368,920"; in line 8, strike "63,462,502" and insert "63,368,920"; in line 27, strike "17,041,465" and insert "16,998,445".
On page 18, in line 1, strike "17,041,465" and insert "16,998,445".

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Newell amendment lost with 15 ayes, 21 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 13 nays, 6 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 584. Placed on General File as amended.
Standing Committee amendments to LB 584:

1. On page 2, line 9 strike "annually" and insert "each fiscal year"; and in line 14 strike "one hundred fifteen" and insert "seventy-six".
2. On page 3, line 11 after "shall" insert "each fiscal year"; in line 13 strike "the equivalent of one half of" and show as stricken; strike the new matter in lines 15 and 16 and insert "not to exceed thirty-eight thousand dollars"; in line 17 strike "23-362.01", show as stricken, and insert "23-362"; and in line 23 after "1943," insert "and also section 23-362.02, Reissue

Revised Statutes of Nebraska, 1943,".

3. Insert the following new sections:

"Sec. 3. This act shall become operative on July 1, 1979.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. Renumber original section 3 as section 4.

5. In the title, line 6 strike "and" and insert "to provide an operative date;" and after "sections" insert ", and also section 23-362.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency".

LEGISLATIVE BILL 20. Indefinitely postponed.
LEGISLATIVE BILL 286. Indefinitely postponed.
LEGISLATIVE BILL 385. Indefinitely postponed.
LEGISLATIVE BILL 433. Indefinitely postponed.
LEGISLATIVE BILL 554. Indefinitely postponed.
LEGISLATIVE BILL 556. Indefinitely postponed.
LEGISLATIVE BILL 558. Indefinitely postponed.
LEGISLATIVE BILL 561. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 283 in the Journal. No objections. So ordered.

1. On page 2, line 11 after the fourth comma insert "and"; in line 12 strike the third comma and insert a period, and strike beginning with "(4)" through the period in line 13; in line 16 strike "regular pay" and insert "total compensation"; in line 17 strike "and one half" and after "service" insert "in excess of twenty-five years"; in line 19 strike "regular pay" and insert "total compensation"; in line 20 after "provide" insert "current funding of"; in line 21 after "the" insert "increased"; and strike line 22 and insert "shall be borne equally by the members of the pension system and the city.".

Mr. Koch asked unanimous consent to print the following amendments to LB 593 in the Journal. No objections. So ordered.

1. On page 11; strike "Section 17, on lines 9 through line 16" and

2. Renumber remaining sections.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 15, 174A, 180A, 207, 260, 260A, 271, 396, 414A, 417, 500A, 505, and 505A.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 285 in the Journal. No objections. So ordered.

1. Strike the Keyes amendment 6.
2. In lieu of the Koch amendment, on page 3, line 24 of the committee amendments after "act;" insert "(2) funds used for payment of the following items: Employer contributions to the Federal Insurance Contributions Act, payment to a retirement system, insurance premiums, fuel for any purpose, electricity, water, and sewer;".
3. Strike E and R amendments 1 and 2.

Messrs. Hasebroock, Fowler, Lewis, Goodrich, and Cullan asked unanimous consent to print the following amendments to LB 228 in the Journal. No objections. So ordered.

1. In the committee amendments on page 1, line 9 strike "verified" and insert "creditable"; in line 18 after "sixty-five" insert "or at the actual age of retirement, whichever is later"; in line 22 after "received" insert "(1)" in line 23 strike "or" and insert ", (2) from", and after "districts" insert ", and (3) as a result of sections 79-1276 to 79-1279, Reissue Revised Statutes of Nebraska, 1943".
2. On page 2, line 4 after "Fund" insert ", except that if this difference is less than five dollars, a minimum payment of five dollars per month shall be made to such person".

Mr. George asked unanimous consent to print the following amendment to LB 181 in the Journal. No objections. So ordered.

1. In the committee amendments on page 2, lines 26 and 27 strike "any other lawful means" and insert ", independently or together with revenue derived pursuant to subdivision (1) or (2) of this section, gifts, leases, devises, grants, federal or state funds, or agreements

6 with other public entities".

MOTION - Reconsider Action on LB 183

Mr. Kelly moved to reconsider action on final passage of LB 183.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 50.

VISITORS

Visitors to the Chamber were 31 eighth grade students, teacher, and parents from St. Thomas Moore School, Omaha; 38 fourth grade students, teachers, and parents from West Point Elementary, West Point; and Mr. and Mrs. Eli (Shirley) Morarlu, son Harry, from Hamond, Indiana, and daughter Janice and husband Keith Larson.

ADJOURNMENT

At 4:41 p.m., on a motion by Mr. Stoney, the Legislature adjourned until 9:00 a.m., Wednesday, April 11, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIFTH DAY - APRIL 11, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 11, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Hurried affairs of the day with all the demands and pressures that come upon us we forget Thee, and in our forgetfulness we are successful in denying Thy will.
>
> Watch over us then, we pray, especially in these sessions of our legislative session. Guide us through each day as pressures increase, as obligations multiply, as voices conflict with voices, urging us to do this or that, and grant that somehow inside each of our lives there shall be a central place of calm and quietness where we can turn and listen to a voice which is like a sound of gentle stillness a still, small voice that guides and directs our lives, infallibly.
>
> Help us to do Thy will in this house and in this Legislature through this and every year, we ask in Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Vickers who were excused; and Messrs. Hoagland, Johnson, Lewis, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fourth Day was approved.

UNANIMOUS CONSENT - Members Excused

Mrs. Marsh, Messrs. Clark, Hasebroock, Duis, Schmit, Warner, Nichol, Kremer, Carsten, Wagner, and Goodrich asked unanimous consent to be excused at 9:30 a.m. until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 572. Title read. Considered.

Laid over.

LEGISLATIVE BILL 581. Title read. Considered.

Standing Committee amendment found in the Journal on page 1058 for the Fifty-Second Day was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Landis offered the following amendment.

1. On page 29, reinstate the stricken matter on line 26; On page 30, strike lines 1 through 4; On page 30, line 5, strike "(k)" and insert "(j)";

Mr. Landis moved for a Call of the House. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler	Fitzgerald	Keyes	Merz	Rumery
Brennan	Fowler	Landis	Newell	Sieck
Burrows	Hoagland	Maresh	Pirsch	Simon
Cullan	Johnson	Marvel	Reutzel	Wesely

Voting in the negative, 6:

Dworak	Kahle	Murphy
Hefner	Kennedy	Stoney

Present and not voting, 8:

Chambers	George	Kelly	Labedz
Cope	Haberman	Koch	Lamb

Excused and not voting, 15:

Carsten	Duis	Kremer	Nichol	Vickers
Clark	Goodrich	Lewis	Schmit	Wagner
DeCamp	Hasebroock	Marsh	Venditte	Warner

The Landis amendment lost with 20 ayes, 6 nays, 8 present and not voting, and 15 excused and not voting.

Laid over.

EASE

The Legislature was at ease from 9:55 a.m. until 9:59 a.m.

GENERAL FILE

LEGISLATIVE BILL 216. Title read. Considered.

Standing Committee amendments found in the Journal on page 1056 for the Fifty-Second Day were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 568. Placed on Select File as amended.
E & R amendment to LB 568:
1. On page 2, line 15, insert an underscored comma after "utility".

LEGISLATIVE BILL 587. Placed on Select File as amended.
E & R amendments to LB 587:
1. On page 2, line 5, strike "23" and insert "22"; and in line 10 strike "14" and insert "13".
2. On page 17, lines 20 and 26, and page 18, line 8, strike "sums" and insert "sum".
3. On page 18, line 12, strike "12" and insert "13".

(Signed) Don Wesely, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 52.

Introduced by Schmit, 23rd District; Lamb, 43rd District; Nichol, 48th District; Maresh, 32nd District; Kahle, 37th District.

WHEREAS, the Environmental Protection Agency on March 1, 1979, placed an emergency suspension order on the chemical 2-4-5-T; and

WHEREAS, the emergency order has suspended the sale, purchase, distribution and most uses of the chemical 2-4-5-T; and

WHEREAS, the emergency order allows the use of 2-4-5-T on rangeland and rice fields, however, the chemical's use is suspended on pastures and road right-of-ways; and

WHEREAS, in Nebraska, 2-4-5-T has been used for thirty-five years on pastures and rangeland to protect pastureland which might otherwise be rendered unsuitable for cattle and other livestock; and

WHEREAS, the suspension of 2-4-5-T, by the EPA was the first time the agency had banned the sale of a chemical that was already on market shelves; and

WHEREAS, the study, which was the basis for the suspension of 2-4-5-T, has been roundly criticized as bad science.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urges the Environmental Protection Agency to reconsider the emergency suspension order involving the chemical 2-4-5-T.

2. That the Clerk of the Legislature be directed to send copies of this resolution to the Environmental Protection Agency, Washington, D.C. and to each member of the Nebraska congressional delegation.

Laid over.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 392. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 571 in the Journal. No objections. So ordered.

1. Strike the original bill and all amendments thereto and insert the following:

"Section 1. In order to facilitate the production of alcohol, this act authorizes the State of Nebraska to enter into agreements with municipalities or counties to build, develop, maintain, and operate an alcohol plant or plants or facilities related to the production or storage of alcohol.

Sec. 2. That section 39-2215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2215. There is hereby created in the state treasury a special fund to be known as the Highway Trust Fund. All motor fuel taxes and special fuel taxes related to highway use retained by the state, all motor vehicle registration fees retained by the state, and such other highway-user taxes which may be imposed by state law and allocated to the fund are hereby irrevocably pledged for the terms of the bonds to the payment of the principal, interest, and redemption premium, if any, of such bonds as they mature and become due at maturity or prior redemption, and for any reserves therefor and shall, as received by the State Treasurer, be deposited in the fund for such purpose. ~~The~~ Of the money in the fund not required for such use, (1) an amount equivalent to one cent of the money collected pursuant to sections 66-410, 66-428, and 66-605 shall be placed in the Alcohol Plant Fund only when calls or demands are made on such fund pursuant to lease agreements entered into under this act, and (2) the remaining money may be used for the purchase for retirement of the bonds in the open market or for any other lawful purpose and the balance shall be transferred monthly to the Highway Allocation Fund, established by section 39-2401, for such use as may be provided by law. The State Treasurer shall disburse the money in the Highway Trust Fund as directed by resolution of the commission. The money deposited in the Highway Trust Fund shall be invested in the manner provided by law. The earnings therefrom, if any, shall be credited to the fund. All disbursements for the fund shall be made upon warrants drawn by the Director of Administrative Services. Any money in the Highway Trust Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 3. That section 66-410, Revised Statutes Supplement, 1978, be amended to read as follows:

66-410. At the time of filing the statement, required by section 66-409, such dealer shall, in addition to the other taxes provided for by law, pay a tax of ~~nine~~ ten and one half cents per gallon upon all motor vehicle fuels as shown by such statement. ~~:~~ ~~Provided, that effective~~ Effective January 1, 1978, gasoline sold in Nebraska which contains a minimum of ten per cent blend of an agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol shall be subject to a state motor fuel tax which is five cents per gallon less than gasoline which does not contain such a blend, except that commencing July 1, 1982, such five cent per gallon reduction shall apply only to such agricultural ethyl alcohol produced in the State of Nebraska by an alcohol plant in operation or under construction prior to July 1, 1982. When the sale in Nebraska of gasoline containing such a blend exceeds twenty million gallons per year, an adjustment in the tax may be considered by the Legislature. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 4. That section 66-428, Revised Statutes Supplement, 1978, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of ~~nine~~ ten and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after ~~August 1, 1977,~~ the effective date of this act shall be ~~four~~ five and one half cents per gallon on motor fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol, and ~~nine~~ ten and one half cents per gallon on gasoline which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 5. That section 66-605, Revised Statutes Supplement, 1978, be amended to read as follows:

66-605. There is hereby levied and imposed an excise tax of ~~nine~~ ten and one half cents per gallon on the use, within the meaning of the word use as defined in subdivision (5) of section 66-602, of special fuel in any motor vehicle as defined in subdivision (7) of section

66-602. The tax, with respect to all special fuel delivered by a special fund dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such dealer and be paid over to the motor fuel tax administrator as provided by sections 66-601 to 66-640.

Sec. 6. Any municipality or county which enters into an agreement with the State of Nebraska to build an alcohol plant for the State of Nebraska shall lease the plant to the state for periods of twelve months or less. All such leases shall be subject to the condition that there is in effect an appropriation for the payment of any rentals, and in the event there is no appropriation the lease terminates.

Sec. 7. Each lease entered into pursuant to section 6 of this act shall require that the profits of such alcohol plant be paid to the Alcohol Plant Fund. For the purposes of this section profits shall mean the gain made after deducting the value of the labor, materials, rents, and all expenses.

Sec. 8. There is hereby created a fund to be known as the Alcohol Plant Fund, to consist of funds received pursuant to section 7 of this act, such funds as may be transferred from the Highway Trust Fund pursuant to section 39-2215, and such funds as may be appropriated by the Legislature. The Alcohol Plant Fund shall be used to make lease payments, if necessary, in an amount sufficient to pay the principal and interest on the bonds issued pursuant to this act to finance alcohol plants and to maintain amounts in any bond and bond reserve funds.

Sec. 9. Each lease entered into pursuant to section 6 of this act may provide that a municipality or county which builds an alcohol plant for the State of Nebraska, may issue revenue bonds pledging revenue of any such municipality or county. Such leases shall provide for payments due from the state according to the terms of the lease. At such time as all payments have been made, the facility may become the property of the State of Nebraska upon the exercise by the state of any option to purchase.

Sec. 10. Any agreements entered into pursuant to this act shall be subject to sections 72-1401 to 72-1408, Reissue Revised Statutes of Nebraska, 1943.

Sec. 11. Any city, county, village, or any combination thereof may bid for a contract to construct, maintain, and operate an alcohol plant or a facility related to the production or storage of alcohol.

Sec. 12. The Governor shall establish the criteria or guidelines for the applications to be submitted for the contracts available under this act

within thirty days after the effective date of this act. Applications for such contracts may be submitted within sixty days after the guidelines or criteria have been publicly announced.

Sec. 13. Any application made under section 12 of this act shall be filed with the Governor. The Governor shall establish application review procedures which may include the Legislative Fiscal Analyst and other agencies as may be necessary.

Sec. 14. A resource statement shall be filed with the application. The resource statement, as prescribed by the Governor, shall show in summary form plans, working drawings, and specifications prepared for the contruction and equipping of the alcohol plant or a facility related to the production or storage of alcohol. The resource statement shall provide the total project cost and financing available from any source. The resource statement shall also include a projection of costs and profits, the manner in which the project will be accomplished, and a proposed marketing program for the finished product. In projecting profits, the applicant may take into account any available subsidies.

Sec. 15. In determining which applicants shall receive contracts, the Governor shall examine the proposed plans for the plant or a facility related to the production or storage of alcohol. The plans shall show an ability to complete construction and be in operation within twenty-four months from the date of approval.

Sec. 16. Within sixty days after the last day upon which applications may be submitted under section 12 of this act, the Governor shall determine which city, county, or village shall receive a contract. The Governor shall provide to each applicant, whose application was denied, a report in writing setting forth the findings and conclusions upon which such denial was based.

Sec. 17. The Department of Economic Development shall serve in an advisory capacity to the Governor for the purposes of carrying out the Governor's duties under this act. The department shall consult with the Governor regarding guidelines for applications, requirements relative to resource statements, and the criteria and findings upon which contracts are awarded.

Sec. 18. That original section 39-2215, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410, 66-428, 66-605, Revised Statutes Supplement, 1978, are repealed.

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.".

GENERAL FILE

LEGISLATIVE BILL 123. Title read. Considered.

Standing Committee amendment found in the Journal on page 1121 for the Fifty-Fourth Day was considered.

Laid over.

LEGISLATIVE BILL 546. Title read. Considered.

Standing Committee amendments found in the Journal on page 1077 for the Fifty-Third Day were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 224. Title read. Considered.

Standing Committee amendments found in the Journal on page 1137 for the Fifty-Fifth Day were adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 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 107. Title read. Considered.

Standing Committee amendment found in the Journal on page 1147 for the Fifty-Fifth Day was considered.

Mr. Fowler moved for a Call of the House. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

The Standing Committee amendment was adopted with 25 ayes, 5 nays, 4 present and not voting, and 15 excused and not voting.

Failed to advance to E & R for Review with 19 ayes, 11 nays, 4 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 329. Title read. Considered.

Standing Committee amendments found in the Journal on page 1043 for the Fifty-First Day were considered.

Mr. Chambers renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1379.

The amendment was adopted with 17 ayes, 0 nays, 17 present and not voting, and 15 excused and not voting.

Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

Mr. Chambers renewed his pending amendment found in the Journal on page 1327.

The amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Chambers requested a roll call vote to advance LB 329.

Voting in the affirmative, 20:

Beutler	Cullan	Haberman	Marvel	Reutzel
Brennan	Dworak	Johnson	Merz	Sieck
Burrows	Fitzgerald	Kelly	Murphy	Simon
Chambers	Fowler	Landis	Newell	Wesely

Voting in the negative, 12:

Cope	Hefner	Koch	Maresh
Goodrich	Hoagland	Labedz	Rumery
Hasebroock	Kennedy	Lamb	Stoney

Present and not voting, 4:

George	Kahle	Keyes	Pirsch

Excused and not voting, 13:

Carsten	Duis	Marsh	Venditte	Warner
Clark	Kremer	Nichol	Vickers	
DeCamp	Lewis	Schmit	Wagner	

Failed to advance to E & R for Review with 20 ayes, 12 nays, 4 present and not voting, and 13 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 123 in the Journal. No objections. So ordered.

Add a new section
No Nebraskan shall own stock in a foreign bank.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 444A. By Brennan, 9th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 444, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

EASE

The Legislature was at ease from 11:17 a.m. until 11:23 a.m.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 268. With Emergency.

A BILL FOR AN ACT to amend section 23-394, Revised Statutes Supplement, 1978, relating to identification cards; to change application requirements 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, 39:

Brennan	Duis	Haberman	Kelly	Landis
Carsten	Dworak	Hasebroock	Keyes	Maresh
Chambers	Fitzgerald	Hefner	Koch	Marsh
Clark	Fowler	Hoagland	Kremer	Marvel
Cope	George	Johnson	Labedz	Murphy
Cullan	Goodrich	Kahle	Lamb	Newell

Nichol	Reutzel	Sieck	Stoney	Wesely
Pirsch	Rumery	Simon	Wagner	

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Burrows	Kennedy	Merz

Excused and not voting, 6:

DeCamp	Schmit	Vickers
Lewis	Venditte	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 301. With Emergency.

A BILL FOR AN ACT to adopt the Arson Reporting Immunity Act; 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, 40:

Beutler	Dworak	Johnson	Landis	Pirsch
Brennan	Fitzgerald	Kahle	Maresh	Reutzel
Burrows	Fowler	Kelly	Marsh	Rumery
Carsten	George	Keyes	Marvel	Sieck
Clark	Goodrich	Koch	Merz	Simon
Cope	Haberman	Kremer	Murphy	Stoney
Cullan	Hasebroock	Labedz	Newell	Wagner
Duis	Hefner	Lamb	Nichol	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Hoagland	Kennedy

Excused and not voting, 6:

DeCamp	Schmit	Vickers
Lewis	Venditte	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 334.

A BILL FOR AN ACT amend sections 8-403 and 8-407.01, Reissue Revised Statutes of Nebraska, 1943, and sections 8-403.01, 8-403.02, and 8-410, Revised Statutes Supplement, 1978, relating to banks and banking; to provide an additional application requirement; to change the time for setting a hearing and for issuing a license; to change requirements for issuing a license; to require undivided profits as prescribed; to provide cash reserve requirements as prescribed; to change provisions relating to payment of certificates of indebtedness before maturity as prescribed; to provide duties; to restrict certain loans as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Brennan	Fitzgerald	Johnson	Landis	Pirsch
Carsten	Fowler	Kelly	Maresh	Reutzel
Chambers	George	Kennedy	Marsh	Rumery
Clark	Goodrich	Keyes	Marvel	Sieck
Cope	Haberman	Koch	Merz	Simon
Cullan	Hasebroock	Kremer	Murphy	Stoney
Duis	Hefner	Labedz	Newell	Wagner
Dworak	Hoagland	Lamb	Nichol	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Burrows	Kahle

Excused and not voting, 6:

DeCamp	Schmit	Vickers
Lewis	Venditte	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 342. With Emergency.

A BILL FOR AN ACT to amend sections 81-1504, 81-1505, and 81-1508, Reissue Revised Statutes of Nebraska, 1943, relating to the Environmental Protection Act; to correct citations; to provide powers and duties; to provide and change 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, 37:

Beutler	Fowler	Kahle	Marsh	Sieck
Brennan	George	Kelly	Marvel	Simon
Carsten	Goodrich	Keyes	Merz	Stoney
Clark	Haberman	Koch	Murphy	Warner
Cope	Hasebroock	Kremer	Newell	Wesely
Cullan	Hefner	Labedz	Nichol	
Dworak	Hoagland	Landis	Reutzel	
Fitzgerald	Johnson	Maresh	Rumery	

Voting in the negative, 2:

Kennedy	Lamb

Present and not voting, 5:

Burrows	Chambers	Duis	Pirsch	Wagner

Excused and not voting, 5:

DeCamp	Lewis	Schmit	Venditte	Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 478.

A BILL FOR AN ACT to amend sections 45-341 and 45-342, Reissue Revised Statutes of Nebraska, 1943, and section 45-338, Revised

Statutes Supplement, 1978, relating to interest; to allow computation of a time price differential as prescribed; to change provisions relating to a delinquency charge and prepayment; 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:

Beutler	Fitzgerald	Kahle	Maresh	Sieck
Brennan	Fowler	Kelly	Marsh	Simon
Carsten	George	Kennedy	Marvel	Stoney
Chambers	Goodrich	Keyes	Merz	Wagner
Clark	Haberman	Koch	Murphy	Warner
Cope	Hasebroock	Kremer	Newell	Wesely
Cullan	Hefner	Labedz	Nichol	
Duis	Hoagland	Lamb	Reutzel	
Dworak	Johnson	Landis	Rumery	

Voting in the negative, 0.

Present and not voting, 2:

Burrows Pirsch

Excused and not voting, 5:

DeCamp Lewis Schmit Venditte Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 536.

A BILL FOR AN ACT to amend sections 29-2209, 29-2248, 29-2251, 29-2253, 29-2258, and 29-2259, Reissue Revised Statutes of Nebraska, 1943, sections 29-2249 and 29-2250, Revised Statutes Supplement, 1978, and section 29-2252, Revised Statutes Supplement, 1978, as amended by section 9, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979, relating to judgment or conviction; to change the responsibilities and duties of the Nebraska District Court Judges Association and the Nebraska Probation System Committee with reference to the State Probation Administrator and the Field Probation Service; 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:

Beutler	Dworak	Johnson	Maresh	Rumery
Brennan	Fitzgerald	Kahle	Marsh	Sieck
Burrows	Fowler	Kelly	Marvel	Simon
Carsten	George	Kennedy	Merz	Stoney
Chambers	Goodrich	Koch	Murphy	Wagner
Clark	Haberman	Kremer	Newell	Warner
Cope	Hasebroock	Labedz	Nichol	Wesely
Cullan	Hefner	Lamb	Pirsch	
Duis	Hoagland	Landis	Reutzel	

Voting in the negative, 0.

Present and not voting, 1:

Keyes

Excused and not voting, 5:

DeCamp	Lewis	Schmit	Venditte	Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LR 5 to Select File

Mr. Newell moved to return LR 5 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Newell withdrew his motion.

RESOLUTION ON FINAL READING

The following Resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 5.

A Resolution to propose an amendment to Article IV, section 11, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the primary election of 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IV, section 11, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 11. If any elected state office created by this Constitution, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment, and the appointee shall hold the office until his successor shall be elected and qualified in such manner as may be provided by law."

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 the Governor to fill a vacancy in the office of Lieutenant Governor.
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 resolution pass?'"

Voting in the affirmative, 44:

Beutler	Dworak	Johnson	Landis	Reutzel
Brennan	Fitzgerald	Kahle	Maresh	Rumery
Burrows	Fowler	Kelly	Marsh	Sieck
Carsten	George	Kennedy	Marvel	Simon
Chambers	Goodrich	Keyes	Merz	Stoney
Clark	Haberman	Koch	Murphy	Wagner
Cope	Hasebroock	Kremer	Newell	Warner
Cullan	Hefner	Labedz	Nichol	Wesely
Duis	Hoagland	Lamb	Pirsch	

Voting in the negative, 0.

Excused and not voting, 5:

DeCamp Lewis Schmit Venditte Vickers

Having received a four-fifths majority voting in the affirmative, the resolution was declared passed.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 87, 241, and 321.

Correctly Engrossed

The following bills were correctly engrossed: 543, 555, and 557.

(Signed) Don Wesely, Chairman

VISITORS

Visitors to the Chamber were 24 seniors and teacher from Deshler High School, Deshler; 9 F.H.A. members and adults, from Big Springs and Bayard; 23 seniors and teachers from Rising City High School; 45 fourth grade students and teacher from Paddock-Lee School, Beatrice; and Jenny Dodge from Omaha.

RECESS

At 12:02 p.m., on a motion by Mr. Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Murphy, and Vickers who were excused; and Messrs. Goodrich, Haberman, Lewis, and Venditte who were excused until they arrive.

UNANIMOUS CONSENT - Withdraw Motion on LB 183

Mr. Kelly asked unanimous consent to withdraw his pending motion found in the Journal on page 1418 to reconsider action on LB 183. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 23 and 183.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 23, 183, and LR 49.

GENERAL FILE

LEGISLATIVE BILL 378. Title read. Considered.

Standing Committee amendments found in the Journal on page 1113 for the Fifty-Fourth Day were considered.

Mr. Nichol offered the following amendment to the Standing Committee amendments:

1. In the committee amendments on page 1, line 3 strike "9" and insert "10"; in line 7 strike "and" and insert "or"; and in line 8 strike "crime" and insert "felony".

2. On page 3, line 18 after "act" insert ", except that no sentence to treatment shall exceed the maximum length of time such offender could have been sentenced on the underlying criminal conviction".

3. Insert the following new section:

"Sec. 10. Ninety days prior to the release from custody of any mentally disordered sex offender who has (1) previously been adjudged untreatable and sentenced pursuant to section 4 of this act, (2) been determined to have received the maximum benefit from treatment and sentencing pursuant to section 9 of this act, (3) been sentenced to treatment pursuant to section 5 of this act, but whose time in treatment will, within ninety days, exceed the maximum length of time such offender could have been sentenced on the underlying criminal conviction, the Board of Parole, Department of Correctional Services, or

other unit of government having final release authority, shall give notice to the county attorney who prosecuted the underlying ciminal charge that the release of such offender is so pending. Upon receipt of such notice from the releasing authority, the county attorney shall cause mental health commitment proceedings to be commenced on behalf of such offender pursuant to the Nebraska Mental Health Commitment Act.".

4. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendments:

To amend Sen. Nichol's amendment so that the procedure adopted will apply to any person imprisoned or confined for commission of any crime against a person as defined by statute.

Mr. Chambers moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Beutler	Dworak	Marsh	Pirsch
Brennan	Fowler	Marvel	Reutzel
Chambers	Koch	Merz	Simon

Voting in the negative, 24:

Clark	Goodrich	Kahle	Maresh	Sieck
Cope	Hasebroock	Kennedy	Newell	Stoney
Duis	Hefner	Labedz	Nichol	Wagner
Fitzgerald	Hoagland	Lamb	Rumery	Warner
George	Johnson	Landis	Schmit	

Present and not voting, 8:

Burrows	Cullan	Kelly	Kremer
Carsten	Haberman	Keyes	Wesely

Excused and not voting, 5:

DeCamp	Lewis	Murphy	Venditte	Vickers

The Chambers amendment lost with 12 ayes, 24 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Standing Committee amendments, as amended, were adopted with 27 ayes, 2 nays, 15 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. Keyes and Mrs. Marsh asked unanimous consent to print the following amendment to LB 44 in the Journal. No objections. So ordered.

1. On page 3, line 24 strike beginning with "equal" through "dollars", show the old matter as stricken and insert ", in an amount determined pursuant to section 2 of this act,".

2. Insert new sections as follows:

"Sec. 2. Each resident individual shall be allowed a food sales tax credit equal to four dollars for each one half per cent of sales tax imposed, including both state and local, where such individual resides.

Sec. 3. That section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,144. The Tax Commissioner shall collect the tax imposed by any incorporated municipality concurrently with collection of a state tax in the same manner as the state tax is collected. The Tax Commissioner shall remit monthly the proceeds of the tax to the incorporated municipalities levying the tax, after deducting the amount necessary to meet the municipality's share of the food sales tax credit pursuant to section 2 of this act and the amount of refunds made and then three per cent of the remainder as an administrative fee necessary to defray the cost of collecting the tax and the expenses incident thereto. The Tax Commissioner shall keep full and accurate records of all money received and distributed under the provisions of sections 77-27,142 to 77-27,148.

All receipts from the three per cent administrative fee shall be deposited in the state General Fund.".

3. On page 5, line 13 strike "section 77-2715" and insert "sections 77-2715 and 77-27,144"; and in line

14 strike "is" and insert "are".
4. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendments to LB 285 in the Journal. No objections. So ordered.

1. Strike the original sections and all amendments thereto and insert the following:
"Section 1. That sections 77-1355 and 77-1356, Revised Statutes Supplement, 1978, as amended by sections 1 and 2, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, are repealed.".
2. Strike E & R amendment 4 and insert the following:
"FOR AN ACT to repeal sections 77-1355 and 77-1356, Revised Statutes Supplement, 1978, as amended by sections 1 and 2, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, relating to budgets of political subdivisions.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 589 in the Journal. No objections. So ordered.

1. On page 45, line 11, strike "5,819,704" and insert "6,047,823"; in line 13, strike "5,958,504" and insert "6,186,623"; in line 19, strike "12,900,746" and insert "13,128,865"; after line 16 insert a new paragraph as follows:
"There is included in the appropriation to this program $228,119 from the General Fund to be used for the replacement of the helicopter."; and in line 22, strike "13,337,046" and insert "13,565,165".

MOTION - Return LB 103 to Select File

Mr. Schmit moved to return LB 103 to Select File for the following specific amendment:
Strike the enacting clause to L.B. 103.

Laid over.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 391. Placed on General File as amended.
Standing Committee amendments to LB 391:
2 1. Insert new sections as follows:

"Section 1. That section 23-2315, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2315. An employee may elect to retire at any time after attaining the age of sixty. An employee may retire as a result of disability at any age. An employee may be required to retire under rules adopted by the county board of the county by whom he or she is employed, except that such rules shall not require retirement before the end of the month in which an employee's ~~sixty-fifth~~ seventieth birthday occurs, which rules shall require retirement no later than the end of the month in which an employee's seventy-second birthday occurs, and such rules shall not apply to elected officials. The first day of the month immediately following the last day of work shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board.

Sec. 2. That section 79-1041, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1041. (1) Any person, who becomes an employee on or after the date of establishment of the system, shall become a member of the retirement system upon employment; Provided, no person employed whose attained age at date of employment is ~~sixty~~ sixty-five or over shall become a member of the system. Contributions by such employee under sections 79-1032 to 79-1060 shall begin with the first payroll period after becoming a member and creditable service shall then begin to accrue.

(2) Any person who is an employee on the date of the establishment of the system shall become a member as of that date, unless during the period of sixty days prior to the establishment he or she shall have filed with the board, on a form prescribed by the system, a duly executed waiver of all present and prospective annuities or benefits which he or she would otherwise have as a member. Any employee who so elects not to become a member by filing such a waiver may nevertheless thereafter apply for and be admitted to membership but, except as hereinafter provided, without credit for service rendered on or after the date of establishment of the system and prior to the time he or she becomes a member. Any employee who shall elect not to become a member shall continue to make contributions upon the same basis as he or she had contributed in any preexisting plan and shall be entitled to all the rights, benefits, and privileges to which he or she might have been entitled under such preexisting plan had it been continued in full force and effect. Any person who was

an employee on the date of the establishment of the system and who executed such election and waiver may file with the board a rescission of his or her waiver. Such employee shall become a member as of the date of the rescission of his or her waiver, and if such rescission is made within two years of the effective date of this system, he or she may elect to pay to the system an amount equal to the accumulated contributions which would have been made had he or she not so elected. Upon payment of this amount, the board shall forthwith pay to the system a like amount whereupon the member shall be entitled to past service credits in the same manner and in the same amount as would have been the case had no waiver been executed. If any member withdraws his or her accumulated contributions, he or she shall thereupon cease to be a member of the system.

Sec. 3. That section 79-1057, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1057. Members who would have been eligible to retire at an earlier date under a previously existing system may retire at the normal retirement date, the permissive retirement date, or such earlier date. All members shall be retired at ~~normal~~ the compulsory retirement date. ~~except upon written request of the member and the approval of the board, or at permissive retirement date at the option of the member. The member may be continued in service from year to year but in no case beyond his compulsory retirement date. In event such continuation of service is granted, no contributions to the system shall be made by the member nor by the district for services rendered after normal retirement date.~~ In event of retirement other than at normal retirement date, the member's annuity on account of membership service shall be calculated as of his or her age at retirement and shall be the actuarial equivalent of the annuity to which he or she would otherwise have been entitled on account of membership service at normal retirement date.

Sec. 4. That section 79-1509, Revised Statutes Supplement, 1978, be amended to read as follows:

79-1509. ~~(1)~~ The membership of the retirement system shall be composed as follows: ~~(a)~~ (1) All persons who become senior school employees after September 1, 1945, and who have not attained their ~~sixty-fifth~~ sixty-sixth birthday on or before July 1 last preceding the date of employment, except those specifically excluded under sections 79-1512 and 79-1513, shall become members as soon as they become senior school employees; ~~(b)~~ (2) senior school employees on July 1, 1945, except

those specifically excluded in sections 79-1512 and 79-1513, shall be members of the retirement system as of July 1, 1945, unless prior to October 1, 1945, any such employee shall have filed with the retirement board and with his or her employer a notice of his or her election not to be included in the membership of the system and a duly executed waiver of all the present and prospective benefits which would otherwise inure to him or her on account of his or her membership in the retirement system; and ~~(c)~~ (3) emeritus members as defined in section 79-1501.

~~(2) Any individual who, at the age of sixty years or older or within five years of his or her expected retirement age, whichever is earlier, becomes a senior school employee shall not be required to become a member of a retirement system established pursuant to Chapter 79, article 15. Such individual may elect to come under the applicable retirement system and, upon such election, shall pay the contributions required by the system. Any contributions paid by such individual shall be credited to his or her account for the purpose of providing a savings account for such individual, and such account shall earn regular interest from the date of first contribution.~~

Sec. 5. That section 79-1521, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1521. Any member in service who attains or shall have attained the age of ~~sixty-five~~ seventy years shall be retired forthwith from active duty as a school employee; Provided, that, with the approval of his or her employer, given from year to year, he or she may remain in service ~~after he attains the age of sixty-five years~~ until the attainment of age seventy-two. ~~; and provided further, that such member shall make no further~~ a member who remains in service past seventy years of age shall not make deposits in the School Employees' Savings Fund as provided in section 79-1531, nor shall he or she receive further credit toward any service annuity.

The provision for mandatory retirement at age seventy-two shall not apply to elected officials.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Strike original section 2 and insert a new section 7 as follows:

"Sec. 7. That original sections 23-2315, 79-1041, 79-1057, 79-1521, and 84-1317, Reissue Revised Statutes of Nebraska, 1943, and section 79-1509, Revised Statutes Supplement, 1978, are repealed.".

3. Renumber original section 1 as section 6.

(Signed) William H. Hasebroock, Chairman

MR. NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 581. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 584. Title read. Considered.

Standing Committee amendments found in the Journal on page 1415 for the Sixty-Fourth Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 212. Title read. Considered.

Standing Committee amendments found in the Journal on page 1411 for the Sixty-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.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 533. Placed on General File as amended.
Standing Committee amendments to LB 533:

1. On page 2, line 4 reinstate "ten" and in line 5 strike "two".
2. On page 3 line 6 strike the new matter and reinstate the stricken matter; in line 9 strike "September 2, 1973", show as stricken, and insert "the effective date of this act"; and strike the new matter in lines 17 and 18.
3. On page 5, strike lines 13 through 27.
4. On page 6 strike lines 1 through 13 and show the old matter as stricken; and in line 14 strike

"(6)" and insert "(4)".

5. Insert the following new section:

"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.".

(Signed) William H. Hasebroock, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 395 in the Journal. No objections. So ordered.

1. On page 2, reinstate the stricken matter in line 7; in line 8 reinstate "right-of-way"; in line 9 strike "yield" and insert "~~yield~~"; and in line 10 after "crosswalk" insert "who is in the lane in which the driver is proceeding or is in the lane immediately adjacent thereto,".

GENERAL FILE

LEGISLATIVE BILL 594. Title read. Considered.

Mr. Nichol offered the following amendment:

On page 4 after line 6 insert a new section:

"Sec. 3. Program 984. The Department of Public Institutions is hereby authorized to provide additional nursing care beds at the Western Nebraska Veterans Home in Scottsbluff. There is hereby appropriated $500,000 from the Veterans Home Building Fund and any available federal funds for the fiscal year ending June 30, 1980, for such nursing care beds.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Mr. Nichol moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 and not voting.

The Nichol amendment was adopted with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment:

PURPOSE: To remove the appropriation for land improvements at the Armstrong Recreation Area.
AMENDMENT:
On page 6, line 21, strike "880,500" and insert "870,500"; on page 7, strike lines 12 and 13.

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Warner requested a roll call vote to advance LB 594.

Voting in the affirmative, 24:

Beutler	Dworak	Hoagland	Lewis	Rumery
Brennan	Fitzgerald	Johnson	Marsh	Sieck
Chambers	Fowler	Keyes	Merz	Simon
Cope	Goodrich	Koch	Newell	Wesely
Cullan	Hasebroock	Landis	Nichol	

Voting in the negative, 17:

Carsten	Haberman	Kremer	Marvel	Warner
Clark	Hefner	Labedz	Schmit	
Duis	Kahle	Lamb	Stoney	
George	Kennedy	Maresh	Wagner	

Present and not voting, 3:

Burrows	Kelly	Reutzel

Excused and not voting, 5:

DeCamp	Murphy	Pirsch	Venditte	Vickers

Failed to advance to E & R for Review with 24 ayes, 17 nays, 3 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 268, 301, 334, 342, 478, 536, and LR 5.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business the Speaker signed the following bills: 268, 301, 334, 342, 478, 536, and LR 5

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused Thursday, April 12, 1979. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 485A. By Miscellaneous Subjects Committee: Newell, 13th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, Eighty-sixth Legislature, First Session, 1979.

GENERAL FILE

LEGISLATIVE BILL 585. Title read. Considered.

Mr. Lewis offered the following amendment:
Pg. 19 strike Program 715

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Lewis withdrew his amendment.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 587 in the Journal. No objections. So ordered.

Appropriations Committee Amendments to LB 587

On page 26, line 7, strike "81-117.01" and insert "81-117.02"

On page 26, in Section 24, strike subsection (1) of Section 24; in line 13, strike "(2) Expenditures for personal services" and insert "Total expenditures for permanent and temporary salaries and per diems"; in lines 21 and 22, strike "Personal services expenditures" and insert "Expenditures for permanent and temporary salaries and per diems"; in line 23 strike "personal services limitations" and insert "limitations on permanent and temporary salaries and per diems"; and in line 27, strike "personal service".

On page 27, in line 1, after "limitation" insert "on permanent and temporary salaries and per diems".

On page 16, in line 10, strike "For".

On page 23, in line 6, after "as", strike "for".

Mr. Warner asked unanimous consent to print the following amendments to LB 589 in the Journal. No objections. So ordered.

Appropriations Committee Amendments to LB 589

AMENDMENTS:

on page 18, in line 15, strike "624,145" and insert "648,998"; in line 27, strike "1,381,761" and insert "1,391,324.

On page 26, in line 8, strike "704,632" and insert "721,898".

On page 36, line 19, strike the second "the".

On page 41, line 21, strike "119,900" and insert "119,990".

On page 43, line 3, strike "23,520" and insert "24,877".

On page 62, in lines 7 and 8, strike "Feed Tonnage Tax Fund,"; in line 8, after "Administrative Fund" insert ", Fertilizer".

On page 62, line 24, strike the semicolon and insert the following: ", Nebraska Outdoor Recreation Development Fund;"

On page 64, line 24, strike the semicolon and insert the following: ", State Aid Bridge Fund;"

On page 69, after line 22 add a new subsection 7 to read as follows: "(7) Department of Roads: Federal Surplus Property Revolving Fund."

On page 71, in line 20, strike "Expenditures for personal services" and insert "(1) Total expenditures for permanent and temporary salaries and per diems"; on page 72, in lines 1 and 2, strike "Personal

services expenditures" and insert "Expenditures for permanent and temporary salaries and per diems"; in line 3, strike "personal services limitations" and insert "limitation on permanent and temporary salaries and per diems"; and in lines 7 and 8, strike "personal service limitation" and insert "limitation on permanent and temporary salaries and per diems".

On page 72, after line 9, add a new subsection to read as follows: "(2) Expenditures for permanent and temporary salaries resulting from awards made to employees under the provisions of sections 81-1346 to 81-1354, Revised Statutes Supplement, 1978, shall be in addition to the limitations on permanent and temporary salaries and per diems otherwise shown within this act."

On page 75, in line 16, strike "81-117.01" and insert "81-117.02".

On page 75, strike Section 59 and renumber sections accordingly.

Mr. Warner asked unanimous consent to print the following amendments to LB 586 in the Journal. No objections. So ordered.

Appropriations Committee Amendments to LB 586

AMENDMENTS:

On page 17, in Section 29, strike subsection (1) of Section 29.

On page 17, line 16, strike "(2) Expenditures for personal services" and insert "(1) Total expenditures for permanent and temporary salaries and per diems"; and lines 24 and 25, strike "Personal services expenditures" and insert "Expenditures for permanent and temporary salaries and per diems"; and line 26, strike "personal services limitations" and insert "limitations on permanent and temporary salaries and per diems"; and on page 18, lines 3 and 4, strike "personal service limitation" and insert "limitation on permanent and temporary salaries and per diems".

On page 18, after line 5, add a new subsection to read as follows:

"(2) Expenditures for permanent and temporary salaries resulting from awards made to employees under the provisions of sections 81-1346 to 81-1354, Revised Statutes Supplement, 1978, shall be in addition to the limitations on permanent and temporary salaries and per diems otherwise shown within this act."

On page 21, line 12, strike "81-117.01" and insert "81-117.02".

On page 15, in line 24, strike the period and insert ", and, after the effective date of Legislative Bill 196, Eighty-sixth Legislature, First Session, 1979, the Securities Deposit Trust Fund."; and on page 16, in line 9, strike the period and insert "until the effective date of Legislative Bill 196, Eighty-sixth Legislature, First Session, 1979, at which time such funds shall be transferred to the Securities Deposit Trust Fund."

Mr. Warner asked unanimous consent to print the following amendments to LB 585 in the Journal. No objections. So ordered.

Appropriations Committee Amendments to LB 585

On page 23, after Section 50, insert a new section to read as follows and renumber the remaining sections.

"Sec. 51. It is the intent of the Legislature that the governing body of any political subdivision or entity having authority to establish salary policy for employees whose salaries are funded in total or in part by funds from state aid programs appropriated in this act shall not increase the combined salaries of such employees during 1979-80 in excess of seven per cent in compliance with the salary policy for state employees for fiscal year 1979-80."

On page 23, in line 16, strike "personal services" and insert "permanent and temporary salaries and per diems for state employees".

Mr. Warner asked unanimous consent to print the following amendments to LB 593 in the Journal. No objections. So ordered.

Appropriations Committee Amendments to LB 593

On page 13, in line 22, after "914," insert "916,"; after "932," insert "937,".

On page 10, in line 24, strike "require" and insert "~~require~~ required".

Mr. Warner asked unanimous consent to print the following amendments to LB 588 in the Journal. No objections. So ordered.

Appropriations Committee Amendments to LB 588

On page 18, in Section 23, strike subsection (1) of Section 23; in line 12, strike "(2) Expenditures for personal services" and insert "(1) Total expenditures for permanent and temporary salaries and per diems"; in lines 20 and 21, strike "Personal services expenditures" and insert "Expenditures for permanent and temporary salaries and per diems"; in line 22, strike "personal services limitations" and insert "limitations on permanent and temporary salaries and per diems"; and in lines 26 and 27, strike "personal service limitation" and insert "limitation on permanent and temporary salaries and per diems".

On page 19, after line 1, add a new subsection to read as follows: "(2) Expenditures for permanent and temporary salaries resulting from awards made to employees under the provisions of sections 81-1346 to 81-1354, Revised Statutes Supplement, 1978, shall be in addition to the limitations on permanent and temporary salaries and per diems otherwise shown within this act."

On page 22, in line 9, strike "81-117.01" and insert "81-117.02".

VISITORS

Visitors to the Chamber were 31 fourth grade students and teachers from Brownell Elementary, Lincoln; and 11 seniors and teacher from Nemaha Valley, Cook.

ADJOURNMENT

At 4:41 p.m., on a motion by Mr. Lewis, the Legislature adjourned until 8:30 a.m., Thursday, April 12, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SIXTH DAY - APRIL 12, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 12, 1979

Pursuant to adjournment, the Legislature met at 8:30 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God our Father, history and experience have given us so many evidences of Your guidance to nations and to individuals that we wonder at our ability to doubt Your power and Your willingness to guide us. Give us the faith to believe that whenever You want us to do or not to do any particular thing, You always find a way of letting us know it.
>
> We thank You for the special meaning of this day to so many of us. Help us each one to see it - regardless of our religious training - as a sign of Your presence with us and Your desire to work in and through us.
>
> May we not make it more difficult for You to guide us, but may we be willing to be led of You, that Your will may be done in us and through us for the good of Nebraska, and of America, and of all mankind. All praise be Yours, O God. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. DeCamp, Fowler, Haberman, Merz, Newell, Simon, and Vickers who were excused; and Messrs. Brennan, Burrows, Chambers, Goodrich, Venditte, Wesely, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fifth 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 April 11, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brill, Franklin S. - Lincoln, Nebraska Association of Public Employees
Crosby, Guenzel, Davis, Kessner & Kuester:
Dunn, Donald L. - Lincoln, Better Nebraska Association
Crowl, Ralph E. - Omaha, Nebraska State AFL-CIO
Tews and Radcliffe:
Tews, David D. - Lincoln, Nebraska Restaurant Employers

UNANIMOUS CONSENT - Print in Journal

Mr. Lewis asked unanimous consent to print the following amendments to LB 398 in the Journal. No objections. So ordered.

1. In the committee amendments, on page 1, lines 3 and 4 strike "forty-five thousand five hundred" and insert "fifty-three thousand"; in line 7 strike "forty-two thousand" and insert "forty-five thousand five hundred"; in line 10 strike "forty-one thousand" and insert "forty-two thousand five hundred".

2. In the committee amendments on page 2, line 4, strike "thirty-eight" and insert "forty"; and in line 10 strike "thirty-nine thousand" and insert "forty-two thousand five hundred".

3. In the original bill on page 3 reinstate the stricken matter in lines 2 through 15; and on page 5 reinstate the stricken matter in lines 3 through 16.

SELECT COMMITTEE REPORT
Committee on Committees

April 11, 1979

The Committee on Committees desires to report favorably upon the following appointment which was heard March 21, 1979. The Committee suggests the appointment be confirmed by the Legislative Body and suggests a record vote.

James D. Johnson
Nebraska Educational Television Commission

VOTE: For: Marsh, Burrows, Cope, Hasebroock, Labedz, Nichol, Schmit, Wesely. (8) Against: Simon, Cullan, Reutzel. (3) Not Voting: None. Excused: None. Absent: Lewis, Newell. (2)

The Committee on Committees desires to report that the following appointment heard March 29, 1979 was not confirmed by the Committee:

Vic Haas
Agricultural Products Industrial Utilization Committee

VOTE: For: Marsh, Cope, Hasebroock, Labedz, Schmit. (5) Against: Cullan, Nichol, Reutzel. (3) Not Voting: Simon, Burrows, Wesely. (3) Excused: None. Absent: Lewis, Newell. (2)

The Committee on Committees desires to report favorably upon the following appointments heard April 4, 1979. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Norval Bowen - State Electrical Board
S. R. Chaulk, D.V.M. - State Board of Health
Jack Thompson - Nebraska Arts Council
Glenn Wilson - Nebraska Power Review Board

VOTE: For: Marsh, Simon, Burrows, Cope, Cullan, Hasebroock, Labedz, Nichol, Reutzel, Schmit, Wesely. (11) Against: None. Not Voting: None. Excused: None. Absent: Lewis, Newell. (2)

The Committee on Committees desires to report favorably upon the following appointments which were heard April 11, 1979. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Gerald A. Novelly
Motor Vehicle Industry Licensing Board
William H. Palmer, Director
Nebraska Energy Office
Ann-Margaret Ulrich
Nebraska Investment Council

VOTE: For: Marsh, Simon, Burrows, Cope, Cullan, Hasebroock, Labedz, Nichol, Schmit, Wesely. (10) Against: Reutzel. (1) Not Voting: None. Excused: None. Absent: Lewis, Newell. (2)

(Signed) Shirley Marsh, Chairperson

MOTION - Suspend Rules

Mr. Marvel moved to suspend the rules, Rule 6, Sec. 6b to take up LB 542 on Final Reading today.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

MOTION - Return LB 542 to Select File

Mr. Lewis moved to return LB 542 to Select File for the following specific amendment:
Strike page 22, line 10 - 22.

Mr. Murphy 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. Lewis withdrew his motion.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 542 to Select File

Mr. Dworak moved to return LB 542 to Select File for the following specific amendment:
Strike Sec. 42 and 43.

Mr. Dworak withdrew his motion.

UNANIMOUS CONSENT - LB 542

Speaker Marvel asked unanimous consent to have LB 542 laid over until Tuesday, April 17, 1979. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

(Amendments are to the Committee Amendments)

1. On page 8, lines 10 and 13 after "records" insert "of the department or division".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 12, 1979, at 9:00 a.m., were the following bills: 183, 23, 268, 301, 334, 342, 478, 536, and LR 5.

(Signed) Janet M. Loder, Enrolling Clerk

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 583. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

VISITOR

Messrs. Fitzgerald, Brennan, Burrows, Wagner, and Koch escorted Mr. Billy O. Hightower, National Commander of the Disabled American Veterans Organization to the Chamber. Commander Hightower spoke to the members briefly.

EASE

The Legislature was at ease from 9:29 a.m. until 9:35 a.m.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 421. E & R amendments found in the Journal on page 1382 for the Sixty-Third Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 421 to Select File

Mr. Murphy moved to return LB 421 to Select File for the following specific amendment:
By striking section 10.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Murphy motion prevailed with 27 ayes, 2 nays, 8 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 421. The Murphy specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 51. Read. Considered.

Mr. Lewis asked unanimous consent to add his name to LR 51. No objections. So ordered.

LR 51 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 319. Title read. Considered.

Standing Committee amendments found in the Journal on page 1111 for the Fifty-Fourth Day were considered.

Laid over.

LEGISLATIVE BILL 39. Title read. Considered.

Standing Committee amendments found in the Journal on page 730 for the Thirty-Ninth Day were adopted with 25 ayes, 2 nays, 10 present and not voting, and 12 excused and not voting.

Mrs. Marsh offered the following amendment:

Page 2, line 8 after word Health, insert the following:

"Provided no infant shall be screened if a parent or guardian objects thereto on the grounds that such a screening is contrary to the religious tenets of an established Church of which he or she is a member or adherent.

The amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 576. Title read. Considered.

Standing Committee amendments found in the Journal on page 866 for the Forty-Fifth Day were adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

MR. LEWIS PRESIDING

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 576A. 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.

LEGISLATIVE BILL 559. Title read. Considered.

Standing Committee amendment found in the Journal on page 966 for the Forty-Ninth Day was adopted with 27 ayes, 0 nays, 10 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 559A. 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.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 332. Title read. Considered.

Standing Committee amendment found in the Journal on page 1059 for the Fifty-Second 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 354. Title read. Considered.

Standing Committee amendments found in the Journal on page 1060 for the Fifty-Second 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.

LEGISLATIVE BILL 390. Title read. Considered.

Standing Committee amendments found in the Journal on page 1066 for the Fifty-Second Day were considered.

Mr. Burrows renewed his pending amendment to the Standing Committee amendment found in the Journal on page 1121.

Mr. Koch 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. Burrows moved for a Call of the House. The motion prevailed with 9 ayes, 4 nays, and 36 not voting.

Mr. Burrows requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Brennan	George	Kennedy	Landis	Sieck
Burrows	Hoagland	Keyes	Marvel	Warner
Chambers	Johnson	Lamb	Schmit	Wesely

Voting in the negative, 19:

Beutler	Cullan	Hefner	Maresh	Rumery
Carsten	Duis	Kelly	Marsh	Stoney
Clark	Dworak	Koch	Murphy	Wagner
Cope	Hasebroock	Kremer	Reutzel	

Present and not voting, 3:

Fitzgerald	Kahle	Lewis

Excused and not voting, 12:

DeCamp	Haberman	Newell	Simon
Fowler	Labedz	Nichol	Venditte
Goodrich	Merz	Pirsch	Vickers

The Burrows amendment lost with 15 ayes, 19 nays, 3 present and not voting, and 12 excused and not voting.

Laid over.

The Chair declared the Call raised.

LEGISLATIVE BILL 193. Title read. Considered.

Standing Committee amendments found in the Journal on page 1388 for the Sixty-Third 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 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Johnson asked unanimous consent to print the following amendments to LB 285 in the Journal. No objections. So ordered.

(STANDING COMMITTEE AMENDMENT)

1. On page 2, line 17, after the underscored period, insert "For the public school districts, any receipts from the county nonresident high school tuition fund shall be considered as receipts from local tax sources.".

2. On page 3, line 1, strike "Combined" and insert "(1) Except as provided in subsection (2) of this section, combined"; after the underscored period in line 9, insert a new subsection (2) as follows:

"(2) If any two or more political subdivisions are merged according to law, the combined receipts budget base of such newly merged political subdivision in the fiscal year immediately ensuing the completion of such merger shall be the sum of the anticipated combined receipts of each individual political subdivision involved in such merger for the current fiscal year."; and in line 13 after the second underscored comma insert "or pursuant to the charter or ordinances of a city with a home rule

charter,".

3. On page 4, line 5 after "act" insert "; (4) receipts from any tax levied pursuant to section 79-506.01, Reissue Revised Statutes of Nebraska, 1943;"; after the underscored period in line 25, insert "For the purposes of this act, the tax levied or caused to be levied by a newly created political subdivision in the first year such levy generates tax receipts shall be considered as a newly authorized levy.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 123 in the Journal. No objections. So ordered.

(Amendments are to the Committee Amendments)

1. On page 1, line 3 strike the first "any" and insert "more than fifty per cent of the"; and in line 12 after the period insert "At least three-fifths of the members of the board of directors of any Nebraska bank or bank holding company shall be Nebraska residents.".

SELECT COMMITTEE REPORT
LR 1 Committee

April 11, 1979

The LR 1 Committee met Friday, March 26, 1979 and unanimously made the following recommendations for the naming of Legislative hearing rooms in accordance with the provisions of LR 1.

Room	Committee Assignments	Name
2230	Misc. Subjects; Banking; Urban Affairs	Kenneth S. Wherry
1003	Appropriations	Sarah T. Muir
1019	Const. Review & Rec; Health & Welfare; Business & Labor	John N. Norton
1113	Judiciary; Government, Military and Veterans Affairs	Arthur F. Mullen
1515	Education; Public Works	C. Petrus Peterson

1520 Revenue; Agriculture and Environment — Moses P. Kinkaid

2102 Executive Board — Gilbert M. Hitchcock

(Signed) Dave Newell, Chairman

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 152. Placed on General File as amended.
Standing Committee amendments to LB 152:

1. Strike original sections 2 to 11 and insert:

"Sec. 2. That section 28-1102, Revised Statutes Supplement, 1978, be amended to read as follows:

28-1102. (1) A person commits the offense of promoting gambling in the first degree if he or she knowingly advances or profits from unlawful gambling activity by:

(a) Engaging in bookmaking to the extent that he or she receives or accepts in any one day ~~more than five bets totaling more than five hundred dollars~~ one or more bets totaling one thousand dollars or more; or

~~(b) Receiving, in connection with a lottery or mutual scheme or enterprise, money or written records from a person other than a player whose chances or plays are represented by such money or records; or~~

~~(c)~~ (b) Receiving, in connection with ~~a lottery, mutual, or~~ any other gambling scheme or enterprise, more than ~~five hundred~~ one thousand dollars of money played in the scheme or enterprise in any one day.

(2) Promoting gambling in the first degree is a Class ~~III~~ IV felony.

Sec. 3. That section 28-1103, Revised Statutes Supplement, 1978, be amended to read as follows:

28-1103. (1) A person commits the offense of promoting gambling in the second degree if he or she knowingly advances or profits from gambling activity or bets something of value in an amount of more than three hundred dollars but less than one thousand dollars with one or more persons in one day.

(2) Promoting gambling in the second degree is a Class I misdemeanor.

Sec. 4. That section 28-1104, Revised Statutes Supplement, 1978, be amended to read as follows:

28-1104. (1) A person commits the offense of promoting gambling in the third degree if he or she knowingly participates in gambling as a player by betting less than three hundred dollars in any one day.

(2) Promoting gambling in the third degree is a Class IV misdemeanor.

Sec. 5. That section 28-1105, Revised Statutes Supplement, 1978, be amended to read as follows:

28-1105. (1) A person commits the offense of possession of gambling records ~~in the first degree~~ if, other than as a player, he or she knowingly possesses any writing, paper, instrument, or article which is: ~~constitutes, reflects, or represents more than five bets totaling more than five hundred dollars, and which is:~~

(a) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise; or

(b) Of a kind commonly used in the operation, promotion, or playing of a lottery or mutuel scheme or enterprise.

(2) Possession of gambling records in the first degree is a Class ~~IV felony~~ II misdemeanor.

Sec. 6. That section 28-1107, Revised Statutes Supplement, 1978, be amended to read as follows:

28-1107. (1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.

(2) This section shall not apply to any coin-operated mechanical game designed and manufactured to be played for amusement only and which may allow the player the right to replay such mechanical game at no additional cost, which right to replay shall not be considered money or property, except that such mechanical game (a) can accumulate no more than fifteen free replays at one time, (b) can be discharged of accumulated free replays only by reactivating the game for one additional play for each accumulated free replay, and (c) makes no permanent record directly or indirectly of free replays so awarded. Notwithstanding any other provisions of this section, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of sections 4461 and 4462 of Title 26, United States Code, amended July 1, 1965, by Public Law 89-44, are hereby declared to be illegal and excluded from the exemption granted in this section.

(3) Possession of a gambling device is a Class ~~I~~ II misdemeanor.

Sec. 7. That section 28-1108, Revised Statutes Supplement, 1978, be amended to read as follows:

28-1108. In any prosecution under ~~section 28-1105 or 28-1106~~ this article, it shall be an affirmative defense that the writing, paper, instrument, or article possessed by the defendant was neither used nor intended to be used in the advancement of an unlawful gambling activity.

Sec. 8. That section 28-1109, Revised Statutes Supplement, 1978, be amended to read as follows:

28-1109. ~~(1)~~ Proof of possession of any gambling record specified in ~~sections 28-1105 and 28-1106~~ this article or of any gambling device shall be prima facie evidence of possession thereof with knowledge of its contents and character.

~~(2) In any prosecution under this article in which it is necessary to prove the occurrence of a sporting event, a published report of its occurrence in any daily newspaper, magazine, or other periodically printed publication of general circulation shall be admissible in evidence and shall constitute prima facie evidence of the occurrence of the event.~~

Sec. 9. That section 28-1115, Revised Statutes Supplement, 1978, 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, rent, and taxes related to such lottery.~~ Any nonprofit organization holding a certificate of exemption under the Internal Revenue Code, section 501, whose major activities, exclusive of conducting lotteries, raffles, or gift enterprises, are conducted for charitable and community betterment purposes, may conduct lotteries, raffles, and gift enterprises. The gross proceeds of such activities may be used solely for charitable or community betterment purposes, awarding of prizes to participants, and operating such lottery, raffle, or gift enterprise, except that the expense of operating a lottery, raffle, or gift enterprise, to be paid out of the gross proceeds of any such scheme, shall not exceed twenty-five per cent of the gross proceeds of such scheme. For the purpose of this section, the expenses of operating a lottery shall include (1) all costs associated with printing or manufacturing any items to be used or distributed to participants such as tickets or other paraphernalia, (2)

all office expenses, (3) all promotional expenses, (4) all salaries of persons employed to operate the scheme, (5) any rental or lease expense, and (6) any fee paid to any person associated with the operation of a lottery, raffle, or gift enterprise, except that prizes awarded to participants shall not be included within the twenty-five per cent limitation contained in this section.

Sec. 10. In any prosecution under this article in which it is necessary to prove the occurrence of a sporting event, a published report of its occurrence in any daily newspaper, magazine, or other periodically printed publication of general circulation shall be admissible in evidence and shall constitute prima facie evidence of the occurrence of the event.

Sec. 11. That original sections 28-1101 to 28-1105, 28-1107, 28-1109, and 28-1115, Revised Statutes Supplement, 1978, and also section 28-1106, Revised Statutes Supplement, 1978, are repealed.".

(Signed) Dave Newell, Chairman

UNANIMOUS CONSENT - LB 329

Mr. Chambers asked unanimous consent to have a white copy of LB 329 printed with all adopted amendments incorporated therein. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 53.

Introduced by Cullan, 49th District; Schmit, 23rd District; Kremer, 34th District.

WHEREAS, a critical economic problem is facing the grain farmers of Nebraska due to the shortage of railroad grain cars and locomotives; and

WHEREAS, farmers are continuously forced to absorb the penalty of late delivery of grain because of such shortages; and

WHEREAS, it is apparent the export elevators at shipping ports that are served only by rail are short of grain and are operating only eight hours daily while those elevators served by barges are loading ships 24 hours a day, seven days a week; and

WHEREAS, exporters have to cancel sales or buy back grain sold because they cannot deliver it to their export points, while inland elevators are paying penalties as high as $600 a week for late delivery in addition to interest on loans on grain purchased from farmers which they cannot deliver to their foreign customers; and

WHEREAS, there are reports that there are between 400-500 locomotives scheduled to be exported to foreign countries in the next 12 months while domestic railroads are facing long delays in getting ordered locomotives delivered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That President Carter be respectfully requested to order an embargo on the export of locomotives and railroad switch engines until all outstanding orders for locomotives from domestic railroads are filled.

2. That President Carter also be respectfully requested to persuade the Interstate Commerce Commission to order Eastern railroads to return hopper cars, fertilizer cars and box cars to the Midwestern railroads who desperately need the equipment to move grain from country elevators and fertilizer to rural areas as the spring planting season is upon us.

3. That the Clerk of the Legislature be directed to send copies of this resolution to the President of the United States and to each member of the Nebraska Congressional delegation.

Laid over.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 421. Replaced on Select File as amended.
E & R amendments to LB 421:

(Note: The Murphy amendment is construed as striking original section 10 in the Keyes amendment and not section 10 as renumbered in E & R amendment 2 adopted 4/12.)

1. Renumber present sections 13 to 17 as sections 12 to 16.

2. In the Keyes amendments, page 30, lines 13 and 24, strike "32-704,".

LEGISLATIVE BILL 331. Placed on Select File as amended.
E & R amendments to LB 331:

(References are to committee amendments)

1. On page 5, line 1, strike the comma and show stricken.

2. For correlation purposes, on page 5, line 27, insert ", as amended by section 1, Legislative Bill 345, Eighty-sixth Legislature, First Session, 1979" after "1978"; on page 6, line 7, insert a comma after "four",

and after the period insert "Each county having more than three hundred thousand inhabitants shall be divided into five districts numbered respectively, one, two, three, four, and five."; in line 16 insert a period after the first "thousand" and strike the rest of the sentence; in line 19 remove underscoring and strike the stricken matter and after "counties" insert "having more than three hundred thousand inhabitants, and in counties"; on page 7, line 1, strike the stricken matter and insert "~~, except that~~"; in line 26 insert "~~or her~~" after "~~his~~"; and on page 8, line 1, insert "~~or her~~" after "~~his~~"; and strike beginning with "In" in line 7 through line 14 and insert "After the effective date of this act, commissioners holding office in counties having more than three hundred thousand inhabitants shall continue to serve until the expiration of their terms, and thereafter their successors shall be nominated by district and elected at large according to the provisions of this section. Nothing in this section shall be construed to prohibit the reelection of commissioners currently holding office as long as such commissioner is reelected to represent his or her respective district.".

3. On page 13, line 18, insert an underscored comma after "If".

4. For correlation purposes, on page 14, lines 6 and 7, strike "and sections 23-151 and" and insert "section"; and in line 7 insert ", and section 23-151, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 345, Eighty-sixth Legislature, First Session, 1979" after "1978".

5. In the title, insert "23-205," at the end of line 2; in lines 4 and 5 strike "and sections 23-151 and" and insert "section"; in line 6 after "1978" insert ", and section 23-151, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 345, Eighty-sixth Legislature, First Session, 1979"; and in line 15 insert "to provide for enforcement of redistricting requirements;" after the semicolon.

(Signed) Don Wesely, Chairman

VISITORS

Visitors to the Chamber were 30 C.E.T.A. members from Omaha; and Craig Spencer of the Kearney Daily Hub.

ADJOURNMENT

At 11:46 a.m., on a motion by Mr. Johnson, the Legislature adjourned until 9:30 a.m., Tuesday, April 17, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SEVENTH DAY - APRIL 17, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 17, 1979

Pursuant to adjournment, the Legislature met at 9:32 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God our Father, in these days when people freely judge and condemn each other, remind us all of the Great Judgment seat before which we must all some day stand.
>
> You know whether we have been voices, or merely echoes, whether we have done Your will or our own; or, worse still, have done neither.
>
> Teach us, O God, that only Your "Well done", will bring us peace and lasting happiness.
>
> May we work for that this day, rather than the approval of men, which lasts only a little while. Bless our lives, and work in us that our lives may bless the lives of others. Amen.

ROLL CALL

The roll was called and all members were present except Mr. George who was excused; and Messrs. Beutler, Haberman, Kremer, and Vickers who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 216. Placed on Select File as amended.
E & R amendments to LB 216:

1. On page 3, insert an underscored comma after "shall" in line 3 and after "hour" in line 10.

2. In the title, lines 3 and 4, strike "banks and banking" and insert "disclosure of confidential information".

LEGISLATIVE BILL 546. Placed on Select File.

LEGISLATIVE BILL 224. Placed on Select File as amended.
E & R amendment to LB 224:

1. In the title, line 4, strike "section" and insert "sections 53-125 and"; and in line 6 insert "to remove a disqualification for license;" after the semicolon.

LEGISLATIVE BILL 378. Placed on Select File as amended.
E & R amendments to LB 378:

1. In committee amendments, page 1, line 25, and page 2, lines 2 and 19, insert "of" after "years".

2. In committee amendments, page 2, line 5, strike the second "the" and insert "a"; in line 6 strike "their" and insert "its".

3. In committee amendments, page 3, line 7, strike "of" and insert "for".

4. In committee amendments, page 5, line 2, strike "their" and insert "its".

5. In the Nichols amendments, strike the comma in line 21.

6. In the title, strike lines 2 to 4 and insert:
"FOR AN ACT relating to sexual offenders; to require presentence investigations; to provide for sentences or commitments and release therefrom as prescribed;".

LEGISLATIVE BILL 581. Placed on Select File.
LEGISLATIVE BILL 584. Placed on Select File.

LEGISLATIVE BILL 212. Placed on Select File as amended.
E & R amendment to LB 212:

1. In the title, strike beginning with "to" in line 3 through "fund" in line 4 and insert "to increase premium tax rates; to create a fund and provide its source and use".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 495.

Correctly Engrossed

The following bills were correctly engrossed: 14, 14A, 101, 101A, 298, 394, 412, and 412A.

(Signed) Don Wesely, Chairman

MESSAGES FROM THE GOVERNOR

April 12, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 23, 57 and 187.
These bills were signed by me on April 12, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 12, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Reengrossed Legislative Resolution 5.
This resolution was signed by me on April 12, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ATTORNEY GENERAL'S OPINIONS

Opinion No. 80
April 12, 1979

Dear Senator Hoagland:

You have asked that we review amendments that may be offered to LB 558, Section 19, Eighty-sixth Legislature, First Session, 1979. You have provided us with two alternative amendments. The only difference in the wording of the two amendments is in the amount of money to be appropriated. For purposes of this review, we will treat them as though one proposal existed. The language you propose is as follows:

> "The Game and Parks Commission is hereby authorized to continue aid to political subdivisions. There is hereby appropriated $550,000 from the State Building Fund and any federal funds for the fiscal year ending June 30, 1980. The Game and Parks Commission is hereby authorized to provide aid to political subdivisions. There is hereby appropriated $350,000 from the State Building Fund and any federal funds and private donations available for the fiscal year ending June 30, 1980. There is hereby appropriated $350,000 from the State Building Fund and any available federal funds and private donations available for the fiscal year ending June 30, 1981."

As an initial matter, clear authority exists in the Game and Parks Commission under sections 37-427, 37-428, and 81-815.53, R.R.S. 1943, to administer, maintain, operate, and replace land and water areas for recreation or fish and wildlife purposes or for both of such purposes in cooperation with the federal government.

The appropriation proposed by the two amendments appears to fall within the authority granted to the agency.

Additionally, it would appear that all requirements of law relating to the appropriation of money will be met by LB 558 and the amendment under review here. We find no technical defect with respect to the proposed provision under these guidelines. Therefore, the sole remaining question to be analyzed is whether or not any provision of the Constitution is violated by such an appropriation.

Our review indicates that the only possible area in which a constitutional violation might arise is under Article III, Section 18. That provision of the Constitution prohibits local and special legislation. The prescription of this provision of the Constitution runs to whether or not legislation acts alike on all areas which it purports to

affect. Generally, the Game and Parks Commission is authorized broad areas of discretion in determining what projects shall be funded through the money available from legislative appropriations, federal grants, and other revenue sources. No limitation is expressed within the appropriation we are considering, with respect to that discretionary authority in the Game and Parks Commission. Generally, the Legislature is not limited by this section on the subject involved. That is, the Legislature may legislate upon the subjects prescribed under this section, but it is the manner of the exercise of this power which is limited. See, Smiley v. MacDonald, 42 Neb. 5, 60 N.W.2d 355.

Where the manner selected by the Legislature is to establish a law that is general in its terms, then that power is vested in the Legislature under our Constitution. Here it is clear that the Legislature may act upon the specific subject under consideration. The question is whether or not the method selected violates any such provision. Under Bauer v. State Game, Forestation and Parks Commission, 138 Neb. 436, 293 N.W.2d 282, a law that operates uniformly and equally on all brought within its provisions is not a local or special law in a constitutional sense. Therefore, the proposed amendment is valid under Article III, Section 18 of the Constitution.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO/cmb
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 81
April 10, 1979

Dear Senator Newell:

You have called to our attention Legislative Bill 484 and raised certain questions about its constitutionality. Legislative Bill 484 originally repealed the entirety of section 23-1736, R.R.S. 1943. However, after a number of amendments the measure now amends that section and if we have followed the various amendments correctly that section, if amended as proposed, would read:

"(1) No person serving in the classified service under sections 23-1721 to 23-1737 shall actively participate in any campaign conducted by any candidate for public office while on duty;

while in uniform; or if such person identifies himself or herself as a member of the sheriff's department except that a person who is a candidate for public office may identify himself or herself as a member of the sheriff's department.

"(2) No deputy sheriff shall participate by contributing funds, personal services, or otherwise, in any campaign conducted by any candidate for sheriff in the county in which the deputy is employed, unless such deputy sheriff is a candidate for sheriff."

Your first question concerns whether or not the Legislature may constitutionally create a class of persons, i.e., deputy sheriffs who may not participate fully in the political processes while at the same time impose no such restriction upon members of the general public or other law enforcement officers.

We are aware of no decision from a court in this jurisdiction addressing this subject specifically. Generally speaking with few exceptions, courts have consistently upheld the authority of a state or the federal government to limit the political activity of public employees. See for example, United States Public Workers of America v. Mitchell, 330 U.S. 75; Oklahoma v. United States Civil Service Commission, 330 U.S. 127; National Association of Letter Carriers, AFL-CIO v. United States Civil Service Commission, 413 U.S. 548; and, Broadrick v. Oklahoma, 413 U.S. 601.

The Supreme Court of Nebraska did consider a challenge to section 53-194.01, R.R.S. 1943, which prohibited law enforcement officers from having an interest in establishments or businesses possessing liquor licenses. The court there held that it was constitutional for the Legislature to prohibit law enforcement officers from having a beneficial interest in such an establishment rationalizing that law enforcement officers had a duty and obligation to enforce all laws including liquor laws and that the Legislature's attempt there to eliminate any possible conflict of interest was not so discriminatory so as to be violative of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Fraternal Order of Police v. Nebraska Liquor Control Commission, 199 Neb. 712, 261 N.S.2d 106 (1978).

More directly on point the City of Cleveland had an ordinance essentially the same as section 23-1736, R.R.S. 1943, prior to the proposed amendment and the federal court in McNea v. Carey, 434 F.Supp. 95, after recognizing the City of Cleveland's interest in restricting political conduct of its police officers and recognizing the necessity of maintaining the practice and appearance of impartial law enforcement found such a restriction to be constitutional. It does not appear that there was an issue in that case concerning whether or not some kinds of police officers could be restricted while others were not.

It is difficult to say with certainty how the Nebraska Supreme Court would rule in this case but we can say that such a prohibition would be more easily defended against a constitutional attack if it applied to all law enforcement officers rather than to just deputy sheriffs. This would be true of course unless there is some rational basis for distinguishing deputy sheriffs from all other law enforcement officers. With respect to legislative classification generally, the Supreme Court of Nebraska has ruled that such classifications must rest upon real differences of situation and circumstances and must effect the purpose for which their enactment was deemed appropriate. United States Cold Storage Corporation v. Stolinski, 168 Neb. 513, 96 N.W.2d 408 (1959).

Our court is also consistently been of the opinion that the Legislature may classify but to validly do so, such classifications must rest upon public policy or some substantial difference of situation such as would naturally suggest such diverse treatment of otherwise similar groups. Althaus v. State, 94 Neb. 780, 144 N.W. 799 (1913).

Finally our court has held that the Legislature may legislate classes of persons but they cannot take what may be termed a natural class of persons split that class in two and then arbitrarily enact different rules for the government of each. United Community Services v. The Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956).

With regard to your question concerning the validity of such a classification therefor, we are of the opinion that the Legislature most certainly can treat those persons charged with the responsibility of enforcing the laws differently than ordinary citizens where general rights to participate in the electorial process and, specifically, to campaign are concerned. We are not prepared to say without reservation however that our Supreme Court would find valid a distinction which would treat deputy sheriffs differently from all other types of law enforcement officers.

You also ask whether or not the provisions of this bill would infringe upon a deputy's freedom to associate and to contribute to campaigns of their choice. There is no question that the language as proposed would infringe upon deputy sheriffs' ability to do those things. It is not so clear that deputy sheriffs have an absolute or fundamental right to do such however or that prohibiting such activity is unconstitutional.

Many activities and types of conduct have become associated with freedom, i.e., freedom of speech, freedom of the press, etc. Most of these freedoms are derived from the First Amendment to the United States Constitution. However as you know, none of these rights or freedoms are absolute or are without limitations. The classic example which comes to mind is a person being prohibited from yelling "fire"

in a crowded theater in spite of his First Amendment "right" to free speech.

Therefore, while we are of the opinion that the provisions of this measure would most certainly infringe upon a deputy's ability to do certain things, we are not of the opinion that limiting a law enforcement officer from so associating or so contributing is unreasonable or arbitrary or is therefore violative of any constitutionally protected right. We do however, qualify this conclusion to the extent we were apprehensive with respect to your first question that is apprehensive about this constitutionality where it is applicable only to certain categories of law enforcement officers.

If we can be of further assistance to you in your deliberation of this matter, please let us know.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:kkh
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 83
April 11, 1979

Dear Senator Haberman:

In your letter of April 10, 1979, you ask whether a proposed amendment to LB 103 would be constitutional. We conclude that it would not.

LB 103 would amend sections 77-602 to 77-604, 77-606, and 77-621, R.R.S. 1943. These sections deal with the central assessment of railroad property by the State Board of Equalization and Assessment. LB 103 would make some changes in the formula for determining the value of the property to be assessed by the state board. We do not believe that it is necessary for the purposes of this opinion to analyze the changes which would be made by sections 1 to 5 of LB 103. The proposed amendment would add a sixth section which would provide:

> "Notwithstanding any other provision of this act no governmental subdivision shall receive less revenue pursuant to sections 77-602 to 77-604, 77-606, and 77-621, after the effective date of this act than it did in 1978."

If we understand this proposed amendment correctly it would provide that any railroad company paying taxes pursuant to the

enumerated sections of the statute would be required to pay at least as much to every political subdivision as it did in 1978, irrespective of what the specified formulas would indicate was due from it. In other words, despite any possible lowering of budgets or mill levies, decreases in assessed valuations, or even sale of the railroad property subject to the tax, the railroad would be obligated to each political subdivision in an amount at least as great as that paid in 1978. We do not see how such a provision could survive constitutional attack.

Article VIII, Section 1, of the Nebraska Constitution requires taxes to be levied by valuation uniformily and proportionately. A requirement that a railroad pay more than the statutory formula would indicate could hardly be said to provide for uniformity of taxation. Such a provision would also appear to be in violation of the equal protection clause of the Fourteenth Amendment to the Federal Constitution, and would constitute unreasonable classification in violation of Article III, Section 18, of the Nebraska Constitution. The amount of taxes a railroad paid to a particular subdivision in 1978 could hardly constitute the basis for a classification which would permanently saddle that railroad with a minimum tax.

We are therefore of the opinion that such a provision could not be successfully defended 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
Clerk of the Legislature

Opinion No. 85
April 12, 1979

Dear Senator Duis:

You have asked us for an interpretation of section 2-1213, R.S.Supp., 1978, which section was amended in 1979 by LB 867. It now provides in part:

> "No racing under sections 2-1201 to 2-1218 shall be permitted on Sunday except when approved by a majority of the State Racing Commission. If the State Racing Commission permits racing on Sunday the voters may prohibit such racing in the manner prescribed in section 2-1213.01. If such approval is granted, no racing shall occur on Sunday until after 1:00 p.m. . . ."

Normally we would not be able to answer any questions calling for an interpretation of existing statutes, as it would be in violation of the policy set out in our letter to the Clerk of the Legislature dated December 28, 1972, found on page 36 of Volume I of the 1973 Legislative Journal.

However, you request our opinion in your capacity as Chairman of the Administrative Rules and Regulations Review Committee. An interpretation may be necessary for that Committee in determining whether the administration of the act is consistent with legislative intent, and whether new legislation is necessary, which are some of the matters the Committee is required to determine pursuant to section 84-901.02, R.S.Supp., 1978. We will therefore depart from our usual policy in this instance.

Your question with respect to section 2-1213 is whether the approval of Sunday racing by the Racing Commission is to be on a statewide basis, or on a case-by-case basis for each track. We conclude that it should be on a statewide basis.

The statute itself is ambiguous, and certainly could be interpreted either way. We have read the Committee hearing and the floor debates on LB 867, and have found no discussion of the matter. There is one statement in the floor debates by Senator Maxey which appears to assume that the approval would be as to individual tracks, but it is too vague to be of any real assistance. The reason we believe it should be interpreted to provide for statewide approval is that this would be somewhat less subject to constitutional attack.

The determination of whether or not there should be racing on Sunday is properly a legislative one. Under Lincoln Dairy Company v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960), when the power to make such determinations is granted to an administrative agency, the power must be limited to the expressed legislative purpose and administered in accordance with standards prescribed in the legislative act.

You will note the absence of any such standards in the provisions of section 2-1213 relating to Sunday racing. This raises some question as to the validity of these provisions, under any interpretation.

However, an interpretation that would permit the Racing Commission to approve Sunday racing at some tracks, while denying it at others, with absolutely no statutory guidelines, would be quite clearly invalid. It would permit purely arbitrary decisions on the part of the Commission. A court would, we believe, be more likely to permit the Commission to make the general decision to permit or not permit Sunday racing throughout the state than it would to let the Commission create, without any legislative standards, classes of licensees, some of which could race on Sunday, and some of which could not.

We therefore adopt the interpretation most likely to be upheld, without, of course, any assurance that it will be.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 86
April 13, 1979

Dear Senator Simon:

You have asked our opinion as to the constitutional validity of a proposed amendment to LB 175. LB 175, as now amended, would submit to the voters a proposed amendment to Article VIII, section 2 of the Nebraska Constitution. This amendment would add this language to that section:

> "The Legislature, by general law and upon any terms, conditions, and restrictions as prescribed, may provide, for a period not to exceed five years, relief from taxation of the increase in the assessed valuation of existing structures due to improvements to such structures."

You have asked us no questions concerning the validity of the above-quoted language, so we express no opinion on the subject. You state, however, that you propose to introduce an amendment which would make the exemption available as a local option. It is as to such amendment that you solicit our opinion.

Since, if adopted by the voters, this will become a part of the Nebraska Constitution, we are unable to say that it would be in violation of that Constitution. A similar situation was involved in State v. Chicago, B. & Q. R. Company, 195 Mo. 228, 93 S.W. 784 (1906), in which a constitutional amendment attempted to exempt certain cities from a particular tax. The court said that it could not declare it to be in violation of the state Constitution, since the provision in question was just as much a part of the Constitution as the provision requiring uniformity of taxation. The court held, however, that the amendment violated the Fourteenth Amendment to the Federal Constitution by denying all persons in the state the equal protection of the laws.

We believe that a state constitutional amendment must comport with the federal Constitution just as a statute would. In Hillsborough Township v. Cromwell, 326 U.S. 620, 90 L.Ed. 358, 66 S. Ct. 445 (1945), the court said:

> "The equal protection clause of the Fourteenth Amendment protects the individual from state action which selects him out for discriminatory treatment by subjecting him to taxes not imposed on others of the same class. The right is the right to equal treatment. . . ."

You have not, of course, given us the exact text of your proposed local option amendment, so we don't know exactly what it would say. It could make it a county-wide option or perhaps, a city-wide one. If it is a county-wide option, we do not see how it could escape providing unequal treatment of taxpayers in taxing districts lying in two or more counties. For example, suppose a school district lies in two counties, one of which has elected to allow the exemption, and the other of which has not. A property owner in that part of the district lying in the first county, who had made improvements on his building would have an exemption of the value of such improvements. A property owner in the adjoining county, in identical circumstances, would not. The second taxpayer would be paying more for the support of the school than the first. We believe this would be in clear violation of the equal protection clause.

Similar problems will occur if the local option is on a city-wide basis. City dwellers are subjected to county levies as well as those of other taxing districts covering a wider area than the city. If the exemption is allowed in the areas of the district outside the city, but not in the city, or vice versa, unequal treatment is inevitable. We therefore believe the proposed local option amendment would be difficult to sustain against constitutional attack.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 87
April 12, 1979

Re: LB 164

Dear Senator Koch:

In reply to your inquiry concerning the constitutionality of the provisions of LB 164, this is to advise that we have recently examined the bill, as amended through March 26, and concluded that there were no apparent violations of any provisions of the Constitution.

With regard to your concern of the effect the bill, as amended, might have on the use of individual property, consideration must be given to the following rule stated by the Supreme Court in Kuester v. State, 191 Neb. 680, 217 N.W.2d 180:

> "The right of an owner to use his property is subject to reasonable regulations, restrictions, and control by the State in the legislative exercise of the police power of the State."

With regard to your concern of the effect the bill, as amended, might have on existing contracts for the use of property for the conduct of bingo, consideration must be given to the following rules stated by our Supreme Court in Placek v. Edstrom, 151 Neb. 225, 37 N.W.2d 203:

> "Private rights must yield to the public welfare, and one whose rights are appropriately declared and defined by a valid legislative enactment under the police power of the state cannot, by purported contractual authority or otherwise, avoid observance thereof or make such legislation ineffectual."

Per your request we have reexamined the provisions of LB 164 as amended through the E & R amendments of April 3, and considering the above rules stated by our Supreme Court we again conclude that the bill, as amended, would withstand a challenge on constitutional grounds.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendments to LB 75 in the Journal. No objections. So ordered.

1. On page 2, line 2 strike "sell" and insert "convey to the Department of Roads all rights, interest, and title to"; and strike lines 5 to 27 and insert:

"(1) A tract of land in the southeast quarter (SE 1/4) of section 10, township 22 north, range 55 west of the 6th principal meridian in Scotts Bluff County, Nebraska, more particularly described as follows: Starting at a point on the east line of section 10, township 22 north, range 55 west nine hundred eighty feet north of the corner common to sections 10, 11, 14, and 15. The bearing of said section line is north one degree, one minute east; thence north ninety degrees west a distance of six hundred ninety-five feet to the point of beginning; thence north ninety degrees west a distance of five hundred five feet; thence north one degree one minute east a distance of one hundred sixty-eight feet to the southwest corner of the dormitory-commons site; thence along the south line of the dormitory-commons site south ninety degrees east one hundred seventy feet; thence north one degree one minute east a distance of one hundred thirty-seven and three-tenths feet; thence south ninety degrees east a distance of two hundred ten feet; thence north one degree one minute east ninety-seven feet; thence south ninety degrees east a distance of one hundred twenty-five feet; thence south one degree one minute west a distance of four hundred two and three-tenths feet to the point of beginning. An area containing three and three-tenths acres more or less of deeded land;

(2) A tract of land in the southeast quarter of section 10, township 22 north, range 55 west of the 6th principal meridian in Scotts Bluff County, Nebraska, more particularly described as follows: Beginning at a point on the east line of said section 10 which is one thousand feet north of the corner common to sections 10, 11, 14, and 15 (the bearing of said section line being north one degree one munite east); thence north ninety degrees west a distance of six hundred seventy-five feet; thence north one degree one minute east a distance of six hundred forty-eight feet; thence north ninety degrees west a distance of five hundred twenty-five feet; thence south one degree one minute west a distance of five hundred feet; thence south ninety degrees east a distance one hundred seventy feet; thence north one degree one minute east a distance of one hundred thirty-seven and

three-tenths feet; thence south ninety degrees east a distance of two hundred ten feet; thence north one degree one minute east a distance of ninety-seven feet; thence south ninety degrees east a distance of one hundred twenty-five feet; thence south one degree one minute west a distance of four hundred two and three-tenths feet; thence south ninety degrees east a distance of six hundred ninety-five feet; thence north one degree one minute east a distance of twenty feet to the point of beginning; an area containing five and one-tenth acres more or less;

(3) A tract of land located in section 15, township 22 north, range 55 west of the 6th principal meridian in Scotts Bluff County Nebraska, more particularly described as follows: Beginning at a point on the section line common to sections 10 and 15 in said township 22 north, said point being marked by an iron pin one-half inch by twenty-four inches and being five hundred sixty-eight and three-tenths feet west of the section corner common to sections 10, 11, 14, and 15 in said township 22 north; thence south a distance of five hundred ninety feet to an iron pin one-half inch by twenty-four inches; thence south ninety degrees west a distance of four hundred fifty feet to an iron pin one-half inch by twenty-four inches; thence north a distance of five hundred ninety feet to an iron pin one-half inch by twenty-four inches, said pin being on the section line common to aforementioned sections 10 and 15, thence south ninety degrees east along said section line a distance of four hundred fifth feet to the point of beginning; an area containing six and one-tenth acres more or less.".

2. On page 3, strike lines 1 to 16; strike original sections 2 and 3 and insert:

"Sec. 2. The Department of Roads may divide the land described in subsections (1) to (3) of section 1 of this act into parcels and may sell or lease any parcel.

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.".

MOTION - Return LB 65 to Select File

Mr. Newell moved to return LB 65 to Select File for the specific amendment found in the Journal on page 1409.

The motion prevailed with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 65. The Newell specific amendment found in the Journal on page 1409 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.

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 54-101, 54-101.01, 54-107, 54-110, 54-115 to 54-117, 54-130, 54-133, 54-133.03, 54-143.01 to 54-144, 54-145.06, 54-152, 54-153.01, 54-156, 54-164, and 54-415, Revised Statutes Supplement, 1978, relating to livestock brands; to redefine terms; to harmonize provisions; to provide a penalty as prescribed; and to repeal the original sections, and also sections 54-124 and 54-128, Revised Statutes Supplement, 1978.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Beutler	Dworak	Kelly	Marsh	Sieck
Brennan	Fitzgerald	Kennedy	Marvel	Simon
Burrows	Fowler	Keyes	Merz	Stoney
Carsten	Goodrich	Koch	Murphy	Venditte
Chambers	Haberman	Kremer	Newell	Vickers
Clark	Hasebroock	Labedz	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Hoagland	Landis	Reutzel	Wesely
DeCamp	Johnson	Lewis	Rumery	
Duis	Kahle	Maresh	Schmit	

Voting in the negative, 0.

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 116.

A BILL FOR AN ACT to adopt the Nebraska Art Collection Act; 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:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Brennan	Fowler	Keyes	Merz	Stoney
Burrows	Goodrich	Koch	Murphy	Venditte
Carsten	Haberman	Kremer	Newell	Vickers
Chambers	Hasebroock	Labedz	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Hoagland	Landis	Reutzel	Wesely
DeCamp	Johnson	Lewis	Rumery	
Duis	Kahle	Maresh	Schmit	
Dworak	Kelly	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Clark

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 164. With Emergency.

A BILL FOR AN ACT to amend sections 9-126, 9-136, 9-139, 9-144, 9-145, 9-146, 9-148, 9-152, 9-153, 9-158, 9-160, 9-163, 9-165, 9-172, 9-173, and 28-1113, Revised Statutes Supplement, 1978, relating to bingo; to redefine terms; to change provisions relating to the number of bingo occasions and the location and manner such occasions are conducted; to allow compensation for security services; to provide

provisions relating to nonalcoholic beverages and food; to change provisions relating to standing to sue; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Brennan	Fowler	Keyes	Merz	Stoney
Burrows	Goodrich	Koch	Murphy	Venditte
Carsten	Haberman	Kremer	Newell	Vickers
Clark	Hasebroock	Labedz	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Hoagland	Landis	Reutzel	Wesely
DeCamp	Johnson	Lewis	Rumery	
Duis	Kahle	Maresh	Schmit	
Dworak	Kelly	Marsh	Sieck	

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

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 195. With Emergency.

A BILL FOR AN ACT relating to termination of agencies, boards, and commissions; to provide for changes in review 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, 44:

Burrows	Fitzgerald	Kelly	Marsh	Sieck
Carsten	Fowler	Kennedy	Marvel	Simon
Chambers	Goodrich	Keyes	Merz	Stoney
Clark	Haberman	Koch	Newell	Venditte
Cope	Hasebroock	Kremer	Nichol	Vickers
Cullan	Hefner	Lamb	Pirsch	Wagner
DeCamp	Hoagland	Landis	Reutzel	Warner
Duis	Johnson	Lewis	Rumery	Wesely
Dworak	Kahle	Maresh	Schmit	

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Brennan	Labedz	Murphy

Excused and not voting, 1:

Geroge

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 234 to Select File

Mr. Dworak moved to return LB 234 to Select File for the following specific amendment:

Amend LB 234 page 17 line 17 strike two and insert 5.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 253.

A BILL FOR AN ACT to amend section 17-104, 19-623, and 19-3007.01, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide a term of office for councilmen; to provide for elections as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Beutler	Dworak	Kelly	Maresh	Sieck
Brennan	Fitzgerald	Kennedy	Marsh	Simon
Burrows	Fowler	Keyes	Marvel	Stoney
Carsten	Haberman	Koch	Merz	Venditte
Chambers	Hasebroock	Kremer	Newell	Vickers
Clark	Hefner	Labedz	Nichol	Wagner
Cope	Hoagland	Lamb	Pirsch	Warner
Cullan	Johnson	Landis	Reutzel	Wesely
Duis	Kahle	Lewis	Rumery	

Voting in the negative, 0.

Present and not voting, 4:

DeCamp	Goodrich	Murphy	Schmit

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 339.

A BILL FOR AN ACT to amend section 21-1316.01, Reissue Revised Statutes of Nebraska, 1943, relating to cooperative credit associations; to permit a county treasurer to deposit money 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, 48:

Beutler	Duis	Johnson	Landis	Pirsch
Brennan	Dworak	Kahle	Lewis	Reutzel
Burrows	Fitzgerald	Kelly	Maresh	Rumery
Carsten	Fowler	Kennedy	Marsh	Schmit
Chambers	Goodrich	Keyes	Marvel	Sieck
Clark	Haberman	Koch	Merz	Simon
Cope	Hasebroock	Kremer	Murphy	Stoney
Cullan	Hefner	Labedz	Newell	Venditte
DeCamp	Hoagland	Lamb	Nichol	Vickers

Wagner Warner Wesely

Voting in the negative, 0.

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 352. With Emergency.

A BILL FOR AN ACT to amend section 51-401, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Library Commission; to provide for membership 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:

Beutler	Duis	Johnson	Maresh	Schmit
Brennan	Dworak	Kahle	Marsh	Sieck
Burrows	Fitzgerald	Kelly	Marvel	Simon
Carsten	Fowler	Kennedy	Merz	Stoney
Chambers	Goodrich	Koch	Murphy	Venditte
Clark	Haberman	Kremer	Newell	Vickers
Cope	Hasebroock	Labedz	Nichol	Wagner
Cullan	Hefner	Lamb	Reutzel	Warner
DeCamp	Hoagland	Lewis	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Keyes Landis Pirsch

Excused and not voting, 1:

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.

MOTION - Return LB 356 to Select File

Mr. Beutler moved to return LB 356 to Select File for the following specific amendment:

1. On page 5, line 6, reinstate the stricken material; in line 7, strike "sections" and strike "and 19-2421".

2. On page 3, line 1 reinstate the stricken material; strike "sections" and strike "and 19-2421".

The motion prevailed with 25 ayes, 2 nays, 21 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 376. With Emergency.

A BILL FOR AN ACT relating to public health and safety; to provide for taking certain intoxicated or incapacitated persons from public property as prescribed; to amend section 39-684, Revised Statutes Supplement, 1978; to change provisions relating to removal of dead or injured persons from any roadway; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Beutler	Duis	Kelly	Maresh	Schmit
Brennan	Dworak	Kennedy	Marsh	Sieck
Burrows	Fitzgerald	Keyes	Merz	Simon
Carsten	Fowler	Koch	Murphy	Stoney
Chambers	Goodrich	Kremer	Newell	Venditte
Clark	Haberman	Labedz	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Hoagland	Landis	Reutzel	Wesely
DeCamp	Johnson	Lewis	Rumery	

Voting in the negative, 0.

Present and not voting, 4:

Hasebroock Kahle Marvel Vickers

Excused and not voting, 1:

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.

MOTHERS' OF THE YEAR

Mr. Hasebroock escorted Mother of the Year, Mrs. Elizabeth McGill and her husband, Patrick, from Wisner, Nebraska, to the rostrum.

Mr. Nichol escorted Young Mother of the Year, Mrs. Dianne Mathson and her husband, Sam, from Mitchell, Nebraska, to the rostrum.

Mrs. McGill and Mrs. Mathson spoke to the members briefly.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 428.

A BILL FOR AN ACT to amend section 71-110, Revised Statutes Supplement, 1978, section 71-162, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 4, Eighty-sixth Legislature, First Session, 1979, and section 71-116, Revised Statutes Supplement, 1978, as amended by section 3, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979, relating to public health and welfare; to authorize biennial licenses; to provide for expiration as prescribed; to change fees; to change terms for the board of examiners; to provide for additional 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, 46:

Beutler	Carsten	Cope	Duis	Fowler
Brennan	Chambers	Cullan	Dworak	Goodrich
Burrows	Clark	DeCamp	Fitzgerald	Haberman

Hasebroock	Koch	Marsh	Rumery	Wagner
Hefner	Kremer	Marvel	Schmit	Warner
Johnson	Labedz	Merz	Sieck	Wesely
Kahle	Lamb	Murphy	Simon	
Kelly	Landis	Newell	Stoney	
Kennedy	Lewis	Nichol	Venditte	
Keyes	Maresh	Reutzel	Vickers	

Voting in the negative, 0.

Present and not voting, 2:

Hoagland Pirsch

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 428A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 428, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Beutler	Duis	Johnson	Maresh	Schmit
Brennan	Dworak	Kahle	Marsh	Sieck
Burrows	Fitzgerald	Kelly	Marvel	Simon
Carsten	Fowler	Kennedy	Merz	Stoney
Chambers	Goodrich	Kremer	Murphy	Venditte
Clark	Haberman	Labedz	Newell	Vickers
Cope	Hasebroock	Lamb	Nichol	Wagner
Cullan	Hefner	Landis	Reutzel	Warner
DeCamp	Hoagland	Lewis	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Keyes Koch Pirsch

Excused and not voting, 1:

George

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 560 to Select File

Mr. Warner moved to return LB 560 to Select File for the following specific amendment:

(AMENDMENTS ARE TO FINAL READING COPY)

1. Insert new sections as follows:

"Sec. 2. The balance of funds existing on June 30, 1979, in the Data Processing Cash Fund are hereby transferred to the Data Processing Revolving Fund on July 1, 1979.

Sec. 3. This act shall become operative on July 1, 1979.

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.

3. In the title in line 7 strike "and" and insert "to transfer funds as prescribed; to provide an operative date;"; and in line 8 after "section" insert "; and to declare an emergency".

The motion prevailed with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 560. The Warner specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 578. With Emergency.

A BILL FOR AN ACT to amend section 84-306.01, Revised Statutes Supplement, 1978, relating to claims against the state; to provide provisions for reimbursement of certain expenses as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Beutler	Dworak	Kelly	Marsh	Stoney
Brennan	Fitzgerald	Kennedy	Marvel	Venditte
Burrows	Fowler	Keyes	Murphy	Vickers
Carsten	Goodrich	Koch	Newell	Wagner
Chambers	Haberman	Kremer	Nichol	Warner
Clark	Hasebroock	Labedz	Reutzel	Wesely
Cope	Hefner	Lamb	Rumery	
Cullan	Hoagland	Landis	Schmit	
DeCamp	Johnson	Lewis	Sieck	
Duis	Kahle	Maresh	Simon	

Voting in the negative, 0.

Present and not voting, 2:

Merz Pirsch

Excused and not voting, 1:

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.

RESOLUTION

LEGISLATIVE RESOLUTION 54.

Introduced by Cullan, 49th District.

WHEREAS, Mari Sandoz is a famous Nebraska author who was born and raised in the Nebraska Sandhills; and

WHEREAS, she devoted a lifetime of scholarship, research and writing to accurately portray Nebraska pioneers in their true light; and

WHEREAS, Mari Sandoz gave her fellow Nebraskans an honored place in the history and literature of the American West; and

WHEREAS, she has been selected to be remembered in the Nebraska Hall of Fame in the Nebraska State Capitol; and

WHEREAS, the 11th day of May, 1979, is the 83rd anniversary of her birth in Sheridan County, Nebraska; and

WHEREAS, the Mari Sandoz Heritage Society, located at Chadron State College, in cooperation with the Nebraska State Historical Society will hold a special day of events at Fort Robinson on May 11, 1979, in honor of Mari Sandoz and the 100th anniversary of the Cheyenne Outbreak which is recounted in Ms. Sandoz's book Cheyenne Autumn; and

WHEREAS, the Nebraska Educational Television Network has produced and will broadcast a documentary on May 11, 1979, at 9 p.m. entitled "Song of the Plains: the Story of Mari Sandoz" about the life and work of Mari Sandoz as remembered by her brothers, sisters, friends, co-workers and editors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That May 11th be recognized throughout the state by the citizens of the State of Nebraska as a special day to honor the contributions of Mari Sandoz.

2. That the people of the State of Nebraska reflect on their heritage and remember their ancestors on this date.

3. That this Legislature send its greetings to Caroline (Sandoz) Pifer, Flora Sandoz, James Sandoz and Young Jules Sandoz, brothers and sisters of Mari Sandoz, in recognition of this special day.

4. That the Mari Sandoz Heritage Society, the Nebraska State Historical Society and the Nebraska Educational Television Network be praised by this Legislature for preserving and maintaining the heritage that Mari Sandoz has given to us and the generations to follow.

5. That a copy of this resolution be sent to the above named groups and individuals.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 51.

GENERAL FILE

LEGISLATIVE BILL 398. Title read. Considered.

Standing Committee amendments found in the Journal on page 1069 for the Fifty-Second Day were considered.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lewis renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1453.

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. Lewis moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Lewis requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beutler	Fowler	Johnson	Lewis	Vickers
Brennan	Goodrich	Kelly	Marsh	Warner
Cullan	Hasebroock	Keyes	Rumery	Wesely
DeCamp	Hefner	Koch	Schmit	
Fitzgerald	Hoagland	Labedz	Venditte	

Voting in the negative, 20:

Clark	Haberman	Landis	Newell	Sieck
Cope	Kahle	Maresh	Nichol	Simon
Duis	Kennedy	Marvel	Pirsch	Stoney
Dworak	Lamb	Murphy	Reutzel	Wagner

Present and not voting, 4:

Burrows	Chambers	Kremer	Merz

Excused and not voting, 2:

Carsten	George

The Lewis amendment was adopted with 23 ayes, 20 nays, 4 present and not voting, and 2 excused and not voting.

Standing Committee amendments, as amended, pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 594 in the Journal. No objections. So ordered.

1. Insert a new section as follows:
"Sec. 50. Program 943. The Department of Public Institutions is hereby authorized to develop a program statement and preliminary plans for improvements to the Nebraska Services for the Visually Impaired facility. There is hereby appropriated $60,000 from the State Building Fund for the fiscal year ending June 30, 1980, to develop a program statement and preliminary plans.".
2. Renumber the remaining sections accordingly.

Mr. Carsten asked unanimous consent to print the following amendment to LB 365 in the Journal. No objections. So ordered.

1. On page 2, line 16, strike "existing", show as stricken; and in line 17, after "tax" insert "existing on January 1, 1978.".

RESOLUTION

LEGISLATIVE RESOLUTION 55.

Introduced by Wesely, 26th District.

WHEREAS, the Legislature has recognized and declared that it is essential to the health and welfare of the people of the State of Nebraska to create special use districts; and

WHEREAS, the Legislature has declared that any special use district which has the power to levy taxes should have an elected board; and

WHEREAS, in a significant number of special use districts there has been an alarming lack of voter and candidate participation for positions on these boards; and

WHEREAS, the Legislature intended for these boards to be viable representative entities of these special use districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Committee on Government, Military and Veteran's Affairs is hereby authorized to conduct an interim study to examine the election processes of Technical Community Colleges, Educational Service Units, Public Power Districts, and those other special use districts as may be deemed necessary.

2. That such study shall include, but not be limited to the following:

(a) Review the level of voter participation in special use district elections.

(b) Review the level of candidate participation in special use elections.

(c) Confer with special use district officials, county election officials, and interested citizens to identify problems and recommendations.

3. The Committee shall make a report of its findings, together with its recommendations for legislative action, to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 9 senior high students and teacher from Gresham High School; 19 seventh and eighth grade students, mothers, and teacher from District 84, Platte County, Platte Center High School; former state senator, Peter Claussen from Leigh, Nebraska; 11 sixth grade students and teacher from Fairmont High School; 10 senior students and teacher and 15 eighth grade students and teacher from Loomis High School, Loomis, Nebraska; 21 senior students and teachers from North Loup-Scotia High School, Scotia, Nebraska; Dr. and Mrs. Richard Fitch and family from O'Neill; Dr. and Mrs. M. H. Fitch and family from Kearney; Jan Van Rompaey and son from Markhoven, Belgium; and Chad Parson from Lincoln.

RECESS

At 11:58 a.m., on a motion by Mr. Reutzel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:39 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. George who was excused; and Messrs. Beutler, Kremer, and Simon who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 398. Considered.

Standing Committee amendments, as amended, were considered.

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 12 ayes, 0 nays, and 37 not voting.

The motion to close debate prevailed with 25 ayes, 7 nays, and 17 not voting.

The Chair declared the Call raised.

The Standing Committee amendments, as amended, lost with 18 ayes, 21 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Reutzel offered the following amendment:
Strike Sec. 6 of LB 398.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Reutzel amendment was adopted with 28 ayes, 2 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Nichol moved the adoption of the amendments found in the Journal on pages 1069-1070.

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 Nichol amendments were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Haberman moved to indefinitely postpone.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Haberman motion to indefinitely postpone lost with 9 ayes, 21 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 10 nays, 13 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 285 in the Journal. No objections. So ordered.

1. In the committee amendments on page 3, line 16 after "base" insert "except that if the population of such political subdivision has increased by five per cent or more over the preceding year the increase in the anticipated combined receipts may be an amount equal to the average increase in the combined receipts for the previous three years".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 285 in the Journal. No objections. So ordered.

1. Section 14, line 8: after the word "from" insert the words "the highway allocation fund,"
2. Section 10, line 27: delete the period after "act". Insert a comma and the following language ", less funds used for payment to a retirement system and employer contributions to the Federal Insurance Contributions Act."

EXPLANATION OF VOTE

Had I been present, I would have voted in favor of the Reutzel amendment [striking Section 6 of LB 398].

(Signed) Chris Beutler

MESSAGE FROM THE GOVERNOR

April 17, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 268, 301, 334, 342, 478, and 536.

These bills were signed by me on April 17, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 378A. By Nichol, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 378, Eighty-sixth Legislature, First Session, 1979.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 525. Placed on General File as amended.
Standing Committee amendments to LB 525:

1. Strike original sections 1 and 3.
2. On page 3, line 12 strike the colon and insert a comma; in line 13 strike "(1) Group", and insert "group"; in lines 19 and 20 strike ", emotional or mental disorder,"; in line 20 strike "; and" and insert a period; and strike lines 21 through 27.
3. On page 4, line 9 strike "local zoning authority" and insert "governing body of a municipality"; after line 10 insert "A city of the metropolitan class may establish an ordinance that prohibits group homes from being established within one half mile from an existing group home.".

4. Insert two new sections as follows:

"Sec. 2. A group home, as defined in section 1 of this act, may be established and operated in any residential zone within the exercised zoning jurisdiction of any municipality, except as limited in sections 3 and 4 of this act.

Sec. 4. The number of group homes established in a municipality shall be limited according to the population of such municipality, except that the governing body of a municipality may issue a variance to allow additional group homes. For a municipality with a population of one thousand residents or less, one group home may be established for every five hundred residents, for a municipality with a population of more than one thousand and less than ten thousand residents, one group home may be established for every two thousand residents, for a municipality with a population of at least ten thousand residents but less than fifty thousand residents, one group home may be established for every three thousand residents, for a municipality with a population of at least fifty thousand residents but less than two hundred fifty thousand residents, one group home may be established for every ten thousand residents, and for a municipality with a population of two hundred fifty thousand residents or more, one group home may be established for every twenty thousand residents.".

5. Renumber original sections 2 and 4 as section 1 and 3 respectively.

(Signed) Sam Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 56.

Introduced by DeCamp, 40th District.

WHEREAS, legislative oversight is a necessary and proper function of the legislative body to (a) determine adequacy of existing laws; (b) necessity of new legislation; (c) determination of other problems and solutions thereto if laws are adequate but enforcement is not able to be obtained using other branches of government; and

WHEREAS, the property tax system in Nebraska is an area in which the following determinations should be made because there is a strong belief that the tax system as it is being enforced or not enforced now is functioning in an unfair and in an arbitrary and capricious manner; and

WHEREAS, legislative enactments such as LB 131 have been put into abeyance by actions of the very officials delegated to enforce the sanctions of LB 131 and other elements of the comprehensive Nebraska tax program of which LB 131 was and is an integral part; and

WHEREAS, many county assessors and other county officials are publishing information in the media and in official tax statements which falsely allege various things including the effects of LB 131 and related tax laws in an apparent attempt to shift blame for their failure to follow existing tax laws and the problems emanating from that failure upon the Legislature; and

WHEREAS, resolution of the multitudes of problems of enforcement and possibly alteration of the entire Nebraska tax system cannot and will not be adequately dealt with during this regular session of the Legislature but also cannot be responsibly delayed until the 1980 regular session; and

WHEREAS, litigation in the Nebraska Supreme Court for which an opinion has not yet been rendered by the Court, specifically DeCamp vs. Board of Equalization, which will probably have a major impact upon any actions the Legislature will take or may be compelled to take in dealing with both enforcement of existing tax laws and/or development of any new tax legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION THAT THIS LEGISLATURE:

(1) Reaffirms LB 131 and solicits enforcement from proper public officials and failing this seeks whatever higher legal remedies are necessary to force compliance;

(2) Makes publicly known its intent to have a special session of the Legislature to commence and deal with the following subjects;

(a) Compelling enforcement of the tax laws of this state through whatever means are necessary;

(b) Enacting any tax or tax related legislation deemed necessary to insure an effective and fair tax system;

(c) Said session to commence on October 15, 1979.

(3) shall obtain adequate legal and tax counsel so as to have a detailed understanding and ability to deal with tax laws independent of other branches of government;

(4) Directs the Committee Chairpeople functioning through the special legislative oversight committee to meet in an interim study following the adjournment of this session of the legislature for the purpose of preparing for the special session;

(5) Directs that the interim study specifically involve as active participants for the purpose of providing counseling, information,

their needs and suggested legislation such delegates as the Governor may request;

(6) That any legislative member be allowed to sit in on the study;

(7) That the scheduling and programming of the special session and its subject matter is endorsed at this time for the specific purpose of providing a systematic, comprehensive and predictable approach on a known timetable to resolution of this state's tax problems.

Laid over.

LEGISLATIVE RESOLUTION 57.

Introduced by Hoagland, 6th District; Johnson, 8th District; Murphy, 17th District; Schmit, 23rd District; Wesely, 26th District.

WHEREAS, in fiscal year 1978, $180 billion was spent on health care in the United States and of this figure over one billion dollars was spent by Nebraskans; and

WHEREAS, the cost of the average hospital stay in 1965 was $311 while in 1975 it increased to $1,017 in the United States (according to the National Council on Wage and Price Stability); and

WHEREAS, during the past four years hospital costs have increased at twice the rate of the Consumer Price Index; and

WHEREAS, the Nebraska welfare expenditures for skilled nursing facilities experienced a 53% increase from 1977 to 1978; and

WHEREAS, there are more Computerized Axial Tomographic scanners in the Omaha (8) - Council Bluffs (2) are than there are in Sweden (3), Baltimore (3) and Des Moines (3) combined; and

WHEREAS, Nebraska has more community hospital beds per 1,000 population than Wyoming, South Dakota, Iowa, Missouri or Kansas; and

WHEREAS, 40.6% of all Nebraska beds are empty on any given day; and

WHEREAS, the average semiprivate hospital room rate in Nebraska is higher than in Missouri, South Dakota, Kansas or Wyoming; and

WHEREAS, the average semiprivate room rate in Norfolk increased 15% between October 1977 and October 1978, compared to an 11% increase nationally; and

WHEREAS, the average semiprivate room rate in Omaha increased 16% between October 1977 and October 1978, compared to an 11% increase nationally; and

WHEREAS, the average semiprivate room rate in Grand Island increase 18% between October 1977 and October 1978, compared to an 11% increase nationally; and

WHEREAS, the average semiprivate room rates in Hastings increased 21% between October 1977 and October 1978, compared to an 11% increase nationally; and

WHEREAS, in the fiscal year 1978-79 Nebraska's Medicaid costs are estimated at $99.3 million, which represents a 25% increase in costs from the previous year; and

WHEREAS, Nebraska is spending 2½ times the national average of the proportion of its Medicaid budget on institutional long term care (nursing home); and

WHEREAS, since late 1972 Omaha area hospitals alone have spent over $230 million in capital construction; and

WHEREAS, Nebraska has more nursing home beds per 1,000 elderly population than Wyoming, South Dakota, Iowa, Missouri, and Kansas; and

WHEREAS, in 1976 Nebraskans spent $75.06 per capita for nursing home care while nationally only $50.98 per capita was spent.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That rapidly rising health care costs to Nebraskans contribute to the inflationary cycle.

2. That Nebraska counties are required by State law to provide funds for health care of the indigent before making other allocations, the rapid increases in health care costs mean that counties have had to cut back funds for other projects to pay health care costs.

3. That the Unicameral, recognizing the problems that rapidly rising health care costs bring to the State, the counties, and the people of Nebraska, resolve to endorse legislation which will help to contain these rapidly rising health care costs.

Laid over.

UNANIMOUS CONSENT - Members Excused

Messrs. Cope and Hasebroock asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 398A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 427. E & R amendments found in the Journal on page 1341 for the Sixty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 54. E & R amendment found in the Journal on page 1379 for the Sixty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 416. E & R amendments found in the Journal on page 1379 for the Sixty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 179. E & R amendment found in the Journal on page 1397 for the Sixty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 387. E & R amendments found in the Journal on page 1397 for the Sixty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 273. E & R amendments found in the Journal on page 1398 for the Sixty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 217. E & R amendments found in the Journal on page 1398 for the Sixty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 381. E & R amendment found in the Journal on page 1398 for the Sixty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 568. E & R amendment found in the Journal on page 1421 for the Sixty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 331. E & R amendments found in the Journal on page 1466 for the Sixty-Sixth Day were adopted.

Mr. Murphy offered the following amendment:

In committee amendments, page 13, lines 16 and 17, strike "original jurisdiction action with the Supreme Court" and insert "action in the district court" and on page 14, strike line 1 and insert "action. The".

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:

To add the "emergency clause".

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Murphy offered the following amendment:

(Amendments are to Committee Amendments Req. 2693)

1. On page 1, line 14 after "months" insert "after the completion".

2. On page 3, line 27 after "district" insert "approving such question".

3. On page 4, line 4 after "district" insert "which votes to elect members to its governing body by district or ward".

4. on page 13, line 13 after "district" insert ", which has voted to elect members to the governing board by district or ward,"; in line 14 after "after" insert "the completion of"; in line 19 strike the first underscored comma.

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 421. E & R amendments found in the Journal on page 1466 for the Sixty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 492. E & R amendment found in the Journal on page 1397 for the Sixty-Fourth Day was adopted.

Mr. Burrows withdrew his pending amendments found in the Journal on pages 1121 and 1213.

Mr. Burrows offered the following amendment:

1. On page 2, line 11 strike "an unladen" and insert "a"; and in line 14 strike "eighteen" and insert "sixteen".

The amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 348. E & R amendments found in the Journal on page 1398 for the Sixty-Fourth Day were adopted.

Mr. Fowler offered the following amendments:

"Sec. 5. Any owner or tenant causing the towing away of a motor vehicle that is not improperly parked on a restricted lot shall cause the return of the motor vehicle to its owner or driver at no charge to such owner or driver. The person causing the motor vehicle to be towed shall be liable for any damage incurred by the owner or driver of the motor vehicles due to loss of transportation.

Sec. 6. Anyone towing away a motor vehicle pursuant to this act shall be liable for any damages to the motor vehicle that occur during the hookup, towing, or disengagement of the motor vehicle to or from the towing vehicle and anyone storing such a towed motor vehicle shall be liable for any damage to the motor vehicle and the personal contents therein during the storage period.

Sec. 7. Anyone attempting to tow away a motor vehicle pursuant to this action shall not be in full possession of the motor vehicle to be towed until the motor vehicle has been fully and completely attached to his or her towing vehicle. The tower shall, upon request of the owner or driver of the motor vehicle to be towed, disengage the towing apparatus at any time prior to taking full possession, as defined in this section, of the motor vehicle.

Sec. 8. The owner or driver of any motor vehicle towed away pursuant to this act shall, upon regaining possession of the motor vehicle from the tower, be given a written statement by the tower fully detailing: (1) The name and address of the person or persons who caused the vehicle to be towed; (2) under what statutory authority the vehicle was towed; and (3) his or her rights under this act.

Sec. 9. Anyone towing a motor vehicle pursuant to this act shall take all reasonable steps to ascertain that the person causing the motor vehicle to be towed is the owner or tenant of the lot from which the motor vehcile is to be towed.

Sec. 10. The owner of any motor vehicle towed or stored pursuant to this act shall be liable for any towing and/or storage fees incurred but neither the motor vehicle or the contents therein shall be subject to any storage or towing lien except as provided in Section 4 of this act.

Sec. 11. Any owner or tenant causing the towing away of a motor vehicle shall not solicit or accept a commission, gift, gratuity, or any form of compensation or wealth from the person or business towing away the motor vehicle."

Amendments to Section 2:

Page 2. Line 8 following the "," strike "and"

Page 2. Line 9 strike the "." and insert, "state the purpose or purposes for parking on the restricted parking lot, and state the hours for permitted parking."

Mr. Newell offered the following amendment to the Fowler amendment:

Add a new Section 12.

"Section 12. Anyone violating any provision of this act shall be guilty of a Class IV misdemeanor."

Mr. Newell moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Newell amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Fowler amendment, as amended, was adopted with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Koch requested a machine vote to advance LB 348.

Mr. Newell moved for a Call of the House. The motion prevailed with 8 ayes, 4 nays, and 37 not voting.

Advanced to E & R for Engrossment with 26 ayes, 12 nays, 8 present and not voting, and 3 excused and not voting.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #925).

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 595. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Cope, 36th District; Hasebroock, 18th District; Fowler, 27th District; Marsh, 29th District; Dworak, 22nd District; Hoagland, 6th District; Labedz, 5th District.

A BILL FOR AN ACT relating to appropriations; to state legislative intent for the appropriation to the Nebraska Natural Resources Commission for Program 310 - Accelerated State Water Planning Process; to provide for repeal; and to declare an emergency.

MOTION - Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee (Req. #910).

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 596. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Cope, 36th District; Hasebroock, 18th District; Fowler, 27th District; Marsh, 29th District; Labedz, 5th District; Hoagland, 6th District; Dworak, 22nd District.

A BILL FOR AN ACT to provide legislative intent for appropriations; to provide for repeal; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sec. 5 and 19, Rule 6, Sec. 1, and place LB 595 and LB 596 on General File.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendments to LB 172 in the Journal. No objections. So ordered.

1. On page 2, line 23, after the second comma insert "home health agencies,"; and strike beginning with the comma in line 24 through "agencies" in line 25.

2. On page 15, line 24 strike "five" and insert "six"; and in line 27 strike "two" and insert "three".

3. On page 16, line 14 after the second comma insert "one member shall be a member of a home health agency,"; and in line 21 strike "one" and insert "two".

Mr. Burrows asked unanimous consent to print the following amendment to LB 390 in the Journal. No objections. So ordered.

1. In the committee amendments on page 1, line 8 after "balance" insert "through August 31, 1981, and after such date not exceeding eleven per cent per annum on the unpaid balance".

Mr. Warner asked unanimous consent to print the following amendments to LB 227 in the Journal. No objections. So ordered.

Req. #2893

Amendments are to the Final Reading Bill

1. On page 8, strike beginning with "refund" in line 12 through line 26 and insert "credit for that portion of the registration fee deposited in the Highway Trust Fund based upon the number of unexpired months remaining in the registration year. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been cancelled, the fee shall be that portion of the registration fee provided to be deposited in the Highway Trust Fund for the remainder of the registration year.".

2. On page 11, line 4, insert "(1)" before "Upon"; strike the new matter in lines 7, 8, and 12; and after line 22 insert:

"(2) Whenever the registered owner files an application with the county treasurer showing that a

motor vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate and number plates and, when appropriate, the renewal tabs, or, in the case of the unavailability of such certificate or certificates, number plates, or tabs, then by making an affidavit to the treasurer of such disablement and removal from service, receive a credit for a portion of the registration fee based upon the number of unexpired months remaining in the registration year. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been cancelled, the fee shall be that portion of the registration fee for the remainder of the registration year.".

3. In the title, line 8, strike "refund of" and insert "credit for".

VISITORS

Visitors to the Chamber were 34 fourth grade students and teacher from Louisville, Nebraska; and 1979 Kassel, Germany Study Tour Exchange Participants, and sponsors Silke Printz from Lincoln Southeast High School, and Christa Joy from Lincoln, University of Nebraska.

ADJOURNMENT

At 4:02 p.m., on a motion by Mr. Duis, the Legislature adjourned until 9:00 a.m., Wednesday, April 18, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-EIGHTH DAY - APRIL 18, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 18, 1979

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. James M. Cunningham, Florence Christian Church, Omaha, Nebraska.

Our Heavenly Father, we thank you for the opportunities of responsibilities! We approach you for guidance in this task with the spirit of humility. As our Creator and Sustainer, we acknowledge our dependence upon you as God, and our need for understanding and wisdom to apply that understanding.

We thank you for our great State! We thank you for those who have committed themselves to form her laws, and thereby lead us as citizens in the continued good life. Give to them alert spirits, discerning judgments, concerned hearts and willing co-operation. May the results of thy blessings enrich not only those of our own state, but be a penetrating shaft of light for the darkness of our entire nation - - even our entire world.

We look beyond ourselves to you, beyond ourselves to all people. We are grateful that you have given us a perfect example of concern for all people in all walks of life, by letting your Son walk among the peoples of the world and minister to them. Open our eyes to see peoples needs; our ears to hear always their needs, and our lives to act upon them for their behalf. Grant us courage to act in consistency and impartiality in our convictions.

Bless our national leaders this day, especially our President. Lead America to increased justice and righteousness.

Be thou, O Lord, our ever-present guide, and our ever-present strength. We ask that when we fall, you would lift

us up; when we are hurting, you give us your healing; when we search, you would lead us; when we call that you would hear us and answer—Even now.

We pray in petition and gratitude through Jesus Christ your Son. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Kremer, Simon, and Vickers who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 39. Placed on Select File as amended.
E & R amendments to LB 39:

1. Insert the Marsh amendment after "disease" on page 2, line 5, and in line 1 thereof strike "Provided" and insert ", except that".

2. In the title, strike beginning with "to" in line 7 through the semicolon in line 9; and in line 11 insert "; and to declare an emergency" after "1943".

LEGISLATIVE BILL 576. Placed on Select File as amended.
E & R amendments to LB 576:

1. For correlation purposes, on page 15, line 26, insert ", as amended by section 1, Legislative Bill 578, Eighty-sixth Legislature, First Session, 1979" after "1978"; on page 16, line 4, insert "or her" after "him" and at the end of line 5 insert "or she"; and on page 18 before the period in line 21 insert ", except that individuals required to attend official functions, meetings, or hearings, not to include normal day-to-day operations of the department, agency, commission, council, committee, or board in the headquarters city when the individual's primary work location and city of residence is other than the headquarters city, shall be reimbursed in accordance with policies established by the Director of Administrative Services".

2. On page 21, line 4, and in the title, line 14, strike "and"; on page 21, line 5, and in the title, line 15, strike "84-306.01,"; and on page 21, line 6, and in the title, line 16, insert ", and section 84-306.01, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 578, Eighty-sixth Legislature, First Session, 1979" after "1978".

3. On page 21, line 3, and in the title, line 13, strike "81-8111" and insert "81-1111".

LEGISLATIVE BILL 576A. Placed on Select File.

LEGISLATIVE BILL 559. Placed on Select File as amended.
E & R amendments to LB 559:

1. In committee amendments, line 4, strike "to" and insert "with".

2. On page 15, line 19, strike the comma and show stricken.

3. On page 18, line 13, and in the title, line 2, strike "84-161.04" and insert "81-161.04".

LEGISLATIVE BILL 559A. Placed on Select File.

LEGISLATIVE BILL 332. Placed on Select File as amended.
E & R amendment to LB 332:

1. On page 4, line 7, strike the comma.

LEGISLATIVE BILL 354. Placed on Select File as amended.
E & R amendments to LB 354:

1. On page 19, line 4, insert "of this act" after "6"; and insert an underscored comma after "that" in line 11 and "that" in line 17.

2. On page 26, line 23, insert "sections 6 to 18 of" after "by".

LEGISLATIVE BILL 193. Placed on Select File as amended.
E & R amendments to LB 193:

1. For correlation purposes, on page 2, lines 2 and 17 insert ", as amended by section 4, Legislative Bill 414, Eighty-sixth Legislature, First Session, 1979" after "1943"; and immediately before the period in line 15 insert "and shall be made available to the Auditor of Public Accounts solely for use in the performance of audits prescribed by law".

2. On page 2, line 16, strike the committee amendment and after "original" insert "section 50-420, Reissue Revised Statutes of Nebraska, 1943, and".

3. In the title, line 2, insert "section 50-420, Reissue Revised Statutes of Nebraska, 1943, and" after "amend"; and in line 6 strike "section" and insert "sections".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 65 and 560.

Correctly Enrolled

The following bills were correctly enrolled: 116, 164, 195, 253, 339, 352, 376, 428, 428A, 564, and 578.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 116, 164, 195, 253, 339, 352, 376, 428, 428A, 564, and 578.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 152 in the Journal. No objections. So ordered.

AMENDMENTS TO THE COMMITTEE AMENDMENTS

1. On page 1, line 22 strike "IV felony" and insert "~~Felony~~ I misdemeanor".

2. On page 2, line 8 strike "I" and insert "~~I~~ II".

Mr. Koch asked unanimous consent to print the following amendment to LB 425 in the Journal. No objections. So ordered.

FINAL READING (SECOND) COPY

1. On page 3, strike the new matter in lines 20 through 27.

RESOLUTIONS

LEGISLATIVE RESOLUTION 58.

Introduced by Marsh, 29th District.

WHEREAS, in 1981, based on the 1980 census, the Legislature will be called upon to redraw boundaries for the Unicameral and congressional districts; and

WHEREAS, this redrawing process is an essential element in securing fair and effective representation for all Nebraska citizens; and

WHEREAS, it is in the public interest to prevent the reapportionment process from being used to perpetuate the power of incumbent legislators or any one political party; and

WHEREAS, there has been no recent concerted effort to study the standards of reapportionment or the process of reapportionment; and

WHEREAS, the reapportionment process is a state and national concern.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council appoint a special interim study committee to study the process that will be utilized for the 1981 reapportionment.

2. That the committee determine (1) the standards to be employed in securing a fair and effective reapportionment; and (2) whether legislation is needed to implement those standards.

3. That the committee study the procedures used in past reapportionments.

4. That the committee in its study shall seek the input of the citizenry through statewide public hearings and solicit public testimony.

5. That the committee compile its findings and report them at the next regular session of the Legislature.

6. That the committee recommend legislation, if any, appropriate to its findings at the next legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 59.

Introduced by DeCamp, 40th District.

WHEREAS, the Nebraska Legislature has previously considered legislation which would extend a limited power of eminent domain to coal slurry pipelines; and

WHEREAS, the Nebraska Legislature, while recognizing the steadily increasing need for energy throughout the United States and the possible role which can be played by coal slurry pipelines in providing transportation of meaningful amounts of fuel, nevertheless reserves judgment as to the wisdom of said pipelines until a comprehensive study is completed and fully documented; and

WHEREAS, there may exist potential dangers concerning any monopoly on coal transportation and alternatives to the railroad transportation of coal may be in the public interest; and

WHEREAS, the issues to be addressed regarding coal slurry pipeline legislation are numerous and often complex; and

WHEREAS, the full resolution of such issues demands comprehensive study and examination:

NOW, THEREFORE, BE IT RESOLVED BY MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted as determined by the Executive Board of the Legislature for the resolution of coal slurry pipeline issues.

2. That this interim study committee is directed to study and document the following issues:

(a) A determination as to whether a coal slurry pipeline will be built regardless of the Nebraska Legislature's action or inaction in extending a limited eminent domain power for such pipelines;

(b) A determination as to whether additional coal slurry pipelines will need to be constructed and if so, whether such additional pipelines will have a detrimental effect on the Nebraska railroad industry and on Nebraska water;

(c) A determination as to whether the State of Nebraska can devise an effective system of control over a coal slurry pipeline transportation system if economic or natural resources of the state are adversely affected;

(d) A determination of the short term and long term impacts of the construction and operation of one or more coal slurry pipelines upon the overall Nebraska economy and in particular, any impacts upon this state's agricultural, energy and tax sectors.

3. That this interim study committee shall be given all express, implied and inherent powers to conduct such investigation, 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 this study.

4. That this interim study committee shall present to the Eighty-Sixth Legislature, Second Session, a comprehensive and fully documented study with any recommendations for legislative action.

Referred to the Executive Board.

UNANIMOUS CONSENT - Members Excused

Mr. Burrows asked unanimous consent to be excused at 9:50 a.m. until he returns. No objections. So ordered.

Mr. Warner asked unanimous consent to be excused at 9:45 a.m. until 10:20 a.m. No objections. So ordered.

MOTION - Return LB 227 to Select File

Mr. Warner moved to return LB 227 to Select File for the specific amendment found in the Journal on page 1511 (Req. #2893).

The motion prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 227. The Warner specific amendment found in the Journal on page 1511 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.

MOTION - Return LB 358 to Select File

Mr. Brennan moved to return LB 358 to Select File for the following specific amendment:

1. Strike the Emergency Clause.
2. In the title of the Final Reading bill, line 7, insert "and" after the semicolon; and in lines 8 and 9 strike "; and to declare an emergency".

The motion prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 358. The Brennan specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays, 12 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 484. Laid over at the request of Mr. Lewis.

LEGISLATIVE BILL 524.

A BILL FOR AN ACT relating to grand juries; to change provisions relating to the charge to the jury, reporters, and subpoenas; to provide

rights and procedures related to witnesses; to add provisions dealing with the indictment; to amend sections 29-1406, 29-1407, 29-1409, 29-1411, 29-1412, 29-1416, and 29-1418, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Brennan	Dworak	Johnson	Lewis	Reutzel
Burrows	Fitzgerald	Kahle	Maresh	Rumery
Carsten	Fowler	Kelly	Marsh	Schmit
Chambers	George	Kennedy	Marvel	Sieck
Clark	Goodrich	Keyes	Merz	Simon
Cope	Haberman	Koch	Murphy	Stoney
Cullan	Hasebroock	Labedz	Newell	Venditte
DeCamp	Hefner	Lamb	Nichol	Wagner
Duis	Hoagland	Landis	Pirsch	Wesely

Voting in the negative, 0.

Excused and not voting, 4:

Beutler	Kremer	Vickers	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 52.

A BILL FOR AN ACT relating to insurance; to authorize legal service insurance corporations; to provide duties; to set standards for legal expense insurers; and to provide for severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 29:

Brennan	Duis	Hasebroock	Koch	Merz
Burrows	Fitzgerald	Hefner	Labedz	Newell
Carsten	Fowler	Hoagland	Landis	Nichol
Cope	George	Johnson	Maresh	Pirsch
DeCamp	Haberman	Keyes	Marsh	Rumery

Simon	Stoney	Venditte	Wesely	

Voting in the negative, 13:

Chambers	Kahle	Lamb	Reutzel	Wagner
Cullan	Kelly	Marvel	Schmit	
Dworak	Kennedy	Murphy	Sieck	

Present and not voting, 3:

Clark	Goodrich	Lewis

Excused and not voting, 4:

Beutler	Kremer	Vickers	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 59.

A BILL FOR AN ACT to amend sections 79-444 and 79-444.01, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require examination and immunization of certain students as prescribed; to provide exceptions; to provide 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, 34:

Brennan	George	Kennedy	Marsh	Schmit
Chambers	Haberman	Keyes	Merz	Sieck
Cope	Hasebroock	Koch	Murphy	Simon
DeCamp	Hoagland	Labedz	Newell	Stoney
Dworak	Johnson	Landis	Pirsch	Venditte
Fitzgerald	Kahle	Lewis	Reutzel	Wesely
Fowler	Kelly	Maresh	Rumery	

Voting in the negative, 4:

Clark	Cullan	Hefner	Lamb

Present and not voting, 6:

Carsten	Goodrich	Nichol
Duis	Marvel	Wagner

Excused and not voting, 5:

Beutler	Burrows	Kremer	Vickers	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 135. With Emergency.

A BILL FOR AN ACT to amend section 79-1034, Reissue Revised Statutes of Nebraska, 1943, relating to Class V school districts; to increase and specify membership on the board of trustees of the retirement system; to increase the quorum required; 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:

Brennan	Fitzgerald	Kelly	Marsh	Simon
Carsten	Fowler	Kennedy	Merz	Stoney
Chambers	George	Keyes	Newell	Venditte
Clark	Haberman	Koch	Nichol	Wagner
Cope	Hasebroock	Labedz	Pirsch	Wesely
Cullan	Hefner	Lamb	Reutzel	
DeCamp	Hoagland	Landis	Rumery	
Duis	Johnson	Lewis	Schmit	
Dworak	Kahle	Maresh	Sieck	

Voting in the negative, 0.

Present and not voting, 3:

Goodrich	Marvel	Murphy

Excused and not voting, 5:

Beutler	Burrows	Kremer	Vickers	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 136 to Select File

Mr. Rumery moved to return LB 136 to Select File for the following specific amendment:

Add the emergency clause.

The motion prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 136. The Rumery specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 143 to Select File

Mr. Venditte moved to return LB 143 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Venditte withdrew his motion.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 143.

A BILL FOR AN ACT relating to public utilities; to provide procedures for discontinuance of service for certain subscribers; to provide for notice and hearings; to amend section 18-416, Reissue Revised Statutes of Nebraska, 1943; to provide for 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, 25:

Brennan	Fowler	Koch	Marsh	Rumery
Chambers	Haberman	Labedz	Merz	Sieck
Cullan	Hoagland	Landis	Newell	Simon
DeCamp	Johnson	Lewis	Nichol	Stoney
Fitzgerald	Keyes	Maresh	Reutzel	Wesely

Voting in the negative, 12:

Carsten	Duis	Hefner	Kennedy
Clark	Dworak	Kahle	Lamb
Cope	Hasebroock	Kelly	Wagner

Present and not voting, 7:

George	Marvel	Pirsch	Venditte
Goodrich	Murphy	Schmit	

Excused and not voting, 5:

Beutler	Burrows	Kremer	Vickers	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 220.

A BILL FOR AN ACT to amend sections 8-110, 8-115.01, 8-116, 8-123, 8-140, and 8-152, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to change provisions relating to bonds as prescribed; to change provisions relating to loans to officers and employees of banks as prescribed; to authorize the location of banks outside the corporate limits of cities or villages; to change the manner of computing aggregate indebtedness; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Brennan	Cullan	Fitzgerald	Hasebroock	Kahle
Chambers	DeCamp	Fowler	Hefner	Kelly
Clark	Duis	George	Hoagland	Kennedy
Cope	Dworak	Haberman	Johnson	Keyes

Koch	Lewis	Murphy	Reutzel	Stoney
Labedz	Maresh	Newell	Rumery	Venditte
Lamb	Marsh	Nichol	Schmit	Wagner
Landis	Merz	Pirsch	Sieck	Wesely

Voting in the negative, 0.

Present and not voting, 4:

Carsten	Goodrich	Marvel	Simon

Excused and not voting, 5:

Beutler	Burrows	Kremer	Vickers	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 252 to Select File

Mr. George moved to return LB 252 to Select File for the following specific amendment:

1. Page 2, line 10 and 11, strike "the most recent statement on file as provided by section 31-727.01, and".

The motion prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 252. The George specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 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 257.

A BILL FOR AN ACT relating to telephones; to prohibit installation of certain equipment without a permit; to provide procedures; to provide a penalty; to amend sections 87-302 and 87-303.08, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 32:

Brennan	George	Labedz	Nichol	Venditte
Chambers	Goodrich	Lamb	Pirsch	Wagner
Cope	Hoagland	Landis	Reutzel	Warner
Cullan	Johnson	Lewis	Rumery	Wesely
DeCamp	Kahle	Maresh	Schmit	
Fitzgerald	Keyes	Marsh	Sieck	
Fowler	Koch	Merz	Simon	

Voting in the negative, 11:

Clark	Haberman	Kelly	Newell
Duis	Hasebroock	Kennedy	Stoney
Dworak	Hefner	Murphy	

Present and not voting, 2:

Carsten Marvel

Excused and not voting, 4:

Beutler Burrows Kremer Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 60.

Introduced by Maresh, 32nd District; George, 16th District; Carsten, 2nd District; Schmit, 23rd District.

WHEREAS, a significant portion of Nebraska's economy is based on agriculture and agricultural industry; and

WHEREAS, a major problem currently faced by the agricultural industry is the difficulty and cost of transporting grain to market; and

WHEREAS, delays in transporting grain to market which formerly occurred during the harvest season, are now a year around problem and result in an overall loss of revenue to Nebraska farmers and to the State of Nebraska; and

WHEREAS, the establishment of additional grain terminals on the Missouri River and the possible increase in the use of grain barges in transporting grain to market has generated interest by the Department of Agriculture, Nebraska farmers and grain companies as a profitable alternative to the shipping of grain by rail; and

WHEREAS, the greater utilization of barges for the transportation of grain could result in a significant conservation of energy resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agricultural and Environment Committee conduct an interim study to determine the feasibility of increasing the use of barges in Nebraska for the shipment of grain; such study to include, but not be limited to:

(a) The feasibility of increasing the existing number of grain terminals;

(b) The feasibility of increasing the number of grain barges in use by the direct purchase of barges, by an increase in the number of contracted barges, and/or by an increase in two-way river traffic;

(c) The capability of the Missouri River to handle present grain barge traffic as well as any future increase in such traffic;

(d) The effects of increased barge transportation of grain upon Nebraska's traditional boxcar shortage and upon the condition of Nebraska branch rail lines; and

(e) The availability of federal funds to assist in the development of barge traffic.

2. In conducting the study, input should be gained from the Army Corps of Engineers, the railroads, barge companies, grain companies involved in or interested in the use of barges, and farmers, as well as anyone else having interest in or knowledge of this area.

3. That the committee provide a report of its investigation together with its recommendations, if any, 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 120 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2887).

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused at 10:30 a.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 571. Title read. Considered.

Mr. Schmit renewed his pending amendments found in the Journal on page 1423.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 9 nays, and 24 not voting.

Mr. Newell 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 Schmit amendments were adopted with 29 ayes, 3 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Koch offered the following amendment:
Amend Schmit amendment - page 1 - Sec 1 line 6 - after "with" insert "private industry,"

SPEAKER MARVEL PRESIDING

Mr. Koch withdrew his amendment.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Advanced to E & R for Review with 26 ayes, 5 nays, 16 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 61.

Introduced by Simon, 31st 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; Dworak, 22nd District; Fitzgerald, 14th District; Fowler,

27th District; George, 16th District; Haberman, 44th District; Hasebroock, 18th District; Hefner, 19th District; Hoagland, 6th District; Johnson, 8th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lewis, 45th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Merz, 1st District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Pirsch, 10th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Venditte, 7th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, George Thomas Vickers was a long-time resident of the Cozad area; and

WHEREAS, Mr. Vickers was retired from a life of farming; and

WHEREAS, at age 86 Mr. Vickers departed this life on Saturday, April 14, 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature express their sympathy to the family of George Thomas Vickers.

2. That a copy of this resolution be presented to his son, Senator Thomas Vickers on behalf of the Vickers family as an expression of regret for his father's passing.

Mr. Simon moved to suspend the rules, Rule 4, Sec. 6, to consider LR 61 today. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

LR 61 was adopted with 36 ayes, 0 nays, and 13 present and not voting.

Mr. Vickers thanked the members on behalf of his family.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 1979, at 11:50 a.m., were the following bills: 578, 428, 428A, 376, 352, 339, 253, 195, 164, 116, and 564.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 52, 59, 135, 143, 220, 257, and 524.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 52, 59, 135, 143, 220, 257, and 524.

VISITORS

Visitors to the Chamber were 120 eleventh grade students and teachers from Central High School, Omaha, Nebraska; two groups of fourth grade students and teachers from Holling Heights School, Millard, Nebraska; 38 fourth grade students and teachers from Seymour and Maywood School, Ralston, Nebraska; 35 seventh grade students and teacher from Henderson, Nebraska; and a group of Kiwanis members.

RECESS

At 11:55 a.m., on a motion by Mr. Clark, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:49 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Duis, Lewis, Venditte, and Vickers who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 158 in the Journal. No objections. So ordered.

1. 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.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 1979, at 2:54 p.m., were the following bills: 524, 257, 220, 143, 135, 59, and 52.

(Signed) Hazel Kaltenberger, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 172. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 918 for the Forty-Seventh Day (Req. #2702) were considered.

Messrs. Schmit, Johnson, Newell, Hoagland, Wesely, Dworak, Rumery, Simon, and DeCamp offered the following amendments to the Standing Committee amendments (Req. 2702):

1. On page 2, line 3 strike "fifty"; after line 4 insert the following new paragraph:
"The cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of the site, plant, and equipment with respect to which the capital expenditure is made shall be included in determining the amount of the capital expenditure.".
2. On page 6, line 14 strike "would receive services from" and insert "are to be served by".
3. On page 7, in line 26 strike the comma and insert a period; and strike beginning with "except" in line 26 through line 27 and insert "Substantial change in a health service shall also mean the expansion, reduction, or modification in the scope or type of an existing health service provided by the health care facility or health maintenance organization.".
4. On page 8, strike lines 1 and 2; in line 11 strike "not"; and strike the comma and insert "even"; in line 16 strike "section" and insert "subdivision"; and strike beginning with the comma in line 17 through "sale" in line 24.
5. Insert the following new section:
"Sec. 29. After the effective date of this act, all applications submitted under this act or under the P.L. 92-603, section 1122 capital expenditure program

shall be reviewed under a single unified review process. The rules, regulations, application, and process described in this act shall also be used by the department to govern and administer the P.L. 92-603, section 1122 capital expenditure program. The single unified review process shall result in a decision which shall constitute the determination of the department for the P.L. 92-603, section 1122 capital expenditure review and for the certificate of need review.".

6. On page 9, line 10 strike "fifty"; in line 20 strike "and"; in line 21 after the comma insert "and site acquisition,"; and in lines 22 and 23 strike "or site acquisition".

7. On page 10, Line 5 strike "fifty"; strike beginning with the comma in line 10 through "act" in line 20 and insert "if such offices do not include clinical equipment for the provision of renal dialysis therapy, radiation therapy employing megavoltage radiation equipment for diagnostic or therapeutic treatment, computerized tomography scanning, or other clinical equipment which is generally associated with hospital based patient care. After the effective date of this act, no person shall engage in the purchase, acquisition, or lease of clinical equipment identified in this section, which would be located in the State of Nebraska, without having first applied for and received the necessary certificate of need, when the expenditure for such clinical equipment would be in excess of one hundred thousand dollars".

8. On page 11 strike beginning with "exempt" in line 2 through line 16 and insert "waive the procedures of the formal review requirements prescribed in this act and substitute a nonsubstantive review for projects meeting the conditions identified in section 35 of this act. All requests for such nonsubstantive review status by the applicant shall be made in writing to the department. The department, after consultation with the appropriate health systems agency, shall make a determination within fifteen days after receipt of the written request for nonsubstantive review status. The department shall adopt an abbreviated form for submitting a request for nonsubstantive review status. Procedures to be followed for nonsubstantive review shall be established by the department. An application for nonsubstantive review shall demonstrate that there is now and will continue to be a need in the health service area for the project, as determined by the appropriate criteria developed pursuant to sections 52 to 55 of this act. The department shall issue or decline to issue a certificate of need on all projects assigned

nonsubstantive review status within fifteen days of this determination. If a project is denied nonsubstantive review status or is denied a certificate of need following a nonsubstantive review, the applicant may apply under the procedures of the formal review requirements of this act.".

9. On page 12, strike beginning with the comma in line 3 through "department" in line 8; strike beginning with "letter" in line 17 through "applicant" in line 19 and insert "application, including the financial statements and the proposed contract for purchase or lease".

10. Strike original section 35.

11. On page 13, line 18, strike "and"; and in line 22 strike the period and insert "; and"; and after line 22 insert a new subdivision as follows:

"(5) Establish criteria for determining when it shall not be feasible to complete the review of an application for a certificate of need within ninety days, as provided under section 38 of this act. If the department determines that these criteria have been met for a particular project, the review shall be extended for a period not to exceed sixty days with the consent of the applicant. Affected parties shall be notified of any extensions to the deliberation of a certificate of need application.".

12. On page 15, in lines 3 and 4 strike "51 to 54" and insert "52 to 55"; and in line 7 after "its" insert "written".

13. On page 17, strike beginning with "ninety" in line 23 through "38" in line 24 and insert "the time period provided under sections 36 and 38"; and strike beginning with the period in line 26 through line 27.

14. On page 18, strike line 1; in line 9 strike "49" and insert "50"; in line 13 strike "29" and insert "30"; in line 17 strike "51 to 54" and insert "52 to 55"; and in line 18 after "decision" insert "and a detailed statement of the reasons for any inconsistency with the written comments submitted to the department by the appropriate health systems agency".

15. Insert the following new section:

"Sec. 49. The certificate of need shall be valid only for a project as described in the application. If the applicant proceeds to develop a project which departs from the application as approved, the sanctions in sections 68 to 71 of this act shall apply.".

16. On page 19, line 12 strike "51 to 54" and insert "52 to 55"; and in line 18 strike "51 to 54" and insert "52 to 55".

17. On page 20, line 6 strike the comma and insert

a period; and strike beginning with "if" in line 6 through "State" in line 7 and insert "Such plans shall be placed on file with the Secretary of State and utilized as rules and regulations by the department".

18. On page 22, line 8 after the second "the" insert "costs and methods of the proposed construction, including the costs and methods of providing energy, and the"; and in lines 15 and 25 strike "51 to 54" and insert "52 to 55".

19. Strike original section 58.

20. On page 24, line 1 strike "individuals representative of the consumer viewpoint" and insert "persons who are not providers of health care"; after line 2 insert "For the purpose of this section, provider of health care shall be defined according to section 1531 of P.L. 93-641, 42 U.S.C., section 300n(3).".

21. On page 25 strike beginning with "proof" in line 15 through "criteria" in line 16 and insert "proving that the project meets the criteria specified in the written findings of the department under section 48 of this act"; and in lines 24 and 25 strike "51 to 54" and insert "52 to 55".

22. On page 26, line 26 strike "29" and insert "30".

23. On page 27, line 9 strike "29" and insert "30".

24. Strike original section 71.

25. Insert a new section as follows:

"Sec. 71. After the effective date of this act, no agency of state government may appropriate or grant funds to, or assist in any way, any person or health care facility which develops or offers any new institutional health service without first obtaining a certificate of need as required by this act.".

26. Renumber sections 29 to 34 as sections 30 to 35 and sections 49 to 57 as sections 50 to 58 respectively.

Mr. Lamb requested a division of the amendments, to vote on 4, 8, 10, 23 and 28 separately.

The Chair ruled the amendments would be taken as a whole, the same as the Standing Committee amendments were considered as a whole and are not divisible.

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 18 ayes, 2 nays, and 29 not voting.

MR. NICHOL PRESIDING

The motion to close debate prevailed with 26 ayes, 13 nays, and 10 not voting.

SPEAKER MARVEL PRESIDING

The Schmit et al amendments to the Standing Committee amendments were adopted with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 9 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Cullan moved to indefinitely postpone.

Mr. George asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 6 nays, and 19 not voting.

Mr. Dworak 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 his motion to indefinitely postpone.

Voting in the affirmative, 12:

Clark	Duis	Kelly	Lamb
Cope	Goodrich	Kennedy	Maresh
Cullan	Hefner	Koch	Vickers

Voting in the negative, 26:

Beutler	Dworak	Johnson	Marsh	Schmit
Burrows	Fitzgerald	Kahle	Newell	Sieck
Carsten	Fowler	Kremer	Pirsch	Simon
Chambers	Haberman	Labedz	Reutzel	Stoney
DeCamp	Hoagland	Landis	Rumery	Warner

Wesely

Present and not voting, 9:

Brennan	Keyes	Marvel	Murphy	Wagner
Hasebroock	Lewis	Merz	Nichol	

Excused and not voting, 2:

George Venditte

The motion to indefinitely postpone lost with 12 ayes, 26 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Goodrich moved to recommit LB 172 to the Public Health and Welfare Committee.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Goodrich motion lost with 13 ayes, 21 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 18, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 183.

This bill was signed by me on April 18, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

The Chair declared the Call raised.

MOTION - Introduce Bill

Mr. Nichol moved the introduction of a new bill by the Judiciary Committee, (Req. #917).

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 597. By Judiciary Committee: Nichol, 48th District, Chairman; Chambers, 11th District; Stoney, 4th District; Wagner, 41st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1001 to 25-1004, 25-1009 to 25-1011, 25-1016, 25-1024, 25-1025, 25-1029, 25-1030, 25-1041, 25-1050, and 25-1056, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to attachments as prescribed; to change provisions relating to garnishments in aid of execution; to repeal the original sections, and also sections 25-1012, 25-1038, and 25-1053, Reissue Revised Statutes of Nebraska, 1943, and section 25-1013, Revised Statutes Supplement, 1978.

VISITORS

Visitors to the Chamber were 47 senior students and teacher from Hastings St. Cecilia High School; 25 fourth grade students and teacher from Lincoln Christian School, Lincoln; 27 students and teacher from Papillion High School, Papillion; and 18 senior high students and teacher from Hastings Senior High School, Hastings.

ADJOURNMENT

At 4:31 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m., Thursday, April 19, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-NINTH DAY - APRIL 19, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 19, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God our Father, bless us in our work today, that it may be work in accordance with Your will and for the greater good of all. As we try to deal honestly with things as they are, keep alive our hope that things may yet be better than they are. "Earth shall be fair, and all her people one: Not 'til that hour shall God's whole will be done."
>
> Give us faith to believe in the possibility of constructive change that each of us may do all he can to change from bad to good and from good to better, until You are satisfied with our stewardship of life and time and responsibility in behalf of others. Guide us in the way You want us to go, and we pray for Your Name's sake. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak and Kelly who were excused; and Messrs. Chambers, Haberman, Johnson, Simon, Warner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 348. Replaced on Select File as amended.
E & R amendments to LB 348:

1. Because of the Simon amendment adopted 3/19, in the Fowler amendment to page 2, line 9, insert a comma before "state" in the first line, and insert the new language after "tenant" in line 7.

2. Renumber sections added by the Fowler amendments as sections 6 to 12 and the new section added by the Newell amendment as section 13.

3. In renumbered section 11, line 2, strike "and/or" and insert "and"; in line 3 strike "or" and insert "nor"; and in line 4 strike "Section 4" and insert "section 5".

4. In the title, line 5, strike "and"; and in line 6 insert "; to regulate the relationship of the parties; and to provide a penalty" after "lien".

LEGISLATIVE BILL 252. Replaced on Select File as amended.
E & R amendment to LB 252:

1. Show as stricken the matter struck by the George amendment.

LEGISLATIVE BILL 398. Placed on Select File as amended.
E & R amendments to LB 398:

1. Because of the Reutzel amendment, strike the sentence beginning on page 2, line 19, page 3, line 25, page 5, line 1, and page 7, line 3 and line 24, and strike committee amendment 7.

2. Renumber new sections 7 and 8 as sections 6 and 7 and original section 7 as section 8.

3. In committee amendments, page 2, line 19, strike "9" and insert "8"; and in line 21 strike "8" and insert "7".

4. In the title, line 6, insert "to eliminate supplementary salaries; to provide for classes of judges; to provide operative dates;" after the semicolon.

LEGISLATIVE BILL 398A. Placed on Select File.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Messrs. Nichol, Sieck, Haberman, Duis, Clark, Reutzel, Hasebroock, Hefner, Kahle, Rumery, Schmit, Cope, Koch, Cullan, Goodrich, Wagner, Kelly, Merz, DeCamp, Burrows, Lamb, Maresh, George,

Kennedy, Newell, Kremer, and Mrs. Pirsch asked unanimous consent to print the following amendments to LB 490 in the Journal. No objections. So ordered.

1. Strike the original sections and insert:

"Section 1. That section 33-117, Revised Statutes Supplement, 1978, be amended to read as follows:

33-117. (1) The several sheriffs shall charge and collect fees as follows: Serving capias with commitment or bail bond and return, two dollars; serving search warrant, two dollars; arresting under search warrant, two dollars for each person so arrested; serving summons, subpoena in equity, order of attachment, order of replevin, writ of injunction, scire facias, citation, or other writ or mesne process and return thereof, one dollar for the first defendant and fifty cents for each of the other defendants in the same case; copy of summons, subpoena in equity or order of attachment, fifty cents; serving subpoena for witness, each person served, fifty cents; taking and filing replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; making a copy of any process, bond or paper other than herein provided for, fifty cents; traveling expenses for each mile actually and necessarily traveled within or without their several counties in their official duties, twenty cents, except that the minimum fee shall be fifty cents when such service is made within two miles of the courthouse; and, as far as is expedient, all papers in the hands of the sheriff at any one time shall be served in one or more trips by the most direct route or routes and only one mileage fee shall be charged for a single trip, the total mileage cost to be computed as a unit for each trip and the combined mileage cost of each trip to be prorated among the persons or parties liable for the payment of same; levying writ of execution and return thereof, two dollars; levying writ of possession without the aid of the county, two dollars; levying writ of possession with the aid of the county, four dollars; summoning the grand jury, not including mileage to be paid by the county, ten dollars; summoning petit jury, not including mileage to be paid by the county, twelve dollars; summoning special jury for each person impaneled, fifty cents; calling jury for trial of a case or cause, fifty cents; serving notice of motion, other notice, or order of court, one dollar; executing writ of restitution and return, two dollars; calling inquest to appraise lands and tenements levied on by execution, one dollar; calling inquest to appraise goods and chattels taken by order of attachment or replevin, one dollar; advertisement of sale in newspaper

in addition to the price of printing, one dollar; advertising in writing for sale of real or personal property, two dollars; executing writ of partition, four dollars; making deeds for land sold on execution or order of sale, two dollars; committing prisoner to prison, one dollar; commission on all money received and disbursed by him or her on execution or order of sale, order of attachment decree, or on sale of real or personal property shall be for each dollar, not exceeding four hundred dollars, six cents; for every dollar above four hundred dollars and not exceeding one thousand dollars, four cents; for every dollar above one thousand dollars, two cents; Provided, in all cases where no money is received or disbursed by him or her no percentage shall be allowed; for guarding prisoners when it is actually necessary, four dollars per day, to be paid by the county. ~~; where there are prisoners confined in the county jail, three dollars shall be allowed the sheriff as jailer; for boarding prisoners, other than state prisoners, three dollars and fifty cents per day, in all counties where there is an average of less than fifty prisoners per day, computed on the basis of all kinds of prisoners, whether city, county, state, federal, or any other class, confined in the jail, and ninety cents per day where there is an average of more than fifty such prisoners per day; and provided further, the fees for committing, guarding, confining, and the boarding of prisoners, other than state prisoners, in counties having a population of more than two hundred thousand inhabitants shall be governed by section 33-117.01.~~

(2) Except as provided in section 33-117.01, Reissue Revised Statutes of Nebraska, 1943, the sheriffs of the various counties shall be granted an allowance for boarding prisoners of all classes. Such allowance shall, for all prisoners other than state prisoners, be negotiated between the sheriff and the county board based upon the actual cost of boarding prisoners, but the amount of the allowance shall not be less than three dollars fifty cents per day per prisoner. The allowance for state prisoners shall be three dollars and fifty cents per day.

~~(2)~~ (3) The sheriff shall, on the first Tuesday in January, April, July, and October of each year, make a report to the county board, under oath, showing (a) the different items of fees, except mileage, collected or earned, from whom, at what time, and for what service, (b) the total amount of such fees collected or earned by such officer since the last report, and (c) the amount collected or earned for the current year. He or she shall pay all fees earned to the county treasurer, who

shall credit same to the general fund of the county.

Sec. 2. That section 33-117.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-117.01. In counties having a population of two hundred thousand inhabitants or more the county board shall provide proper quarters and adequate equipment for the preparation and serving of all meals furnished to all prisoners confined in the county jail. The county sheriff shall have full charge and control of the quarters and service, and shall prepare and furnish all meals and provide all washing, fuel, lights and clothing for prisoners at actual cost to the county, subject to the right of the county to be paid by the state for state prisoners at the rate provided in ~~sections 47-113 and 47-113.01~~ section 33-117, and subject to the right of the county to be paid by the city for city prisoners at actual cost to the county. The sheriff shall, by written requisition, advise the county board what supplies are needed to enable him or her to carry out the duties herein imposed. All supplies of every nature entering into the furnishing of meals, washing, fuel, lights and clothing to the prisoners confined in the county jail shall be purchased and provided, under the direction of the county board, by a person, other than the county sheriff or any of his or her deputies, designated by the county board. Payment for all purchases shall only be made by the county board on the original invoices and on the sworn affidavit of the person designated to make the purchases, attached to each and every separate invoice of goods and supplies, setting forth, under oath, (1) that the invoice correctly describes the goods as to quality and quantity, (2) that the same have been received and are in the custody of the affiant, (3) have been or will be devoted exclusively to the purposes authorized in this section, and (4) the price charged is reasonable and just.

Sec. 3. That section 47-113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

47-113. The sheriffs, ~~or~~ jailers, or, in counties having a population of two hundred thousand or more inhabitants, the county board of the several counties, ~~who have the custody of state prisoners confined in the jails of such counties,~~ shall receive for boarding ~~such~~ state prisoners the schedule of fees set forth in section 33-117. Such sheriffs or jailers are hereby authorized to provide such fuel, lights, washing and clothing as may be necessary for the comfort of such prisoners while in their custody. Each ~~such~~ sheriff, ~~or~~

jailer, or person so authorized by the county board shall, on the first day of January, April, July, and October of each year, make a report in writing to the Director of Administrative Services of the number of state prisoners in ~~his~~ custody in the county jail for the last three months before making his or her report, when committed, and for what time, the amount due ~~him~~ for boarding such prisoner or prisoners, the amount of clothing furnished each prisoner and the costs of the same, and the amount expended for washing, lights and fuel, for that quarter, which amount shall be sworn to by the sheriff, ~~or~~ jailer, or other authorized person before the clerk of ~~the~~ such county ~~of which he is sheriff or jailer,~~ and certified to under his or her seal. Thereupon the director shall quarterly draw his or her warrant upon the State Treasurer for the amount due such officer or county. When the condition of the jails in this state requires a constant guard to be kept to prevent the escape of prisoners confined therein, the sheriff shall be allowed the sum of four dollars per day for guarding or procuring guard for such prisoners, which shall be paid to him or her quarterly.

Sec. 4. That original sections 33-117.01 and 47-113, Reissue Revised Statutes of Nebraska, 1943, and section 33-117, Revised Statutes Supplement, 1978, and also section 47-113.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend sections 33-117.01 and 47-113, Reissue Revised Statutes of Nebraska, 1943, and section 33-117, Revised Statutes Supplement, 1978, relating to fees and salaries; to change certain fees paid to sheriffs as prescribed; and to repeal the original sections, and also section 47-113.01, Reissue Revised Statutes of Nebraska, 1943.".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 278.

A BILL FOR AN ACT relating to accounting; to amend sections 1-119, 1-120, 1-124, 1-135, 1-136, and 1-136.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fees as prescribed; to provide for a fee for registration of certain offices; to increase a bond requirement; to provide for an insurance policy as

prescribed; to change the expiration date for permits; to clarify dates relating to continuing education; to provide an additional qualification for the Auditor of Public Accounts; 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:

Beutler	Duis	Kennedy	Maresh	Reutzel
Brennan	Fitzgerald	Keyes	Marsh	Rumery
Burrows	Fowler	Koch	Marvel	Schmit
Carsten	George	Kremer	Merz	Stoney
Clark	Hasebroock	Labedz	Murphy	Venditte
Cope	Hefner	Lamb	Newell	Vickers
Cullan	Hoagland	Landis	Nichol	Wagner
DeCamp	Kahle	Lewis	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

Goodrich Sieck

Excused and not voting, 8:

Chambers	Haberman	Kelly	Warner
Dworak	Johnson	Simon	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 291.

A BILL FOR AN ACT to enter into the Midwestern Education Compact.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler	Duis	Koch	Merz	Stoney
Brennan	Fitzgerald	Kremer	Newell	Venditte
Burrows	Fowler	Labedz	Nichol	Vickers
Carsten	George	Landis	Reutzel	Wagner
Clark	Hasebroock	Lewis	Rumery	Wesely
Cope	Hoagland	Maresh	Schmit	
Cullan	Johnson	Marsh	Sieck	
DeCamp	Kahle	Marvel	Simon	

Voting in the negative, 5:

Hefner	Kennedy	Keyes	Murphy	Pirsch

Present and not voting, 3:

Goodrich	Lamb	Warner

Excused and not voting, 4:

Chambers	Dworak	Haberman	Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 313. With Emergency.

A BILL FOR AN ACT to amend sections 44-309, 44-311.03, 44-311.04, and 44-321, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change and provide additional authorized investments; to require lists of certain investments; to change bank of deposit provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Brennan	Fowler	Koch	Merz	Sieck
Carsten	George	Kremer	Murphy	Simon
Chambers	Hasebroock	Labedz	Newell	Stoney
Clark	Hefner	Lamb	Nichol	Venditte
Cope	Johnson	Landis	Pirsch	Vickers
Cullan	Kahle	Maresh	Reutzel	Wagner
DeCamp	Kennedy	Marsh	Rumery	Warner
Fitzgerald	Keyes	Marvel	Schmit	

Voting in the negative, 1:

Wesely

Present and not voting, 6:

Beutler	Duis	Hoagland
Burrows	Goodrich	Lewis

Excused and not voting, 3:

Dworak	Haberman	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 415.

A BILL FOR AN ACT to adopt the Nebraska Life, Sickness and Accident Insurance Policy Readability Act; to establish minimum standards for readability of language used in policies of life insurance, sickness and accident insurance, credit life insurance, and credit accident and health insurance; to provide for procedures to measure readability; and to provide operative dates.

Whereupon the 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:

Beutler	Fowler	Kennedy	Marvel	Sieck
Brennan	George	Keyes	Merz	Simon
Burrows	Goodrich	Koch	Murphy	Stoney
Carsten	Haberman	Kremer	Newell	Venditte
Chambers	Hasebroock	Labedz	Nichol	Vickers
Clark	Hefner	Lamb	Pirsch	Wagner
Cope	Hoagland	Landis	Reutzel	Warner
Cullan	Johnson	Maresh	Rumery	Wesely
Fitzgerald	Kahle	Marsh	Schmit	

Voting in the negative, 0.

Present and not voting, 3:

DeCamp Duis Lewis

Excused and not voting, 2:

Dworak Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 510.

A BILL FOR AN ACT to amend sections 25-217 and 25-501, Reissue Revised Statutes of Nebraska, 1943, relating to commencement of actions; to provide when an action shall be deemed commenced; to change 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, 44:

Beutler	Fitzgerald	Kennedy	Marsh	Sieck
Brennan	George	Keyes	Marvel	Simon
Burrows	Goodrich	Koch	Merz	Stoney
Carsten	Haberman	Kremer	Newell	Venditte
Chambers	Hasebroock	Labedz	Nichol	Vickers
Clark	Hefner	Lamb	Pirsch	Wagner
Cope	Hoagland	Landis	Reutzel	Warner
Cullan	Johnson	Lewis	Rumery	Wesely
DeCamp	Kahle	Maresh	Schmit	

Voting in the negative, 0.

Present and not voting, 3:

Duis Fowler Murphy

Excused and not voting, 2:

Dworak Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 538. Laid over at the request of Mr. Schmit.

LEGISLATIVE BILL 575. With Emergency.

A BILL FOR AN ACT relating to rules of the road; to define careless driving; to provide a penalty; to repeal section 39-669, 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:

Beutler	George	Kremer	Murphy	Stoney
Brennan	Goodrich	Labedz	Newell	Venditte
Burrows	Hasebroock	Lamb	Nichol	Vickers
Carsten	Hefner	Landis	Pirsch	Wagner
Clark	Johnson	Lewis	Reutzel	Warner
Cope	Kahle	Maresh	Rumery	Wesely
Cullan	Kennedy	Marsh	Schmit	
Duis	Keyes	Marvel	Sieck	
Fitzgerald	Koch	Merz	Simon	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	DeCamp	Fowler	Haberman	Hoagland

Excused and not voting, 2:

Dworak	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 15. With Emergency.

A BILL FOR AN ACT relating to colleges and universities; to provide for retirement of employees as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Beutler	Fitzgerald	Kennedy	Marvel	Stoney
Brennan	Fowler	Keyes	Merz	Venditte
Burrows	George	Koch	Murphy	Vickers
Carsten	Goodrich	Kremer	Newell	Wagner
Chambers	Haberman	Labedz	Nichol	Warner
Clark	Hasebroock	Lamb	Pirsch	Wesely
Cope	Hefner	Landis	Reutzel	
Cullan	Hoagland	Lewis	Rumery	
DeCamp	Johnson	Maresh	Schmit	
Duis	Kahle	Marsh	Simon	

Voting in the negative, 0.

Present and not voting, 1:

Sieck

Excused and not voting, 2:

Dworak 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.

UNANIMOUS CONSENT - Withdraw Motion on LB 103

Mr. Schmit asked unanimous consent to withdraw his pending motion found in the Journal on page 1440 to return LB 103 to Select File for a specific amendment. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 103.

A BILL FOR AN ACT to amend section 77-604, Reissue Revised Statutes of Nebraska, 1943, and sections 77-602, 77-603, 77-606, 77-621, and 77-656, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 2, 3, 5, 13, and 24, respectively, Legislative Bill 105, Eighty-sixth Legislature, First Session, 1979, relating to revenue and taxation; to change provisions relating to the taxation of railroad property as prescribed; to change certain dates as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 29:

Beutler	Fowler	Koch	Newell	Stoney
Brennan	Goodrich	Labedz	Nichol	Venditte
Burrows	Hasebroock	Landis	Pirsch	Wagner
Chambers	Hoagland	Lewis	Rumery	Warner
Cullan	Johnson	Marsh	Sieck	Wesely
Fitzgerald	Keyes	Marvel	Simon	

Voting in the negative, 17:

Carsten	Duis	Kahle	Maresh	Vickers
Clark	George	Kennedy	Merz	
Cope	Haberman	Kremer	Reutzel	
DeCamp	Hefner	Lamb	Schmit	

Present and not voting, 1:

Murphy

Excused and not voting, 2:

Dworak Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 174.

A BILL FOR AN ACT to amend sections 71-1104, 71-1108, 71-1109, and 71-1112, Reissue Revised Statutes of Nebraska, 1943, and section 71-1114, Revised Statutes Supplement, 1978, relating to public health; to change the manner of the sale and distribution of prophylactics as prescribed; to change certain licensing provisions; to change a penalty; and to repeal the original sections, and also section 71-1113, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Beutler	Fowler	Kennedy	Marvel	Vickers
Burrows	George	Keyes	Newell	Warner
Chambers	Haberman	Koch	Nichol	Wesely
Clark	Hasebroock	Landis	Reutzel	
Cope	Hefner	Lewis	Schmit	
Cullan	Johnson	Maresh	Sieck	
DeCamp	Kahle	Marsh	Simon	

Voting in the negative, 11:

Carsten	Goodrich	Lamb	Stoney
Duis	Kremer	Pirsch	Venditte
Fitzgerald	Labedz	Rumery	

Present and not voting, 5:

Brennan	Hoagland	Merz	Murphy	Wagner

Excused and not voting, 2:

Dworak	Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 174A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 174, Eighty-sixth Legislature, First Session, 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, 26:

Beutler	Fowler	Koch	Nichol	Warner
Burrows	George	Landis	Reutzel	Wesely
Chambers	Hasebroock	Lewis	Schmit	
Cope	Hefner	Marsh	Sieck	
Cullan	Johnson	Marvel	Simon	
DeCamp	Kennedy	Newell	Vickers	

Voting in the negative, 15:

Carsten	Fitzgerald	Kahle	Lamb	Rumery
Clark	Goodrich	Keyes	Maresh	Stoney
Duis	Haberman	Kremer	Pirsch	Venditte

Present and not voting, 6:

Brennan	Labedz	Murphy
Hoagland	Merz	Wagner

Excused and not voting, 2:

Dworak Kelly

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?'"

Voting in the affirmative, 26:

Beutler	Fowler	Koch	Nichol	Warner
Burrows	George	Landis	Reutzel	Wesely
Chambers	Hasebroock	Lewis	Schmit	
Cope	Hefner	Marsh	Sieck	
Cullan	Johnson	Marvel	Simon	
DeCamp	Kennedy	Newell	Vickers	

Voting in the negative, 16:

Brennan	Fitzgerald	Kremer	Pirsch
Carsten	Goodrich	Labedz	Rumery
Clark	Haberman	Lamb	Stoney
Duis	Kahle	Maresh	Venditte

Present and not voting, 5:

Hoagland	Keyes	Merz	Murphy	Wagner

Excused and not voting, 2:

Dworak Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 198.

A BILL FOR AN ACT to amend sections 71-1631 and 71-1632, Reissue Revised Statutes of Nebraska, 1943, and section 71-1630, Revised Statutes Supplement, 1978, relating to public health and welfare; to remove certain exceptions; to change qualifications for certain health directors; to change powers and duties for certain health directors; and to repeal the original sections, and also sections 71-1630.02 and 71-1630.03, Reissue Revised Statutes of Nebraska, 1943, and section 71-1630.01, Revised Statutes Supplement, 1978.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Beutler	Duis	Kennedy	Marvel	Sieck
Brennan	Fitzgerald	Keyes	Merz	Simon
Burrows	Fowler	Koch	Murphy	Stoney
Carsten	George	Labedz	Newell	Venditte
Chambers	Goodrich	Lamb	Nichol	Vickers
Clark	Haberman	Landis	Pirsch	Wagner
Cope	Hasebroock	Lewis	Reutzel	Warner
Cullan	Hefner	Maresh	Rumery	Wesely
DeCamp	Kahle	Marsh	Schmit	

Voting in the negative, 0.

Present and not voting, 3:

Hoagland Johnson Kremer

Excused and not voting, 2:

Dworak Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 207.

A BILL FOR AN ACT relating to public power; to declare public policy; to provide procedures for arbitration of disputes between suppliers and purchasers of electrical services as prescribed; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler	Fowler	Koch	Merz	Simon
Brennan	George	Kremer	Murphy	Stoney
Burrows	Haberman	Labedz	Newell	Venditte
Carsten	Hasebroock	Lamb	Nichol	Vickers
Chambers	Hefner	Landis	Pirsch	Wagner
Cope	Hoagland	Lewis	Reutzel	Warner
Cullan	Kahle	Maresh	Rumery	Wesely
Duis	Kennedy	Marsh	Schmit	
Fitzgerald	Keyes	Marvel	Sieck	

Voting in the negative, 0.

Present and not voting, 4:

Clark	DeCamp	Goodrich	Johnson

Excused and not voting, 2:

Dworak	Kelly

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 80-305, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Veterans' Home; to change membership on the Board of Inquiry and Review as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Beutler	Clark	Fitzgerald	Hefner	Keyes
Brennan	Cope	George	Hoagland	Koch
Burrows	Cullan	Goodrich	Johnson	Kremer
Carsten	DeCamp	Haberman	Kahle	Labedz
Chambers	Duis	Hasebroock	Kennedy	Lamb

Landis	Merz	Reutzel	Stoney	Wesely
Lewis	Murphy	Rumery	Venditte	
Maresh	Newell	Schmit	Vickers	
Marsh	Nichol	Sieck	Wagner	
Marvel	Pirsch	Simon	Warner	

Voting in the negative, 0.

Present and not voting, 1:

Fowler

Excused and not voting, 2:

Dworak Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 326.

A BILL FOR AN ACT to amend section 2-1579, Revised Statutes Supplement, 1978, relating to the Nebraska Water Conservation Act of 1977; to change conditions for receiving cost-share 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, 36:

Brennan	Goodrich	Koch	Merz	Venditte
Burrows	Haberman	Kremer	Newell	Vickers
Chambers	Hasebroock	Labedz	Nichol	Warner
Clark	Hefner	Lamb	Reutzel	Wesely
Cope	Johnson	Landis	Rumery	
Duis	Kahle	Lewis	Schmit	
Fitzgerald	Kennedy	Maresh	Simon	
George	Keyes	Marsh	Stoney	

Voting in the negative, 4:

Cullan	Murphy	Pirsch	Sieck

Present and not voting, 7:

Beutler	DeCamp	Hoagland	Wagner
Carsten	Fowler	Marvel	

Excused and not voting, 2:

Dworak Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 328.

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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler	George	Keyes	Murphy	Simon
Brennan	Goodrich	Koch	Newell	Stoney
Burrows	Haberman	Kremer	Nichol	Venditte
Chambers	Hasebroock	Labedz	Pirsch	Warner
Cope	Hefner	Landis	Reutzel	Wesely
DeCamp	Hoagland	Maresh	Rumery	
Duis	Johnson	Marsh	Schmit	
Fowler	Kahle	Merz	Sieck	

Voting in the negative, 2:

Cullan Lamb

Present and not voting, 8:

Carsten	Fitzgerald	Lewis	Vickers
Clark	Kennedy	Marvel	Wagner

Excused and not voting, 2:

Dworak Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 285 in the Journal. No objections. So ordered.

1. In the committee amendments, on page 8, lines 22 and 23, strike "December 31, 1984" and insert "February 15, 1980".

Mr. Reutzel asked unanimous consent to print the following amendments to LB 586 in the Journal. No objections. So ordered.

1. On page 18 line 23 strike "four" and insert "seven".

2. On page 19 line 10 strike "four" and insert "seven"; in line 18 strike "four" and insert "seven"; and strike beginning with "The" in line 22 through the period in line 26.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on 278, nay on 291, and aye on 313.

(Signed) Rex Haberman

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 534 in the Journal. No objections. So ordered.

1. In the committee amendments on page 1, lines 3 and 4 strike "29-432, Revised Statutes Supplement, 1978" and insert "29-427, Reissue Revised Statues of Nebraska, 1943".

Mr. Duis asked unanimous consent to print the following amendments to LB 391 in the Journal. No objections. So ordered.

1. In the committee amendments insert a new section as follows:

"Sec. 2. That section 44-1627, Revised Statutes Supplement, 1978, be amended to read as follows:

44-1627. The coverages provided for by sections 44-1620 to 44-1632 shall be afforded to each permanent

state employee who works one half or more of the regularly scheduled hours during each pay period, commencing after thirty days of such employment. Employees who are employed less than the regularly scheduled hours shall be entitled to state contributions on a proportionately reduced basis. No coverages provided for by sections 44-1620 to 44-1632 shall be afforded to any employee after attainment of age ~~sixty-five~~ seventy. The life and health insurance coverages provided by sections 44-1620 to 44-1632 shall be totally independent of one another and the loss experience and the rates for the two coverages shall be maintained separate and apart from one another.".

2. Renumber sections 2 to 5 and 7 and 8 added by the committee amendments as sections 3 to 6 and 8 and 9 respectively.

3. In the committee amendments on page 6, line 18 strike "section" and insert "sections 44-1628 and"; and in line 20 strike "6" and insert "7".

Mr. Kremer asked unanimous consent to print the following amendment to LB 547 in the Journal. No objections. So ordered.

1. On page 2 lines 13 and 14 strike "or from a storage reservoir" and show as stricken; and in line 17 after the semicolon insert "for filing, recording, and examining each application for water for irrigation from a storage reservoir, for the first one thousand acres proposed for irrigation or fraction thereof, fifty dollars, and for each additional thousand acres or fraction thereof, twenty-five dollars;".

ATTORNEY GENERAL'S OPINIONS

Opinion No. 89
April 17, 1979

Dear Senator Kelly:

We are in receipt of your letter of April 11, 1979, in which you inform us that you intend to amend Legislative Bill 221 by adding a fourth and fifth section, the effect of which would be to require any minor convicted of being in possession of any alcoholic beverage to inform the appropriate county attorney of the name of the person who sold, gave or otherwise supplied the alcoholic beverage to the minor. Refusal to disclose such would result in the person being guilty of a Class IV misdemeanor.

You ask whether or not in our opinion the amendment would be constitutional. While we express no opinion as to such a provision's

desirability we find nothing within its contents which would render it constitutionally void.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Opinion No. 90
April 18, 1979

Dear Senator Kelly:

We are in receipt of your letter of April 11, 1979, in which you inform us of your intent to amend Legislative Bill 221. In another letter of that same date you also informed us of an intent to provide a different section 4 to Legislative Bill 221 and we commented on your question with regard to that amendment in a separate letter.

We do note in passing however that the amendment referred to in your second letter of April 11th would also provide a section 4 to Legislative Bill 221. We are not certain if these requests concern alternative amendments to Legislative Bill 221 but we call this fact to your attention in the event you are desirous of offering both amendments.

Specifically this amendment would alter the language of section 53-180.05, R.R.S. 1943 which is generally the punishment section concerning minors and minors in possession and would include in addition to the other punishments the provision that a court of competent jurisdiction might impose the sanction of a prohibition against operating a motor vehicle for a period of one month for a first offense, three months for a second offense, and up to one year for a third offense. You ask whether or not in our opinion such punishments would be constitutional.

While we wish to express no opinion as to the desirability of such an amendment which would create such punishments we cannot say that such punishments would violate any constitutionally protected right or be therefore constitutionally invalid.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

GENERAL FILE

LEGISLATIVE BILL 152. Title read. Considered.

Standing Committee amendments found in the Journal on page 1462 for the Sixty-Sixth Day were considered.

Mr. DeCamp renewed his pending amendments to the Standing Committee amendments found in the Journal on page 1516.

The amendments were adopted with 20 ayes, 3 nays, 24 present and not voting, and 2 excused and not voting.

Mr. Warner asked unanimous consent to be excused until noon. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendments:
1. Strike all of section 5 (bottom of page 1, top of page 2)
2. In section 8 strike all reference to gambling records. (page 2, lines 20-24)

SPEAKER MARVEL PRESIDING

The amendment was adopted with 22 ayes, 0 nays, 24 present and not voting, and 3 excused and not voting.

Mr. Lewis asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
Amend Committee Amendments
Page 1, line 8 (second)
Strike "Class I misdemeanor" and insert "Class II misdemeanor"

Mr. Chambers moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Newell requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 13:

Carsten	Fowler	Marsh	Reutzel	Wesely
Chambers	Keyes	Merz	Schmit	
Clark	Lamb	Murphy	Simon	

Voting in the negative, 24:

Brennan	Fitzgerald	Johnson	Landis	Rumery
Burrows	George	Kahle	Maresh	Sieck
Cope	Hasebroock	Kennedy	Marvel	Stoney
Cullan	Hefner	Koch	Newell	Wagner
DeCamp	Hoagland	Labedz	Pirsch	

Present and not voting, 8:

Beutler	Goodrich	Kremer	Venditte
Duis	Haberman	Nichol	Vickers

Excused and not voting, 4:

Dworak	Kelly	Lewis	Warner

The Chambers amendment lost with 13 ayes, 24 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Standing Committee amendments, as amended, were adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Vickers asked unanimous consent to be excused. No objections. So ordered.

Mr. Venditte offered the following amendment:

1. In the committee amendments insert a new section as follows:

"Section 1. That section 28-801, Revised Statutes Supplement, 1978, be amended to read as follows:

28-801. (1) Any person who performs, offers, or agrees to perform any act of sexual penetration, as defined in subdivision (5) of section 28-318, with any person not his spouse in exchange for money or other

thing of value commits prostitution.

~~Any person violating this section shall be issued a citation in lieu of arrest pursuant to sections 29-422 to 29-430.~~

(2) Prostitution is a Class ~~V~~ IIIA misdemeanor.".

2. Renumber remaining sections accordingly.

3. In the committee amendments, on page 6, line 22 after "sections" insert "28-801,".

Mr. Simon requested a ruling of the Chair on whether the Venditte amendment is germane to the bill.

The Chair ruled the amendment is germane.

Mr. Venditte moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Venditte requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Carsten	Goodrich	Kremer	Marvel	Rumery
Clark	Hefner	Labedz	Murphy	Stoney
Cope	Kahle	Lamb	Nichol	Venditte
Cullan	Kennedy	Maresh	Pirsch	Wagner

Voting in the negative, 19:

Brennan	Duis	Haberman	Koch	Schmit
Burrows	Fitzgerald	Hasebroock	Landis	Simon
Chambers	Fowler	Hoagland	Marsh	Wesely
DeCamp	George	Johnson	Reutzel	

Present and not voting, 5:

Beutler	Keyes	Merz	Newell	Sieck

Excused and not voting, 5:

Dworak	Kelly	Lewis	Vickers	Warner

The Venditte amendment lost with 20 ayes, 19 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 10 nays, 9 present and not voting, and 5 excused and not voting.

SPEAKER'S ORDER

Legislative Bills scheduled and confirmed for "SPECIAL ORDER" debate are:

Date	Legislative Bill
April 20, 1979	LB 222
	LB 138
	LB 390
April 24, 1979	LB 99
	LB 120
April 25, 1979	LB 444
	LB 221
April 26, 1979	LB 361
	LB 69
April 27, 1979	LB 382
April 30, 1979	LB 494
	LB 357
May 1, 1979	LB 489
	LB 158
May 2, 1979	LB 11 - Rescheduled

(Signed) Richard Marvel, Speaker

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendments to LB 345 in the Journal. No objections. So ordered.

1. On page 2, line 9 strike "Each" and insert "When the census figures from the 1980 federal decennial census are available, each".
2. On page 3, line 1 strike "state or federal" show as stricken and insert "1980 federal decennial".
3. On page 4, line 11 strike "After the effective date of this act" and insert "Until the 1980 federal decennial census figures are available".

Mr. Goodrich asked unanimous consent to print the following amendment to LB 141 in the Journal. No objections. So ordered.

PURPOSE: To amend the University of Nebraska role and mission assignments to permit the offering of an associate degree in criminal justice.
AMENDMENT:

On page 10, after the last section, insert a new section "That section 85-943, Revised Statutes Supplement, 1978, be amended to read as follows: 85-943. 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, criminal justice, 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."

VISITORS

Visitors to the Chamber were 8 seventh grade students and teacher from Yankee Hill School, Lincoln; 16 sixth grade students and teacher from Giltner; 7 Girl Scouts and sponsor from Kearney; 23 fourth grade students and teachers from Brownell-Talbott School, Omaha; 46 fifth grade students and teachers from Peter Sarpy School, Bellevue; 27 high school students and teacher from Adams; 41 fifth and sixth grade students and teacher from Humphrey; 16 fourth grade students and teacher from Exeter; 13 seniors and teacher from Sandhills School, Dunning; 18 students from Thailand and Vietnam with the CETA program in Omaha; 40 fourth grade students and teachers from Fairbury; 2 groups of students and teachers from District 87, Dodge County; 25 Home Extension Club ladies from Cuming County; Stephen and Eric George; Mrs. Rollie Ayres, Lincoln, Nebraska; and Mr. and Mrs. Melvin Thiemann, Paris, Texas.

RECESS

At 12:14 p.m., on a motion by Mr. Hasebroock, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:52 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Kelly, and Vickers who were excused; and Messrs. Beutler, DeCamp, Haberman, Johnson, Kennedy, Kremer, and Venditte who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 226. Title read. Considered.

Standing Committee amendment found in the Journal on page 951 for the Forty-Eighth Day was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Koch offered the following amendment:

Amend LB 226 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, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Hasebroock asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb renewed his pending amendment found in the Journal on page 1121.

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Lamb offered the following amendment:

Add the following new sections:

"Sec. 8. Effective July 1, 1979, the State Department of Education may provide grants for ninety per cent of the approved cost of special education programs for handicapped children below the age of three, as defined in section 43-604, which were operated by local school districts or educational service units and were funded by the State Department of Education during the 1977-78 school year.

Sec. 9. This act shall become operative on July 1, 1979.

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."

Renumber original section 8 as 11.

Mr. Lamb moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler	George	Kennedy	Maresh	Nichol
Carsten	Haberman	Kremer	Merz	Pirsch
Clark	Hefner	Lamb	Murphy	Stoney
Duis	Kahle	Landis	Newell	Warner

Voting in the negative, 20:

Brennan	Fitzgerald	Keyes	Marvel	Sieck
Burrows	Fowler	Koch	Reutzel	Simon
Chambers	Hoagland	Lewis	Rumery	Wagner
Cope	Johnson	Marsh	Schmit	Wesely

Present and not voting, 4:

Cullan	DeCamp	Goodrich	Labedz

Excused and not voting, 5:

Dworak	Hasebroock	Kelly	Venditte	Vickers

The Lamb amendment lost with 20 ayes, 20 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Sieck moved to indefinitely postpone LB 226.

MR. NICHOL PRESIDING

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. Lamb moved for a Call of the House. The motion prevailed with 16 ayes, 7 nays, and 26 not voting.

Mr. Lamb requested a roll call vote on the Sieck motion to indefinitely postpone.

Voting in the affirmative, 24:

Brennan	DeCamp	Keyes	Merz	Simon
Burrows	Fitzgerald	Koch	Newell	Wagner
Chambers	Fowler	Labedz	Reutzel	Warner
Cope	Hoagland	Lewis	Rumery	Wesely
Cullan	Johnson	Marsh	Sieck	

Voting in the negative, 16:

Beutler	George	Kremer	Marvel
Carsten	Haberman	Lamb	Murphy
Clark	Hefner	Landis	Nichol
Duis	Kahle	Maresh	Stoney

Present and not voting, 3:

Goodrich	Pirsch	Schmit

Excused and not voting, 6:

Dworak	Kelly	Venditte
Hasebroock	Kennedy	Vickers

The motion to indefinitely postpone prevailed with 24 ayes, 16 nays, 3 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Mr. Koch asked unanimous consent to be excused the remainder of the afternoon and Friday, April 20, 1979. No objections. So ordered.

Messrs. Haberman, Lewis, and Schmit asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 570. Indefinitely postponed.

(Signed) Orval A. Keyes, Chairman

SELECT FILE

LEGISLATIVE BILL 251. Mr. George offered the following amendment:

1. On page 4, strike line 4; in line 5 strike "on-street"; in line 6 strike the period and insert "; and"; after line 6 insert a new subdivision (10) as follows:

"(10) Employing or contracting for personnel, including administrators for any improvement program under this act, and providing for any service as may be necessary or proper to carry out the purposes of this act."; in line 10 after "business" insert ", public,"; in line 17 after the period insert "If it is found that the im-

provements to be included in one business area offer benefits that cannot be equitably assessed together under this act, more than one business improvement district as part of the same development plan for that business area may be proposed."; and in line 19 strike "shall" and insert "may".

2. Strike original section 8 and insert:

"Sec. 8. The board shall consist of five or more members to serve such terms as the city council, by resolution, determines. The mayor, with the approval of the city council, shall fill any vacancies for the term vacated. A board member may serve more than one term. The board shall select from its members a chairperson and a secretary.".

3. On page 5, strike beginning with "any" in line 9 through the period in line 12 and insert "the approval of all or any part of the plan, the mayor and city council, with the advise of the board, shall administer and implement the plan.".

4. On page 7, line 5 after "the" insert "owners of thirty per cent of the assessable front footage in the proposed area or by the".

5. On page 9, line 7 strike "amounts" and insert "amount"; in line 8 strike "such revenue required" and insert "each special assessment"; in line 14 strike "or taxed"; and in line 20 strike "or tax".

6. On page 10, line 1 strike "levy of taxes or"; in line 4 strike "levy, the" and strike "or levy on"; in line 5 strike "levy or" and in line 6 strike "or levy".

7. Insert a new section 20 as follows:

"Sec. 20. A city may levy a general business license and occupation tax, or a special assessment against the real estate located in the district to the extent of special benefit to such real estate, for the purpose of paying all or any part of the cost of maintenance, repair, reconstruction, and utility costs, or any improvement of a facility in the district. Districts created for taxation or assessment of maintenance, repair, and reconstruction, and utility costs of improvements or facilities which are authorized by this act, but which were not acquired or constructed pursuant to this act, may be taxed or assessed as provided in this act. Any license and occupation tax levied under this section shall be limited to those improvements and facilities authorized by section 17 of this act. The city council may levy such taxes or assessments under either of the following methods (1) the city council may, not more frequently than annually, determine the costs of maintenance or repair, and reconstruction, of a facility. Such costs shall be either assessed to the real estate located in such district, or taxed against the businesses and users of space in the district, whichever may be applicable as determined by the ordinance creating the district.

At the hearing on such taxes or assessments, objections may be made to the total cost and the proposed allocation of such costs among the parcels or real estate or businesses in such district or (2) after notice is given to the owners or businesses as provided in section 17 the city council may establish and may change from time to time, the percentage of such costs for maintenance, repair, and reconstruction which each parcel of real estate or each business or user of space in any district shall pay. The city council shall annually determine the total amount of such costs for each period since costs were last taxed or assessed, and shall, after a hearing, tax or assess such costs to the real estate in the district in accordance with the percentages previously established at such hearing. Notice of such hearing shall be given as provided in section 17 and shall state the total costs and percentage to be taxed or assessed to each parcel or real estate. Unless objections are filed with the city clerk at least five days before the hearing, all objections to the amount of total costs and the assessment percentages should be deemed to have been waived and the assessments shall be levied as stated in such notice except the city council may reduce any assessment percentage.".

8. Strike original section 22.

9. Insert a new section 24 as follows:

"Sec. 24. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

10. Renumber remaining sections accordingly.

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 250. E & R amendments found in the Journal on page 1237 for the Fifty-Eighth Day were adopted.

Mr. Koch renewed his pending amendment found in the Journal on page 1168.

Mr. Koch moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler	Fitzgerald	Johnson	Marsh	Reutzel
Brennan	Fowler	Koch	Marvel	Rumery
Chambers	Haberman	Kremer	Newell	Sieck
DeCamp	Hoagland	Labedz	Pirsch	Simon

Voting in the negative, 19:

Carsten	George	Kahle	Maresh	Stoney
Clark	Goodrich	Kennedy	Merz	Wagner
Cope	Hasebroock	Lamb	Murphy	Warner
Cullan	Hefner	Landis	Nichol	

Present and not voting, 4:

Burrows	Duis	Keyes	Wesely

Excused and not voting, 6:

Dworak	Lewis	Venditte
Kelly	Schmit	Vickers

The Koch amendment lost with 20 ayes, 19 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Johnson requested a machine vote to advance LB 250.

Advanced to E & R for Engrossment with 26 ayes, 9 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 181. E & R amendments found in the Journal on page 1293 for the Sixtieth Day were adopted.

Mr. George withdrew his pending amendment found in the Journal on page 1261.

Mr. George renewed his pending amendment found in the Journal on page 1417.

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 Engrossment.

LEGISLATIVE BILL 395. E & R amendment found in the Journal on page 1398 for the Sixty-Fourth Day was adopted.

Mr. Wesely renewed his pending amendment found in the Journal on page 1445.

MR. NICHOL PRESIDING

The Wesely amendment was adopted with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Fowler offered the following amendment:

1. Insert the following new section:

"Sec. 3. No ordinance or statute which provides for nonmoving traffic violations shall penalize the owner of a vehicle if such vehicle was leased or rented pursuant to a written agreement to another person. It shall be presumed that the person to whom such vehicle was rented or leased committed any nonmoving traffic violation which occurred during the period he or she leased or rented such vehicle.".

2. Renumber remaining sections accordingly.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Fowler amendment lost with 15 ayes, 18 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 42. The Cullan specific amendment found in the Journal on page 1405 was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 546. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 356. The Beutler specific amendment found in the Journal on page 1490 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.

LEGISLATIVE BILL 581. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 42 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 2, line 8 strike "or (3)" and insert "(3) an overpass or underpass is needed at a railroad crossing, or (4)".

2. On page 3, line 3 strike "or" and insert an underscored comma; in line 5 after "protection" insert ", or by construction of an overpass or underpass".

3. On page 6, line 2 strike "such" and insert "~~such~~ overpasses, underpasses, and"; and in line 27 after the first "the" insert "overpasses, underpasses, and".

4. On page 7, line 7 after "such" insert "overpasses, underpasses, and"; in line 24 strike "section" and insert "sections 39-6,194 and"; and in line 25 strike "is" and insert "are".

5. Insert new sections as follows:

"Sec. 8. That section 39-6,194, Revised Statutes Supplement, 1978, be amended to read as follows:

39-6,194. In order to promote public safety at the intersection of railroad lines and all classes of highways, there is hereby created a special fund known as the Grade Crossing Protection Fund which shall be established in the state treasury to be used in furnishing financial assistance in the improvement of the safety of railroad grade crossings in this state including ~~both~~ the elimination of such crossings, ~~and~~ the construction, substantial modification, or improvement, and the maintenance of automatic crossing protection at such grade crossing, and the construction and maintenance of overpasses and underpasses at railroad crossings. Any money in the Grade Crossing Protection Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 12. Commencing on January 1, 1980, there is hereby levied an excise tax on all freight transported by railroad in the State of Nebraska. Such tax shall be levied at the rate of five hundredths of one cent for each mile each ton of freight is transported within the state. The Department of Revenue shall, on a quaterly basis, collect the tax due pursuant to this section from each railroad transporting freight within the state. The

Public Service Commission shall provide the Department of Revenue with all information requested in order to carry out this section. Each railroad shall, on a quarterly basis, submit a report of its total tonnage per mile shipments within the state for the quater ending three months previous and shall, with such report, pay the tax due.

Sec. 13. All revenue derived from the tax levied pursuant to section 12 of this act shall be placed in the Grade Crossing Protection Fund and may be expended in the same manner as other money in such fund.

Sec. 14. Failure to file a report required by section 12 of this act, filing such report late, failure to pay taxes due, or underpayment of such taxes shall result in a penalty of five per cent of the amount due being imposed for each month the report is overdue or the payment is delinquent.

Sec. 15. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

6. Renumber original sections 8 to 10 and 11 and 12 as sections 9 to 11 and 16 and 17 respectively.

7. In the title, line 6 after the semicolon insert "to levy an excise tax; to provide duties; to authorize additional uses for a fund; to provide a penalty;"; in line 7 strike "section" and insert "sections 39-6,194 and"; in line 8 after the semicolon insert "to provide for severability;"; and in line 9 strike "section" and insert "sections".

Mr. Simon asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

Insert a new section to LB 382 as follows:

"Sec. 13. Nothing in this act shall be construed as constituting an endorsement of laetrile for the treatment of any malignancy, disease, illness, or physical condition, and nothing in this act shall require any licensed physician to prescribe or administer laetrile to a patient under his or her care.".

4. Renumber remaining sections accordingly.

Mr. Simon asked unanimous consent to print the following amendments to LB 382 in the Journal. No objections. So ordered.

Req. #2892

(Amendments are to the DeCamp amendments, Req. 2831)

1. On page 1, line 4, strike "15" and insert "16".

2. On page 7, line 5 after the period insert "The form of such statement shall be as follows:

WRITTEN INFORMED REQUEST FOR PRESCRIPTION OF LAETRILE FOR MEDICIAL TREATMENT

Patient's name:

Address:

Age: Sex:

Name and address of prescribing physician:

Malignancy, disease, illness, or physical condition diagnosed for medical treatment by laetrile:

My physician has explained to me:

(1) That the Federal Food and Drug Administration has determined laetrile to be an unapproved new drug and that federal law prohibits the interstate distribution of an unapproved new drug.

(2) That neither the American Cancer Society, the American Medical Association, nor the Nebraska State Medical Association recommends the use of laetrile in the treatment of any malignancy, disease, illness, or physical condition.

(3) That there are alternative recognized treatments for the malignancy, disease, illness, or physical condition from which I suffer which he or she has offered to provide for me including: (Here describe)

That notwithstanding the foregoing, I hereby request prescription and use of laetrile in the medical treatment of the malignancy, disease, illness, or physical condition from which I suffer.

Signature of Patient

ATTEST:

Prescribing Physician".

Mr. Simon asked unanimous consent to print the following amendments to LB 505 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 6, line 23 after the comma insert "or when ordered by a court of competent jurisdiction,"; in line 24 strike "or official" and after "authorized" insert "by section 10, 14, or 15 of this act"; and in line 27 after the period insert "Such information shall not include the name and address of the person making the report.".

2. On page 7, line 21 after "department" insert "shall not release"; strike beginning with "is" in line 21 through "of" in line 22; and in line 25 after "investigation" insert "unless ordered to do so by a court of competent jurisdiction".

3. On page 9 lines 11 and 14 after "records" insert "of the department or division".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 514 in the Journal. No objections. So ordered.

1. Insert a new section 1 as follows:

"Section 1. The Legislature hereby declares that it is necessary to regulate, control, and coordinate in an orderly fashion the hours for the sale and dispensing of alcoholic liquors within the state. Such control is necessary because of the disparity in local government ordinances and resolution regulating the permissible hours for the sale and dispensing of alcoholic liquors. Such disparity causes considerable motor vehicle traffic by the people in the state between local governments when one local government restricts the sale of alcoholic liquors more than a neighboring local government, thus resulting in additional motor vehicle accidents.".

2. On page 2, strike beginning with "The" in line 22 through "and" in line 27 and show as stricken.

3. On page 3, strike lines 1 to 3 and show as stricken; strike beginning with the semicolon in line 6 through the period in line 12 and show as stricken; in line 17 after "day" insert "."; and strike beginning with the semicolon in line 17 through the period in line 20 and show as stricken and after line 25 insert a new subsection (6) as follows:

"(6) No local government shall by ordinance or resolution regulate the permissible hours for the sale of dispensing of alcoholic liquors in a manner that would be more restrictive than the permissible hours of sale authorized by this section.".

4. Renumber the original sections accordingly.

SELECT FILE

LEGISLATIVE BILL 584. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 212. E & R amendment found in the Journal on page 1470 for the Sixty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 582. Placed on General File.

(Signed) Dave Newell, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Duis asked unanimous consent to print the following amendments to LB 327 in the Journal. No objections. So ordered.

Req. #2898

1. Insert two new sections as follows:

"Sec. 4. That Section 19-921, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-921. 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 ownership or building development, except that the division of land shall not be considered to be a subdivision when the smallest parcel created is more than ten acres in area. The fact that a parcel created is less than ten acres in area shall not constitute a defect of record title.

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.".

VISITORS

Visitors to the Chamber were 35 sixth grade students and teacher from Syracuse; 35 fourth grade students and teachers from Geneva; 70 sixth, seventh, and eighth grade students and teacher from Madison

County Rural School; and Congressman John Cavanaugh from Omaha.

ADJOURNMENT

At 4:30 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 8:30 a.m., Friday, April 20, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTIETH DAY - APRIL 20, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 20, 1979

Pursuant to adjournment, the Legislature met at 8:31 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God our Father, by Your Spirit breathe upon this company of Senators and others associated with them, and give them Your power to do their work wisely and well. As the return of Spring rouses Nature from Winter sleep, so may Your Spirit revive us, giving us new hope and a livelier faith. We thank you for good health, good friends, and all the things we so often take for granted. We thank You for the challenges of this hour, and for work to do that demands the best we have to offer. When we find ourselves inadequate, may we then seek Your help, for we know that in partnership with You and in asking You for guidance in our problems we will find that there are no problems beyond solution. Bless us, O God, and help us to be right and to do right, for Your sake and the sakes of those who look to us for leadership. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Dworak, and Koch who were excused; and Mrs. Pirsch, Messrs. Burrows, Chambers, Haberman, Hoagland, Johnson, Kennedy, Kremer, Landis, Reutzel, Simon, Venditte, and Vickers who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 15, 103, 198, 207, 271, 278, 291, 313, 326, 328, 415, 510, and 575.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 15, 103, 198, 207, 271, 278, 291, 313, 326, 328, 415, 510, 575, and LR 61.

UNANIMOUS CONSENT - Members Excused

Mr. Kennedy asked unanimous consent to be excused April 24 and April 25 until he arrives. No objections. So ordered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT LUEDTKE PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 542. With Emergency.

A BILL FOR AN ACT to amend Laws 1977, LB 549, section 38, Laws 1978, LB 639A, section 1, Laws 1978, LB 951, sections 3 and 9, Laws 1978, LB 952, sections 4, 5, 8, 12, and 13, Laws 1978, LB 953, sections 3 to 6, 10, 12, 15, 17, 20, 21, 24, 27, 31, 37, 38, and 41, Laws 1978, LB 953, sections 7, 18, 19, 28, and 30, with appropriations reduced by line-item vetos, Laws 1978, LB 954, sections 4 to 8 and 10, Laws 1978, LB 956, section 53, Laws 1978, LB 965, section 11, and Laws 1978, LB 953, section 46, as amended by section 2, Legislative Bill 577, Eighty-sixth Legislature, First Session, 1979, relating to appropriations; to make, increase, and reduce appropriations; to

authorize and appropriate for capital construction projects; to change expenditure limitations; to repeal the original sections, and also Laws 1978, LB 965, section 3; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Kahle	Marsh	Schmit
Burrows	Fitzgerald	Kelly	Marvel	Sieck
Carsten	Fowler	Keyes	Merz	Stoney
Clark	George	Kremer	Newell	Wagner
Cope	Goodrich	Lamb	Nichol	Warner
Cullan	Hasebroock	Lewis	Reutzel	Wesely
DeCamp	Hefner	Maresh	Rumery	

Voting in the negative, 0.

Present and not voting, 1:

Murphy

Excused and not voting, 14:

Beutler	Haberman	Kennedy	Landis	Venditte
Chambers	Hoagland	Koch	Pirsch	Vickers
Dworak	Johnson	Labedz	Simon	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

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 19, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Fraizer, T. J. - Lincoln, Health Insurance Association of America
Tews and Radcliffe:
Radcliffe, Walter H. - Lincoln, Gerald T. Whelan, Attorney at Law
Tews, David D. - Lincoln, Gerald T. Whelan, Attorney at Law
Whelan, Gerald T. - Lincoln, Citizens for Sensible Law Enforcement

RESOLUTION

LEGISLATIVE RESOLUTION 62.

Introduced by Clark, 47th District.

WHEREAS, wilderness studies are now being conducted on over 300 million acres of public land in Alaska and the Lower 48 states by Congress, the Forest Service, Bureau of Land Management, Fish and Wildlife Service and National Park Service; and

WHEREAS, wilderness study status and wilderness designation prohibit or severely restrict grazing, timber cutting, construction of temporary and permanent roads, exploration for and production of oil, gas and other valuable minerals, water projects, permanent campsites, sanitary and other facilities, the use of vehicles and power machinery of all kinds, and access by the elderly and physically handicapped; and

WHEREAS, under current management guidelines, these multiple uses will be prohibited indefinitely, as long as the wilderness and other land management planning studies are being conducted; and

WHEREAS, these prohibitions and restrictions are causing continued impairment of farming and ranching operations, imports of fuel and nonfuel minerals known or thought to be present in many wilderness study areas, timber shortages to local mills, an absence of critically needed information on mineral resources, increased balance of payment deficits, higher inflation, unemployment and continued erosion of dollar values abroad;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION, that the Congress of the United States be urged to act immediately to:

1. Resolve the uncertainties surrounding the future of these public lands;

2. Prohibit lawsuits and other legal and administrative delays regarding these wilderness studies;

3. Avoid overly restrictive federal requirements which can prohibit the most environmentally responsible development of valuable resource commodities;

4. Provide reasonable access across federal lands to state and private lands;

5. Provide the mechanism for future reevaluation of all federal lands as the needs of the nation and changes in technology dictate;

6. The Clerk of the Legislature is directed to send copies of this resolution to the President of the United States, the Secretary of Agriculture, the Secretary of the Interior and to each member of the Nebraska Congressional delegation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 390. Title read. Considered.

Standing Committee amendments found in the Journal on page 1066 for the Fifty-Second Day were considered.

Mr. Burrows offered the following amendment to the Standing Committee amendment:

1. In the committee amendments on page 1 line 7 strike "and one half".

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, 0 nays, and 29 not voting.

The motion to close debate prevailed with 25 ayes, 9 nays, and 15 not voting.

The Burrows amendment lost with 15 ayes, 22 nays, 5 present and not voting, and 7 excused and not voting.

Mr. Burrows renewed his pending amendment to the Standing Committee amendment found in the Journal on page 1511.

The Chair declared the Call raised.

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 Burrows amendment was adopted with 20 ayes, 17 nays, 5 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 33 ayes, 1 nay, 8 present and not voting, and 7 excused and not voting.

Mrs. Pirsch offered the following amendment:
Attach the emergency clause to LB 390.

The amendment was adopted with 25 ayes, 11 nays, 6 present and not voting, and 7 excused and not voting.

Mr. 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.

Advanced to E & R for Review with 27 ayes, 11 nays, 4 present and not voting, and 7 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 597 for the approval of the Nebraska State Legislature.

LB	Committee
597	Judiciary

(Signed) Frank Lewis, Chairman
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes and Mrs. Marsh asked unanimous consent to print the following amendments to LB 44 in the Journal. No objections. So ordered.

Req. #2901

1. On page 3, line 24 strike beginning with "equal" through "dollars", show the old matter as stricken and insert ", in an amount determined pursuant to section 2 of this act,".

2. Insert new sections as follows:

"Sec. 2. Each resident individual shall be allowed a food sales tax credit equal to three dollars for each one half per cent of sales tax imposed, including both state and local, where such individual resides.

Sec. 3. That section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,144. The Tax Commissioner shall collect the tax imposed by any incorporated municipality concurrently with collection of a state tax in the same manner as the state tax is collected. The Tax Commissioner shall remit monthly the proceeds of the tax to the incorporated municipalities levying the tax, after deducting the amount necessary to meet the municipality's share of the food sales tax credit pursuant to section 2 of this act and the amount of refunds made and then three per cent of the remainder as an administrative fee necessary to defray the cost of collecting the tax and the expenses incident thereto. The Tax Commissioner shall keep full and accurate records of all money received and distributed under the provisions of sections 77-27,142 to 77-27,148.

All receipts from the three per cent administrative fee shall be deposited in the state General Fund.".

3. On page 5, line 13 strike "section 77-2715" and insert "sections 77-2715 and 77-27,144"; and in line 14 strike "is" and insert "are".

4. Renumber remaining sections accordingly.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 136, 227, and 358.

Correctly Engrossed

The following bill was correctly engrossed: 421.

(Signed) Don Wesely, Chairman

GENERAL FILE

LEGISLATIVE BILL 138. Title read. Considered.

Standing Committee amendment found in the Journal on page 730 for the Thirty-Ninth Day was considered.

Mr. Kahle offered the following amendment to the Standing Committee amendment:

On page 2, line 10 through 15, strike the new language.

Following "settlement" on line 9, insert "shall be (1) Seventeen and one-half per cent commencing July 1, 1979; (2) fifteen per cent

commencing July 1, 1980; (3) twelve and one-half per cent commencing July 1, 1981. Commencing July 1, 1982, and thereafter, the county shall pay ten per cent of the cost of such medical assistance."

SPEAKER MARVEL PRESIDING

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 7 ayes, 1 nay, and 41 not voting.

The motion to close debate prevailed with 25 ayes, 10 nays, and 14 not voting.

The Kahle amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. Lewis offered the following amendment to the Standing Committee amendment:

Strike seventeen and one-half and insert ten. Strike the remainder after 1979.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

The Lewis amendment lost with 13 ayes, 23 nays, 7 present and not voting, and 6 excused and not voting.

Mr. Lewis offered the following amendment to the Standing Committee amendment:

1. Insert a new section as follows:

"Sec. 2. Commencing with the tax year in which any additional funds are received pursuant to this act property taxes shall be reduced in an amount equal to such increase.".

2. Renumber remaining sections accordingly.

Mr. Fitzgerald 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. Lewis moved for a Call of the House.

Mr. Lewis requested a roll call vote on the Call of the House motion.

Voting in the affirmative, 19:

Beutler	DeCamp	Hoagland	Murphy	Simon
Brennan	Duis	Lewis	Pirsch	Stoney
Burrows	Fowler	Marsh	Reutzel	Warner
Cope	Haberman	Marvel	Rumery	

Voting in the negative, 18:

Carsten	Hasebroock	Kelly	Maresh	Sieck
Clark	Hefner	Keyes	Newell	Wagner
Cullan	Johnson	Lamb	Nichol	
Goodrich	Kahle	Landis	Schmit	

Present and not voting, 6:

Chambers	George	Merz
Fitzgerald	Kremer	Wesely

Excused and not voting, 6:

Dworak	Koch	Venditte
Kennedy	Labedz	Vickers

The motion for the Call of the House prevailed with 19 ayes, 18 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Lewis requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Brennan	Duis	Marsh	Reutzel	Warner
Burrows	Fowler	Marvel	Rumery	
Cope	Haberman	Murphy	Simon	
DeCamp	Lewis	Pirsch	Stoney	

Voting in the negative, 23:

Beutler	Goodrich	Kahle	Maresh	Sieck
Carsten	Hasebroock	Kelly	Merz	Wagner
Clark	Hefner	Keyes	Newell	Wesely
Cullan	Hoagland	Lamb	Nichol	
Fitzgerald	Johnson	Landis	Schmit	

Present and not voting, 3:

Chambers	George	Kremer

Excused and not voting, 6:

Dworak	Koch	Venditte
Kennedy	Labedz	Vickers

The Lewis amendment lost with 17 ayes, 23 nays, 3 present and not voting, and 6 excused and not voting.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Standing Committee amendments, as amended, were adopted with 26 ayes, 11 nays, 6 present and not voting, and 6 excused and not voting.

The Goodrich-Kahle pending amendments found in the Journal on page 1352 were withdrawn.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Kahle moved for a Call of the House. The motion prevailed with 23 ayes, 5 nays, and 21 not voting.

Mr. Kahle requested a roll call vote to advance LB 138.

Voting in the affirmative, 26:

Burrows	George	Kahle	Newell	Wagner
Carsten	Goodrich	Kelly	Nichol	Wesely
Clark	Haberman	Keyes	Pirsch	
Cullan	Hasebroock	Lamb	Schmit	
Duis	Hefner	Maresh	Sieck	
Fitzgerald	Johnson	Merz	Vickers	

Voting in the negative, 15:

Beutler	DeCamp	Lewis	Murphy	Simon
Brennan	Fowler	Marsh	Reutzel	Stoney
Cope	Hoagland	Marvel	Rumery	Warner

Present and not voting, 2:

Kremer Landis

Excused and not voting, 6:

Chambers	Kennedy	Labedz
Dworak	Koch	Venditte

Advanced to E & R for Review with 26 ayes, 15 nays, 2 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 138A. Title read. Considered.

The Kahle-Goodrich amendment found in the Journal on page 952 was adopted with 26 ayes, 8 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 14 nays, 3 present and not voting, and 6 excused and not voting.

EXPLANATION OF VOTE

Had I been present I would have voted: 103, yes; 174, no; 174A, no; 207, yes; 271, yes.

(Signed) Ralph D. Kelly

UNANIMOUS CONSENT - Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 356 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 3 in lines 2, 8, and 20 strike "five" and insert "~~five~~ ten"; strike the new matter in lines 4 through 6; strike the new matter in lines 18 and 19; and strike the new matter in lines 23 and 24.

2. On page 5 in lines 13 and 19 strike "five" and insert "~~five~~ ten"; strike beginning with the second underscored comma in line 8 through "less" in line 10; and strike the new matter in lines 16 through 18.

3. In the title strike beginning with "exclude" in line 4 through "of" in line 5 and insert "increase

certain contract limits requiring council approval,";
and in line 6 after "estimate" insert a comma.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 20, 1979, at 11:15 a.m., were the following bills: 328, 326, 271, 207, 198, 103, 15, 575, 510, 415, 313, 291, and 278.

(Signed) Judy West, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 571. Placed on Select File as amended.
E & R amendments to LB 571:

1. In the Schmit amendments, page 2, line 2, insert "per gallon" after "cent".

2. In the Schmit amendments, page 5, line 24, strike the comma.

Correctly Enrolled

The following bill was correctly enrolled: 542.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 542.

VISITORS

Visitors to the Chamber were 13 girl scouts and leaders from western Nebraska; 10 sixth grade students and teacher from Minden; 20 seventh and eighth grade students and teachers from Platte Center Public School; 34 fourth grade students and teacher from Tri-County Public School, DeWitt; 37 fourth grade students and teacher from Bertha-Barber School, Bellevue; 2 groups of fourth grade students and teachers from Norris Elementary School, Millard; Bob Watson from North Platte; Dr. Robert Wolff from Omaha Central High School, Omaha; and two groups of fourth grade students, teachers, and parents from Willa Cather Millard School District, Omaha.

RECESS

At 12:39 p.m., on a motion by Mr. DeCamp, the Legislature recessed until 2:15 p.m.

AFTER RECESS

The Legislature reconvened at 2:19 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Duis, Dworak, Koch, Lewis, and Mrs. Labedz who were excused; and Messrs. Brennan, Chambers, Kelly, Kennedy, Nichol, Venditte, Vickers, and Mrs. Marsh who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 91
April 17, 1979

Dear Senator Burrows:

In your letter of April 4, 1979, you requested our opinion on the question of whether LB 14 exceeds certain limitations of the Nebraska Constitution. Specifically, you noted in your letter that:

> "Questions have risen in my mind as to the constitutionality of this issue, especially in view of the opinion regarding LB 369 and also opinions that have related to the use of the credit of the state."

LB 14, a bill known as the Nebraska Dry Bean Resources Act, can be generally described as legislation establishing a commodity program to be administered by certain elected members of a commodity board. Similar legislation relating to other agricultural commodities has been adopted in the past by the Nebraska Legislature. Examples include the Nebraska Potato Development Act, section 2-1801 et seq., Neb.Rev.Stat. (Reissue 1977) and the Nebraska Wheat Resources Act, section 2-2301 et seq., Neb.Rev.Stat. (Reissue 1977). Similar to these earlier enactments, LB 14 creates an advisory commission to be known as the Nebraska Dry Bean Commission, which is empowered at section 18 of the proposed legislation to perform such duties as devising educational and publicity programs in the promotion of total consumption of dry beans, to establish informational programs and services for Nebraska dry bean growers,

and to employ personnel for the operation of necessary services under the program. At subsection 10 of section 18, the bill expressly prohibits any funds collected by the commission or the commodity program from being expended to influence legislation or to promote or oppose candidates for public office.

Funding for the program is addressed at section 20 of the bill, which provides for fees or excise taxes upon all dry beans sold in Nebraska and sold through commercial channels.

Our office has previously issued an opinion in which we addressed the question of whether a similar commodity program could be construed to encompass a public purpose. See 1975-76 Report of Attorney General, No. 46 at 51, a copy of which is enclosed herewith. As we noted in that opinion, a program designed to encourage and promote a particular aspect of Nebraska's agricultural economy would probably be construed by the courts to carry out a public purpose.

In your letter, you stated a concern that LB 14 may be classified as legislation extending the credit of the state to private individuals or associations in contravention of Article XIII, section 3 of the Nebraska Constitution. In view of our earlier opinion, and our understanding of the stated objectives of LB 14, we do not believe the legislation on its face exceeds the constitutional limitations of Article XIII, section 3 of the state constitution.

You also referenced a recent opinion of our office on LB 369, issued as Opinion No. 55 on March 13, 1979. That opinion addressed the question of whether legislation which authorizes a service fee to be paid by all employees in a bargaining unit would violate the Nebraska "right to work" provision set out at Article XV, section 13 of the Nebraska Constitution. Frankly, it is quite unclear to us how our opinion on LB 369, addressing a labor law question, relates to the provisions of LB 14. Suffice it to say that we find nothing in the provisions of LB 14 which would exceed the constitutional perimeters of the Nebraska "right to work" law.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Robert F. Bartle
Assistant Attorney General

RFB:sjr
Enc.
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 185. Title read. Considered.

Mr. Newell withdrew his pending amendment found in the Journal on page 1328.

Failed to advance to E & R for Review with 12 ayes, 12 nays, 12 present and not voting, and 13 excused and not voting.

LEGISLATIVE RESOLUTION 22. Read. Considered.

LR 22 was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 534. Title read. Considered.

Standing Committee amendments found in the Journal on page 1148 for the Fifty-Fifth Day were considered.

Mr. Stoney moved the adoption of the Nichol amendment to the Standing Committee amendment found in the Journal on page 1557.

The Nichol amendment was adopted with 19 ayes, 0 nays, 19 present and not voting, and 11 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Reutzel asked unanimous consent to print the following amendment to LB 216 in the Journal. No objections. So ordered.

1. In the committee amendments, on page 1 strike lines 1 and 2 and insert "1. On page 2,"; and in line 4 after "shall" insert "be subject to the payment of cost provision of this section when making inquiries that are beyond those normally made in conducting examinations and inquiries for the purpose of determining the safety and soundness of a financial institution, but shall".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 54, 54A, 179, 217, 273, 381, 416, 427, 492, and 568.

LEGISLATIVE BILL 387. Replaced on Select File as amended.
E & R amendment to LB 387:

1. On page 2, lines 6 and 9 strike "electors" and insert "registered voters".

LEGISLATIVE BILL 42. Replaced on Select File as amended.
E & R amendments to LB 42:
(The Cullan amendments adopted April 19, 1979, and these E & R amendments are to the Final Reading copy.)

1. On page 6, line 6 strike the semicolon.
2. In lieu of the Cullan amendment to page 6, line 13, on page 6, line 13 after "state" insert an underscored period, and strike "as of August 24, 1975." and show as stricken.
3. Show as stricken the matter struck by the Cullan amendment on page 6, lines 26 and 27.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 42 in the Journal. No objections. So ordered.

Req. #2903

(Final Reading Copy)

1. On page 2, line 8 strike "or (3)" and insert "(3) an overpass or underpass is needed at a railroad crossing, or (4)".
2. On page 3, line 3 strike "or" and insert an underscored comma; in line 5 after "protection" insert ", or by construction of an overpass or underpass".
3. On page 6, line 2 strike "such" and insert "~~such~~ overpasses, underpasses, and"; and in line 27 after the first "the" insert "overpasses, underpasses, and".
4. On page 7, line 7 after "such" insert "overpasses, underpasses, and"; in line 24 strike "section" and insert "sections 39-6,194 and"; and in line 25 strike "is" and insert "are".
5. Insert new sections as follows:

"Sec. 8. That section 39-6,194, Revised Statutes Supplement, 1978, be amended to read as follows:

39-6,194. In order to promote public safety at the intersection of railroad lines and all classes of highways, there is hereby created a special fund known as the Grade Crossing Protection Fund which shall be established in the state treasury to be used in furnishing financial assistance in the improvement of the safety of railroad grade crossings in this state including ~~both~~ the elimination of such crossings, ~~and~~ the construction, substantial modification, or improvement, and the maintenance of automatic crossing protection at such grade crossing, and the construction and maintenance of overpasses and underpasses at railroad crossings. Any money in the Grade Crossing Protection Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 12. Commencing on January 1, 1980, there is hereby levied an excise tax on all freight transported by railroad in the State of Nebraska. Such tax shall be levied at the rate of three thousandths of one cent for each mile each ton of freight is transported within the state. The Department of Revenue shall, on a quaterly basis, collect the tax due pursuant to this section from each railroad transporting freight within the state. The Public Service Commission shall provide the Department of Revenue with all information requested in order to carry out this section. Each railroad shall, on a quarterly basis, submit a report of its total tonnage per mile shipments within the state for the quater ending three months previous and shall, with such report, pay the tax due.

Sec. 13. All revenue derived from the tax levied pursuant to section 12 of this act shall be placed in the Grade Crossing Protection Fund and may be expended in the same manner as other money in such fund.

Sec. 14. Failure to file a report required by section 12 of this act, filing such report late, failure to pay taxes due, or underpayment of such taxes shall result in a penalty of five per cent of the amount due being imposed for each month the report is overdue or the payment is delinquent.

Sec. 15. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

6. Renumber original sections 8 to 10 and 11 and 12 as sections 9 to 11 and 16 and 17 respectively.

7. In the title, line 6 after the semicolon insert "to levy an excise tax; to provide duties; to authorize additional uses for a fund; to provide a penalty;"; in line 7 strike "section" and insert "sections 39-6,194 and"; in line 8 after the semicolon insert "to provide for severability;"; and in line 9 strike "section" and insert "sections".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 20, 1979, at 2:25 p.m., was the following bill: 542.

(Signed) Judy West, Enrolling Clerk

Mr. Merz asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 497. Title read. Considered.

Standing Committee amendments found in the Journal on page 1208 for the Fifty-Seventh Day were considered.

Laid over.

LEGISLATIVE BILL 312. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1384 (Req. #2866) 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, 6 nays, 8 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 443. Title read. Considered.

Standing Committee amendments found in the Journal on page 1384 for the Sixty-Third Day were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Schmit asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 162. Title read. Considered.

Standing Committee amendments found in the Journal on page 1399 for the Sixty-Fourth Day were considered.

Mr. Hoagland offered the following amendment to the Standing Committee amendments:

To strike paragraphs 6, 7, 8 of the Committee Amendments to LB 162.

The amendment lost with 12 ayes, 21 nays, 4 present and not voting, and 12 excused and not voting.

Standing Committee amendments were adopted with 25 ayes, 5 nays, 7 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 8 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 267. Considered.

Mr. Newell moved for a Call of the House. The motion prevailed with 15 ayes, 11 nays, and 23 not voting.

Mr. Newell requested a roll call vote to advance LB 267.

Voting in the affirmative, 13:

Brennan	Fowler	Landis	Newell	Wesely
Burrows	Hoagland	Marsh	Sieck	
DeCamp	Johnson	Marvel	Simon	

Voting in the negative, 21:

Beutler	George	Keyes	Pirsch	Warner
Carsten	Goodrich	Kremer	Rumery	
Cope	Hasebroock	Lamb	Stoney	
Cullan	Hefner	Maresh	Vickers	
Fitzgerald	Kahle	Murphy	Wagner	

Present and not voting, 3:

Chambers	Haberman	Reutzel

Excused and not voting, 12:

Clark	Kelly	Labedz	Nichol
Duis	Kennedy	Lewis	Schmit
Dworak	Koch	Merz	Venditte

Failed to advance to E & R for Review with 13 ayes, 21 nays, 3 present and not voting, and 12 excused and not voting.

MOTION - Place LB 262 on General File

Mr. DeCamp moved to place LB 262 on General File pursuant to Rule 3, Sec. 10b.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 319 in the Journal. No objections. So ordered.

1. In the committee amendments on page 3, line 24 after "employed" insert "pursuant to section 83-183" on page 4, line 3 strike "Wages" and insert "Except for wages paid to a person employed pursuant to section 83-184 and for persons employed for less than the minimum wage pursuant to section 83-183, wages".

VISITORS

Visitors to the Chamber were 50 fourth grade students, teachers, and parents from Bloomfield Elementary, Ralston Public School; and 38 seventh grade students, teachers, and parents from Sandy Creek Public School, Fairfield.

ADJOURNMENT

At 4:04 p.m., on a motion by Mr. Simon, the Legislature adjourned until 9:00 a.m., Tuesday, April 24, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIRST DAY - APRIL 24, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 24, 1979

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God our Father, as we pray for the members of this Legislature, its officers, and all those who share in its labors, we would remember that Your Son was never in a hurry and never lost His inner peace even under pressure greater than we shall ever know. But we are only human. We grow tired. We feel the strain of meeting deadlines, and we grow impatient in the pressure of daily responsibility. Give us poise and peace of mind, for only You can supply the deepest needs of tired bodies, frayed nerves, and timid spirits. Give us Your peace, we pray, that this may be a good day with much good accomplished; and then we can say with Your servant of old: "I can do all things through God, who gives me strength." Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Chambers, George, Goodrich, Hoagland, Johnson, and Merz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 251. Replaced on Select File as amended.
E & R amendments to LB 251:

1. In the George amendments, page 2, line 27, insert a colon after "methods", supply paragraphing to "(1)", and strike the second "the" and insert "The".

2. In the George amendments, page 3, line 10, insert a semicolon after "district", supply paragraphing to "(2)", and strike "after" and insert "After"; in lines 11 and 21 insert "of this act" after "17".

3. In the George amendments, page 4, line 1, insert "that" after "except".

4. On page 8, line 2, strike "or may not", and after "establish" insert "or reject".

5. In the title, line 2, strike "Downtown" and insert "Business"; and in line 3 after the semicolon insert "to provide severability;".

LEGISLATIVE BILL 172. Placed on Select File as amended.
E & R amendments to LB 172:

1. In the Johnson et al. amendments, page 2, lines 2 and 26, strike "effective" and insert "operative".

2. In the Johnson et al. amendments, page 5, line 7, strike "the period" and insert "If".

3. In the Johnson et al. amendments, page 6, line 25, strike "effective" and insert "operative".

4. In committee amendments, page 6, line 13, strike "the" and insert "a".

5. In committee amendments, page 7, line 23, strike "such".

6. In committee amendments, page 8, line 3, strike "effective" and insert "operative".

7. In the committee amendments, page 10, line 23, after "acquires" insert a comma; and in line 24, strike the first comma.

8. In committee amendments, page 16, line 19, insert a comma after "that".

9. In committee amendments, page 24, line 5, insert a comma after "that"; and in line 14, strike "are" and insert "shall be".

10. In committee amendments, page 25, line 8, strike "board" and insert "panel".

11. In committee amendments, page 27, line 2, strike "herein" and insert "in this section".

12. In committee amendments, page 27, strike

line 18 and insert "of the fine.".

13. In the title, line 3, strike "and" and insert "to provide severability;"; and in line 4, after "date" insert "; and to declare an emergency".

Correctly Engrossed

The following bills were correctly engrossed: 212, 250, 331, 356, 546, 581, and 584.

(Signed) Don Wesely, Chairman

MESSAGE FROM THE GOVERNOR

April 24, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 52, 116, 135, 195, 207, 220, 253, 257, 271, 328, 339, 352, 376, 428, 428A, 524, 564, 578 and Reengrossed Legislative Bills 59, and 164.

These bills were signed by me on April 20, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

MOTION - Adopt Report

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on page 1454 and to vote on them according to hearing date.

Vote on James D. Johnson

Voting in the affirmative, 27:

Beutler	Clark	Dworak	Hefner	Kennedy
Burrows	Cope	Haberman	Kahle	Keyes
Carsten	DeCamp	Hasebroock	Kelly	Koch

Kremer	Maresh	Murphy	Stoney
Lamb	Marsh	Nichol	Wagner
Landis	Marvel	Sieck	Warner

Voting in the negative, 3:

Fitzgerald	Reutzel	Simon

Present and not voting, 12:

Brennan	Fowler	Newell	Venditte
Cullan	Labedz	Rumery	Vickers
Duis	Lewis	Schmit	Wesely

Excused and not voting, 7:

Chambers	Goodrich	Johnson	Pirsch
George	Hoagland	Merz	

The motion prevailed with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the appointment confirmed.

Vote on Norval Bowen, S. R. Chaulk, Jack Thompson, Glenn Wilson, Gerald A. Novelly, William H. Palmer, Ann-Margaret Ulrich

Voting in the affirmative, 30:

Beutler	Duis	Kremer	Marsh	Rumery
Brennan	Fitzgerald	Labedz	Marvel	Stoney
Burrows	Hasebroock	Lamb	Murphy	Venditte
Carsten	Kennedy	Landis	Newell	Wagner
Clark	Keyes	Lewis	Nichol	Warner
Cullan	Koch	Maresh	Reutzel	Wesely

Voting in the negative, 0.

Present and not voting, 12:

Cope	Fowler	Kahle	Sieck
DeCamp	Haberman	Kelly	Simon
Dworak	Hefner	Schmit	Vickers

Excused and not voting, 7:

Chambers	Goodrich	Johnson	Pirsch
George	Hoagland	Merz	

The motion prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the appointments confirmed.

UNANIMOUS CONSENT - Withdraw Motion on LB 234

Mr. Dworak asked unanimous consent to withdraw his pending motion found in the Journal on page 1487 to return LB 234 to Select File. No objections. So ordered.

MOTION - Return LB 234 to Select File

Mr. DeCamp moved to return LB 234 to Select File for the following specific amendment.

(FINAL READING COPY)

1. On page 17, line 17 strike "two-year" and insert "five-year"; after line 18 insert "(1) Serve or be available for prospective service as a petit juror for more than four consecutive calendar weeks, except if necessary to complete service in a particular case;"; in line 19 strike "(1)" and insert "(2)"; and in line 20 strike "(2)" and insert "(3)".

2. On page 10, strike beginning with "The" in line 5 through the underscored period in line 10.

The motion prevailed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 234. The DeCamp specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 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 58.

A BILL FOR AN ACT to amend section 53-124.03, Revised Statutes Supplement, 1978, relating to liquor; to provide an exemption relating to ownership of more than two licenses; to provide for costs as prescribed; to require reports; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 27:

Brennan	Dworak	Keyes	Newell	Venditte
Burrows	Fitzgerald	Koch	Nichol	Warner
Carsten	Fowler	Labedz	Pirsch	Wesely
Clark	Johnson	Lewis	Rumery	
Cope	Kahle	Maresh	Sieck	
DeCamp	Kennedy	Marsh	Stoney	

Voting in the negative, 13:

Cullan	Hefner	Lamb	Reutzel	Wagner
Duis	Kelly	Landis	Schmit	
Haberman	Kremer	Marvel	Vickers	

Present and not voting, 4:

Beutler	Hasebroock	Murphy	Simon

Excused and not voting, 5:

Chambers	George	Goodrich	Hoagland	Merz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 345 to Select File

Mrs. Pirsch moved to return LB 345 to Select File for the specific amendment found in the Journal on page 1563.

The motion prevailed with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 345. The Pirsch specific amendment found in the Journal on page 1563 was renewed.

Mrs. Pirsch requested a roll call vote on her amendment.

Voting in the affirmative, 22:

Carsten	Hefner	Labedz	Nichol	Wagner
Clark	Kahle	Lamb	Pirsch	Warner
Cope	Kelly	Maresh	Sieck	
George	Kennedy	Marvel	Stoney	
Haberman	Koch	Murphy	Vickers	

Voting in the negative, 15:

Brennan	Dworak	Hoagland	Newell	Simon
Burrows	Fitzgerald	Johnson	Reutzel	Venditte
Cullan	Fowler	Landis	Rumery	Wesely

Present and not voting, 9:

Beutler	Duis	Hasebroock	Kremer	Schmit
DeCamp	Goodrich	Keyes	Lewis	

Excused and not voting, 3:

Chambers	Marsh	Merz

The amendment lost with 22 ayes, 15 nays, 9 present and not voting, and 3 excused and not voting.

Failed to re-advance to Final Reading with 20 ayes, 19 nays, 7 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Kelly asked unanimous consent to be excused for 30 minutes. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 353.

A BILL FOR AN ACT relating to solar energy; to declare policy; to define terms; to provide for the creation of a solar easement; to provide zoning powers; and to provide for 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, 40:

Brennan	Dworak	Johnson	Lewis	Schmit
Burrows	Fitzgerald	Kahle	Maresh	Sieck
Carsten	Fowler	Keyes	Marvel	Simon
Clark	George	Koch	Murphy	Stoney
Cope	Goodrich	Kremer	Newell	Venditte
Cullan	Haberman	Labedz	Pirsch	Vickers
DeCamp	Hefner	Lamb	Reutzel	Warner
Duis	Hoagland	Landis	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Hasebroock	Kennedy	Nichol	Wagner

Excused and not voting, 4:

Chambers	Kelly	Marsh	Merz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 396.

A BILL FOR AN ACT to amend sections 23-1703, 23-2801, 23-2802, 23-2803, 23-2805, and 23-2806, Reissue Revised Statutes of Nebraska, 1943, relating to county jails; to change population criteria applicable to certain county jails and correctional facilities; to provide duties of the county board; to provide for transfer of certain employees; to provide for rights of employees; and to repeal the original sections,

and also sections 23-2807 and 23-2808, 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:

Burrows	Fowler	Kennedy	Marvel	Stoney
Carsten	George	Keyes	Murphy	Venditte
Clark	Goodrich	Koch	Newell	Vickers
Cope	Haberman	Kremer	Nichol	Wagner
Cullan	Hasebroock	Labedz	Pirsch	Warner
DeCamp	Hefner	Lamb	Reutzel	Wesely
Duis	Hoagland	Landis	Rumery	
Dworak	Johnson	Lewis	Sieck	
Fitzgerald	Kahle	Maresh	Simon	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Brennan	Schmit

Excused and not voting, 4:

Chambers	Kelly	Marsh	Merz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 414.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 1-107, 23-1609, 79-546, and 81-1117.02, Reissue Revised Statutes of Nebraska, 1943, and section 84-304, Revised Statutes Supplement, 1978; to remove the Auditor of Public Accounts from a board; to change membership on a board as prescribed; to provide access to certain data in computer files as prescribed; to provide for partial cost reimbursements as prescribed; to revise audit requirements; to require the filing of certain audit reports with the Auditor of Public Accounts; to provide for reports to a standing committee of the Legislature; to provide for minimum standards for the employment of auditors by state agencies; 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:

Brennan	Dworak	Hoagland	Lewis	Simon
Burrows	Fitzgerald	Johnson	Maresh	Stoney
Carsten	Fowler	Kennedy	Murphy	Venditte
Clark	George	Keyes	Newell	Wagner
Cope	Goodrich	Koch	Nichol	Warner
Cullan	Haberman	Kremer	Reutzel	Wesely
DeCamp	Hasebroock	Labedz	Rumery	
Duis	Hefner	Landis	Sieck	

Voting in the negative, 5:

Kahle	Lamb	Marvel	Pirsch	Vickers

Present and not voting, 2:

Beutler	Schmit

Excused and not voting, 4:

Chambers	Kelly	Marsh	Merz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 414A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 414, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Brennan	Cullan	Fowler	Hefner	Kremer
Burrows	DeCamp	George	Johnson	Labedz
Carsten	Duis	Goodrich	Kennedy	Lamb
Clark	Dworak	Haberman	Keyes	Landis
Cope	Fitzgerald	Hasebroock	Koch	Lewis

Maresh	Nichol	Sieck	Venditte	Wesely
Murphy	Reutzel	Simon	Wagner	
Newell	Rumery	Stoney	Warner	

Voting in the negative, 4:

Kahle	Marvel	Pirsch	Vickers

Present and not voting, 3:

Beutler	Hoagland	Schmit

Excused and not voting, 4:

Chambers	Kelly	Marsh	Merz

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 417.

A BILL FOR AN ACT to amend section 44-386, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change a restriction on unincorporated mutual associations; to change provisions for hiring and compensating officers and employees; to provide how certain payments are to be construed; and to repeal the 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:

Burrows	Fitzgerald	Kahle	Lewis	Schmit
Carsten	Fowler	Kennedy	Marvel	Sieck
Clark	George	Keyes	Murphy	Simon
Cope	Goodrich	Koch	Newell	Stoney
Cullan	Haberman	Kremer	Nichol	Vickers
DeCamp	Hasebroock	Labedz	Pirsch	Wagner
Duis	Hefner	Lamb	Reutzel	Warner
Dworak	Johnson	Landis	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Brennan	Hoagland	Venditte

Excused and not voting, 5:

Chambers	Kelly	Maresh	Marsh	Merz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 438.

A BILL FOR AN ACT to amend section 20-113, Reissue Revised Statutes of Nebraska, 1943, relating to civil rights; to state intent; to provide powers of certain county and city agencies 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, 26:

Burrows	Hefner	Labedz	Reutzel	Warner
DeCamp	Johnson	Lamb	Rumery	Wesely
Dworak	Kahle	Landis	Schmit	
Fitzgerald	Keyes	Lewis	Simon	
Fowler	Koch	Marvel	Stoney	
Hasebroock	Kremer	Newell	Venditte	

Voting in the negative, 11:

Clark	Duis	Haberman	Sieck
Cope	George	Kennedy	Vickers
Cullan	Goodrich	Murphy	

Present and not voting, 7:

Beutler	Carsten	Nichol	Wagner
Brennan	Hoagland	Pirsch	

Excused and not voting, 5:

Chambers	Maresh	Merz
Kelly	Marsh	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 547 to Select File

Mr. Kremer moved to return LB 547 to Select File for the specific amendment found in the Journal on page 1558.

The motion prevailed with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 547. The Kremer specific amendment found in the Journal on page 1558 was adopted with 26 ayes, 5 nays, 12 present and not voting, and 6 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 553. With Emergency.

A BILL FOR AN ACT to amend sections 37-204 and 37-213, Revised Statutes Supplement, 1978, relating to game and parks; to provide that trapping permits shall not be issued to nonresidents except as prescribed; to provide an unlawful act; 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:

Brennan	Cope	Dworak	Goodrich	Hoagland
Burrows	Cullan	Fitzgerald	Haberman	Johnson
Carsten	DeCamp	Fowler	Hasebroock	Kahle
Clark	Duis	George	Hefner	Kennedy

Keyes	Lamb	Newell	Rumery	Venditte
Koch	Landis	Nichol	Sieck	Warner
Kremer	Marvel	Pirsch	Simon	Wesely
Labedz	Murphy	Reutzel	Stoney	

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Schmit	Vickers	Wagner

Excused and not voting, 6:

Chambers	Lewis	Marsh
Kelly	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.

MOTION - Return LB 87 to Select File

Mr. Chambers moved to return LB 87 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 25 ayes, 3 nays, and 21 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 16:

Brennan	Keyes	Maresh	Venditte
Burrows	Labedz	Reutzel	Vickers
Chambers	Lamb	Schmit	Warner
Fowler	Landis	Simon	Wesely

Voting in the negative, 28:

Beutler	Duis	Hasebroock	Koch	Pirsch
Carsten	Dworak	Hefner	Kremer	Rumery
Clark	Fitzgerald	Hoagland	Lewis	Stoney
Cope	George	Kahle	Marsh	Wagner
Cullan	Goodrich	Kelly	Marvel	
DeCamp	Haberman	Kennedy	Murphy	

Present and not voting, 3:

Johnson Newell Sieck

Excused and not voting, 2:

Merz Nichol

The Chambers motion lost with 16 ayes, 28 nays, 3 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 87.

A BILL FOR AN ACT to amend sections 45-114, 45-117, 45-137, 45-138, and 45-155, Reissue Revised Statutes of Nebraska, 1943, relating to installment loans; to change interest rates; to increase the maximum of loans that may be made; to regulate collection procedures; 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, 26:

Beutler	Dworak	Hefner	Lewis	Stoney
Carsten	Fitzgerald	Hoagland	Marsh	Wagner
Clark	George	Kahle	Murphy	
Cope	Goodrich	Kelly	Newell	
DeCamp	Haberman	Koch	Rumery	
Duis	Hasebroock	Kremer	Sieck	

Voting in the negative, 18:

Brennan	Fowler	Lamb	Schmit	Warner
Burrows	Kennedy	Landis	Simon	Wesely
Chambers	Keyes	Maresh	Venditte	
Cullan	Labedz	Reutzel	Vickers	

Present and not voting, 3:

Johnson Marvel Pirsch

Excused and not voting, 2:

Merz Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 241.

A BILL FOR AN ACT to amend sections 29-1804.04, 29-1804.07, 29-1804.08, 29-1804.12, and 29-1804.13, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to define terms; to provide for the appointment of counsel for indigent defendants in criminal matters as prescribed; to provide for the payment of counsel; to repeal the original sections, and also section 29-1804.06, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler	Dworak	Johnson	Lewis	Sieck
Brennan	Fitzgerald	Kahle	Maresh	Simon
Burrows	Fowler	Kelly	Marsh	Stoney
Carsten	George	Keyes	Marvel	Venditte
Chambers	Goodrich	Koch	Newell	Wagner
Cope	Haberman	Kremer	Pirsch	Warner
Cullan	Hasebroock	Labedz	Reutzel	Wesely
DeCamp	Hefner	Lamb	Rumery	
Duis	Hoagland	Landis	Schmit	

Voting in the negative, 3:

Clark Murphy Vickers

Present and not voting, 1:

Kennedy

Excused and not voting, 2:

Merz Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Messrs. Nichol and Vickers asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 321 to Select File

Mr. Venditte moved to return LB 321 to Select File for the following specific amendments:

(Amendments are to the Second Final Reading Copy)

1. Insert new sections 6 and 7 as follows:

"Sec. 6. No solid waste disposal site within the corporate limits of any municipality shall be located within two hundred yards of any private residence.

Sec. 7. Any solid waste disposal site in existence shall comply with section 6.

2. Renumber the remaining sections accordingly.

Mr. Hefner 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 Venditte motion prevailed with 27 ayes, 6 nays, 13 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Simon 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 543. With Emergency.

A BILL FOR AN ACT to amend Laws 1978, LB 930, section 1, relating to appropriations; to decrease an appropriation; to make a deficiency appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Beutler	Dworak	Kahle	Maresh	Rumery
Burrows	Fitzgerald	Kelly	Marsh	Schmit
Carsten	Fowler	Kennedy	Marvel	Stoney
Chambers	George	Koch	Merz	Wagner
Clark	Goodrich	Kremer	Murphy	Warner
Cope	Haberman	Labedz	Newell	Wesely
Cullan	Hasebroock	Lamb	Nichol	
DeCamp	Hefner	Landis	Pirsch	
Duis	Hoagland	Lewis	Reutzel	

Voting in the negative, 0.

Present and not voting, 5:

Brennan	Johnson	Keyes	Sieck	Venditte

Excused and not voting, 2:

Simon Vickers

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. Brennan asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 555. With Emergency.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of Nebraska State Government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1980; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Beutler	Fitzgerald	Kahle	Lewis	Rumery
Burrows	Fowler	Kelly	Maresh	Schmit
Carsten	George	Kennedy	Marsh	Sieck
Chambers	Goodrich	Keyes	Marvel	Stoney
Clark	Haberman	Koch	Merz	Venditte
Cope	Hasebroock	Kremer	Murphy	Wagner
Cullan	Hefner	Labedz	Newell	Warner
Duis	Hoagland	Lamb	Nichol	Wesely
Dworak	Johnson	Landis	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

DeCamp Reutzel

Excused and not voting, 3:

Brennan Simon Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 557. 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, 1979, to June 30, 1980; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Beutler	DeCamp	Hasebroock	Labedz	Nichol
Burrows	Duis	Hefner	Landis	Pirsch
Carsten	Dworak	Hoagland	Maresh	Reutzel
Chambers	Fitzgerald	Johnson	Marsh	Rumery
Clark	Fowler	Kelly	Marvel	Schmit
Cope	Goodrich	Kennedy	Murphy	Sieck
Cullan	Haberman	Kremer	Newell	Stoney

Venditte	Wagner	Warner	Wesely

Voting in the negative, 7:

George	Keyes	Lamb	Merz
Kahle	Koch	Lewis	

Excused and not voting, 3:

Brennan	Simon	Vickers

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. Fowler offered the following rule change:
I move to amend Rule 7, Sec. 7 by inserting the following new subsections:

Subsection (d) A motion to reconsider a bill which passed on Final Reading with the constitutional majority shall be in order only in the following instances:

(1) To correct an Enrollment & Review error

(2) Upon request of all introducers of the bill or where in the instance of a Committee Bill by a majority of the Committee members

Subsection (e) Every motion to reconsider a bill which passed on Final Reading with the constitutional majority shall require a three-fifths vote for adoption.

Referred to the Rules Committee.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 86. Placed on General File as amended.
Standing Committee amendments to LB 86:
Req. #2895

1. Insert the following new sections:

"Sec. 3. (1) Any person denied any rights granted by sections 84-712 to 84-712.03 shall receive in written form from the public body which denied the request for records at least the following information:

(a) A description of the contents of the records withheld and a statement of the specific reasons for the denial, with such reasons correlated to specific portions of the records;

(b) The name of the public official or employee responsible for the decision to deny the request; and

(c) Notification to the requester of any administrative or judicial right of review under section 84-712.03.

(2) Each public body shall maintain a file of all letters of denial of requests for records and of denial of requests for the waiver of fees from that public body. This file shall be made available to any person on request.

Sec. 4. That section 84-712.03, Revised Statutes Supplement, 1978, be amended to read as follows:

84-712.03. Any person denied any rights granted by sections 84-712 to 84-712.03 may elect to (1) file for speedy relief by a writ of mandamus in the district court within whose jurisdiction the state, county, or political subdivision officer who has custody of said public record can be served~~. Any official who shall violate the provisions of sections 84-712 to 84-712.03 shall be subject to removal or impeachment and in addition shall be deemed guilty of a Class III misdemeanor.~~ or (2) may petition the Attorney General to review the record to determine whether it may be withheld from public inspection. This determination shall be made within fifteen calendar days of the submission of the petition. If the Attorney General determines that the record may not be withheld, the public body shall be ordered to disclose the record immediately. If the public body continues to withhold the record, the person seeking disclosure may (a) bring suit in the trial court of general jurisdiction or (b) demand in writing that the Attorney General bring suit in the name of the state in the trial court of general jurisdiction for the same purpose. If such demand is made, the Attorney General shall bring suit within fifteen calendar days of its receipt. The requester shall have an absolute right to intervene as a full party in such suit at any time.

In any suit filed under this section, the court has jurisdiction to enjoin the public body from withholding records, to order the disclosure, and to grant such other equitable relief as may be proper. The court shall determine the matter de novo and the burden is on the public body to sustain its action. The court may view the records in controversy in camera before reaching a decision, and in the discretion of the court, other persons, including the register, counsel, and necessary expert witnesses may be permitted to view the records, subject to necessary protective orders. Upon motion and consent of all parties, if the court makes a written finding with a statement of reasons that

extraordinary circumstances require a portion of the proceedings to be closed to the general public and that closing such portion of the proceedings is necessary to achieve an overriding policy objective of this act, the court may order that that portion of the proceedings be held in the presence of all parties, counsel, and necessary witnesses with the general public excluded.

Proceedings arising under this section, except as to the cases the court considered of greater importance, shall take precedence on the docket over all other cases and shall be assigned for hearing, trial, or argument at the earliest practicable date and expedited in every way.

If a person seeking the right to inspect or to receive a copy of a public record substantially prevails in such a suit, he or she shall be awarded reasonable attorney fees and other costs of litigation.

Sec. 5. Any official who shall violate the provisions of this act shall be subject to removal or impeachment and in addition shall be deemed guilty of a Class III misdemeanor.".

2. On page 3, at the end of line 17 insert "and section 84-712.03, Revised Statutes Supplement, 1978,".

3. Renumber original sections 3 and 4 as sections 6 and 7 respectively.

(Signed) Orval A. Keyes, Chairman

EXPLANATION OF VOTE

Had I been present I would have voted yes on LB 278, 313, 415, 510, 575, 174, 174A, 198, 207, 271, and 328. I would have voted no on LB 291, 103, 15, and 326.

(Signed) Donald N. Dworak

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 181 and 395.

(Signed) Don Wesely, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 363A. By Koch, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 363, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

ATTORNEY GENERAL'S OPINION

Opinion No. 94
April 19, 1979

Dear Senator Marvel:

You have requested the opinion of this office concerning the legal effect of certain legislative proceedings which you described as follows:

> "On Thursday, April 5, 1979, at the conclusion of the morning business, the Chair recognized Senator Howard Lamb for the express purpose of moving that the Legislature recess until 1:30 p.m. of the same day. Senator Lamb, upon being recognized, made a motion that the Legislature adjourn until 1:30 p.m. of that day.
>
> "The tape of the legislative proceedings indicates that the Speaker asked Senator Lamb to move for recess. The Legislative Journal for April 5, 1979, reflects the intent of the Legislature to recess and not to adjourn over the noon hour. Upon the motion, as posed by Senator Lamb, the vote was taken and the Chair declared the Legislature to be recessed. Senator Lamb, upon reconvening of the Legislature at 1:30 p.m. on April 5, 1979, indicated his intent to recess and not to adjourn."

Your request for an opinion poses two specific inquiries:

1. Did Senator Lamb's motion to adjourn on April 5, 1979, use up one additional legislative day?

2. Has the Legislature used the proper procedure in stating the intent to recess and not adjourn at noon on April 5, 1979?

Article III, section 10 of the Nebraska Constitution provides in part that the duration of regular sessions of the Legislature shall not exceed ninety "legislative days" in odd-numbered years. The phrase, "legislative days" is not constitutionally or judicially defined, however, Rule 7, section 1, Rules of the Nebraska Unicameral (1979), provides in part: Each day the Legislature convenes shall be considered a legislative day." (Emphasis added.)

This definition by the Legislature of the phrase, "legislative day," is not necessarily controlling on an issue of constitutional interpretation, however courts are hesitant to depart from settled

legislative construction. Knapp v. O'Brien, 288 Minn. 103, 179 N.W.2d 88, 95, n.1 (1970). Legislative construction of a constitutional provision is entitled to great weight. Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974).

It is an accepted principle of legal construction that language employed should be interpreted in its plain, ordinary and popular sense. Pettigrew v. Home Ins. Co., 191 Neb. 312, 214 N.W.2d 920 (1974). Applying this tool of interpretation to the above-quoted definition of "legislative day," in our opinion, numerous legislative meetings separated by temporary cessations of business, may be held on one "day," i.e. one twenty-four hour period, as it is commonly understood, without constituting more than one legislative day.

Further, in our opinion, the fact that the temporary interruption of the legislative session at issue herein was initiated by a motion to adjourn rather than a motion to recess is of no legal consequence. Technically, a "recess" applies to an intermission taken by a body from time to time during a day and an "adjournment" means a suspension over a day or to some definite time in the future which may end a meeting, but not a session. Intermela v. Perkins, 205 F. 603, 611 (9th Cir. 1913). However, the meaning of the words "recess" and "adjourn" varies with the context in which the words are used. The two words have been defined as being interchangeable. Black's Law Dictionary, (4th Ed. 1968), p. 62, citing Byrd v. Byrd, 193 Miss. 249, 8 So.2d 510, 512 (1942).

In People v. Martin, 5 N.Y. 1 (Seld) 22, 26, (Cited in 36 Words and Phrases, Recess, p. 762), a town meeting adopted a resolution to adjourn to another location to continue the business of the meeting. The validity of the proceeding was contested on the ground that it was improper to continue a meeting on the same day after a motion to adjourn. In rejecting this argument, the court stated:

> "It cannot be very material whether the formal suspension of or putting off of business of the town meeting for a sufficient length of time to enable the presiding officer to go to the place selected was an 'adjournment' or a 'recess' or whether it was called in the motion made and carried either the one or the other."

See also, Beatle v. Roberts, 156 Ia. 720, 137 N.W. 1006, 1008 (1912).

In our opinion, the motion to temporarily suspend business until 1:30 p.m. whether it was articulated by the moving party as a motion to recess or a motion to adjourn, did not render the reconvening after the interruption an addition legislative day.

Regarding your second inquiry, we note that the Legislative Journal for April 5, 1979, the sixty-first legislative day, at p. 1329, states: "At 11:55 a.m., on a motion by Mr. Lamb, the Legislature recessed until

1:30 p.m." The Legislative Journal for April 6, 1979, the sixty-second day, at p. 1340, states: "The Journal for the Sixty-First Day was approved."

The journal entry of April 5, 1979, and its approval on April 6, 1979, conclusively establish that the legislative body did in fact recess from 11:55 a.m. to 1:30 p.m. on April 5. The Legislature has the inherent power to cause the record to reflect the true history of its proceedings. 81 A CJS, States, section 54(b), p. 403. In our opinion the legislative procedure in this context was not improper.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LRF:kkh
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 22.

VISITORS

Visitors to the Chamber were two groups of eighth grade students, teachers, and parents from St. Cecilia Junior High School, Omaha; 34 fourth grade students, teachers, and parents from Oakland-Craig School, Oakland; 32 senior high students and teachers from Friend High School; 15 kindergarten through eighth grade students, teacher, and parents from District 23, Saunders County, Wahoo; 24 fourth grade students, teachers, and parents from Stanton Grade School, Stanton; 46 fifth grade students from West Lawn School, Grand Island; Senator Wagner's brother-in-law, Harold Teel, SJ, from El Progreso, Yoro Honduras; and Senator Fitzgerald's brother-in-law and sister-in-law Clark and Helen Lyon.

RECESS

At 11:53 a.m., on a motion by Mr. Kahle, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:42 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Kelly, and Venditte who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Retuzel asked unanimous consent to print the following amendments to LB 586 in the Journal. No objections. So ordered.

1. On page 18, line 23 strike "four" and insert "seven"; and in line 27 strike beginning with "with" through "service".
2. On page 19, line 1 strike "and not on probation"; in line 2 after the second comma insert "annual" strike beginning with "except" in line 3 through "section" in line 4; and strike lines 6 to 27.
3. On page 20, strike lines 1 to 16; in line 17 strike "(5)" and insert "(3)" and strike "subsections" and insert "subsection"; in line 18 strike "and (3)"; in line 22 strike "(6)" and insert "(4)" and in line 25 strike "or (3)".
4. On page 21, line 2 strike "or" and in line 3 strike "(3)".

Mr. Reutzel asked unanimous consent to print the following amendments to LB 587 in the Journal. No objections. So ordered.

1. On page 23, line 18 strike "four" and insert "seven"; strike beginning with "with" in line 22 through "probation" in line 23; in line 24 after the second comma insert "annual"; and strike beginning with "except" in line 25 through "section" in line 26.
2. On page 24 strike lines 1 to 27.
3. On page 25 strike lines 1 to 11; in line 12 strike "(5)" and insert "(3)" and strike "subsections" and insert "subsection"; in line 13 strike "and (3)"; in line 17 strike "(6)" and insert "(4)" in line 20 strike "or (3)"; in line 24 strike "or"; in line 25 strike "(3)"; and in line 26 strike "(7)" and insert "(5)".

Mr. Reutzel asked unanimous consent to print the following amendments to LB 588 in the Journal. No objections. So ordered.

1. On page 19, line 19 strike "four" and insert "seven"; strike beginning with "with" in line 23 through "probation" in line 24; in line 25 after the second comma insert "annual"; and strike beginning with "except" in line 26 through "section" in line 27.

2. On page 20, strike lines 2 to 27.

3. On page 21, strike lines 1 to 12; in line 13 strike "(5)" and insert "(3)" and strike "subsections" and insert "subsection"; in line 14 strike "and (3)"; in line 18 strike "(6)" and insert "(4)"; in line 21 strike "or (3)"; in line 25 strike "or"; and in line 26 strike "(3)".

4. On page 22, line 1 strike "(7)" and insert "(5)".

GENERAL FILE

LEGISLATIVE BILL 99. Title read. Considered.

Standing Committee amendments found in the Journal on page 948 for the Forty-Eighth Day were considered.

Mr. Newell offered the following amendments to the Standing Committee amendments:

1. Page 2, second line 23 of the committee amendments after "Governor" strike all language up to the "The" in the third line 12 and insert ", according to the law."

2. Page 2, third line 14 of the committee amendments strike ", members of the judiciary."

3. Page 3, third line 24 of the committee amendments after "Legislature" strike the language to the end of the third line 27 and insert a "."

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Newell requested the amendments be voted on separately, starting with amendment #2.

The Newell amendment #2 to the Standing Committee amendments lost with 5 ayes, 23 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 12 ayes, 11 nays, and 26 not voting.

The Newell amendment #1 to the Standing Committee amendments lost with 15 ayes, 21 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Cullan 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 Newell amendment #3 to the Standing Committee amendments lost with 17 ayes, 20 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Murphy offered the following amendment to the Standing Committee amendments:

In the committee amendment page 3 - line 23 strike "Not" i.e. Art. IV, Sec. 10.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment to the Standing Committee amendments:

To strike them and insert: The Gov., Sec. of State, and the State Auditor shall act as a compensation commission to recommend Legislative salaries for the Legislature. The Leg. may approve or reject any recommendation of the commission.

MR. NICHOL PRESIDING

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

SPEAKER MARVEL PRESIDING

Mr. Newell requested a record vote on his amendment.

Voting in the affirmative, 11:

Brennan	Hefner	Landis	Schmit
Burrows	Kennedy	Newell	Vickers
Haberman	Kremer	Nichol	

Voting in the negative, 20:

Carsten	Hoagland	Labedz	Murphy	Stoney
Clark	Johnson	Lewis	Pirsch	Wagner
Cullan	Kahle	Maresh	Reutzel	Warner
Hasebroock	Koch	Marsh	Rumery	Wesely

Present and not voting, 16:

Beutler	Duis	George	Marvel
Chambers	Dworak	Goodrich	Merz
Cope	Fitzgerald	Keyes	Sieck
DeCamp	Fowler	Lamb	Simon

Excused and not voting, 2:

Kelly Venditte

The amendment lost with 11 ayes, 20 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Schmit offered the following amendment to the Standing Committee amendments:

1. Strike beginning with "Each" in line 21 on page 2 through line 18 on page 3 and show the old matter as stricken.

2. On page 4 strike lines 7 through 11 and insert:

"Constitutional amendment to provide that the salary of the members of the Legislature shall be established by law."

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Brennan	Hasebroock	Maresh	Pirsch	Vickers
Burrows	Hefner	Merz	Rumery	Warner
Carsten	Kahle	Newell	Schmit	Wesely
Haberman	Keyes	Nichol	Stoney	

Voting in the negative, 24:

Beutler	Dworak	Hoagland	Lamb	Murphy
Clark	Fitzgerald	Johnson	Landis	Reutzel
Cope	Fowler	Kennedy	Lewis	Simon
Cullan	George	Koch	Marsh	Wagner
DeCamp	Goodrich	Kremer	Marvel	

Present and not voting, 4:

Chambers	Duis	Labedz	Sieck

Excused and not voting, 2:

Kelly	Venditte

The Schmit amendment lost with 19 ayes, 24 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Murphy offered the following amendment to the Standing Committee amendments:

I move to amend LB 99 on Page 4 by striking lines 7, 8, 9, 10 and 11 and inserting:

"Constitutional amendment to create a Compensation Review Commission which shall have the authority to recommend changes in salaries and allowable expenses for members of the Legislature, certain officers of the executive branch, and members of the judicial branch."

The amendment was adopted with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb offered the following amendment to the Standing Committee amendments:

Strike all sections and insert

The salary of the members of the Legislature shall be $1 per year plus actual expenses as determined by the Legislature.

Mr. George 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 record vote on the Lamb amendment.

Voting in the affirmative, 17:

Cullan	Hefner	Lewis	Newell	Sieck
Fitzgerald	Kahle	Maresh	Nichol	
Goodrich	Kennedy	Merz	Rumery	
Haberman	Lamb	Murphy	Schmit	

Voting in the negative, 23:

Beutler	DeCamp	Koch	Pirsch	Wagner
Brennan	Duis	Kremer	Reutzel	Warner
Carsten	Fowler	Labedz	Simon	Wesely
Clark	George	Landis	Stoney	
Cope	Hasebroock	Marsh	Vickers	

Present and not voting, 7:

Burrows	Dworak	Johnson	Marvel
Chambers	Hoagland	Keyes	

Excused and not voting, 2:

Kelly	Venditte

The amendment lost with 17 ayes, 23 nays, 7 present and not voting, and 2 excused and not voting.

Messrs. Kremer and Vickers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Merz offered the following amendment to the Standing Committee amendments:

To amend the committee amendment (as amended) to LB 99 by striking all reference to a commission, reinstate old language. Strike "four" page 2 line 22 and insert "six" and amend ballot language accordingly.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Merz amendment lost with 8 ayes, 22 nays, 15 present and not voting, and 4 excused and not voting.

MR. NICHOL PRESIDING

The Standing Committee amendments, as amended, were adopted with 30 ayes, 8 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 7 nays, 12 present and not voting, 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendments to LB 172 in the Journal. No objections. So ordered.

(1) (Req. 2899)
1. Strike section 6 and insert "Certificate of need shall mean a written order of the department setting forth an affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by this act and by rules and regulations of the department and which affords a person proposing a project the opportunity to proceed with the development of such project. The criteria prescribed that is met by a person must be set out in the certificate of need. The criteria not met by a person must be set out in the certificate of need."

(2) (Req. 2899)
1. On page 3, line 6, strike beginning with "Health" through "1943" in line 13.

SPEAKER MARVEL PRESIDING

NOTICE OF COMMITTEE HEARING
Judiciary

LB 597 Thursday, May 3, 1979 12:00 Noon

(Signed) William E. Nichol, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 63.

Introduced by Merz, 1st District.

WHEREAS the State of Nebraska is expending over $300,000 annually for the rental of office and storage space in the city of Lincoln alone; and

WHEREAS the Legislature should endeavor to limit State spending wherever possible; and

WHEREAS the Appropriations Committee of the Nebraska Legislature has determined it would be less expensive to purchase an existing structure and renovate that structure rather than build a new facility to house the Nebraska State Historical Society; and

WHEREAS there exists in Lincoln vacant buildings which could potentially be converted into State office and storage space at a considerable savings to the Nebraska taypayer.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a special committee be formed for the purpose of conducting an interim study into feasibility of purchasing existing structures in Lincoln, to be used as State office and storage space.

2. That at least three members of such committee shall be members of the Legislature's Appropriations Committee.

3. That such special committee shall prepare a report of its findings and submit such report to the Appropriations Committee on or before December 3, 1979. Such report shall contain specific recommendations on which, if any, existing structures could be purchased and renovated at a savings to the Nebraska taxpayer.

Referred to the Executive Board.

MESSAGES FROM THE GOVERNOR

April 24, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 143.

This bill was signed by me on April 20, 1979 and delivered to the Secretary of State.

Sincerely
(Signed) CHARLES THONE
Governor

CT:mh

April 24, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 198, 278, 313, 415, 510 and 575.

These bills were signed by me on April 24, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

MOTION - Rule Change

Mr. Lewis offered the following rule change:

1. Amend Rule 5, section 4 as follows:

"Sec. 4. 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. Immediately after his or her district the introducer shall clearly identify, by its legal name or title, any organization on whose behalf such bill is being introduced."

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Reutzel asked unanimous consent to print the following amendments to LB 589 in the Journal. No objections. So ordered.

1. On page 72, line 27 strike "four" and insert "seven".

2. On page 73, strike beginning with "with" in line 4 through "probation" in line 5; in line 6 after the second comma insert "annual"; strike beginning with

"except" in line 7 through "section" in line 8; and strike lines 10 to 27.

3. On page 74, strike lines 1 to 20; in line 21 strike "(5)" and insert "(3)"; and strike "subsections" and insert "subsection"; in line 22 strike "and (3)"; and in line 26 strike "(6)" and insert "(4)".

4. On page 75, line 2 strike "or (3)"; in line 6 strike "or"; in line 7 strike "(3)"; and in line 8 strike "(7)" and insert "(5)".

Mr. Keyes asked unanimous consent to print the following amendments to LB 585 in the Journal. No objections. So ordered.

1. On page 3, line 13 strike "42,198,000" and insert "52,198,000"; in line 16 strike "70,698,000" and insert "80,698,000"; in lines 18, 20, and 25 strike "55,000,000" and insert "65,000,000".

2. On page 4, line 26 strike "64,571,968" and insert "74,571,968".

3. On page 5, line 3 strike "129,290,163" and insert "139,290,163".

Messrs. Hoagland and Dworak asked unanimous consent to print the following amendments to LB 221 in the Journal. No objections. So ordered.

(Req. #2715)

1. On page 8, line 22 strike "any person, male or female,", show as stricken, and insert "(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".

2. On page 12, line 27, strike "250" and insert "~~250~~ 500".

3. On page 13, strike lines 1 through 15, show as stricken, and insert:

"3 MONTHS IMPRISONMENT
OR BOTH
IF UNDER 19 AND YOU PURCHASE
OR ATTEMPT TO PURCHASE
OR HAVE IN YOUR POSSESSION
ALCOHOLIC LIQUOR IN THIS ESTABLISHMENT
FOR CONSUMPTION ON THE PREMISES
OR IF UNDER 21 AND YOU PURCHASE
OR ATTEMPT TO PURCHASE
OR HAVE IN YOUR POSSESSION
ALCOHOLIC LIQUOR FOR CONSUMPTION OFF THE PREMISES
AND
WARNING TO ADULTS

$500 FINE
3 MONTHS IMPRISONMENT
OR BOTH
IF OVER 19 AND YOU PURCHASE ALCOHOLIC LIQUOR
FOR A PERSON UNDER 19
FOR CONSUMPTION ON THE PREMISES
OR IF YOU PURCHASE ALCOHOLIC LIQUOR
FOR A PERSON UNDER 21
FOR CONSUMPTION OFF THE PREMISES
LAWS OF THE STATE OF NEBRASKA".

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 234.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendments to LB 172 in the Journal. No objections. So ordered.

(1) (Req. 2899)

1 On page 17, line 1, strike beginning with "One" through "agency." in line 10 and insert "One member shall be appointed by the Governor from each congressional district, as such exist on the operative date of this act, who is a resident of the State of Nebraska, and who is not a provider of health care.

(2) (Req. 2899)

1. Strike section 14.
2. Strike section 25.
3. On page 11, line 27, after the second "department" strike beginning with the comma through the comma in line 1 on page 12.
4. On page 13, line 24, strike "the" through "and".
5. On page 14, line 26, strike "jointly" and after department insert a period and strike beginning with "and" through "agency" in line 27.
6. On page 15, line 5 strike "This" through "agency" in line 6.

(3) (Req. 2899)

1. On page 2, line 18, strike "Health" and insert "Public Institutions".

2. On page 7, line 16 strike "Health" and insert "Public Institutions".

(4) (Req. 2899)

1. Strike section 39.
2. Strike section 40.
3. Strike section 41.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 172 in the Journal. No objections. So ordered.

(1) (Req. 2899)

1. On page 8, line 8, strike beginning with "substantial" through "organization." in line 12.

(2) (Req. 2899)

1. On page 10, line 10 strike "and site acquisition" and on line 12 add "or site acquisition:"

Mr. Kennedy asked unanimous consent to print the following amendments to LB 172 in the Journal. No objections. So ordered.

(1) (Req. 2899)

1. Strike section 42.
2. Strike section 43.
3. Strike section 44.
4. Strike section 45.

(2) (Req. 2899)

1. On page 2, line 24, strike "." and insert "and the annual cost of which shall exceed $100,000".
2. On page 9, line 22 strike "less" and insert "greater".

Mr. Chambers asked unanimous consent to print the following amendments to LB 152 in the Journal. No objections. So ordered.

1. In committee amendments, page 6, line 24, strike "section" and insert "sections 28-1105 and".
2. In line 6 of E & R 5, strike "section" and insert "sections 28-1105 and".

Mr. Carsten asked unanimous consent to print the following amendments to LB 172 in the Journal. No objections. So ordered.

(1) (Req. 2899)

1. On page 24, line 7, after the period insert "All criteria established for rural areas shall take into consideration the distance, convenience, cost of transportation, and accessibility to health services.
2. On page 24, line 7 after the period insert "All criteria established for rural areas shall take into consideration projects and expenditures initiated to attract physicians to rural areas, including local support for a project or expenditure."
3. On page 24, line 7 after the period insert "All criteria established for rural areas shall take into consideration accessibility to health services during inclement weather including the special difficulties encountered in winter."

(2) (Req. 2899)

1. Strike section 67.
2. Strike section 67 and insert "A certificate of need shall be valid for a period of one year from the date of issuance and shall be automatically renewed by the department at the expiration of such period, unless evidence of lack of substantial and continuing progress on the project is submitted by an affected person."

Mr. Cullan asked unanimous consent to print the following amendments to LB 172 in the Journal. No objections. So ordered.

(Req. 2899)

1. On page 23, line 19, strike beginning with "including" through the comma in line 20.
2. Strike section 56.
3. On page 18, line 24, strike beginning with "within" through "or" in line 26; on page 19, line 15, strike beginning with "to" through "agency".

Mr. Hoagland asked unanimous consent to print the following amendments to LB 378 in the Journal. No objections. So ordered.

Req. 2906

1. Strike the original sections and all amendments thereto and insert the following:

"Section 1. As used in sections 1 to 8 of this act, unless the context otherwise requires:

(1) Sexual offense shall mean:

(a) Any of the felonies set forth in section 28-319, 28-320, or 28-805; or

(b) The commission of any felony as defined by law in which the sexual excitement of the person committing the crime is a substantial motivational factor;

(2) Mentally disordered sex offender shall mean any person who has been convicted of a sexual offense and who has been determined, by the procedures set forth in this act, to have a mental disorder which causes him or her to commit repetitive sexual crimes likely to cause substantial injury to the health of others; and

(3) Treatment shall mean the application of scientifically accepted principles with the object of improving the defendant's mental disorder and decreasing the likelihood of his or her commission of repetitive sexual crimes.

Sec. 2. After a person is convicted of a sexual offense, the court, prior to sentencing, shall order a presentence investigation which shall include an evaluation to determine whether the defendant is a mentally disordered sex offender. The entire proceeding to determine whether the defendant is a mentally disordered sex offender and treatable and each annual review as provided by this act shall be deemed a critical stage of a criminal prosecution at which the defendant shall be accorded all the rights a criminal defendant has in sentencing proceedings. The defendant may appeal the findings and sentence made pursuant to this act.

Sec. 3. To conduct the evaluation the court shall appoint a panel of two physicians, licensed to practice medicine and surgery who have had at least three years special training in the treatment of mental disorders or one such physician and one clinical psychologist who has had at least three years special training in treatment of mental disorders, to conduct individual psychiatric examinations of the defendant. The panel shall file with the court a written report, as to whether in their opinion the defendant is a mentally disordered sex offender, at least ten days prior to the date set for the sentencing of the defendant. Copies of the report shall be furnished to all counsel. If the defendant, or counsel for the defendant, disagree with the report of the court appointed panel, he or she may file a motion with the court requesting an additional evaluation by two other physicians, or one other physician and one other psychologist, of the defendant's choice, qualified as described in this section. Such additional evaluation shall be reduced to writing and filed with the court at least ten days prior to the date set for the sentencing of the defendant. Copies of the report shall be furnished to all counsel.

Sec. 4. If the court determines, based on all the evidence, that the defendant is not a mentally disordered sex offender, is a mentally disordered sex offender whose disorder is not treatable, or that

treatment is not available in this state, the court shall sentence the defendant as provided by law for the offense of which he or she has been convicted.

Sec. 5. If the court determines that: (1) The defendant is a mentally disordered sex offender; (2) the mental disorder is treatable; and (3) such treatment is available in this state, the court shall, after first sentencing the defendant as provided by law for the offense of which he or she has been convicted, remand the defendant for treatment to one of the regional centers until such time as the court determines that the defendant is no longer mentally disordered or until the defendant has received the maximum benefit of treatment, except that no sentence to treatment shall exceed the maximum length of such offender's sentence.

Sec. 6. (1) The regional center with custody of a mentally disordered sex offender shall, at least annually from the date of sentence, assess whether the defendant still has a mental disorder and whether the defendant has received the maximum benefit of treatment. Such assessment shall be in writing, including all data and test results, and shall be filed in the sentencing court. Copies of such assessment shall be furnished to all counsel. Defendants shall have the right of mandamus to compel compliance with this section. An assessment that is more than thirty days late shall be prima facie evidence that the director of such regional center has without just excuse refused or neglected to perform the requirements of this section.

(2) If after hearing upon the assessment the sentencing court shall determine that the defendant no longer has a mental disorder or that the defendant has received the maximum benefit of treatment, the court may remand the defendant to the Nebraska Penal and Correctional Complex or release the defendant on probation for the remainder of his or her sentence. Credit shall be given for the time spent in treatment.

Sec. 7. Ninety days prior to the final release from custody of any mentally disordered sex offender who has (1) previously been adjudged untreatable and sentenced pursuant to section 4 of this act, (2) been determined to have received the maximum benefit of treatment pursuant to section 6 of this act, or (3) been sentenced to treatment pursuant to section 5 of this act, but whose time in treatment will, within ninety days, exceed the maximum length of such offender's sentence on the underlying criminal conviction, the Board of Parole, Department of Correctional Services, regional center, or other unit of government having final release authority, shall give notice to the county attorney who prosecuted

the underlying criminal charge that the release of such offender is so pending. Upon receipt of such notice from the releasing authority, the county attorney shall cause mental health commitment proceedings to be commenced on behalf of such offender pursuant to the Nebraska Mental Health Commitment Act.

Sec. 8. This act is retrospective. All persons now committed under the Nebraska Sexual Sociopath Act shall be forthwith returned to the district court which committed them for sentencing pursuant to this act. Psychiatric evaluations conducted within eighteen months prior to sentencing shall be admissible in lieu of the panel reports required by section 3 of this act. No person now committed shall be released until the requirements of section 7 of this act have been fulfilled.

Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

GENERAL FILE

LEGISLATIVE BILL 120. Title read. Considered.

Mr. DeCamp renewed his pending amendments referred to in the Journal on page 1527 (Req. #2887).

Mr. Maresh offered the following amendment to the DeCamp amendment:

Page 8 line 16 after (5) insert "liquor comma wine comma"

Mr. Murphy requested a ruling of the Chair on the DeCamp amendments.

The Chair ruled the amendments would be treated as any other amendments.

Mr. Murphy questioned the amendments substantially change the bill.

The Chair stated he couldn't make a ruling until further dispensation of the bill.

The Maresh amendment was adopted with 21 ayes, 0 nays, 24 present and not voting, and 4 excused and not voting.

Mr. 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 DeCamp amendments, as amended, were adopted with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Fowler moved to indefinitely postpone LB 120.

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. Dworak requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 15:

Chambers	Fowler	Johnson	Murphy	Rumery
Cullan	Haberman	Lamb	Newell	Sieck
Dworak	Hoagland	Maresh	Reutzel	Wesely

Voting in the negative, 20:

Carsten	George	Kahle	Labedz	Nichol
Clark	Goodrich	Kennedy	Lewis	Pirsch
Cope	Hasebroock	Keyes	Marsh	Simon
DeCamp	Hefner	Koch	Marvel	Stoney

Present and not voting, 9:

Brennan	Duis	Landis	Schmit	Warner
Burrows	Fitzgerald	Merz	Wagner	

Excused and not voting, 5:

Beutler	Kelly	Kremer	Venditte	Vickers

The motion to indefinitely postpone lost with 15 ayes, 20 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Brennan asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 18 ayes, 11 nays, and 20 not voting.

Mr. DeCamp requested a roll call vote to advance LB 120.

Voting in the affirmative, 25:

Carsten	Fitzgerald	Kahle	Labedz	Nichol
Clark	George	Kennedy	Lewis	Rumery
Cope	Goodrich	Keyes	Marsh	Schmit
DeCamp	Hasebroock	Koch	Marvel	Simon
Duis	Hefner	Kremer	Merz	Warner

Voting in the negative, 14:

Beutler	Dworak	Hoagland	Maresh	Vickers
Chambers	Fowler	Johnson	Murphy	Wesely
Cullan	Haberman	Lamb	Newell	

Present and not voting, 8:

Burrows	Landis	Reutzel	Stoney
Kelly	Pirsch	Sieck	Wagner

Excused and not voting, 2:

Brennan Venditte

Advanced to E & R for Review with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Mr. Warner announced that the Appropriations Committee will meet at noon, April 25, 1979 in Room 1003.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 589 in the Journal. No objections. So ordered.

On page 48, after line 7, insert:

"There is included in the appropriation to this program $88,000 in General Funds for the administrative expenses of the Social Security Administration Bureau which shall not be expended in whole or in part if Legislative Bill 576A is enacted into law in the current session of the Legislature."

Mr. Warner asked unanimous consent to print the following amendments to LB 576A in the Journal. No objections. So ordered.

On page 2 in line 4, strike "State Capital Restoration" and insert "Department of Administrative Services".

Add the following new section:

"Sec. 2. There is hereby appropriated to the Department of Administrative Services, Agency 65, for Program 567, Fiscal Administration, the receipts accruing to the Department of Administrative Services Cash Fund, from interest earning transferred from the Contribution Fund, in an amount not to exceed eighty-eight thousand dollars for the period July 1, 1979, to June 30, 1980."

Renumber original section 2 as 3.

Mr. Warner asked unanimous consent to print the following amendments to LB 576 in the Journal. No objections. So ordered.

On page 7, strike lines 7, 8, 9, and 10 and insert:

"The Department of Administrative Services is hereby authorized to transfer interest earnings from the Contribution Fund to the Department of Administrative Services Cash Fund, which is hereby created. Such interest earnings transferred shall only be used for payment of administrative expenses of the Social Security Administration Bureau."

On page 8, in lines 8 and 9, strike "State Capital Restoration" and insert "Department of Administrative Services".

On page 9, in lines 15, 23, and 27, after "Parking" insert "Revolving", in line 27 after "Building" insert "Revolving".

On page 10, in line 1, strike "State Capital Restoration" and insert "Department of Administrative Services Cash".

On page 13, after line 13, insert:

"(3) The charges for such leased and owned properties shall only be adjusted by the Administrator on July 1. Prior to any adjustment in the system of charges, the Department of Administrative Services, on or before December 1 of the year preceding the effective date of such adjustment, shall provide written notification to the Clerk of the Legislature and the Legislative Fiscal Analyst of the proposed adjustment to the system of charges".

On page 16, in lines 7, 8, 9, and 10, strike:

", which claim shall be fully itemized and documented in accordance with rules and regulations established by the Director of Administrative Services, including the details surrounding each expense"

On page 16, after line 10, insert:

"Each claim shall be fully itemized, including when, where and why the expense was incurred and the actual amount involved. When reimbursement is claimed for mileage by automobile, air travel by commercial carrier, air travel in airplanes chartered by the department or agency, or air travel by personally-rented airplane, the points between which such travel occurred, the times of arrival and departure, and the necessity and purpose of such travel shall be shown on such claim. When reimbursement is claimed for mileage by automobile, the license number, the owner of the automobile used, and the rate per mile being claimed shall also be shown on each claim. The Accounting Administrator may require less supporting detail for claims covered in this section, but shall not impose reporting requirements which exceed those listed, unless specifically authorized by other provisions of law."

Add the following new section:

"Sec. 10. On July 1, 1979, the unexpended balance in the Leased Office Building Fund is hereby transferred to the State Building Revolving Fund."

Add the following new section:

"Sec. 11. This act shall become operative on July 1, 1979."

Renumber original sections 10 and 11 as 12 and 13 respectively.

Mr. Koch asked unanimous consent to print the following amendments to LB 172 in the Journal. No objections. So ordered.

(1) (Req. 2899)

1. Add a new section as follows: "There is hereby created a cash fund for the development and support of the certificate of need program, to be designated the Certificate of Need Cash Fund to be administered by the Department of Public Institutions. The Department of Insurance is responsible for the collection of such.

The fund shall consist of all monies received for premiums by insurance companies licensed to operate within this state for the sale of life, health, and accident insurance to individuals, companies, or corporate entities at the rate of one-half percent (½%) per year collected by the State Director of Insurance under section 77-908 and 77-909, Nebraska Revised Statutes, Reissue 1943. Such funds shall be paid to the State Treasurer for deposit in the Certificate of Need Cash

Fund in the same manner as set out in Section 77-913. The fund shall be used in accordance with and to carry out the provisions of this act.

2. Add a new section as follows: "After the operative date of this act, no policy or contract of sickness and accident insurance, or no contract or subscription agreement issued by a hospital service corporation, and no contract or certificate issued by a health maintenance organization shall be issued, delivered, or renewed in this state by the Director of Insurance unless such policy, contract, or subscription agreement provides benefit to any person covered thereunder for the inpatient or outpatient treatment of alcoholism, for outpatient surgery in a facility operated as part of the practice of an independent practitioner, partnership, or professional corporation as defined in section 21-2202, Reissue Revised Statute of Nebraska, 1943 or an ambulatory surgical facility as defined under section 4 of this act or for home health services as defined in section 15 of this act.

(2) (Req. 2899)

1. On page 26, line 25 strike beginning with "the" through "of" in line 26.

2. On page 27, line 8, after the period and before "The" insert "the appeals board in making its decision shall also consider demonstrated public need."

VISITORS

Visitors to the Chamber were 42 fifth and sixth grade students, teachers, and parents from Hooper Elementary School, Hooper; 28 senior high students and teachers from Friend High School, Friend; and 33 fifth grade students and teachers from Oakland Community School, Oakland, Iowa.

ADJOURNMENT

At 5:04 p.m., on a motion by Mrs. Labedz, the Legislature adjourned until 9:00 a.m., Wednesday, April 25, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 25, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God our Father, as we come before You in prayer this morning, we would thank You for lessons to learn and for work to do. May we apply ourselves to both. As your servants here sincerely seek to do right, make it plain to them. Knowing that criticism will come, help them to take from it what is helpful, and to forgive what is unjust and unkind. In the face of all the pressures brought upon them, may they always seek to know and to do Your will. May they follow Your guidance for the good of all the people, that Your purpose may be fulfilled in this Nation and in this State, through these chosen by the people and ordained by You for leadership. "Blessed is the Nation whose God is the Lord. . ." May we believe that today. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Chambers, Goodrich, Johnson, Lewis, Merz, Simon, Venditte, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 547.

Correctly Enrolled

The following bills were correctly enrolled: 58, 87, 241, 353, 396, 414, 414A, 417, 438, 543, 553, 555, and 557.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 58, 87, 241, 353, 396, 414, 414A, 417, 438, 543, 553, 555, and 557.

UNANIMOUS CONSENT - Member Excused

Mr. Kennedy asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Return LB 495 to Select File

Mr. Haberman moved to return LB 495 to Select File for the specific amendment found in the Journal on page 1385.

The motion prevailed with 25 ayes, 7 nays, 10 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 495. The Haberman specific amendment found in the Journal on page 1385 was renewed.

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.

Mr. Haberman moved for a Call of the House. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Carsten	Haberman	Koch	Murphy	Sieck
Clark	Hasebroock	Kremer	Nichol	Vickers
Cope	Hefner	Lamb	Pirsch	Wagner
Cullan	Kahle	Landis	Rumery	Warner
DeCamp	Kelly	Maresh	Schmit	

Voting in the negative, 12:

Beutler	Fitzgerald	Keyes	Simon
Chambers	Fowler	Marvel	Stoney
Dworak	Hoagland	Newell	Wesely

Present and not voting, 8:

Burrows	George	Lewis	Reutzel
Duis	Labedz	Marsh	Venditte

Excused and not voting, 5:

Brennan	Goodrich	Johnson	Kennedy	Merz

The amendment lost with 24 ayes, 12 nays, 8 present and not voting, and 5 excused and not voting.

Failed to readvance to Final Reading with 16 ayes, 18 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Action on LB 174A

Mr. Cullan moved to reconsider action on the final passage of LB 174A.

Mr. Cullan moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to reconsider action prevailed with 30 ayes, 4 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 174A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 174, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Beutler	DeCamp	Hasebroock	Landis	Reutzel
Burrows	Duis	Hefner	Marsh	Rumery
Carsten	Dworak	Hoagland	Marvel	Schmit
Chambers	Fowler	Kahle	Murphy	Simon
Clark	George	Keyes	Newell	Warner
Cope	Haberman	Koch	Nichol	Wesely

Voting in the negative, 8:

Fitzgerald	Kremer	Lamb	Stoney
Kelly	Labedz	Pirsch	Venditte

Present and not voting, 5:

Cullan	Lewis	Maresh	Sieck	Wagner

Excused and not voting, 6:

Brennan	Johnson	Merz
Goodrich	Kennedy	Vickers

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment on LB 505

Mr. Haberman asked unanimous consent to withdraw his pending amendment to LB 505 found in the Journal on page 1456. No objections. So ordered.

MOTION - Return LB 505 to Select File

Mr. Simon moved to return LB 505 to Select File for the specific amendment found in the Journal on page 1575.

The motion prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 505. The Simon specific amendment found in the Journal on page 1575 was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 152. Placed on Select File as amended.
E & R amendments to LB 152:

1. On page 5, line 6, insert an underscored comma after "event".

2. In lieu of Chambers amendment 2, in the committee amendments on page 4 strike beginning with the second "of" in line 20 through "or" in line 22 and show the old matter as stricken.

3. In the committee amendments on page 6, line 23, strike "28-1105" and insert "28-1104"; and after "28-1107," insert "28-1108,".

4. In the committee amendments renumber sections 6 to 11 as sections 5 to 10.

5. In the title, line 2, strike ", 28-1102, 28-1103" and insert "to 28-1104"; in line 3 strike "28-1111,"; strike beginning with "to" in line 9 through the semicolon in line 11; strike beginning with the second "sections" in line 12 through "28-1112" in line 13 and insert "section 28-1106".

LEGISLATIVE BILL 390. Placed on Select File as amended.
E & R amendments to LB 390:

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 5, strike "and"; and

in line 6 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 138. Placed on Select File as amended.
E & R amendment to LB 138:
1. In the Kahle amendments, line 4, insert "and" after the semicolon.

LEGISLATIVE BILL 138A. Placed on Select File.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Murphy asked unanimous consent to print the following amendment to LB 99 in the Journal. No objections. So ordered.

In section 2, as amended, by striking the period after the word "branch" and inserting a "," and adding "and to provide when such recommendations become effective."

GENERAL FILE

LEGISLATIVE BILL 221. Title read. Considered.

Mr. Simon renewed his pending amendment found in the Journal on page 1352.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Simon amendment lost with 7 ayes, 20 nays, 17 present and not voting, and 5 excused and not voting.

Messrs. Beutler, Kremer, and Lewis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Newell offered the following amendment:
On page 8, line 25, after "act" add ", or who is serving in any branch of the military forces of the United States of America,"

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. Newell moved for a Call of the House. The motion lost with 11 ayes, 17 nays, and 21 not voting.

Mr. Newell requested a record vote on his amendment.

Voting in the affirmative, 8:

Fowler	Hoagland	Koch	Newell
George	Johnson	Marsh	Simon

Voting in the negative, 18:

Burrows	Cullan	Kahle	Reutzel	Wagner
Carsten	Duis	Labedz	Rumery	Warner
Chambers	Haberman	Landis	Sieck	
Cope	Hasebroock	Maresh	Stoney	

Present and not voting, 15:

Clark	Fitzgerald	Keyes	Murphy	Schmit
DeCamp	Hefner	Lamb	Nichol	Venditte
Dworak	Kelly	Marvel	Pirsch	Wesely

Excused and not voting, 8:

Beutler	Goodrich	Kremer	Merz
Brennan	Kennedy	Lewis	Vickers

The Newell amendment lost with 8 ayes, 18 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Koch moved to indefinitely postpone LB 221.

SPEAKER MARVEL PRESIDING

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. Koch withdrew his motion to indefinitely postpone.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Reutzel renewed his pending amendment found in the Journal on page 1366.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Reutzel amendment was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

The Hoagland-Dworak pending amendments found in the Journal on page 1632 were renewed.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Dworak requested a record vote on the amendments.

Voting in the affirmative, 17:

Beutler	Dworak	Hoagland	Maresh	Wagner
Clark	George	Johnson	Marsh	
Cullan	Haberman	Koch	Murphy	
Duis	Hefner	Landis	Newell	

Voting in the negative, 25:

Burrows	Fitzgerald	Kremer	Pirsch	Stoney
Carsten	Fowler	Labedz	Reutzel	Venditte
Chambers	Hasebroock	Lamb	Rumery	Vickers
Cope	Kahle	Lewis	Sieck	Warner
DeCamp	Kelly	Marvel	Simon	Wesely

Present and not voting, 2:

Keyes	Schmit

Excused and not voting, 5:

Brennan	Goodrich	Kennedy	Merz	Nichol

The Hoagland-Dworak amendment lost with 17 ayes, 25 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
Page 8, line 23, strike "twenty-one"
Page 11, line 20, strike "twenty-one"
Page 13, line 13, strike "twenty-one"
Insert "ten"

The amendment lost with 3 ayes, 21 nays, 19 present and not voting, and 6 excused and not voting.

Mr. Lewis moved to indefinitely postpone LB 221.

The motion lost with 17 ayes, 23 nays, 3 present and not voting, and 6 excused and not voting.

Mr. Kelly moved for a Call of the House. The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Kelly requested a roll call vote to advance LB 221.

Voting in the affirmative, 22:

Burrows	Duis	Lamb	Pirsch	Wagner
Carsten	Hefner	Maresh	Rumery	Warner
Chambers	Kahle	Marvel	Sieck	
Cope	Kremer	Murphy	Stoney	
Cullan	Labedz	Nichol	Venditte	

Voting in the negative, 18:

Beutler	Goodrich	Keyes	Marsh	Vickers
Dworak	Hasebroock	Koch	Newell	Wesely
Fitzgerald	Hoagland	Landis	Reutzel	
Fowler	Johnson	Lewis	Simon	

Present and not voting, 3:

DeCamp	George	Kelly

Absent and not voting, 2:

Haberman	Schmit

Excused and not voting, 4:

Brennan	Clark	Kennedy	Merz

Failed to advance to E & R for Review with 22 ayes, 18 nays, 3 present and not voting, 2 absent and not voting, and 4 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 24, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 15, 291, 326 and 542.
These bills were signed by me on April 24, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 25, 1979, at 10:17 a.m., were the following bills: 557, 555, 543, 241, 87, 553, 438, 417, 414, 414A, 396, 353, and 58.

(Signed) Hazel Kaltenberger, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:00 noon, Wednesday, May 2, 1979, in Room 1520 for the purpose of hearing the following reappointment:

Marian Andersen - Nebraska Arts Council

(Signed) Shirley Marsh, Chairperson

VISITORS

Visitors to the Chamber were 6 seniors and teacher from Whittier Learning Center, Lincoln; 22 fourth grade students and teachers from

Park Elementary School, Lincoln; 25 ninth grade students and teacher from Hastings; 42 third and fourth grade students, teachers, and parents from Norwood Park Elementary, Lincoln; 14 fifth and sixth grade students, teachers, and parent from Bruning; 17 third and fourth grade students, teacher, and parents from Lewiston; 3 senior students and teacher from Norris High School, Firth; 34 third and fourth grade students, teachers, and sponsors from Sterling; and 34 fifth grade students and teacher from Hebron.

RECESS

At 12:22 p.m., on a motion by Mr. Murphy, the Legislature recessed until 2:15 p.m.

AFTER RECESS

The Legislature reconvened at 2:22 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Clark, and Kennedy who were excused; and Messrs. Chambers, Hoagland, Lewis, Schmit, and Mrs. Labedz who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Thursday morning, April 26, 1979. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 174 and 174A.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 174 and 174A.

SELECT FILE

LEGISLATIVE BILL 216. E & R amendments found in the Journal on page 1470 for the Sixty-Seventh Day were adopted.

Mr. Reutzel renewed his pending amendment found in the Journal on page 1592.

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 224. E & R amendment found in the Journal on page 1470 for the Sixty-Seventh Day was adopted.

Laid over.

LEGISLATIVE BILL 39. E & R amendments found in the Journal on page 1514 for the Sixty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 576. E & R amendments found in the Journal on page 1514 for the Sixty-Eighth Day were adopted.

Mr. Warner withdrew his pending amendment found in the Journal on page 1641.

Mr. Warner offered the following amendment:

1. On page 7, strike lines 7 through 10, show the old matter as stricken, and insert "The Department of Administrative Services is hereby authorized to transfer interest earnings from the Contribution Fund to the Department of Administrative Services Cash Fund. Such interest earnings transferred shall only be used for payment of administrative expenses of the Social Security Administration Bureau.".

2. On page 8, in lines 8 and 9, strike "State Capitol Restoration", show as stricken, and insert "Department of Administrative Services".

3. On page 9, in lines 15, 23, and 27, after "Parking" insert "Revolving", in line 27 after "Building" insert "Revolving".

4. On page 10, in line 1 strike "State Capitol Restoration", show as stricken, and insert "Department of Administrative Services Cash".

5. On page 13, after line 13, insert:

"(3) The charges for such leased and owned

properties shall only be adjusted by the administrator on July 1. Prior to any adjustment in the system of charges, the Department of Administrative Services, on or before December 1 of the year preceding the effective date of such adjustment, shall provide written notification to the Clerk of the Legislature and the Legislative Fiscal Analyst of the proposed adjustment to the system of charges.".

6. On page 16, strike beginning with the comma in line 7 through line 10, show the old matter as stricken, and insert ". Each claim shall be fully itemized, including when, where, and why the expense was incurred and the actual amount involved. When reimbursement is claimed for mileage by automobile, air travel by commercial carrier, air travel in airplanes chartered by the department or agency, or air travel by personally-rented airplane, the points between which such travel occurred, the times of arrival and departure, and the necessity and purpose of such travel shall be shown on such claim. When reimbursement is claimed for mileage by automobile, the license number, the owner of the automobile used, and the rate per mile being claimed shall also be shown on each claim. The Accounting Administrator may require less supporting detail for claims covered in this section, but shall not impose reporting requirements which exceed those listed, unless specifically authorized by other provisions of law.".

7. Insert the following new sections:

"Sec. 10. On July 1, 1979, the unexpended balance (1) in the Leased Office Building Fund is hereby transferred to the State Building Revolving Fund, (2) in the State Capitol Restoration Fund is hereby transferred to the Department of Administrative Services Cash Fund, and (3) in the Capitol Buildings Parking Fund is hereby transferred to the Capitol Buildings Parking Revolving Fund.

Sec. 11. This act shall become operative on July 1, 1979.".

8. Renumber original sections 10 and 11 as 12 and 13 respectively.

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 576A. Mr. Warner renewed his pending amendment found in the Journal on page 1641.

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 224. Mr. Newell offered the following amendment:

1. To amend the following section __.

Sec. 1. That section 53-125, Reissue Revised Statute of Nebraska Supplement, 1978, be amended to read as follows:

53-125. No license of any kind shall be issued to;

(1) a person who is not a resident of the county in which the premises covered by the license are located, except in case of railroad, airline, or boat licenses;

(2) a person who is not of good character and reputation in the community in which he resides;

(3) a person who is not a citizen of the United States;

(4) a person who has been convicted of or has pleaded guilty to a felony under the laws of the State of Nebraska, any other state, or of the United States;

(5) a person who has been convicted of or has pleaded guilty to being the keeper of or is keeping a house of ill fame;

(6) a person who has been convicted of or has pleaded guilty to being the proprietor of a gambling house, or of pandering or other crime or misdemeanor opposed to decency and morality;

(7) a person whose license issued under this act has been revoked for cause;

(8) a person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

(9) a co-partnership, unless one of the copartners is a resident of the county, in which the premises covered by the license is located, and unless all the members of such copartnership shall otherwise be qualified to obtain a license;

(10) a corporation, if any officer, manager or director thereof, or any stockholder, owning in the aggregate more than twenty-five percent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence within the governmental subdivision; *Provided*, this subdivision shall not apply to railroad licenses; and *provided further*, that where the trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or a person who is mentally incompetent;

(11) a person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee;

(12) a person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued, but if, because of a change in the renewal period provided for in section 53-124, the lease is for less than the full period for which the license is to be issued, the license shall be issued and a new lease covering the remainder of the license period must be filed with the commission prior to expiration of the original lease or the license hall be revoked by the commission on ten days' written notice to the licensee, or;

(13) ~~except for persons presently possessing a valid license issued by the commission, to a husband or wife, either as an individual, a partner, or as an officer or stockholder in a corporation if the spouse of such husband or wife is ineligible to secure a license in his or her own name. Nothing in this section shall preclude issuing a license to a husband and wife with rights of survivorship if both persons make applications and are eligible to secure a license in his or her own name.~~ an applicant whose spouse is ineligible under this section as provided above to receive and hold a liquor license. Such person shall become eligible for a liquor license provided that the Commission finds from the evidence that the public interest shall not be infringed upon in the event such license is granted. It shall be prima-facie evidence that where a spouse is ineligible to receive a liquor license the applicant is also ineligible to receive a liquor license. Such prima-facie evidence shall be overcome if the following is shown to the satisfaction of the Commission (a) that the licensed business shall be the sole property of the applicant, and (b) it appears from the evidence that such licensed premises shall be properly operated.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Newell offered the following amendment:

1. To add a new section and renumber.

Sec. __. That section 53-133, Reissue Revised Statute of Nebraska, 1943, be amended to read as follows:

53-133.

(1) The commission shall set for hearing before it any application for a retail license relative to which it has received:

(a) Within thirty days from the date of mailing such application to the city, village, or county clerk, a recommendation of denial from the city, village, or county, as the case may be;

(b) Within three days after the receipt of a recommendation from the city, village, or county, as the case may be, or, if no recommendation is received, within thirty days from the date of mailing such application to the city, village, or county clerk, objections in writing by not less than three persons residing within said city, village, or county, as the case may be, protesting the issuance of said license and no objections will be considered by the commission unless submitted in duplicate and accompanied by security for costs in the sum of one humdred dollars in the form of case, money order, certified check or bank draft. The withdrawal of the protest shall not prohibit the commission from conducting a hearing based upon the protest as originally filed and making an independent finding as to whether the license should or should not be issued; or

(c) Within forty-five days from the date or mailing such application to the city, village, or county clerk, as the case may be, objections by ~~any one of the duly appointed inspectors of the commission~~, the commission or any duly appointed employee of the commission, protesting the issuance of said license.

(2) Hearings upon such applications shall be had in the manner provided in section 53-1,116.

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 559. E & R amendments found in the Journal on page 1515 for the Sixty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 559A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 332. E & R amendment found in the Journal on page 1515 for the Sixty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 354. E & R amendments found in the Journal on page 1515 for the Sixty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 193. E & R amendments found in the Journal on page 1515 for the Sixty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 348. E & R amendments found in the Journal on page 1539 for the Sixty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 252. E & R amendment found in the Journal on page 1539 for the Sixty-Ninth Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 387. E & R amendment found in the Journal on page 1593 for the Seventieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 42. E & R amendments found in the Journal on page 1593 for the Seventieth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 251. E & R amendments found in the Journal on page 1599 for the Seventy-First Day were adopted.

Advanced to E & R for Engrossment.

MOTION- Return LB 492 to E & R

Mr. Wesely moved to return LB 492 from Final Reading to E & R for an engrossing error.

The motion prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 285. E & R amendments found in the Journal on page 1341 for the Sixty-Second Day were adopted.

Mr. Koch offered the following amendment:

1. Strike the Keyes amendment 6.

2. In the Committee amendments, on page 4, in line 5, strike the underscored period and insert the following: "; (4) funds used for

payment of employer contributions for the provisions of the Federal Insurance Contributions Act, retirement systems, insurance premiums, fuel for any purpose, electricity, water and sewer service which are in excess of one hundred seven per cent of the amount budgeted in the immediately preceding fiscal year for such items."

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lewis requested a roll call vote on the Koch amendment.

Voting in the affirmative, 23:

Carsten	Hasebroock	Lamb	Nichol	Stoney
Cope	Hefner	Landis	Rumery	Wagner
Duis	Kelly	Maresh	Schmit	Warner
Fitzgerald	Koch	Marvel	Sieck	
Goodrich	Kremer	Newell	Simon	

Voting in the negative, 17:

Beutler	Fowler	Keyes	Merz	Vickers
Burrows	Hoagland	Labedz	Murphy	
DeCamp	Johnson	Lewis	Pirsch	
Dworak	Kahle	Marsh	Venditte	

Present and not voting, 5:

Chambers	George	Haberman	Reutzel	Wesely

Excused and not voting, 4:

Brennan	Clark	Cullan	Kennedy

The Koch amendment lost with 23 ayes, 17 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Koch withdrew his pending amendments found in the Journal on page 1290 and 1417.

Mr. Carsten renewed his pending amendment found in the Journal on page 1403.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Johnson renewed his pending amendment found in the Journal on page 1460.

Mr. Johnson moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Johnson amendment was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Venditte asked unanimous consent to be excused at 4:00 p.m. No objections. So ordered.

Mr. Schmit withdrew his pending amendment found in the Journal on page 1440.

Mr. Koch withdrew his pending amendment found in the Journal on page 1500.

Mr. Koch offered the following amendment:

(STANDING COMMITTEE AMENDMENTS)

1. On page 3, line 10, after "12." insert "(1)"; and after the underscored period in line 16, insert a new subsection (2) as follows:

"(2) In lieu of the limitation imposed by subsection (1) of this section, any political subdivision which has experienced or anticipates an increase in its population, as measured pursuant to section 16 of this act, of five per cent or more above the population for the immediately preceding year, may elect to increase its anticipated combined receipts for the ensuing fiscal year by a percentage which shall not exceed the average percentage increase in the anticipated combined receipts for the three immediately preceding fiscal years. If any political subdivision qualifies for and elects to utilize the limit provided for in this subsection, such political subdivision shall not further increase the percentage limit calculated pursuant thereto to compensate for any population increases calculated pursuant to section 16 of this act. If any political subdivision qualifies for and elects to utilize the limit provided for in this subsection, such limit shall be used only in the year or years in which a population increase of five per cent or more is experienced or anticipated."

2. On page 5, line 4, after "to" insert "subsection (1) of".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Koch amendment was adopted with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

Mr. DeCamp withdrew his pending amendments found in the Journal on page 1500.

Mr. DeCamp moved to reconsider action on the first Koch amendment today.

The motion prevailed with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Murphy offered the following amendment to the Koch amendment:

On the first Koch amendment page 1417 of the Journal, strike "payment to a retirement system".

The amendment lost with 15 ayes, 9 nays, 21 present and not voting, and 4 excused and not voting.

Mr. Keyes 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 12 ayes, 3 nays, and 34 not voting.

The Koch amendment, as reconsidered by DeCamp, was adopted with 25 ayes, 14 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Reutzel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit renewed his pending amendment found in the Journal on page 1557.

The amendment lost with 16 ayes, 12 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

Mr. Murphy offered the following amendment:
To amend LB 285 (the new one)
In section 9, line 21, insert after the word "is" - "fees, licenses or dedicated funds."

The amendment lost with 14 ayes, 11 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Murphy offered the following amendment:
To amend LB 285 (the new one)
In section 10, line 26, strike the word "tax" after the word "state"

The amendment lost with 9 ayes, 11 nays, 23 present and not voting, and 6 excused and not voting.

Mr. Keyes offered the following amendment:
To strike the committee amendments and all other amendments to LB 285.

The amendment lost with 5 ayes, 18 nays, 20 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 7 nays, 10 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 594. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 585. Title read. Considered.

Mr. Warner withdrew his pending amendments found in the Journal on page 1450.

Mr. Keyes withdrew his pending amendment found in the Journal on page 1632.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 591. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 227 in the Journal. No objections. So ordered.

(Amendments are to the Final Reading Second bill)

1. On page 12, line 5, insert "from the fee deposited with the State Treasurer at the time of registration" after "fee"; after the period in line 6 insert "When the owner registers a replacement vehicle at the time of filing such affidavit, the credit may be immediately applied against the registration fee for the replacement vehicle. When no such replacement vehicle is so registered, the county treasurer shall forward the application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit and furnish a certificate therefor to the owner."; and after line 17 insert:

"(3) Upon surrender of the certificate of credit by the registered owner, the provisions of subsection (1) of this section shall apply.".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 152 in the Journal. No objections. So ordered.

1. Insert 3 new sections as follows:

"Sec. 11. (1) After January 1, 1980, the offenses of prostitution, pandering, and keeping a place of prostitution shall no longer be prohibited by state law.

(2) The governing body of a county, city, or village may by resolution or ordinance establish the criminal offense of prostitution, pandering, or keeping a place of prostitution, and provide a penalty for violation of such offense or offenses. The ordinance or resolution shall become operative on or after January 1, 1980. No such resolution or ordinance shall establish a penalty which is more severe than a Class IIIA misdemeanor.

Sec. 12. That sections 28-801 to 28-804.01, Revised Statutes Supplement, 1978, are repealed.

Sec. 13. Section 12 of this act shall become operative on January 1, 1980.".

2. Renumber original section 11 as section 14.

Mr. Hefner asked unanimous consent to print the following amendment to LB 123 in the Journal. No objections. So ordered.

1. Strike original section 1 and insert:
"Section 1. No person may directly or indirectly own or acquire any shares amounting to more than five per cent of capital stock of any Nebraska bank or Nebraska bank holding company after January 1, 1981 unless such person is a citizen of the United States, a partnership authorized to do business in Nebraska, a nominee partnership acting for a Nebraska bank or Nebraska bank holding company, a corporation, not directly or indirectly owned or controlled by persons who are not citizens of the United States, including but not limited to bank holding companies, authorized to conduct business in Nebraska, or an estate or trust domiciled in the United States in which the beneficiaries are citizens of the United States. Owners of any shares of capital stock of any Nebraska bank or Nebraska holding company who would otherwise be disqualified under this section shall have until January 1, 1983 to dispose of such shares of capital stock if they were acquired prior to January 1, 1981.".

Mr. Nichol asked unanimous consent to print the following amendments to LB 75 in the Journal. No objections. So ordered.

Req. #2910
1. On page 2, line 2 strike "sell" and insert "convey to the Department of Roads all rights, interest, and title to"; and strike lines 5 to 22 and insert:
"(1) A tract of land in the southeast quarter (SE 1/4) of section 10, township 22 north, range 55 west of the 6th principal meridian in Scotts Bluff County, Nebraska, more particularly described as follows: Starting at a point on the east line of section 10, township 22 north, range 55 west nine hundred eighty feet north of the corner common to sections 10, 11, 14, and 15. The bearing of said section line is north one degree, one minute east; thence north ninety degrees west a distance of six hundred ninety-five feet to the point of beginning; thence north ninety degrees west a distance of five hundred five feet; thence north one degree one minute east a distance of one hundred sixty-eight feet to the southwest corner of the dormitory-commons site; thence along the south line of the dormitory-commons site south ninety degrees east one hundred seventy feet; thence north one degree one minute east a distance of one hundred thirty-seven and three-tenths feet; thence south ninety degrees east a distance of two hundred ten feet;

thence north one degree one minute east ninety-seven feet; thence south ninety degrees east a distance of one hundred twenty-five feet; thence south one degree one minute west a distance of four hundred two and three-tenths feet to the point of beginning. An area containing three and three-tenths acres more or less of deeded land;

(2) A tract of land in the southeast quarter of section 10, township 22 north, range 55 west of the 6th principal meridian in Scotts Bluff County, Nebraska, more particularly described as follows: Beginning at a point on the east line of said section 10 which is one thousand feet north of the corner common to sections 10, 11, 14, and 15 (the bearing of said section line being north one degree one minute east); thence north ninety degrees west a distance of six hundred seventy-five feet; thence north one degree one minute east a distance of six hundred forty-eight feet; thence north ninety degrees west a distance of five hundred twenty-five feet; thence south one degree one minute west a distance of five hundred feet; thence south ninety degrees east a distance one hundred seventy feet; thence north one degree one minute east a distance of one hundred thirty-seven and three-tenths feet; thence south ninety degrees east a distance of two hundred ten feet; thence north one degree one minute east a distance of ninety-seven feet; thence south ninety degrees east a distance of one hundred twenty-five feet; thence south one degree one minute west a distance of four hundred two and three-tenths feet; thence south ninety degrees east a distance of six hundred ninety-five feet; thence north one degree one minute east a distance of twenty feet to the point of beginning; an area containing five and one-tenth acres more or less;" and in line 23 strike "(2)" and insert "(3)".

2. Strike original sections 2 and 3 and insert:

"Sec. 2. The Department of Roads may divide the land described in subsections (1) to (3) of section 1 of this act into parcels and may sell or lease any parcel.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE RESOLUTION 43. Placed on General File.
Committee Statement on LR 43:

LR 43 Introduced by Senators Fowler and Chambers
Public Hearing on April 24, 1979

INTENT: This resolution would declare that investment of state funds in institutions which support the South African apartheid system to be contrary to Nebraska's principle of human rights and social equality as contained in its Constitution and further supported by its statutes. In addition, this resolution would allow the Legislature to call on the Nebraska Investment Council to review and remove from the approved list for investment of Nebraska trust funds, all corporations and banks which invest in South Africa.

NOTE: Senator Marsh, Chairperson of the Committee on Committees, appointed Senator Fowler and Senator Chambers to attend the Banking Committee hearing, April 24, 1979, 7:00 p.m.

COMMITTEE AMENDMENTS: None.

COMMITTEE ACTION: On a motion by Senator Murphy, seconded by Senator Merz, LR 43 was advanced to general file. Voting aye: Senators Murphy, Merz, DeCamp, Chambers and Fowler. Voting nay: None. Senators Duis, Fitzgerald, Lewis, Brennan and Schmit were not present.
LR 43 is advanced to general file.

(Signed) John DeCamp, Chairman

April 24, 1979

Senator John DeCamp
State Capitol
Lincoln, Nebraska 68509

Dear Senator DeCamp:

This is to inform you that I have appointed Senator Steve Fowler and Senator Ernie Chambers to attend the Banking Committee hearing to be held on April 24, 1979 at 7:00 p.m.

Sincerely,
(Signed) Shirley Marsh, Chairperson
Committee on Committees

SM/kg

RESOLUTIONS

LEGISLATIVE RESOLUTION 64.

Introduced by Johnson, 8th District; Hoagland, 6th District; Landis, 46th District.

WHEREAS, certain members of the Nebraska Legislature have sought changes in existing statutory and constitutional restrictions on full recovery by an injured person for harm done to him when at the hands of another, specifically:

(1) Repeal of the guest passenger statute;

(2) Adoption of a comparative negligence standard as contained in LB 511; and

(3) Allowance of punitive damages in private civil actions; and

WHEREAS, representations have been made to the legislative committees considering such changes that the proposed changes would have a measurable effect in insurance rates; and

WHEREAS, no local studies have been undertaken to determine the correctness of such representations; and

WHEREAS, the Legislature needs to know the effect, if any, each such change could have on insurance rates to Nebraskans; and

WHEREAS, the Legislature's Banking, Commerce and Insurance Committee and the state's Department of Insurance would best be able to gather evidence, statistics, and facts to determine whether any of such changes would have a measurable effect on insurance rates and to qualify those effects, if any.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Department of Insurance, in cooperation with the Banking, Commerce and Insurance Committee of the Legislature undertake an interim study to determine the effect, if any, upon liability insurance rates resulting from:

(a) Repeal of the guest passenger statute;

(b) Adoption of a comparative negligence standard as contained in LB 511; and

(c) Allowance for punitive damages in private civil suits.

2. That, each such change be separately studied.

3. That, the Department of Insurance and the Banking, Commerce and Insurance Committee draw upon any private and/or public source for information and assistance in completing the study as they, in their discretion, deem fit.

4. That, the study be completed and a report made to the Legislature no later than December 31, 1979.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 65.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Lewis, 45th District; Merz, 1st District; Murphy, 17th District; Schmit, 23rd District.

WHEREAS, it has been reported that some elderly Nebraskans have been victims of questionable sales tactics in the inducement to purchase unneeded Medicare supplemental insurance policies; and

WHEREAS, such sales could effectively preclude any recovery for insured loss due to unnecessary and expensive overlapping coverages; and

WHEREAS, the insurance industry has developed a model act to deal with supplemental insurance policy sales in recognition of a need for legislative action among the various states; and

WHEREAS, the Legislature should review the subject area of Medicare supplemental insurance sales to senior citizens of Nebraska to determine the need for additional consumer protection legislation in this segment of the insurance market.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Banking, Commerce and Insurance Committee and representatives of the Department of Insurance conduct a hearing prior to the end of this regular session to review the question of Medicare supplemental insurance sales in Nebraska to senior citizens and determine whether or not an extended in-depth study should be made after adjournment.

2. That in the event the Committee determines the need for extended study, an interim study shall be conducted by the Committee in cooperation with representatives of the Department of Insurance to determine the need, if any, for legislative action. The Committee may employ such staff as may be necessary to effectively carry out such an interim study.

3. That if an interim study is conducted, the Committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 66.

Introduced by Vickers, 38th District.

WHEREAS, University of Nebraska student Rhonda Lundberg is the 1979 recipient of the Miss Nebraska title; and

WHEREAS, Miss Lundberg whose home is McCook, Nebraska will represent her state in competition for the Miss U.S.A. title; and

WHEREAS, the talents and qualities exhibited by Miss Lundberg in capturing the Miss Nebraska title will once again be put to the test when measured by those of young ladies from all parts of our nation in the Miss U.S.A. contest.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature congratulate Rhonda Lundberg on her past accomplishments and wish her the best of fortune in the upcoming Miss U.S.A. competition.

Laid over.

LEGISLATIVE RESOLUTION 67.

Introduced by Hoagland, 6th District; Simon, 31st District.

WHEREAS, we as Americans have an interest in the human rights of all people; and

WHEREAS, the Soviet Union endorsed the United Nations declaration of human rights in 1966, which allowed for immigration to the country of origin of any of its citizens; and

WHEREAS, Soviet citizens of Greek extraction were allowed to return to Greece, of Polish extraction to Poland, of Korean extraction to Korea, of Spanish extraction to Spain and many other nationalities to their homelands; and

WHEREAS, the U.S.S.R. was a party to the Helsinki Agreement (1975) which, among other things, allowed for the human rights of all people; and

WHEREAS, Anataloly Shcharanski is being held on unspecified charges without adducing any evidence that might indicate complicity and criminal acts, and without access to legal counsel and without trial; and

WHEREAS, the Jewish people of the U.S.S.R. have not been allowed to return to their homeland; and

WHEREAS, the Jewish people in Nebraska, and the Jewish population throughout the United States, have demonstrated their good faith to the United States Constitution and have formed public opinion which has been for the well-being of our country in the eyes of the world.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Congress of the United States is requested to use all available peaceful means to seek the freedom of Jews being held against their will in the U.S.S.R. and that Anataloly Shcharanski be granted immediate freedom and that he be granted the right to emigrate and be united with his wife as guaranteed by the Helsinki Accord 1975.

2. That copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Nebraska delegation to the United States Congress.

Laid over.

EXPLANATION OF VOTE

Had I been present on April 20, 1979, I would have voted yes for LB 542.

(Signed) Donald Dworak

VISITOR

Visitor to the Chamber was Bob Dworak from Ord.

ADJOURNMENT

At 5:29 p.m., on a motion by Mr. Carsten, the Legislature adjourned until 9:00 a.m., Thursday, April 26, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-THIRD DAY - APRIL 26, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 26, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God our Father, in the midst of the complicated situations of life and the many unsolved problems of the world and of our society, keep these Your servants from any sense of futility. Let them feel the support of the prayers of our citizens across the State, and above all the power of Your strong arm of righteousness and truth. Help us all to understand that God's power has never been obstructed by difficulties, nor His love limited by the confusion of human plans. May the very failure of man's best resources drive us toward the resources of our God. Grant, we pray, that all questions immediately before this Body may be made so plain that there shall be no fear as decisions are made, nor any regrets after they are made. Lead us, heavenly Father, in the paths of justice, truth and peace, for Your Name's sake. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Dworak, Kennedy, Koch, and Mrs. Marsh who were excused; and Messrs. Cullan, Fowler, Lewis, Nichol, Simon, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Second Day was approved.

UNANIMOUS CONSENT - Members Excused

Mr. Dworak asked unanimous consent to be excused Thursday and Friday. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused today, April 26, and tomorrow until he returns. No objections. So ordered.

BIRTHDAY

Speaker Marvel announced today is Mr. Duis' birthday.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 534. Placed on Select File as amended.
E & R amendment to LB 534:
1. In the title, strike beginning with the second "to" in line 3 through the semicolon in line 4.

LEGISLATIVE BILL 312. Placed on Select File as amended.
E & R amendments to LB 312:
(Amendments are to committee amendments)
1. On page 3, line 18, strike "where" and insert "when".
2. On page 5, line 11, strike "system" and insert "systems".
3. On page 10, line 23, strike "subsection" and insert "subdivision".
4. On page 11, lines 20 and 21, strike "and licenses"; and in line 21 strike "section" and insert "act".
5. On page 13, line 23, insert "a statement of" after "unless", strike "have" in line 23, and insert "has"; and in line 26 insert "a statement of" after the comma.
6. On page 14, insert "statement of" at the end of line 1; and in line 11 strike the comma.
7. On page 15, line 15, strike the comma.
8. On page 18, line 11, strike "herein defined" and insert "defined in this act".

LEGISLATIVE BILL 443. Placed on Select File as amended.
E & R amendment to LB 443:
1. In the title, line 2, strike "21-17,134," and strike the comma before "and"; strike the second

"to" in line 4 and all of lines 5 and 6; in line 9 strike "and"; and in line 10 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 162. Placed on Select File as amended.
E & R amendments to LB 162:

1. On page 4, line 24, strike the comma and insert "and".

2. On page 6, line 3, insert an underscored comma after "trade".

3. In committee amendments, page 3, line 11, strike "of" and insert "or".

4. On page 8, line 11, strike "(3)"; and in line 13 strike the comma.

5. Renumber section 7 added by committee amendments as section 6.

6. On page 11, line 12, strike "to".

7. In the title, line 2, insert "49-1419," after "sections" and insert "49-1480," at the end of the line; in line 3 strike "49-1489 to"; in line 6 strike "a term" and insert "terms"; and in line 7 insert "to change gift provisions;" after the semicolon.

LEGISLATIVE BILL 99. Placed on Select File.

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 492 and 505.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 26, 1979, at 8:40 a.m., were the following bills: 174 and 174A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

ANNOUNCEMENT

President Luedtke announced that Mr. Edmund Francke, former Assistant Sergeant at Arms, passed away Tuesday.

MOTION - Return LB 136 to Select File

Mr. Keyes moved to return LB 136 to Select File for the following specific amendment:

Strike Section 4 of the Final Reading copy.

The motion lost with 9 ayes, 15 nays, 19 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 66. Read. Considered.

LR 66 was adopted with 29 ayes, 0 nays, and 20 not voting.

GENERAL FILE

LEGISLATIVE BILL 69. Title read. Considered.

Standing Committee amendment found in the Journal on page 803 for the Forty-Second Day was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Cullan offered the following amendment:

1. On page 7, line 6 strike "twelve" and insert "nine"; and in line 11 after the underscored period insert: "No bank holding company operating in this state shall directly or indirectly acquire ownership or control of more than twenty-five per cent of the voting shares or the power to control in any manner the election of a majority of the directors of more than two banks in any one year. No bank holding company shall acquire, in the aggregate, more than one per cent of the total deposits, both time and demand, of all banks in this state as determined by the director in any one calendar year.".

Mr. DeCamp offered the following amendment to the Cullan amendment:

1. On page 7, line 6 strike "twelve" and insert "ten"; and in line 11 after the underscored period insert: "No bank holding company operating in this state shall directly or indirectly acquire ownership or contol of more than twenty-five per cent of the voting shares or the power to control in any manner the election of a majority of the directors or more than two banks in any one year. No bank holding company shall acquire or

control, in the aggregate, more than one per cent of the total deposits, both time and demand, of all banks in this state as determined by the director in any one calendar year.''.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 11 ayes, 5 nays, and 33 not voting.

Mr. Cullan requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 22:

Beutler	DeCamp	Hasebroock	Marvel	Venditte
Brennan	Fitzgerald	Keyes	Merz	Wesely
Burrows	Fowler	Labedz	Newell	
Chambers	George	Landis	Rumery	
Cope	Goodrich	Lewis	Simon	

Voting in the negative, 23:

Carsten	Hefner	Kremer	Pirsch	Vickers
Clark	Hoagland	Lamb	Reutzel	Wagner
Cullan	Johnson	Maresh	Schmit	Warner
Duis	Kahle	Murphy	Sieck	
Haberman	Kelly	Nichol	Stoney	

Excused and not voting, 4:

Dworak	Kennedy	Koch	Marsh

The DeCamp amendment lost with 22 ayes, 23 nays, and 4 excused and not voting.

Mr. Kelly asked unanimous consent to be excused for the remainder of today and tomorrow. No objections. So ordered.

The Cullan amendment was adopted with 25 ayes, 16 nays, 3 present and not voting, and 5 excused and not voting.

MR. NICHOL PRESIDING

The Chair declared the Call raised.

Mr. Lewis offered the following amendment:

Add new section

The Director of Banking and Finance shall issue bank charters based solely on the basis of financial soundness.

The amendment lost with 9 ayes, 23 nays, 12 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. DeCamp moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. DeCamp requested a roll call vote to advance LB 69.

Voting in the affirmative, 20:

Beutler	Cullan	Hasebroock	Marvel	Simon
Brennan	DeCamp	Labedz	Newell	Stoney
Burrows	Fowler	Landis	Pirsch	Venditte
Cope	Goodrich	Lewis	Rumery	Wesely

Voting in the negative, 19:

Carsten	Hefner	Kremer	Nichol	Vickers
Clark	Hoagland	Lamb	Reutzel	Wagner
Duis	Johnson	Maresh	Schmit	Warner
Haberman	Kahle	Murphy	Sieck	

Present and not voting, 5:

Chambers	Fitzgerald	George	Keyes	Merz

Excused and not voting, 5:

Dworak	Kelly	Kennedy	Koch	Marsh

Failed to advance to E & R for Review with 20 ayes, 19 nays, 5 present and not voting, and 5 excused and not voting.

Mr. Haberman moved to indefinitely postpone.

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. Haberman requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 16:

Clark	Hoagland	Lamb	Reutzel
Duis	Johnson	Landis	Vickers
Haberman	Kahle	Maresh	Wagner
Hefner	Kremer	Murphy	Warner

Voting in the negative, 24:

Beutler	Cullan	Keyes	Newell	Simon
Brennan	DeCamp	Labedz	Nichol	Stoney
Burrows	Fowler	Lewis	Pirsch	Venditte
Chambers	Goodrich	Marvel	Rumery	Wesely
Cope	Hasebroock	Merz	Schmit	

Present and not voting, 4:

Carsten	Fitzgerald	George	Sieck

Excused and not voting, 5:

Dworak	Kelly	Kennedy	Koch	Marsh

The motion to indefinitely postpone lost with 16 ayes, 24 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 95
April 25, 1979

Dear Senator DeCamp:

You have submitted to us proposed amendments to LB 42, and have asked our opinion as to their constitutional validity. As we understand it, the amendments you are concerned about are those contained in new sections 12, 13, and 14.

Section 12 would impose a tax on the transportation of freight by railroad in this state at the rate of three thousandths of a cent per ton-mile. Section 13 provides that the revenue derived shall be placed in the Grade Crossing Protection Fund. Section 14 provides penalty for failing to file reports or to pay the tax.

The amendments are similar to those we discussed in our opinion no. 78, dated April 9, 1979, but the two features we found suspect in the amendments considered in that opinion, discrimination against interstate commerce and unreasonable classification, have been

eliminated. The present amendments impose the tax on intrastate as well as interstate transportation, so there is no discrimination, and it applies to all freight, not just coal.

In Complete Auto Transit, Inc., v. Brady, 43 U.S. 274, 51 L.Ed.2d 326, 97 S.Ct. 1076 (1977), the court upheld a tax on the privilege of operating a pipeline, railroad, airplane, bus, truck or any other transportation business between points within the state. The court said a tax would be valid which applied to an activity with a substantial nexus with the taxing state, was fairly apportioned, did not discriminate against interstate commerce, and was fairly related to the services provided by the state.

In Washington Revenue Department v. Stevedoring Association, 435 U.S. 734, 55 L.Ed.2d 682, 98 S.Ct. 1388 (1978), the court permitted a state tax on stevedoring. Citing Complete Auto, the court said that a state has a significant interest in exacting from interstate commerce its fair share of the costs of state government, and that the Commerce Clause balance tips against the tax only when it unfairly burdens interstate commerce by exacting more than a just share from the interstate activity. The court also discussed and rejected an argument that the tax was in violation of the Import-Export Clause of the Constitution.

It is our conclusion that the proposed tax meets the tests imposed by the above cases. Certainly passage through the state establishes nexus. The tax is on a ton-mile basis, which seems fair apportionment. It does not discriminate against interstate commerce. The proceeds are placed in the Grade Crossing Protection Fund created by section 39-6,194, R.R.S. 1978, so it is fairly, and directly, related to the services provided by the state. We therefore are of the opinion that such a tax could be successfully defended.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG/cmb
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 68.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Wesely, 26th District; Cullan, 49th District; Goodrich, 20th District; Vickers, 38th District; Clark, 47th District.

WHEREAS, there is a public investment of over $300,000,000 in nine major water storage reservoir projects in Nebraska; and

WHEREAS, these nine projects are Box Butte Reservoir, Merritt Reservoir, Sherman Reservoir, Enders Reservoir, Swanson Lake, Hugh Butler Lake, Lake McConaughy, Harry Strunk Lake, and Harlan County Reservoir; and

WHEREAS, continued private development of irrigation wells above these nine reservoirs may cause serious water shortages; and

WHEREAS, the Enders project has already been forced to reduce water delivery amounts in excess of 50%; and

WHEREAS, other reservoir projects are reporting inflow reductions which may affect water delivery ability in the future and are also reporting losses of storage water en route from reservoirs to project lands in excess of normal transit losses; and

WHEREAS, LB 206 was introduced and submitted to the Public Works Committee for hearing; and

WHEREAS the committee felt that much more study needed to be made before the bill could be processed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Works Committee conduct studies during the interim into the above described problems.

2. That the committee, if it finds that problems do exist, prepare legislation that will implement management practices which will provide for continued successful operation of these major reservoirs.

Referred to the Executive Board.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 66.

MOTION - Reconsider Action on LB 221

Mr. Kelly moved to reconsider action on the advancement of LB 221.

Motion pending.

MOTION - Return LB 298 to Select File

Mr. Cullan moved to return LB 298 to Select File for the following specific amendment:

1. On page 789 of the Legislative Journal for March 8, 1979 in the first line 22 following "physician" insert "to provide advanced cardiac life support and".

The motion prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 298. The Cullan specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

Messrs. Brennan and Lewis asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 394.

A BILL FOR AN ACT relating to civil procedure; to establish rights of privacy as prescribed; to amend section 25-840.01, Reissue Revised Statutes of Nebraska, 1943; 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, 40:

Beutler	Duis	Johnson	Marvel	Sieck
Burrows	Fitzgerald	Kahle	Murphy	Simon
Carsten	Fowler	Keyes	Newell	Stoney
Chambers	George	Kremer	Nichol	Venditte
Clark	Haberman	Labedz	Pirsch	Vickers
Cope	Hasebroock	Lamb	Reutzel	Wagner
Cullan	Hefner	Landis	Rumery	Warner
DeCamp	Hoagland	Maresh	Schmit	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Goodrich Merz

Excused and not voting, 7:

Brennan	Kelly	Koch	Marsh
Dworak	Kennedy	Lewis	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved to recess. The motion lost with 12 ayes, 23 nays, and 14 not voting.

LEGISLATIVE BILL 65. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to recodify provisions relating to the homestead exemption; to amend section 14-554, Reissue Revised Statutes of Nebraska, 1943, and section 77-1240.05, Revised Statutes Supplement, 1978, as amended by section 8, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979; to provide operative dates; to repeal the original sections, and also sections 77-202.08 to 77-202.10, 77-202.17 to 77-202.19, 77-202.21, 77-202.22, 77-202.34, and 77-202.35, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.13, 77-202.20, and 77-202.45, Revised Statutes Supplement, 1978, sections 77-202.14, 77-202.15, and 77-202.16, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 5, 6, and 7, respectively, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979, section 77-202.12, Revised Statutes Supplement, 1978, as amended by section 4, Legislative Bill 76, Eighty-sixth Legislature, First Session, 1979, and section 77-202.44, Revised Statutes Supplement, 1978, as amended by section 35, Legislative Bill 322, Eighty-sixth Legislature, First Session, 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:

Beutler	Fitzgerald	Keyes	Newell	Venditte
Burrows	Fowler	Kremer	Nichol	Vickers
Carsten	George	Labedz	Pirsch	Wagner
Chambers	Goodrich	Lamb	Reutzel	Warner
Clark	Hasebroock	Landis	Rumery	Wesely
Cope	Hefner	Maresh	Schmit	
Cullan	Hoagland	Marvel	Sieck	
DeCamp	Johnson	Merz	Simon	
Duis	Kahle	Murphy	Stoney	

Voting in the negative, 0.

Excused and not voting, 8:

Brennan	Haberman	Kennedy	Lewis
Dworak	Kelly	Koch	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 560. With Emergency.

A BILL FOR AN ACT to amend section 81-1117, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to remove limits on certain charges of the central data processing service division; to provide for review; to change a fund; to transfer funds as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Burrows	Fitzgerald	Kahle	Merz	Sieck
Carsten	Fowler	Keyes	Murphy	Simon
Chambers	George	Kremer	Newell	Stoney
Clark	Goodrich	Labedz	Nichol	Venditte
Cope	Hasebroock	Lamb	Pirsch	Vickers
Cullan	Hefner	Landis	Reutzel	Wagner
DeCamp	Hoagland	Maresh	Rumery	Warner
Duis	Johnson	Marvel	Schmit	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 8:

Brennan	Haberman	Kennedy	Lewis
Dworak	Kelly	Koch	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 193. Replaced on Select File as amended.
E & R amendment to LB 193:

1. In the title, line 3, insert ", as amended by section 4, Legislative Bill 414, Eighty-sixth Legislature, First Session, 1979" after "1943".

LEGISLATIVE BILL 80. Placed on Select File as amended.
E & R amendments to LB 80:

1. Insert new sections 77 to 90 added by committee amendments as sections 1 to 14 and renumber original sections 1 to 22 as sections 15 to 36.

2. Insert new sections 91 to 116 added by committee amendments as sections 37 to 62 and renumber remaining sections accordingly.

3. In committee amendments, page 43, line 17, strike "48-1119,".

4. For correlation purposes, on page 11, line 9, insert ", as amended by section 2, Legislative Bill 421, Eighty-sixth Legislature, First Session, 1979" after "1943"; strike beginning with "When" on page 12, line 26, through the period on page 13, line 12; on page 13, remove underscoring in line 16 and strike beginning with "When" in line 21 through the second "the" in line 23 and insert "The"; and on page 14 insert "Petitions for the filling of a vacancy on the ballot shall be filed in accordance with section 32-537."at the end of line 2 and strike the sentence beginning in line 3.

5. In committee amendments, page 17, lines 18 and 19, strike "such person".

6. For correlation purposes, in committee amendments, page 40, line 3, insert ", as amended by section 2, Legislative

Bill 253, Eighty-sixth Legislature, First Session, 1979" after "1943"; in line 9 strike "city clerk" and insert "election commissioner"; and in line 15 strike "electors" and insert "elector".

7. In lieu of committee amendments to page 83, line 21, on page 83, line 19, insert "14-201, 14-203 to 14-209, 14-216, 14-217, 14-222, 14-223, 14-224, 14-230," after "sections"; and in line 21 insert "19-404 to 19-407, 19-409 to 19-412, 19-415, 19-418, 19-419, 19-424 to 19-426, 19-431 to 19-433, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-624, 19-628, 19-636," after the fourth comma.

8. On page 83, line 20, strike "16-302.01,".

9. On page 84, line 5, insert ", section 16-302.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 421, Eighty-sixth Legislature, First Session, 1979, and section 19-623, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 253, Eighty-sixth Legislature, First Session, 1979" after "1978".

10 In the title, line 3, insert "14-201, 14-203 to 14-209, 14-216, 14-217, 14-222, 14-223, 14-224, 14-230," after "sections" and strike "16-302.01,"; in line 5, insert "19-404 to 19-407, 19-409 to 19-412, 19-415, 19-418, 19-419, 19-424 to 19-426, 19-431 to 19-433, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-624, 19-628, 19-636," after the third comma; strike beginning with "71-2201," in line 11 through the third comma in line 12; in line 13 strike "83-302,"; in line 16 strike "48-152," and "48-1117,"; in line 18 insert ", section 16-302.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 421, Eighty-sixth Legislature, First Session, 1979, and section 19-623, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 253, Eighty-sixth Legislature, First Session, 1979" after "1978"; and in line 24, strike "and 77-1604" and insert ", 77-1604, and 83-301 to 83-304.01".

(Signed) Don Wesely, Chairman

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 221.

(Signed) Robert Clark

Had I been present, I would have voted yes on LB 65 and LB 560.

(Signed) Rex Haberman

ATTORNEY GENERAL'S OPINION

Opinion No. 96
April 25, 1979

Re: Constitutionality of a Provision in LB 172

Dear Senator Cullan:

You have asked whether a provision in LB 172 requiring a certificate of need before a health care facility can be leased or sold to a new owner is constitutional. We have concluded it probably is constitutional.

You point out that if such a certificate were denied, the owner would have to continue to operate the facility although it may not wish to do so, close the facility, or sell it for use other than as a health care facility. You suggest that the owner could thus be kept from realizing the increased value of its property, depriving it of property without adequate compensation.

The Nebraska Supreme Court dealt with a similar problem in Beisner v. Cochran, 138 Neb. 445, 293 N.W. 289 (1940). The suit was brought by persons who had specially equipped their garages to inspect motor vehicles as required by law. They claimed the state had destroyed the value of that equipment, thus taking their property without just compensation and in violation of due process, by passing a new law with more rigorous requirements for the vehicles and providing that inspections were to be made in authorized official inspection stations. The court held that no one has a vested right to be protected against consequential injuries arising from a proper exercise of public powers:

> ". . . The applicable rule is well stated in Mugler v. Kansas, 123 U.S. 623, 8 S.Ct. 273, 31 L.Ed. 205, as follows: 'A prohibition simply upon the use of property for purposes that are declared, by valid legislation, to be injurious to the health, morals, or safety of the community, cannot, in any just sense, be deemed a taking or an appropriation of property for the public benefit. Such legislation does not disturb the owner in the control or use of his property for lawful purposes, nor restrict his right to dispose of it, but is only a declaration by the state that its use by any one, for certain forbidden purposes, is prejudicial to the public interests. Nor can legislation of that character come within the Fourteenth Amendment, in any case, unless it is apparent that its real object is not to protect the community, or to promote the general well-being, but, under the guise of police regulation, to deprive the owner of his liberty and

property, without due process of law. The power which the states have of prohibiting such use by individuals of their property as will be prejudicial to the health, the morals, or the safety of the public, is not—and, consistently with the existence and safety of organized society, cannot be—burdened with the condition that the state must compensate such individual owners for pecuniary losses they may sustain, by reason of their not being permitted, by a noxious use of their property, to inflict injury upon the community. . . .' " (138 Neb. at 448.)

One objective of LB 172 is to maximize the effectiveness of expenditures made for health care. To require review of the proposed transfer of a health care facility seems reasonably related to this purpose when, as we are advised, the public pays for depreciation costs, such costs begin anew whan(sic) a facility is transferred and the greater the transfer price the greater the depreciation allowable to the new owner. Accordingly, we have concluded that requiring a certificate of need before a health care facility can be transferred to a new owner for use as such a facility is a proper exercise of the police power of the state. It is not a denial of due process or a taking of private property without just compensation.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

Page 2 line 5 after Regents insert "the University of Wisconsin Board of Regents;"
Page 3 line 12 strike "five" and insert "six"

Mr. Hoagland asked unanimous consent to print the following amendments to LB 534 in the Journal. No objections. So ordered.

Req. #2912
1. Insert the following new sections:
"Sec. 7. Any employee, agent, or member of any state agency, department, committee, commission, board, or office who shall release to any unauthorized person

any confidential record or information in any manner other than as prescribed by law, regardless of the form in which such record or information is maintained or stored, shall, unless a specific penalty is otherwise provided, be guilty of a Class III misdemeanor.

Sec. 8. Any person may file with the Attorney General a written statement charging that an employee, agent, or member of any state agency, department, committee, commission, board, or office has released a confidential record or information in a manner other than as prescribed by law. The Attorney General shall notify the agency administrator of such charge and the agency adminstrator shall immediately make a preliminary investigation of the charges contained in the statement. If after such investigation it is determined that a violation may have occurred, the person named in such statement shall be notified and furnished a copy of such statement and be allowed ten days within which to file a written answer thereto. Following receipt of such answer or after ten days, the agency administrator may either dismiss the charges or schedule a formal hearing after not less than fifteen days' notice to the person filing the statement and the person named in such statement, which hearing shall not be open to the public.

Sec. 9. (1) At any hearing held pursuant to section 8 of this act parties shall be permitted to be present, to be represented by council, to testify, to produce witnesses, to cross-examine adverse witnesses, and to introduce such other evidence as may be pertinent. The agency administrator may by subpoena compel the appearance of witnesses and the production of any relevant evidence.

(2) No agency administrator shall participate in any way in any investigation or hearing inquiring into his or her own conduct.

Sec. 10. (1) If, after a hearing held pursuant to section 8 of this act, the agency administrator finds that no violation has occurred, he or she shall note such fact on the record and the matter shall be closed.

(2) If, after such hearing, the administrator determines a violation has occurred, he or she shall discharge the person named in the statement and cause to be prepared and filed with the Attorney General a detailed report setting forth the statement, the answer, all evidence adduced before him or her, and his or her findings and conclusions.

(3) Any person aggrieved by a decision of any agency administrator is entitled to judicial review as provided in sections 84-917 to 84-919, Reissue Revised Statutes of Nebraska, 1943.".

2. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were Mr. Robert Hallstrom from Avoca; 38 fifth and sixth grade students and teachers from Dorchester; Dan and Karen Stoney, brother and sister-in-law of Senator Stoney; 30 eighth grade students, teachers, and parents from St. Columbkille, Papillion; Helen Prater from Council Grove, Kansas; 24 eighth grade students, teacher, and sponsors from Holy Family, Lindsay; 50 eighth grade students and teachers from Lady of Lourdes, Omaha; 51 twelfth grade students and teachers from Gibbon; 14 second through eighth grade students, teacher, and parents from Locust Grove, Brownville; 41 fifth and sixth grade students and teachers from District 10 Elementary, Hemingford; and 35 freshmen and sophomores and teacher from York College.

RECESS

At 11:43 a.m., on a motion by Mr. Clark, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Kelly, and Kennedy who were excused; and Messrs. Brennan, Cullan, Lewis, Newell, and Mrs. Marsh who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 382 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office. Req. #2915)

MOTION - Place LB 262 on General File

Mr. DeCamp renewed his pending motion found in the Journal on page 1597 to place LB 262 on General File pursuant to Rule 3, Sec. 10.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The DeCamp motion prevailed with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 582. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 583. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 596. 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.

RESOLUTION

LEGISLATIVE RESOLUTION 69.

Introduced by Warner, 25th District; Beutler, 28th 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; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Hasebroock, 18th District; Hefner, 19th District; Hoagland, 6th District; Johnson, 8th District; Kahle, 37th District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lewis, 45th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Merz, 1st District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Pirsch, 10th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Simon, 31st District; Stoney, 4th District; Venditte, 7th District; Vickers, 38th District; Wagner, 41st District; Wesely, 26th District.

WHEREAS, Edmund F. Francke was a native Nebraskan who had retired from a farming career; and

WHEREAS, Mr. Francke had been active in his community as a member of American Legion Post #280, Downtown Kiwanis, Laymens League, and a former sunday school superintendent; and

WHEREAS, Mr. Francke was a charter member of the Farm Bureau and had served nineteen years as a member of the Lancaster County Weed Control Board; and

WHEREAS, he had been a well-known figure serving as the Assistant Sergeant-at-Arms for the Nebraska Legislature; and

WHEREAS, at the age of 84 Edmund F. Francke departed this life on Tuesday, April 24, 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature express their regret upon the passing of Edmund F. Francke.

2. That a copy of the resolution be presented to his wife Farrall on behalf of the Francke family as an expression of sympathy and a token of gratitude for his loyal service to the Legislature.

Laid over.

MOTION - Place LB 461 on General File

Mr. Simon moved to place LB 461 on General File pursuant to Rule 3, Sec. 10.

Laid over.

MESSAGE FROM THE GOVERNOR

April 26, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 103.

This bill was signed by me on April 24, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

GENERAL FILE

LEGISLATIVE BILL 344A. Title read. Considered.

Mr. Stoney moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 27 ayes, 4 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 378A. 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 75. Title read. Considered.

Standing Committee amendment found in the Journal on page 511 for the Twenty-Ninth Day was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Nichol withdrew his pending amendment found in the Journal on page 1482.

Mr. Nichol renewed his pending amendments found in the Journal on page 1666 (Req. #2910).

The amendments were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Messrs. Simon and Brennan asked unanimous consent to be excused. No objections. So ordered.

Mr. Venditte asked unanimous consent to be excused at 3:15 p.m. No objections. So ordered.

LEGISLATIVE BILL 467. Considered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Maresh requested a roll call vote to advance LB 467.

Voting in the affirmative, 25:

Beutler	Fitzgerald	Koch	Marsh	Pirsch
Burrows	Fowler	Labedz	Marvel	Reutzel
Chambers	Hoagland	Landis	Merz	Stoney
Cullan	Johnson	Lewis	Newell	Venditte
DeCamp	Keyes	Maresh	Nichol	Wesely

Voting in the negative, 12:

Carsten	Kahle	Murphy	Sieck
Cope	Kremer	Rumery	Wagner
Hasebroock	Lamb	Schmit	Warner

Present and not voting, 7:

Clark	George	Haberman	Vickers
Duis	Goodrich	Hefner	

Excused and not voting, 5:

Brennan	Dworak	Kelly	Kennedy	Simon

Advanced to E & R for Review with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 374. Title read. Considered.

Failed to advance to E & R for Review with 13 ayes, 10 nays, 20 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 35. Title read. Considered.

Standing Committee amendments found in the Journal on page 668 for the Thirty-Seventh Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Johnson renewed his pending amendment found in the Journal on page 1204.

Amendment pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following Appropriations Committee amendments to LB 591, 593, 594, 596, 589, and 585 in the Journal. No objections. So ordered.

Appropriations Committee
Select File Amendments to LB 591

On page 3, in line 25, beginning with "by", strike through "salaries." in line 27 and insert the following:

"with $175,000 in county tax funds which are in addition to the county tax funds expended during fiscal year 1978-79."

Appropriations Committee
Amendment to LB 593

On page 13, line 2, strike "The", strike lines 3, 4, 5 and 6, and insert the following: "Of the unexpended and unencumbered balance existing on June 30, 1979, in Program 938, $50,000 is hereby reappropriated to Program 919 for the purpose of providing aid to political subdivisions."

Appropriations Committee
Amendment to LB 594

1. On page 3, line 21, strike "fifty" and insert "one hundred".

2. On page 6, line 21, strike "880,500" and insert "961,500"; on page 7, line 15, strike "41,500" and insert "42,500"; on page 8, in lines 6 and 7, strike "Victoria Springs" and insert "Wagon Train"; on page 8, after line 13, insert the following new lines:

"Replace residence - Louisville State Recreation Area 45,000
Replace residence - Johnson Lake State Recreation Area 45,000"

3. On page 9, line 12, strike "215,000" and insert "245,000"; on page 9, in line 17, after "construction" insert "and land acquisition"; on page 9, after line 24, insert the following new lines:

"Reconstruct Powder magazine - Ft. Kearney State Historical Park 30,000"

4. On page 17, in line 26, after "acquire" insert "and renovate"; on page 18, in line 2, after "Fund" insert "and any private donations"; on page 18, in line 4, strike the period and insert "and to initiate renovation."

5. On page 22, strike Section 53 and insert a new section.

"Sec. 53. It is the intent of the Legislature that a qualified cost-control consultant be utilized to assure that projects shall substantially render programmed space within the appropriations

made for such projects; provided that the conditions of this intent shall not apply if the total project cost is less than four million dollars."

Appropriations Committee
Select File Amendments to LB 596

1.PURPOSE: To correct agency number for State Claims Board.
AMENDMENT:
On page 41, in line 20, strike "86" and insert "89".
2. AMENDMENT:
On page 32, after line 23, insert a new section: "It is the intent of the Legislature that the University of Nebraska shall consider the 1979-80 General Fund appropriation to be the final phase of a program to transfer certain University Programs and Facility Fees funded activities to General Fund support. No further General Funds shall be requested to support other activities funded by University Programs and Facility Fees."
3. PURPOSE: To revise the legislative intent relating to the State College proposed tuition increase.
AMENDMENT:
On page 29, in line 24, after "monitor" insert "and consider"; in line 25, strike "to assure that" and insert "regarding"; in lines 25 and 26, strike "fall within the final rules and regulations".

Appropriations Committee
Select File Amendments to LB 589

1. PURPOSE: To correct the personal services limitation for Program 387 - Poultry and Egg Development, Utilization and Marketing Committee within the Department of Agriculture.
AMENDMENT:
On page 12, in line 17, strike "24,967" and insert "27,059".
2. PURPOSE: To correct the personal service limitation for the State Fire Marshal.
AMENDMENT:
On page 15, in line 25, strike "525,052" and insert "530,052".
3. PURPOSE: To correct personal service limitation for the State Energy Office to accommodate additional personnel funded to perform energy audits of schools, hospitals, local government buildings and public care institutions under the National Energy Conservation Policy Act of 1978.
AMENDMENT:
On page 8, in line 15 strike "270,660", and insert "420,731".
4. PURPOSE: To correct the personal services limitation for the Arts Council.

AMENDMENT:

On page 49, in line 22, strike "137,992" and insert "138,731".

5. PURPOSE: To correct the funding to the Department of Personnel by increasing the General Fund appropriation by $15,962 and personal services limitations by $15,490 to provide continuation funding for two staff positions.

AMENDMENT:

On page 54, in line 8, 9, and 24, strike "472,640" and insert "488,602"; in line 11, strike "351,154" and insert "366,644"; in line 17, strike "15,000" and insert "12,500"; and in line 26, strike "802,745" and insert "818,707".

6. PURPOSE: To correct the funding to the Nebraska Library Commission by increasing the General Fund appropriation by $66,896 to reflect the correct use of the increased cash funds received from the OCLC cataloging network.

AMENDMENT:

On page 32, in line 12, strike "575,106" and insert "642,002" and in line 15, strike "971,304" and insert "1,038,200".

On page 33, in line 10, strike "873,470" and insert "940,366" and in line 13, strike "1,548,502" and insert "1,615,398".

7. PURPOSE: To provide for the reduction of General Fund support by $88,000 for the Department of Administrative Services, Social Security Administration Bureau if LB 576A is passed in this session.

AMENDMENT:

On page 48, after line 7 insert:

"There is included in the appropriation to this program $88,000 in General Funds for the administrative expenses of the Social Security Administration Bureau which shall not be expended in whole or in part if Legislative Bill 576A is enacted into law in the current session of the Legislature.

8. PURPOSE: To increase the cash fund appropriation to the State Historical Society to allow the expenditure of anticipated cash fund receipts from 1) duplicating charges in the research library ($3,000) and archives ($3,000) programs and 2) local matching funds in the historical markers ($4,825) program.

AMENDMENT:

On page 41, in line 3, strike "5,000" and insert "8,000"; in line 4, strike "122,734" and insert "125,734"; in line 18, strike "5,000", and insert "8,000"; in line 19, strike "190,922" and insert "193,922"; in line 25, strike "3,875" and insert "8,700"; and in line 26, strike "12,575", and insert "17,400".

On page 42, in line 13, strike "78,875" and insert "89,700"; in line 15, strike "1,353,913" and insert "1,364,738".

9. PURPOSE: To appropriate to the Victim's Compensation Fund $10,000 of General Funds for emergency awards.
AMENDMENT:

On page 44, after line 11, insert the following:

"(1) Program No. 359 - Victim's Compensation Fund

General Fund	10,000
Program Total	10,000

The Director of Administrative Services shall place the funds appropriated to this program in the Victim's Compensation Fund when properly approved and executed vouchers are presented for payment out of such fund."

In line 12, before the word program insert "(2)".

After line 18, insert the following:

"For Informational Purposes Only: Total Appropriations to Agency No. 61 and Fund Source:

General Fund	53,990
Agency Total	53,990"

On page 63, after line 20, insert a new subsection to read as follows:

"(11) Crime Victim's Reparation Board: Victim's Compensation Fund;"

Renumber original subsections 11 through 27 as subsection 12 through 28 accordingly.

10. PURPOSE: To increase the Education Television Commission General Fund appropriation by $15,204 to provide for 7% increase in salaries included in contractual services and to reappropriate the 1978-79 unexpended balance.
AMENDMENT:

On page 37, in line 26, strike "2,691,388" and insert "2,706,592".

On page 38, in line 1, strike "2,721,388" and insert "2,736,592"; in lines 13 and 14 strike "in an amount not to exceed $52,000"; in line 15, strike "such funds are appropriated and"; strike lines 16, 17, 18.

11. PURPOSE: To reappropriate the unexpended General Fund balance in the Department of Administrative Services - Budget Administration.
AMENDMENT:

On page 47 after line 21, insert "The unexpended General Fund balance existing on June 30, 1979, is hereby reappropriated."

12. PURPOSE: To increase the Joint Merit System Revolving Fund appropriation and personal service limitation by 11,859 to provide continuation funding of staff salaries incorrectly reported in the agency's FY 79-80 budget request.
AMENDMENT:

On page 54, in lines 2, 3, and 25, strike "330,105" and insert "341,964"; in line 5, strike "226,647" and insert "238,506"; and in line 26, strike "802,745" and insert "814,604".

13. PURPOSE: To increase personal services limitation due to federally funded positions in the Department of Education.
AMENDMENT:

On page 3, in line 2, strike "70,948" and insert "72,696"; and in line 10, strike "111,769" and insert "147,913".

On page 4, in line 23, strike "31,066" and insert "31,488".

14. PURPOSE: To increase general fund appropriation by $6,779 due to state maintenance of effort requirements in the school lunch program in the Department of Education and to reappropriate the unexpended balance in the Instructional Television budget program.
AMENDMENT:

On page 3, in line 6, strike "357,058" and insert "363,837"; in line 8, strike "476,538" and insert "483,317".

On page 7, in line 13, strike "6,512,668" and insert "6,519,447"; in line 17, strike "14,227,807" and insert "14,234,586".

On page 7, after line 10, insert "The unexpended general fund balance existing on June 30, 1979, is hereby reappropriated."

15. PURPOSE: To increase the cash fund appropriation to the State Claims Board to provide a specific appropriation for payment of an out of court settlement negotiated by the Attorney General's office.
AMENDMENT:

On page 57, in line 14, strike "421,860" and insert "546,860"; in line 15, strike "816,200" and insert "941,200"; and in line 19, strike "211,497" and insert "336,497".

On page 60, in line 9, strike "421,860" and insert "546,860"; and in line 10, strike "869,981" and insert "994,981".

On page 57, after line 15, insert the language to read as follows:

"There is included in the appropriation to the Tort Claims Fund $125,000 from the Department of Roads Highway Cash Fund for the payment of the agreed upon settlement of the case entitled Sharon K. Gillispie, Administratrix of the Estate of Judith Ann Richardson, Deceased, vs. State of Nebraska, Department of Roads."

Appropriations Committee
Select File Amendments to LB 585

1. PURPOSE: To increase the federal fund appropriation for school food services in the Department of Education.
AMENDMENT:

On page 3, in line 15, strike "13,500,000" and insert "13,600,000"; in line 16, strike "70,698,000" and insert "70,798,000".

On page 5, in line 2, strike "48,468,195" and insert "48,568,195"; in line 3, strike "129,290,163" and insert "129,390,163".

2. AMENDMENT: Strike original Section 40 and insert the following new section:

"Sec. 40. Agency No. 33 - Game and Parks Commission

(1) Program No. 953 - Aid to Political Subdivisions

The Game and Parks Commission is hereby authorized to continue aid to political subdivisions. There is hereby appropriated $700,000 from the State Building Fund and any federal funds for the fiscal year ending June 30, 1980.

(2) Program No. 953 - Aid to Political Subdivisions

The Game and Parks Commission is hereby authorized to provide aid to political subdivisions. There is hereby appropriated $250,000 from the State Building Fund and any federal funds and private donations available for the fiscal year ending June 30, 1980. There is hereby appropriated $250,000 from the State Building Fund and any available federal funds and private donations available for the fiscal year ending June 30, 1981."

Mr. Fowler asked unanimous consent to print the following amendments to LB 382 in the Journal. No objections. So ordered.

1. On page 2, line 12 after "physicians" insert "unless the substance is found to be toxic by the Board of Examiners in Medicine and Surgery and the Board of Examiners in Pharmacy".

2. Insert a new section as follows:

"Sec. 9. No laetrile, as defined in this act, may be sold or prescribed if it, when hydrolyzed by body chemicals, results in the release of hydrocyanic acid.".

Mrs. Labedz, Messrs. Venditte, and Kahle asked unanimous consent to print the following amendments to LB 382 in the Journal. No objections. So ordered.

Req. 2913

1. Strike the original sections and insert new sections as follows:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Department shall mean the Department of Health; and

(2) Laetrile shall mean amygdalin, a substance derived from the pits of apricots and other fruits.

Sec. 2. It is the intent of the Legislature that passage of this act shall not constitute an endorsement of the efficacy of laetrile in the treatment of cancer, but represents only the Legislature's endorsement of a patient's freedom of choice.

Sec. 3. It shall be lawful to sell laetrile in this state for prescription or administration by licensed physicians.

Sec. 4. A licensed physician may prescribe or

administer laetrile in the treatment of cancer subject to section 5 of this act.

Sec. 5. Any licensed physician, before prescribing or administering laetrile, shall inform the patient that laetrile has not been approved as a treatment or cure by the Food and Drug Administration of the United States Department of Health, Education and Welfare and the patient shall sign a statement that he or she has received and understands the information set out in this section. The form of such statement shall be as follows:

WRITTEN INFORMED REQUEST FOR PRESCRIPTION OF LAETRILE FOR MEDICAL TREATMENT

Patient's name:

Address:

Age: Sex:

Name and address of prescribing physician:

Malignancy, disease, illness, or physical condition diagnosed for medical treatment by laetrile:

My physician has explained to me:

(1) That the Federal Food and Drug Administration has determined laetrile to be an unapproved new drug and that federal law prohibits the interstate distribution of an unapproved new drug.

(2) That neither the American Cancer Society, the American Medical Association, nor the Nebraska State Medical Association recommends the use of laetrile in the treatment of any malignancy, disease, illness, or physical condition.

(3) That there are alternative recognized treatments for the malignancy, disease, illness, or physical condition from which I suffer which he or she has offered to provide for me including: (here describe)

That notwithstanding the foregoing, I hereby request prescription and use of laetrile in the medical treatment of the malignancy, disease, illness, or physical condition from which I suffer.

Signature of Patient

ATTEST:

Prescribing Physician

Sec. 6. No hospital, clinic, nursing home, or other health-care facility in this state or any employee or agent thereof shall restrict or forbid the use of, or refuse to administer or dispense laetrile when prescribed or administered in accordance with this act. Such health-care facility or any employee or agent thereof shall not be criminally or civilly liable or subject to any disciplinary action solely on the grounds that such

facility or employee or agent thereof has allowed the introduction of laetrile by a physician onto the premises, or has dispensed or administered laetrile to a patient who has given his or her informed consent in accordance with the provisions of section 5 of this act.

Sec. 7. (1) No physician may be subject to disciplinary action by any entity of the State of Nebraska, a professional association, or a health-care facility, nor may such physician be criminally or civilly liable solely on the grounds that such physician has prescribed or administered laetrile to a patient who has given his or her informed consent in accordance with the provisions of section 5 of this act.

(2) However, nothing in this act shall deny the right of the department to limit, revoke, suspend, refuse the renewal of, or take disciplinary action against the license of any practitioner of medicine in accordance with section 71-147, Reissue Revised Statutes of Nebraska, 1943.

Sec. 8. Nothing in this act shall be construed to exempt from civil liability for negligence any hospital, clinic, nursing home or other health-care facility, or any person licensed to practice medicine.

Sec. 9. Nothing in this act shall be construed to require any licensed physician to prescribe or administer laetrile to a patient under his or her care, nor shall any provision be construed to require any hospital or health-care facility to stock laetrile in its pharmacy.

Sec. 10. No duly registered pharmacist shall be subject to any penalty or disciplinary action by any entity of the State of Nebraska or any professional association solely for dispensing, upon receipt of a prescription, laetrile, if the pharmacist shall affix to the container containing laetrile a label which shall contain the following statement: "Laetrile has not been approved as a treatment or cure for any malignancy, disease, illness or physical condition by the Food and Drug Administration of the United States Department of Health, Education and Welfare."

Sec. 11. The department, upon the recommendation of the Board of Examiners in Pharmacy, shall (1) provide for the certification as to the identity of laetrile, and (2) promulgate rules and regulations necessary to implement and enforce its authority under this act.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 216A. By Reutzel, 15th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 216, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 355. Title read. Considered.

Standing Committee amendments found in the Journal on page 669 for the Thirty-Seventh Day were considered.

Mr. Cullan moved for a Call of the House. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

Standing Committee amendments were adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Clark renewed his pending amendment found in the Journal on page 1142.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 355A. 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 141. Considered.

Advanced to E & R for Review with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

MR. LEWIS PRESIDING

LEGISLATIVE BILL 565. Title read. Considered.

Standing Committee amendments found in the Journal on page 683 for the Thirty-Eighth Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 565A. 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.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 590. 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 579. Title read. Considered.

Standing Committee amendments found in the Journal on page 1345 for the Sixty-Second Day were adopted with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

Mr. Maresh offered the following amendment:

1. On page 6, line 11 strike "General" and insert "Highway Cash"; and in line 21 strike "1,317.44" and insert "205.84".

2. On page 14, line 18 after "warrants" insert "on or before June 30, 1980".

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

1. In the committee amendments on page 1, line 10 strike "of the metropolitan class"; and on page 2 line 1 strike "for every five hundred residents".

Mr. Keyes asked unanimous consent to print the following amendments to LB 285 in the Journal. No objections. So ordered.

1. Strike the original sections and all amendments thereto and insert the following:
"Section 1. That sections 77-1355 and 77-1356, Revised Statutes Supplement, 1978, as amended by sections 1 and 2, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, are repealed.".
2. Strike E and R amendment 4 and insert the following:
"FOR AN ACT to repeal sections 77-1355 and 77-1356, Revised Statutes Supplement, 1978, as amended by sections 1 and 2, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978, relating to budgets of political subdivisions.".

VISITORS

Visitors to the Chamber were 27 members of the Buffalo County Federation of Republican Women; 10 members of the Mutual Improvement Study Club (M.I.T.) from Crete; 116 fourth grade students, teachers, and sponsors from Morton Elementary, Millard; 18 fourth grade students and teacher from Bellwood; 40 fourth grade students and teachers from North Park Elementary School, Columbus; and 8 seventh and eighth grade students, teacher, and sponsor from District #5, Emerald.

ADJOURNMENT

At 4:17 p.m., on a motion by Mr. Murphy, the Legislature adjourned until 9:00 a.m, Friday, April 27, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FOURTH DAY - APRIL 27, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 27, 1979

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> Almighty God, our Creator, our Father and our Lord, unite us in recognizing that Hand which has made and preserved us a Nation. As we are now united in our praying, so may we be united in our working, that, as a team, we may be together doing Your will. You are not a God of any one party, of any one nation, or of any one race. So open our eyes that we may understand what You are trying to do for all the people, and open our ears so that we may hear what You are trying to say to all Your children. And once we have seen and heard, then grant that we in this State called Nebraska may take due notice and govern ourselves accordingly. Bless our senators in their work this day, and may they believe that only in Your plan is our peace and the prosperity and success of our land. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Dworak, Kelly, and Merz who were excused; and Messrs. Chambers, Haberman, Hoagland, Johnson, Kennedy, Landis, Lewis, Newell, Nichol, Wesely, Mesdames Marsh, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Third Day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 26, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

O'Hara, Paul V. - Lincoln, Health Insurance Association of America
Wylie, William M. - Elgin, Association for Better Financial Services in Nebraska, Inc.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 285. Replaced on Select File as amended.
E & R amendments to LB 285:

1. In the Johnson amendments, line 21, strike the semicolon.

2. In line 2 of the Koch amendment to page 4, line 5 of committee amendments, strike "; (4)" and insert "and (5)"; and at the end of line 5 insert an underscored comma.

3. In committee amendments, page 3, line 15, strike "more than".

LEGISLATIVE BILL 120. Placed on Select File as amended.
E & R amendments to LB 120:

1. On page 1, lines 13 and 14, strike the comma.

2. On page 2, line 9, insert an underscored comma after "activity" and after "state".

3. In lieu of the Maresh amendment, on page 8, line 16, after "(5)" insert "liquor, wine, and".

4. On page 10, insert an underscored comma at the end of line 22.

5. On page 12, line 19, strike the second "of" and insert "or".

LEGISLATIVE BILL 594. Placed on Select File as amended.
E & R amendments to LB 594:
1. Renumber original sections 3 to 56 as sections 4 to 57.
2. On page 10, line 16, insert "of this act" after "14".

LEGISLATIVE BILL 585. Placed on Select File as amended.
E & R amendment to LB 585:
1. On page 2, insert a period after "act" in line 4 and strike the remainder of the sentence.

LEGISLATIVE BILL 591. Placed on Select File.

Correctly Enrolled

The following bills were correctly enrolled: 65, 394, and 560.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 65, 394, and 560.

UNANIMOUS CONSENT - Withdraw Amendment to LB 425

Mr. Koch asked unanimous consent to withdraw his pending amendment found in the Journal on page 1516 to LB 425. No objections. So ordered.

MOTION - Return LB 425 to Select File

Mr. Koch moved to return LB 425 to Select File for the following specific amendment:
Strike the Simon amendments adopted on Select File.

The motion prevailed with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 425. The Koch specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendments to LB 42

Mr. DeCamp asked unanimous consent to withdraw his amendments found in the Journal on page 1572 to LB 42. No objections. So ordered.

Mr. Hasebroock asked unanimous consent to be excused at 10:00 a.m. until he returns. No objections. So ordered.

MOTION - Return LB 42 to Select File

Mr. DeCamp moved to return LB 42 to Select File for the specific amendment found in the Journal on page 1593.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The DeCamp motion prevailed with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 42. The DeCamp specific amendment found in the Journal on page 1593 was adopted with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 224. Replaced on Select File as amended. E & R amendments to LB 224:

1. In lieu of the Newell amendment to section 53-125, in committee amendments, page 3, line 2, strike ". ~~, or (13)~~" and insert ", or (13) except as provided in this subdivision, an applicant whose spouse is ineligible under this section to receive and hold a liquor license. Such person shall become eligible for a liquor license only if the commission finds from the evidence that the public interest will not be infringed upon if such license is granted. It shall be prima-facie evidence that when a spouse is ineligible to receive a liquor license the applicant is also ineligible to receive a liquor license. Such prima-facie

evidence shall be overcome if the following is shown to the satisfaction of the commission (a) that the licensed business will be the sole property of the applicant, and (b) it appears from the evidence that such licensed premises will be properly operated.; and strike lines 8 to 11 and show as stricken.

2. Insert the unnumbered section added by the Newell amendments as section 2 and renumber original sections 2 to 5 as sections 3 to 7.

3. In new section 2, subdivision (1) (b), line 13, strike the period and insert ".~~; or~~" and underscore the sentence beginning in line 13.

4. In new section 2, subdivision (1) (c), line 1 strike "forty-five" and insert "~~thirty~~ forty-five", and strike "or" and insert "of" as in the statutes; and in line 5 strike the comma.

5. On page 11, line 8, insert "53-133," after "sections".

6. In the title, line 2, insert "53-133," after "sections".

7. In line 2 of E & R 1 adopted 4/25, strike "remove" and insert "change"; and in line 3, after the semicolon insert "to delete provisions for a license with rights of survivorship; to change provisions for objections to issuance of a license;".

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 399 in the Journal. No objections. So ordered.

Req. #2911

(Amendments are to Req. 2664)

1. On page 13, line 12 after "license" insert "and a registration number".

2. Strike section 24.

3. Insert a new section as follows:

"Sec. 24. The department shall, at the same time it conducts inspections pursuant to sections 81-2,111 to 81-2,121, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, inspect for compliance with the provisions of this act. If an inspection reveals evidence of a violation of this act such evidence and all relevant information shall be delivered to the appropriate county attorney who shall file the appropriate charges against the violator.".

4. On page 16, line 8 strike "two times"; and in line 9 strike "in any twelve-month period".

GENERAL FILE

LEGISLATIVE BILL 382. Title read. Considered.

Mr. DeCamp withdrew his pending amendments referred to in the Journal on page 1262 (Req. #2831).

Mr. Simon renewed his pending amendment found in the Journal on page 1573 (sec. 13).

The amendment was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mr. Simon renewed his pending amendment found in the Journal on page 1573-1574 (Req. #2892) and asked to strike the line referred to amending the DeCamp amendments.

The amendments were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

The Labedz-Venditte-Kahle amendments (Req. #2913) found in the Journal on page 1700 were renewed.

Mr. Wesely offered the following amendments to the Labedz-Venditte-Kahle amendments:

1. On page 1, line 9, insert "and shall mean a drug as defined by Sections 71-2401 through 71-2405, Reissue Revised Statutes of Nebraska, 1943" after "fruits".

2. Strike original section 11.

3. Insert the following new sections:

"Sec. 12. The Department of Health shall certify laetrile as to its identity and purity. This provision shall apply to laetrile manufactured, used or brought into the State of Nebraska. The Department of Health shall also promulgate rules and regulations to certify laetrile and set purity standards. Such rules and regulations shall be promulgated after consultation with licensed physicians representative of all areas of the State of Nebraska. Such rules and regulations shall be developed:

(a) to certify substances which are to be prescribed and administered as laetrile.

(b) to provide for the labeling of laetrile. Standards developed may differentiate between laetrile in tablet form and laetrile in injectible form.

(c) to provide for the packaging of laetrile.
(d) to provide for the storage of laetrile.
(e) to provide for purity standards.
Sec. 13. Any person in violation of this act shall be guilty of a Class II misdemeanor."
4. Renumber original sections 8 to 10 as sections 9 to 11.
5. Page 3 strike lines 10-14, insert in line 14 Sec. 6A.

Mrs. Labedz requested a division of the Wesely amendments.

The Wesely amendments 1 through 4 were adopted with 27 ayes, 2 nays, 10 present and not voting, and 10 excused and not voting.

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 Wesely amendment #5 lost with 10 ayes, 18 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Murphy offered the following amendment to the Labedz-Venditte-Kahle amendments:
Sec. 5 - add
(2) A copy of such "written informed request" shall be forwarded forthwith after execution thereof to the hospital or related institution and the State Department of Health for appropriate filing.
(3) The Department, in cooperation with physicians, shall review such documents and keep statistical records involving the use of laetrile, which shall include but are not limited to the patient's age, sex, type of malignancy, prior treatment, the dates laetrile treatment began and terminated, whether laetrile was the primary or secondary means of treatment, and the results of the laetrile treatments. The Department may prescribe forms to obtain such information from physicians. The Department shall file a report summarizing such statistics with the Governor and the Legislature by March 1, 1981, and annually thereafter.
(4) The Department shall make periodic studies, based on such records, concerning the efficacy of laetrile and shall report the results of such studies to the Governor and the Legislature.

The amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Simon offered the following amendment to the Labedz-Venditte-Kahle amendments:

To strike Sec. 2 of the Labedz amendment.

The amendment was adopted with 19 ayes, 0 nays, 21 present and not voting, and 9 excused and not voting.

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 Labedz-Venditte-Kahle amendments, as amended, were adopted with 27 ayes, 2 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Fowler withdrew his pending amendment found in the Journal on page 1700.

Mr. Cullan moved to indefinitely postpone LB 382.

Mr. Stoney 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. Venditte requested a record vote on the Cullan motion to indefinitely postpone.

Voting in the affirmative, 10:

Cullan	Haberman	Koch	Rumery	Simon
Fowler	Johnson	Landis	Schmit	Vickers

Voting in the negative, 28:

Beutler	Fitzgerald	Keyes	Murphy	Venditte
Burrows	George	Kremer	Newell	Wagner
Carsten	Goodrich	Labedz	Pirsch	Warner
Clark	Hefner	Lamb	Reutzel	Wesely
Cope	Hoagland	Maresh	Sieck	
Duis	Kahle	Marvel	Stoney	

Present and not voting, 2:

Chambers DeCamp

Excused and not voting, 9:

Brennan	Hasebroock	Kennedy	Marsh	Nichol
Dworak	Kelly	Lewis	Merz	

The motion to indefinitely postpone lost with 10 ayes, 28 nays, 2 present and not voting, and 9 excused and not voting.

Mr. Reutzel 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. Venditte moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Venditte requested a roll call vote on the motion to advance LB 382.

Voting in the affirmative, 25:

Beutler	Cope	Goodrich	Labedz	Reutzel
Burrows	DeCamp	Hefner	Lamb	Sieck
Carsten	Duis	Kahle	Maresh	Venditte
Chambers	Fitzgerald	Keyes	Murphy	Wagner
Clark	George	Kremer	Pirsch	Warner

Voting in the negative, 12:

Cullan	Hoagland	Landis	Schmit
Fowler	Johnson	Marvel	Simon
Haberman	Koch	Rumery	Vickers

Present and not voting, 3:

Newell	Stoney	Wesely

Excused and not voting, 9:

Brennan	Hasebroock	Kennedy	Marsh	Nichol
Dworak	Kelly	Lewis	Merz	

Advanced to E & R for Review with 25 ayes, 12 nays, 3 present and not voting, and 9 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 99
April 26, 1979

Dear Senator Wesely:

This is in reply to your inquiry concerning the Warner-Wesely amendment found on page 1252 of the Legislative Journal of April 2, 1979 to LB 327. Said amendment is very limited in scope, merely changing the word "five" to "ten" in the present sections 15-901, R.R.S. 1943, and 23-174.03, R.S.Supp., 1978. The effect of this change is to raise the present statute from five acres to ten acres that may be contained in the smallest parcel created in a division of land without subjecting said division to regulation by a city of the primary class or county planning commissions. Otherwise both statutes remain the same. We see nothing in these changes which has any bearing on the constitutionality of the statutes or of LB 327 so long as the changes in the title, as hereinbelow mentioned, are made to conform.

The amendment also renumbers the original sections 1 to 4 and 5 to 8.

We call your attention to the fact that on page 1007 of the Legislative Journal for March 20, 1979, an amendment was proposed to LB 327 which strikes the original sections 1 through 6 and inserts in its place the material there found, composed of two paragraphs. This amendment was adopted by the Legislature at page 1215 of the Legislative Journal for March 30, 1979. This latter amendment also relates to subdivisions of real estate and zoning and adjustment boards but applies to cities of the first and second class and villages only.

The title to the original bill mentions only second class cities and villages as being affected. This title does not accurately describe the contents of the bill as proposed and is probably constitutionally defective. However, since the amendment which has been adopted and your proposed amendment both relate to the general subject of zoning and subdivision of real estate a title could unquestionably be devised which would cover both amendments adequately.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 312 in the Journal. No objections. So ordered.

1. In the substitute committee amendments on page 3 in lines 23 and 24 strike ", except the retailer of motor vehicles,".

Mr. Koch asked unanimous consent to print the following amendment to LB 120 in the Journal. No objections. So ordered.

(Amendments are to Req. 2887)

1. On page 8, line 18 after the comma insert "printed matter,".

Mr. Koch asked unanimous consent to print the following amendment to LB 398 in the Journal. No objections. So ordered.

1. In the Nichol amendments, on page 1, line 20 strike "thirty-seven" and insert "thirty-two thousand seven hundred fifty".

Mr. Warner asked unanimous consent to print the following amendment to LB 596 in the Journal. No objections. So ordered.

On page 41, after line 25, add a new section to read as follows:

"Included in Legislative Bills 585, 586, 587, 588, 589, and 594, Eighty-sixth Legislature, First Session, 1979, are appropriations based on estimated revenues to be received from non-general fund sources. It is the intent of the Legislature that all state agencies, departments, boards, and commissions closely monitor actual revenue receipts from non-general fund sources and limit expenditures to actual receipts available. No request shall be submitted to the Legislature for additional general funds for fiscal year 1979-80 to replace non-general funds which are not available for expenditure due to a decrease in actual receipt of such funds, nor shall the continuation budget requests for 1980-81 reflect additional general fund support to replace non-general fund sources which are reduced or are no longer available."

Mr. Reutzel asked unanimous consent to print the following amendment to LB 552 in the Journal. No objections. So ordered.

On page 5, after line 9 insert "Nothing in this section shall be construed so as to alter the authority of the Director of Agriculture to

conduct a predator control program or to enter into cooperative agreements as provided in section 23-609.''

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 27, 1979, at 11:07 a.m, were the following bills: 65, 394, and 560.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 252.

Correctly Engrossed

The folllowing bills were correctly engrossed: 39, 332, 354, and 387.

(Signed) Don Wesely, Chairman

VISITORS

Visitors to the Chamber were 8 seniors and teacher from Ralston; 90 eighth grade students and teachers from Minden; 40 kindergarten through fourth grade students and teachers from Seward District-Staplehurst Center; 47 fourth grade students and teachers from Cedar Elementary, Beatrice; 9 first through sixth grade students, teacher, and parents from Pine Ridge Elementary, Humboldt; 20 eighth grade students, teacher, and parents from Coleridge Community School, Cedar County; 30 fourth grade students and teachers from McPhee Elementary, Lincoln; 30 sixth grade students and teachers from Ainsworth; and 39 fourth and fifth grade students, teacher, and parents from Antelope County rural schools.

RECESS

At 12:13 p.m., on a motion by Mr. Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:53 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Dworak, Kelly, Kennedy, Merz, Nichol, and Mrs. Marsh who were excused; and Messrs. George, Goodrich, Haberman, Hefner, Lewis, Schmit, Warner, and Mrs. Labedz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 391. Title read. Considered.

Standing Committee amendments found in the Journal on page 1440 for the Sixty-Fifth Day were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Duis renewed his pending amendment found in the Journal on page 1557.

The amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 161. Title read. Considered.

Standing Committee amendments found in the Journal on page 730 for the Thirty-Ninth Day were adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 281. Title read. Considered.

Standing Committee amendments found in the Journal on page 801 for the Forty-Second Day were adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 341. Title read. Considered.

Standing Committee amendment found in the Journal on page 726 for the Thirty-Ninth 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 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 540. Title read. Considered.

Standing Committee amendment found in the Journal on page 693 for the Thirty-Eighth Day was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 86. Title read. Considered.

Standing Committee amendments found in the Journal on page 1617 for the Seventy-First Day were considered.

Mr. Landis offered the following amendment to the Standing Committee amendments:

Page 3 line 4 strike "register" and insert "requestor" Pg 3 - line 6 starting with the word "Upon" strike all new material on lines 7 - 15.

The amendment was adopted with 17 ayes, 0 nays, 24 present and not voting, and 8 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LR 65 Monday, May 14, 1979 7:00 p.m.

(Signed) John DeCamp, Chairman

EXPLANATION OF VOTE

Had I been present I would have voted yes on LB 221.

(Signed) Rex Haberman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 559 and 559A.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Johnson asked unanimous consent to print the following amendments to LB 390 in the Journal. No objections. So ordered.

1. Strike the Burrows amendment found on page 1511 of the Journal.
2. Strike the Pirsch amendment.

GENERAL FILE

LEGISLATIVE BILL 569. Considered.

The Wesely-Landis amendment found in the Journal on page 1272 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 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 149. Title read. Considered.

Standing Committee amendments found in the Journal on page 1067 for the Fifty-Second Day were adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 573. Title read. Considered.

Standing Committee amendments found in the Journal on page 862 for the Forty-Fourth Day were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:

Reinserting on pg. 4 lines 15 and 16 the following language "with the concurrence of the county board"

The amendment was adopted with 17 ayes, 0 nays, 24 present and not voting, and 8 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 380. Title read. Considered.

Standing Committee amendments found in the Journal on page 850 for the Forty-Fourth Day were considered.

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.

Standing Committee amendments were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 514. Title read. Considered.

Standing Committee amendment found in the Journal on page 742 for the Thirty-Ninth Day was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 282. Title read. Considered.

Standing Committee amendment found in the Journal on page 726 for the Thirty-Ninth Day was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 583. Placed on Select File.
LEGISLATIVE BILL 582. Placed on Select File.

LEGISLATIVE BILL 596. Placed on Select File as amended.
E & R amendment to LB 596:
1. In the title, on line 3, after the first semicolon, insert "to provide an operative date;".

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 571 in the Journal. No objections. So ordered.

1. Strike the original bill and all amendments thereto and insert the following:

"Section 1. In order to facilitate the production of alcohol, this act authorizes the State of Nebraska to enter into agreements with municipalities or counties to build, develop, maintain, lease, and operate an alcohol plant or plants or facilities related to the production, storage or distribution of alcohol.

Sec. 2. That section 39-2215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2215. There is hereby created in the state treasury a special fund to be known as the Highway Trust Fund. All motor fuel taxes and special fuel taxes related to highway use retained by the state, all motor vehicle registration fees retained by the state, and such other highway-user taxes which may be imposed by state law and allocated to the fund are hereby irrevocably pledged, except as otherwise specified herein, for the terms of the bonds to the payment of the principal, interest, and redemption premium, if any, of such bonds as they mature and become due at maturity or prior redemption, and for any reserves therefor and shall, as received by the State Treasurer, be deposited in the fund for such purpose. Of the money in the fund, (1) an amount equivalent to one cent per gallon of the money collected pursuant to sections 66-410, 66-428, and 66-605 shall be placed in the Alcohol Plant Fund and disbursed only

when calls or demands are made on such fund pursuant to lease agreements entered into under this act, and (2) the remaining money in the Highway Trust Fund may be used for the purchase for retirement of the bonds in the open market or for any other lawful purpose and the balance shall be transferred monthly to the Highway Allocation Fund, established by section 39-2401, for such use as may be provided by law. Any amounts in the Alcohol Plant Fund not utilized for purposes stated in section 8 may, in the discretion of the Governor, be used for the purchase for retirement of bonds authorized herein or by section 9 in the open market or for any other lawful purpose, including transfer to the Highway Allocation Fund established by section 39-2401. The State Treasurer shall disburse the money in the Highway Trust Fund as directed by resolution of the commission. The money deposited in the Highway Trust Fund shall be invested in the manner provided by law. The earnings therefrom, if any, shall be credited to the fund. All disbursements for the Highway Trust Fund shall be made upon warrants drawn by the Director of Administrative Services. Any money in the Highway Trust Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 3. That section 66-410, Revised Statutes Supplement, 1978, be amended to read as follows:

66-410. At the time of filing the statement, required by section 66-409, such dealer shall, in addition to the other taxes provided for by law, pay a tax of ten and one half cents per gallon upon all motor vehicle fuels as shown by such statement. Effective January 1, 1978, gasoline sold in Nebraska which contains a minimum of ten percent blend of an agricultural ethyl alcohol whose purity shall be at least ninety-nine percent alcohol shall be subject to a state motor fuel tax which is five cents per gallon less than gasoline which does not contain such a blend, except that commencing July 1, 1982, such five cent per gallon reduction shall apply only to such a blend which contains agricultural ethyl alcohol produced in the State of Nebraska by an alcohol plant in operation or under construction prior to July 1, 1982. When the sale in Nebraska of gasoline containing such a blend exceeds twenty million gallons per year, an adjustment in the tax may be considered by the Legislature. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 4. That section 66-428, Revised Statutes Supplement, 1978, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of ten and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after the effective date of this act shall be five and one half cents per gallon on motor fuel containing a minimum of ten percent blend of agricultural ethyl alcohol whose purity shall be at least ninety-nine percent alcohol, and ten and one half cents per gallon on gasoline which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 5. That section 66-605, Revised Statutes Supplement, 1978, be amended to read as follows:

66-605. There is hereby levied and imposed an excise tax of ten and one half cents per gallon on the use, within the meaning of the word use as defined in subdivision (5) of section 66-602, of special fuel in any motor vehicle as defined in subdivision (7) of section 66-602. The tax, with respect to all special fuel delivered by a special fund dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such dealer and be paid over to the motor fuel tax administrator as provided by sections 66-601 to 66-640.

Sec. 6. Any municipality or county or any combination thereof is hereby empowered to enter into an agreement with the State of Nebraska to build or other wise provide an alcohol plant or facility for the State of Nebraska, provided such agreement shall lease, for a term not to exceed fifty (50) years, the plant to the State for rental periods of twelve months or less. All such leases shall be subject to the condition that there is in effect a yearly appropriation for the payment of any rentals and other sums due and payable on the first day of each rental period, and in the event there is no yearly appropriation the lease terminates. Any agreement entered into pursuant to this section may contain provisions similar to those customarily found in a lease between private parties or customarily found in a lease between parties for buildings or facilities similar to the type of building or facility to which the agreement between the state and municipality or county shall pertain.

Sec. 7. Each lease entered into pursuant to section 6 of this act shall require that the profits of such alcohol plant be paid to the Alcohol

Plant Fund. For the purposes of this section profits shall mean the gain made after deducting the value of the labor, materials, rents, and all expenses.

Sec. 8. There is hereby created a fund to be known as the Alcohol Plant Fund, to consist of funds received pursuant to section 7 of the act, such funds as may be transferred from the Highway Trust Fund pursuant to sections 39-2215, and such funds as may be appropriated by the Legislature. The Alcohol Plant Fund shall be used to make lease payments, if necessary, in an amount sufficient to pay the principal of, interest on, and premium, if any, on the bonds issued pursuant to this act to finance alcohol plants and to maintain amounts in any bond and bond reserve funds.

Sec. 9. Any municipality or county or any combination thereof which enters into an agreement pursuant to section 6 of this act may issue bonds pledging revenue of any such municipality or county to finance alcohol plants and to provide working capital for the operation of such plants. The powers granted to municipalities in section 72-1403 are hereby granted to municipalities and counties as though such powers concerned and were used in carrying out the purposes of this act. At such time as all payments have been made pursuant to any agreement, the plant or facility may become the property of the State of Nebraska upon the exercise by the state of any option to purchase.

Sec. 10. In the event that the state shall be the sole lessee of any plant furnished pursuant to section 6, the municipality or county shall not be liable in tort, contract or otherwise for actions by the state solely by reason of the fact that legal ownership, or title, to such building or facility may be in such municipality or county; Provided, that the provisions of this section shall not be deemed or construed in any way to affect any rights of holders of bonds of a municipality or county issued to finance such plant or the obligations of the municipality or county to the holders of such bonds.

Sec. 11. The State of Nebraska is hereby empowered to enter into a lease or sublease, as lessor, lessee or sublessor, with any public body corporate or any political subdivision of the State of Nebraska and to enter into a management services, operating or other contract or agreement with any person to the extent permitted by law relating to any plant, building or other facility which is or has been the subject of an agreement pursuant to the provisions of section 6.

Sec. 12. Any municipality or county or any combination thereof may apply to construct, maintain and operate or otherwise provide an alcohol plant or a facility related to the production, storage or distribution of alcohol for lease to the State of Nebraska.

Sec. 13. The Governor shall establish the criteria or guidelines for the applications to be submitted for the contracts available under this act within thirty days after the effective date of this act. Applications for such contracts shall be submitted within sixty days after announcement by the Governor that applications are being accepted, but only after the guidelines or criteria governing such submissions have been publicly announced. The Governor may announce successive periods during which applications will be accepted for consideration if, in his discretion, it will further the purposes of the act.

Sec. 14. Any application made under section 12 of this act shall be filed with the Governor. The Governor shall establish application review procedures which may include the Legislative Fiscal Analyst and other agencies as may be necessary.

Sec. 15. A resource statement shall be filed with the application. The resource statement, as prescribed by the Governor, shall show in summary form plans, working drawings, and specifications prepared for the construction and equipping of the alcohol plant or a facility related to the production, storage or distribution of alcohol. The resource statement shall provide the total project cost and financing available from any source. The resource statement shall also include a projection of costs and profits, the manner in which the project will be accomplished, and a proposed marketing program for the finished product. In projecting profits, the applicant may take into account any available subsidies.

Sec. 16. In determing which applicants shall receive contracts, the Governor shall examine the proposed plans for the plant or a facility related to the production, storage or distribution of alcohol. The plans shall show an ability to complete construction and be in operation withhin twenty-four months from the date of approval.

Sec. 17. Within sixty days after the last day upon which an application may be submitted under section 13 of this act, the Governor shall determine whether a municipality or county, or any combination thereof, shall receive a contract. The Governor shall provide to each applicant, whose application was denied, a report in writing setting forth the findings and conclusions upon which such denial was based.

Sec. 18. The Department of Economic Development shall serve in an advisory capacity to the Governor for the purposes of carrying out the Governor's duties under this act. The department shall consult with the Governor regarding guidelines for applications, requirements relative to resource statements, and the criteria and findings upon which contracts are awarded.

Sec. 19. Bonds issued pursuant to section 9 may be sold in such manner and for such price as the municipality or county may determine, at par, below par, or above par, at private sale or at public sale after notice published prior to such public sale in a newspaper having general circulation in the municipality or county, or in such other medium of publication as may be deemed appropriate.

Sec. 20. The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law and shall be independent of and in addition to any other provision of the laws of the State of Nebraska with reference to the matters covered hereby. The provisions of this act and all grants of power, authority, rights or discretion herein made to the State or a municipality or county shall be liberally construed, and all incidental powers necessary to carry into effect the provisions of such sections are hereby expressly granted to and conferred upon the State or a municipality or county.

Sec. 21. 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. 22. The State of Nebraska and any municipality or county which agrees to lease, construct, maintain and operate or otherwise provide an alcohol plant or facililty related to the production, storage or distribution of alcohol shall not be subject to any requirements relating to public buildings, structures, grounds, works or improvements imposed by the Nebraska Revised Statutes or any other similar requirements which may be lawfully waived by this section and any requirement of competitive bidding or restriction imposed on the procedure for award of contracts for such purpose or the lease, sale, or other disposition of property of any municipality or county is not applicable to any action taken under authority of this act.

Sec. 23. That original section 39-2215, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410, 66-428, 66-605, Revised Statutes Supplement, 1978, are repealed.

Sec. 24. 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. Hoagland asked unanimous consent to print the following amendment to LB 490 in the Journal. No objections. So ordered.

(Amendments are to Req. 2888, Journal Page 1539)

1. On page 4, line 9 after the period insert "Any amount of the allowance not spent for the actual cost of boarding prisoners shall be returned to the county treasurer to be credited to the general fund of the county."; in line 16 strike "and" and show as stricken; in line 17 after "year" insert ", and (d) the amount of the allowance for boarding prisoners provided in subsection (2) of this section spent for the actual cost of boarding prisoners"; and in line 18 after "earned" insert "and all excess boarding allowances".

Mr. Murphy asked unanimous consent to print the following amendments to LB 86 in the Journal. No objections. So ordered.

1. Insert on page 2, line 25 after the word "secrets," the words "academic and scientific."

2. Insert on page 3 a new subsection (8) after line 24, reading as follows:

"(8) Information solely pertaining to protection of the physical security of public property such as guard schedules or lock combinations."

Mr. DeCamp asked unanimous consent to print the following amendments to LB 398 in the Journal. No objections. So ordered.

Req. #2916

1. Strike the Committee amendments, except for that amendment commencing with "in" on page 1, line 19 and ending with the semicolon in line 21 of page 1.

2. On page 2, strike beginning with "On" in line 7 through the underscored period in line 11 and insert "On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing the current annual salary of forty-three thousand dollars by six percent."; and strike the new matter in lines 19 through 22.

3. On page 3, line 2 after the period insert "On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-nine thousand five hundred dollars by six per cent."; strike beginning with "For" in line 15 through line 27.

4. On page 4, strike the new matter in lines 1 and 2; strike beginning with "on" in line 16 through the underscored comma in line 21; and strike the new matter in lines 25, 26, and 27.

5. On page 5, strike the new matter in lines 1

and 2; before the period in line 2 insert ", on January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-four thousand four hundred fifty dollars by six per cent".

6. Strike beginning with "On" on page 6, line 26, through the underscored period on page 7, line 6, and insert "On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing the current annual salary of thirty-five thousand seven hundred dollars by six per cent.".

7. On page 7, strike the new matter in lines 22 through 26 and insert "be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing the current annual salary of thirty-seven thousand fifty dollars by six per cent.".

8. Insert two new sections as follows:

"Sec. 6. Sections 1 to 4 and 8 of this act shall become operative on the first Thursday after the first Tuesday in January, 1981. Sections 5 and 7 of this act shall become operative on January 1, 1981.

Sec. 7. That original section 48-159, Revised Statutes Supplement, 1978, is repealed.".

9. On page 8, line 27 after "24-513," insert "and" and strike "and 48-159,".

10. Renumber original section 7 as section 8.

SPEAKERS ORDER

Legislative Bills scheduled and confirmed for "SPECIAL ORDER" debate are:

Date	Legislative Bill
April 30, 1979	LB 494
	LB 357
May 1, 1979	LB 444
	LB 158
May 2, 1979	LB 489
	LB 11

(Signed) Richard D. Marvel, Speaker

VISITORS

Visitors to the Chamber were 14 first and second grade students, teacher, and parent from Gresham Elementary School, Gresham; 103 sixth grade students, teachers, and parents from Montclair Elementary School, Omaha; 14 seniors and teacher from Dawson Verdon High School, Dawson; 20 seventh and eighth grade students, teacher, and parents from District #42, Redeemer Lutheran School, North Platte; 76 eighth grade students, teachers, and parents from St. Roberts School, Omaha; 20 fourth grade students, teacher, and parents from Plainview Elementary; Neal B. Farley of Grand Island, New York; 29 seventh and eighth grade students and teachers from Hildreth Public Schools; and 36 eighth grade students, teachers, and parents from St. Rose School, Crofton.

ADJOURNMENT

At 3:43 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:30 a.m., Monday, April 30, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIFTH DAY - APRIL 30, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 30, 1979

Pursuant to adjournment, the Legislature met at 9:35 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God of our Fathers and our God, fill this moment of prayer with meaning for each one assembled here before You, and make it a time of refreshing for our souls, of new insight for the tasks before us, and of new power for our spirits. Forbid that we should walk through your beautiful world with unseeing eyes, and forgive us for so often taking the gifts You have given us for granted. May we never lose the fine art of appreciation, nor the skill to know when to say "thanks." With such dire need in every other part of the world, make us so grateful for what we have that we shall try, by Your help, to deserve it the more.
>
> Keep us from the error of asking and expecting Your blessing and guidance in our public life while we close the door to You in our private living. You know what we are wherever we are. Help us to be the best we can be, today and always, for Your sake and the sakes of those we represent. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan and Dworak who were excused; and Messrs. Chambers, Fitzgerald, George, Goodrich, Hoagland, Lewis, Merz, Reutzel, Simon, Venditte, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fourth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Dworak asked unanimous consent to be excused until Friday, May 4, 1979. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 344A. Placed on Select File.
LEGISLATIVE BILL 378A. Placed on Select File.

LEGISLATIVE BILL 75. Placed on Select File as amended.
E & R amendments to LB 75:

1. Because of the Nichol amendment, strike section 4 added by the committee amendment.

2. In the title, line 3, strike "sale" and insert "conveyance"; and strike lines 4 and 5 and insert "prescribed; to authorize sale; and to declare an emergency.".

LEGISLATIVE BILL 467. Placed on Select File.

LEGISLATIVE BILL 355. Placed on Select File as amended.
E & R amendments to LB 355:

1. On page 5, line 26, insert a comma after "board".

2. On page 8, line 4, insert "the" after "of" and "a" after "and".

3. In new section 15, strike line 4 and insert "Reissue Revised Statutes of Nebraska, 1943.".

4. In the title, line 7, strike "and" and insert "; and to provide construction" after "penalties".

LEGISLATIVE BILL 355A. Placed on Select File.

LEGISLATIVE BILL 141. Placed on Select File as amended.
E & R amendment to LB 141:

1. On page 3, line 21, strike the comma.

LEGISLATIVE BILL 565. Placed on Select File as amended.
E & R amendment to LB 565:

1. On page 2, line 15, strike the first comma and reinstate "and"; in line 16 strike "is including but" and insert "includes but is"; and in lieu of committee amendments thereto, at the end of line 23 insert "but".

LEGISLATIVE BILL 565A. Placed on Select File.

LEGISLATIVE BILL 579. Placed on Select File as amended.
E & R amendments to LB 579:

1. On page 6, line 11, strike "520,00" and insert "520.00".

2. On page 12, line 12, insert a period after "A".

LEGISLATIVE BILL 590. Placed on Select File as amended.
E & R amendments to LB 590:

1. On page 3, line 17, strike the comma.

2. For correlation purposes, on page 2, line 2, page 3, line 21, and in the title, line 3, insert ", as amended by section 17, Legislative Bill 559, Eighty-sixth Legislature, First Session, 1979" after "1943"; on page 2, remove underscoring in line 13; and on page 3, line 16, after "Fund" insert ", ~~and~~ the proceeds received from the sale of micrographic equipment, other than that of the University of Nebraska and state colleges, less the selling costs, shall be deposited in the state treasury and by the State Treasurer credited to the Records Management Micrographics Services Revolving Fund,".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 42, 298, and 425.

Correctly Engrossed

The following bills were correctly engrossed: 216, 251, 348, 576, and 576A.

(Signed) Don Wesely, Chairman

MESSAGE FROM THE GOVERNOR

April 27, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 353.

This bill was signed by me on April 27, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Withdraw Amendments to LB 227

Mr. Warner asked unanimous consent to withdraw his pending amendments found in the Journal on page 1665 to LB 227. No objections. So ordered.

MOTION - Return LB 227 to Select File

Mr. Warner moved to return LB 227 to Select File for the following specific amendment:

(Amendments are to the Final Reading Second bill)

1. On page 12, line 5, insert "from the fee deposited with the State Treasurer at the time of registration" after "fee"; after the period in line 6 insert "When the owner registers a replacement vehicle at the time of filing such affidavit, the credit may be immediately applied against the registration fee for the replacement vehicle. When no such replacement vehicle is so registered, the county treasurer shall forward the application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit and furnish a certificate therefor to the owner."; and after line 17 insert:

The motion prevailed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 227. The Warner specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 356 to Select File

Mr. Kelly moved to return LB 356 to Select File for the specific amendment found in the Journal on page 1588.

The motion prevailed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

MR. NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 356. The Kelly specific amendment found in the Journal on page 1588 was renewed.

Mr. Kelly moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

SPEAKER MARVEL PRESIDING

Mr. Kelly requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Beutler	George	Keyes	Murphy	Wagner
Carsten	Hasebroock	Kremer	Nichol	Warner
Cope	Hefner	Labedz	Reutzel	
Cullan	Johnson	Lamb	Rumery	
DeCamp	Kahle	Maresh	Schmit	
Fowler	Kelly	Marvel	Stoney	

Voting in the negative, 13:

Burrows	Haberman	Landis	Pirsch	Wesely
Clark	Kennedy	Marsh	Sieck	
Duis	Koch	Merz	Vickers	

Present and not voting, 1:

Newell

Excused and not voting, 9:

Brennan	Dworak	Goodrich	Lewis	Venditte
Chambers	Fitzgerald	Hoagland	Simon	

The Kelly amendment was adopted with 26 ayes, 13 nays, 1 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Re-Engrossment with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 357. Title read. Considered.

Standing Committee amendment found in the Journal on page 1260 for the Fifty-Eighth day was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Schmit withdrew his pending amendment found in the Journal on page 1403.

Mr. Lamb requested a record vote to advance LB 357.

Voting in the affirmative, 25:

Burrows	Hasebroock	Kremer	Marvel	Schmit
Carsten	Hefner	Labedz	Merz	Sieck
Clark	Kahle	Lamb	Nichol	Venditte
Cope	Kelly	Lewis	Reutzel	Vickers
Duis	Keyes	Maresh	Rumery	Wagner

Voting in the negative, 11:

Beutler	Koch	Murphy	Stoney
Fowler	Landis	Newell	Wesely
Johnson	Marsh	Simon	

Present and not voting, 9:

Cullan	Fitzgerald	Haberman	Kennedy	Warner
DeCamp	George	Hoagland	Pirsch	

Excused and not voting, 4:

Brennan	Chambers	Dworak	Goodrich

Advanced to E & R for Review with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Rumery asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 494. Title read. Considered.

Mr. Lewis offered the following amendment:
Add new section:
all funds appropriated by the state shall be on a per capital basis.

Mr. Lewis withdrew his amendment.

Mr. Warner offered the following amendment:
Req. #2605
1. Insert a new section as follows:
"Sec. 2. That section 79-4,102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
79-4,102. (1) The county superintendent of each county in which a Class VI school is not maintained shall, within thirty days after the annual meeting, certify to the county board of supervisors or commissioners the number of qualified pupils whose parents or guardians have applied to the county superintendent for nonresident high school tuition privileges and a list of school districts which have been approved by the State Board of Education as schools qualified to grant nonresident public high school education to nonresident pupils under the provisions of sections 79-494 to 79-4,106.
(2) The high school tuition rate for nonresident pupils shall be determined annually by the receiving district on a uniform basis for all pupils but such rate shall in no event be less than the average per pupil cost or exceed the average per pupil cost by more than twenty per cent for the preceding school year determined as provided in subsection (3) of section 79-486. The superintendent of the receiving school shall certify such rate to the county superintendent on or before the second Monday in July of each year.".
2. On page 4, line 13 after "section" insert "79-4,102, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 14 strike "is" and insert "are".

Mr. Warner moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Carsten	Keyes	Lewis	Murphy	Warner
Clark	Kremer	Marsh	Rumery	Wesely
Hasebroock	Lamb	Marvel	Wagner	

Voting in the negative, 25:

Beutler	George	Kahle	Maresh	Schmit
Burrows	Haberman	Kennedy	Merz	Simon
Duis	Hefner	Koch	Newell	Stoney
Fitzgerald	Hoagland	Labedz	Pirsch	Venditte
Fowler	Johnson	Landis	Reutzel	Vickers

Present and not voting, 6:

Cope	DeCamp	Nichol
Cullan	Kelly	Sieck

Excused and not voting, 4:

Brennan	Chambers	Dworak	Goodrich

The Warner amendment lost with 14 ayes, 25 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Koch moved to indefinitely postpone LB 494.

Mr. Vickers requested a record vote.

Voting in the affirmative, 24:

Beutler	Hoagland	Landis	Nichol	Stoney
Clark	Johnson	Lewis	Pirsch	Venditte
Fitzgerald	Keyes	Marsh	Reutzel	Warner
George	Koch	Marvel	Rumery	Wesely
Hasebroock	Labedz	Newell	Simon	

Voting in the negative, 15:

Burrows	Haberman	Kennedy	Maresh	Schmit
Cullan	Hefner	Kremer	Merz	Vickers
Duis	Kahle	Lamb	Murphy	Wagner

Present and not voting, 6:

Carsten	DeCamp	Kelly
Cope	Fowler	Sieck

Excused and not voting, 4:

Brennan	Chambers	Dworak	Goodrich

The Koch motion to indefinitely postpone prevailed with 24 ayes, 15 nays, 6 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendments to LB 483 in the Journal. No objections. So ordered.

Req. #2884

(Amendments are to Committee Amendments Req. 2663)

1. On page 1, line 5 strike "5" and insert "4".

2. Strike original sections 5 to 9 and sections 11 to 20.

3. On page 7, line 5 reinstate the stricken matter; in line 8 strike the new matter and reinstate the stricken matter; reinstate the stricken matter in lines 9 to 14; and in line 23 strike beginning with "The" through "persons" in line 27.

4. On page 8, strike lines 1 to 4 and reinstate lines 5 to 8.

5. Strike original sections 22, 25, and 26.

6. Insert a new section 6 as follows:

"Sec. 6. That section 43-107, Revised Statutes Supplement, 1978, be amended to read as follows:

43-107. (1) Upon the filing of a petition for adoption, the county judge shall request the Department of Public Welfare, or any child placement agency licensed by said department, to examine into the allegations set forth in the petition and to ascertain any other facts, relating to such minor child and the person or persons petitioning to adopt such child, as may be relevant to the propriety of such adoption, except that the county judge shall not be required to request such an examination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive. Upon the request being made, the Department of Public Welfare or other licensed agency shall conduct an investigation and report its findings to the county judge in writing at least ~~one week~~ two weeks prior to the date set for hearing.

(2) In the event that such minor child has resided with a sibling or siblings prior to the filing of the petition for adoption, the report required by this section shall disclose that fact and describe the probable consequences on each minor sibling of separating them for adoption purposes. Upon receiving such information the court shall appoint a guardian ad litem to represent the interests of the minor siblings of such minor child.".

7. On page 13, strike lines 23 to 27 and insert:

"FOR AN ACT relating to adoption; to define terms; to harmonize provisions; to provide counseling; to amend sections 43-701 and 71-626, Reissue Revised Statutes of Nebraska, 1943, and sections 43-104.02 and 43-107, Revised Statutes Supplement, 1978; and to repeal the original sections.".

8. On page 14, strike lines 1 to 5.

9. Insert a new section 10 as follows:

"Sec. 10. That original sections 43-701 and 71-626, Reissue Revised Statutes of Nebraska, 1943, and sections 43-104.02 and 43-107, Revised Statutes Supplement, 1978, are repealed.".

10. Renumber original section 21 as section 5, renumber original sections 23 and 24 as sections 7 and 8 respectively, and renumber original section 10 as section 9.

Mr. Nichol asked unanimous consent to print the following amendment to LB 565A in the Journal. No objections. So ordered.

Purpose: To amend LB 565A to reflect the fiscal impact of LB 565 as amended by the adoption of the Standing Committee Amendments.

In LB 565 on page 2 strike Sections 1 and 4 and renumber the remaining Sections.

On page two in lines 25 and 26 strike "two hundred fifty-nine" and insert "one hundred forty-five.

VISITORS

Visitors to the Chamber were Senator Wagner's mother, Mrs. Elizabeth Wagner, sister, Mrs. Bob Wilcox, brother and sister-in-law, Mr. and Mrs. Harold Wagner; 25 tenth grade students and teacher from New Castle; and 46 eighth grade students and teacher from Centura Consolidated School, Cairo.

RECESS

At 12:05 p.m., on a motion by Mr. Burrows, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused; and Messrs. Brennan, Chambers, Goodrich, Hoagland, Kahle, Landis, Schmit, and Mrs. Labedz who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused at 2:00 p.m. until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 586. E & R amendment found in the Journal on page 1408 for the Sixty-Fourth Day was adopted.

Mr. Warner moved the adoption of the Appropriations Committee amendments found in the Journal on page 1449.

The amendments were adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Reutzel withdrew his pending amendment found in the Journal on page 1557.

Mr. Reutzel renewed his pending amendment found in the Journal on page 1623.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Reutzel moved for a Call of the House. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

Mr. Reutzel requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Burrows	Johnson	Lewis	Pirsch	Simon
Cullan	Keyes	Merz	Reutzel	Venditte
Fitzgerald	Labedz	Murphy	Schmit	Wesely
Fowler	Landis	Newell	Sieck	

Voting in the negative, 21:

Carsten	Hasebroock	Koch	Marvel	Warner
Clark	Hefner	Kremer	Nichol	
Cope	Hoagland	Lamb	Rumery	
Duis	Kahle	Maresh	Stoney	
George	Kennedy	Marsh	Wagner	

Present and not voting, 3:

DeCamp	Haberman	Kelly

Excused and not voting, 6:

Beutler	Chambers	Goodrich
Brennan	Dworak	Vickers

The Reutzel amendment lost with 19 ayes, 21 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Newell renewed his pending amendment found in the Journal on page 1385.

The amendment lost with 11 ayes, 15 nays, 17 present and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendment:
To strike $100,000 from Program 516 in Section 15 of LB 586.

Mr. DeCamp withdrew the amendment.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 588. Mr. Warner moved the adoption of the Appropriations Committee amendments found in the Journal on page 1402.

The amendments were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Warner moved the adoption of the Appropriations Committee amendments found in the Journal on page 1450.

The amendments were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Reutzel withdrew his pending amendment found in the Journal on page 1623.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 593. Mr. Warner moved the adoption of the Appropriations Committee amendments found in the Journal on page 1450.

The amendments were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Warner moved the adoption of the Appropriations Committee amendments found in the Journal on page 1695.

The amendments were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Koch withdrew his pending amendment found in the Journal on page 1416.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 589. E & R amendments found in the Journal on page 1408 for the Sixty-Fourth Day were adopted.

Mr. Warner moved the adoption of the Appropriations Committee amendments found in the Journal on page 1448.

The amendments were adopted with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Mr. Warner withdrew his pending amendment found in the Journal on page 1640.

Mr. Warner moved the adoption of the Appropriations Committee amendments found in the Journal on page 1696.

The amendments were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Cullan withdrew his pending amendment found in the Journal on page 1395.

Mr. Newell withdrew his pending amendment found in the Journal on page 1395.

Mr. Schmit renewed his pending amendment found in the Journal on page 1440.

Mr. Schmit moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Schmit amendment was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Sieck asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

Mr. Schmit offered the following amendment:

1. On page 44, line 22, strike "4,766,599" and insert "4,800,599"; in line 24, strike "4,791,599" and insert "4,825,599"; after line 27 insert a new paragraph as follows:

"There is included in the appropriation to this program $34,000 from the General Fund for on-duty meal allowances.".

2. On page 45, line 2, strike "2,314,443" and insert "2,387,443"; in line 5, strike "2,586,943" and insert "2,659,943"; after line 8 insert a new paragraph as follows:

"There is included in the appropriation to this program $73,000 from the General Fund for on-duty meal allowances."; in line 11, strike "5,819,704" and insert "6,104,704"; in line 13, strike "5,958,504" and insert "6,243,504"; after line 16 insert a new paragraph as follows:

"There is included in the appropriation to this program $285,000 from the General Fund for on-duty meal

allowances."; in line 19, strike "12,900,746" and insert "13,292,746"; and in line 22, strike "13,337,046" and insert "13,729,046".

MR. NICHOL PRESIDING

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Schmit amendment lost with 9 ayes, 18 nays, 17 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

Mr. Reutzel withdrew his pending amendment found in the Journal on page 1631.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 481. Placed on General File as amended.
Standing Committee amendments to LB 481:
Req. #2669

1. On page 4, line 22 strike "an agent" and insert "a consultant"; and in line 27 strike "agent" and insert "consultant".

2. On page 7, line 10 after the period insert "An applicant who has failed to pass two examinations in the same area of insurance shall be required to wait at least sixty days before reexamination in such area.".

3. Strike original sections 28 to 38 and insert a new section 28 as follows:

"Sec. 28. The director may revoke, suspend, or place on probation for such period as he or she may determine, the license of any consultant, if after notice and hearing, he or she determines that the licensee has:

(1) Violated any of the provisions of this act, any insurance laws, or any lawful rule, regulation, or order of the director or of a director or commissioner of another state or province;

(2) Recommended the purchase of insurance, annuities, or securities from any authorized insurer in which the consultant or any member of his or her immediate family holds an executive position or holds a substantial interest;

(3) Received compensation in any form from any

agency or other insurance organization for recommending such agency or organization to the consultant's client;

(4) Knowingly and willfully misrepresented the terms of any actual or proposed insurance contract;

(5) Been found guilty of any unfair trade practice or of fraud;

(6) Been convicted of any felony, or convicted of a Class I, II, or III misdemeanor evidencing that such licensee is not worthy of the public trust;

(7) Had a consultant's license suspended, revoked, or placed on probation in any other state;

(8) Failed to submit to a reexamination for competence, or has failed to pass such examination;

(9) Demonstrated incompetency, untrustworthiness, or failed to comply with the provisions of his or her insurance consultant's contract; or

(10) Obtained the license through misrepresentation, fraud, or any cause for which issuance could have been refused had it been known to the director at the time of issuance.".

4. Insert a new section 31 as follows:

"Sec. 31. That section 44-114, Revised Statutes Supplement, 1978, be amended to read as follows:

44-114. In addition to any other fees and charges provided by law, the following shall be due and payable to the Department of Insurance: (1) For filing the documents, papers, statements, and information required by law upon the organization of domestic or the entry of foreign or alien insurers or rating bureaus, one hundred dollars, except assessment associations, which shall pay a fee of fifty dollars only; (2) for filing each amendment of articles of incorporation, ten dollars; (3) for filing restated articles of incorporation, ten dollars; (4) for renewing each certificate of authority of insurers or rating bureaus, fifty dollars, except domestic assessment associations which do business in less than thirty-one counties in Nebraska, which shall pay five dollars; (5) for issuance of an amended certificate of authority, fifty dollars; (6) for filing a certified copy of articles of merger involving a domestic or foreign insurance corporation holding a certificate of authority to transact insurance business in this state, thirty dollars; (7) for filing an annual statement, one hundred dollars; (8) for copies of annual statements, which shall be made available to any person, persons, or corporation making request therefore, the fee shall be the actual cost; (9) for filing power of attorney, ten dollars; (10) for each certificate of valuation, deposit, compliance, or other certificate for whomsoever issued, five dollars; (11) for filing any report which may be

required by the department from any unincorporated mutual association, five dollars; (12) for copying official records or documents other than annual statements of authorized insurers, fifty cents per page; (13) for each license requisitioned by a domestic, foreign, or alien insurer for a resident agent thereof, five dollars; (14) for each license requisitioned for or issued to a nonresident agent, twenty dollars; (15) for each resident broker's license issued, thirty dollars; (16) for each license requisitioned for or issued to a nonresident broker, thirty-six dollars; (17) for each resident consultant's license issued, thirty dollars; (18) for each nonresident consultant's license issued, thirty-six dollars; and ~~(17)~~ (19) for each license issued pursuant to section 44-139 as now existing or as hereafter amended, one hundred dollars.".

5. On page 13, line 3 after "that" insert "original section 44-114, Revised Statutes Supplement, 1978, and also".

6. Renumber original sections 39 and 40 as sections 29 and 30 respectively and renumber original sections 41 and 42 as sections 32 and 33 respectively.

(Signed) John W. DeCamp, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 70.

Introduced by Kremer, 34th District; Beutler, 28th District; Warner, 25th District; Lewis, 45th District.

WHEREAS, an adequate supply of electricity is necessary for the health and welfare of the citizens and the commerce of this state; and

WHEREAS, it appears that Nebraska will need additional electricity in the mid 1980's to meet anticipated demands; and

WHEREAS, one method of supplying such electricity is an exchange of power between Nebraska and Canada during peak demand periods; and

WHEREAS, such a project will require construction of a transmission line across neighboring states; and

WHEREAS, this line may affect the citizens of such states; and

WHEREAS, the benefits of such a project need to be more clearly defined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Executive Board of the Legislature appoint a five member committee to meet with representatives of states through which the line will be routed to coordinate information, identify potential benefits, and identify and recommend procedures for resolving potential conflicts resulting from construction of such proposed transmission facilities.

2. That the committee report its findings, together with any recommendations, to the next regular session of the Legislature.

3. That a copy of this resolution be sent to proper officials in the appropriate states.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 596 in the Journal. No objections. So ordered.

PURPOSE: To clarify intent language that requires the University of Nebraska to avoid intermingling revolving fund accounts with General Funds.

AMENDMENTS:

On page 30, strike subsection (1) of section 22 and insert new subsection (1) "It is the intent of the Legislature that the University of Nebraska campuses, in establishing the state-aided portion of their operating budgets for fiscal year 1979-80, do not intermingle revolving fund accounts with any other source of funding."

On page 30, in line 10, strike "shall" and insert "may".

Mr. Kremer asked unanimous consent to print the following amendments to LB 595 in the Journal. No objections. So ordered.

Delete section 2 in its entirety and insert the following:

Sec. 2. Agency No. 55 - Nebraska Natural Resources Commission.

Program 310 - Accelerated State Water Planning Process.

The appropriation to this program is to be utilized by the commission and other state agencies for the acceleration of the state water planning and review process. The funding provided in this program for the acceleration of the process is in addition to the approximately $82,000, which the agencies involved in the process indicate can be redirected from their fiscal year 1979-80 budgets.

The State Budget Administrator shall create a separate budget program within each agency receiving funds from the appropriation to this program to properly account for such funds. Expenditures for personal services in such new budget programs shall not be limited.

The commission shall seek any federal funds which may be available for the state water planning and review process. To the extent possible, such federal funds shall be utilized to replace General Funds appropriated to this program.

It is the intent of the Legislature that the commission continue to be the agency responsible for the state water planning and review process. The Legislature hereby acknowledges and confirms the intent of LR 300, 1978, and the basic work plan as stated in the November 15, 1978, report to the Legislature and Governor on the State Water Planning and Review Process. The commission shall be assisted in the process by an Interagency Water Coordinating Committee, and a Public Advisory Board.

The Interagency Water Coordinating Committee shall consist of such members as are appointed by the Governor. The committee shall not have authority over individual agency activities, but shall coordinate activities, including but not limited to the development of recommended annual plans of work and annual budgets. The committee may at its option also review all studies and reports resulting from the state water planning and review process, and provide comments and recommended changes as deemed necessary. Final reports on Policy Issue Analyses shall be submitted to the Legislature and Governor in such form and with such content as shall be approved by the Commission. Such reports shall also be accompanied by the comments, if any, of the Interagency Water Coordinating Committee and the Public Advisory Board. Recommendations or findings contained in such reports or attachments thereto shall be construed as being those of the commission unless otherwise noted. The general guidance and supervision of studies and related work shall be the responsibility of the commission.

The Public Advisory Board shall be appointed by the Natural Resources Commission no later than July 1, 1979.

The Board shall include representatives of local units of government, specific water interests, and the general public. The local units of government which are eligible for membership on the Board include: natural resources districts, municipalities, counties, irrigation districts, reclamation districts, rural water districts, and public power districts. Specific water interests eligible for representation on the board include: groundwater irrigation, surface water irrigation, rural domestic use, livestock production, non-irrigated agriculture, outdoor recreation, environmental, commercial and industrial use, and fish and wildlife.

The Commission shall determine the size of the Board except that in the initial creation of the Board, the Commission shall attempt to

name at least one representative for each of the interests mentioned above.

All members of the Board shall be chosen from those nominated therefore in the manner specified by the Commission. The Commission shall develop nomination forms for such purposes and shall distribute them to appropriate state-wide organizations and as may otherwise be requested. The general public shall be notified of the availability of such forms through press releases issued on a statewide basis. The time for nominations shall not close less than 30 days after such notice is provided. Vacancies shall be filled in the same manner.

The board shall have no specific authority in the planning process but shall provide the input of the general public and various water interests in the state. It is the intent of the Legislature that the board consider the different opinions of the individual members but, as a body, shall provide input to and comments on the water planning and review activities as they relate to the overall use of Nebraska water resources by all water interests.

The functions to be performed by the Board are to advise and assist the Natural Resources Commission in: (1) reviewing alternative solutions for legislative and administrative policy problems, including impact assessment; (2) disseminating information and materials generated by the planning process to interest groups represented and the public generally; and (3) determining the conditions under which and the methods by which additional public input is to be obtained.

Members of the Public Advisory Board will receive no expenses or per diem for participation in the planning and review process. Input will be provided through the Natural Resources Commission. Meetings of the Board will be held at the request of the Chairman or the Natural Resources Commission.

It is the intent of the Legislature that the public having maximum input into the formulation of state water policy and that in addition to the input from the Public Advisory Board, the Commission is also encouraged to conduct public hearings on issues being studied as part of the Policy Issue Analyses.

All materials produced by the state water planning and review process shall be available to interested persons and groups upon request; provided, that the Commission or other agency providing such material may make a charge therefore which does not exceed the actual cost to the agency.

It is the intent of the Legislature that the state water planning and review process continue studies relating to instream flows, groundwater reservoir management, water quality, and surface and groundwater rights, and initiate a study relating to supplemental water supplies. A preliminary report on instream flows should be completed

by June 30, 1980. Such studies are in addition to the continuing base activities, state initiated problem analysis, and project and program reviews.

It is intended that the policy issue analyses should follow a staged approach, that is they should be designed so that the information presented to the Legislature in the yearly reports required on September 15 of each year is sufficient for the Legislature to decide whether to continue to fund the study or to make decisions based on the findings of the analyses to date.

The study designs for analysis of the various policy issues should include the following information:

(1) Short summary of what the study is intended to accomplish;

(2) Work elements needed to provide the information to be included in the yearly and final reports;

(3) Information acquisition and interpretation needs;

(4) Schedule for completion of the analysis;

(5) Cost estimates to accomplish the analysis;

(6) Sources of funding; and

(7) Specific agency responsibilities.

It is the intent of the Legislature that the final reports for the policy issue analyses follow the general outline below:

(1) Brief statement of the issue;

(2) Background on the issue in Nebraska;

(3) Relationship of this issue to the other policy issues;

(4) Identification of alternative approaches to the issue;

(5) Legislative and administrative mechanisms or changes necessary to implement the alternative approaches in Nebraska; and

(6) Evaluation of the immediate and long-term impacts, potential problems, and opportunities related to the implementation of the alternatives.

The commission shall submit to the Legislature and Governor, on or before September 15 of each year, a report on the progress of the state water planning and review process. Such report shall include a listing of expenditures to date and estimated future expenditures within the appropriation authority, a summary and analysis of work completed to date, and a summary of future work to be conducted. These items should be addressed for all areas of the state water planning and review process including state initiated problem analysis, project and program review, base activities, and policy issue analysis.

Also on or before September 15 of each year, the commission shall submit a budget request for the succeeding fiscal year for the funding of the state water planning and review process. Such request shall identify the amount of additional funding required, an estimate of the amount to be re-directed, a detailed explanation of the proposed use

of such funds, and anticipated results and accomplishments to be obtained from the expenditure of such funds. Such information should. to the greatest extent possible, be identified for each agency which would receive funds.

MESSAGE FROM THE GOVERNOR

April 30, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 58, 174, 174A, 396, 414, 414A, 417, 438, 543, 553, 555, 557 and Reengrossed Legislative Bills 87 and 241.

These bills were signed by me on April 30, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bill 592 for the approval of the Nebraska Legislature.

LB	Committee
592	Appropriations

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative resolution 30 for the approval of the Nebraska State Legislature.

LR	Committee
30	General File

(Signed) Frank Lewis, Chairman
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Lewis asked unanimous consent to print the following amendments to LB 587 in the Journal. No objections. So ordered.

(1)

PURPOSE: To provide funds for the installation of a chiller on the East Campus of the University of Nebraska.
AMENDMENT:

1. On page 18, after line 10, insert a new section:

"Sec. 14. Program 999. The Board of Regents of the University of Nebraska is hereby authorized to install a chiller at the Lincoln east campus with a total project cost not to exceed $1,645,000. There is hereby appropriated $1,100,000 from the State Building Fund for the fiscal year ending June 30, 1980, to initiate the installation. There is hereby appropriated $455,000 from the State Building Fund for the fiscal year ending June 30, 1981, to complete the installation of the chiller."

2. Renumber original sections 14 to 26 as sections 15 to 27.

3. On p. 16, in line 11, strike "1,848,122" and insert "1,298,122"; on p. 16 in line 25, strike "2,081,170" and insert "1,531,170"; on p. 17, in line 7 and 8, strike "63,462,502" and insert "62,912,502"; on p. 17 in line 15 & 16, strike "19,194,721" and insert "18,644,721"; on p. 17, in line 2, strike "190,648,830" and insert "190,098,830"; on p. 16, in line 13, strike "1,901,793" and insert "1,351,793".

(2)

1. Insert a new section as follows:

"Sec. 25. No employee of the state colleges, technical community colleges, or University of Nebraska shall be required to retire prior to reaching the age of seventy.".

2. Renumber original sections 25 and 26 as sections 26 and 27.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 227 and 356.

(Signed) Don Wesely, Chairman

SELECT FILE

LEGISLATIVE BILL 365. E & R amendment found in the Journal on page 1351 for the Sixty-Second Day was adopted.

Mr. Keyes withdrew his pending amendment found in the Journal on page 1358.

Mrs. Labedz asked unanimous consent to add her name to LB 365. No objections. So ordered.

Mr. Carsten renewed his pending amendment found in the Journal on page 1497.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment with 26 ayes, 11 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 398. E & R amendments found in the Journal on page 1539 for the Sixty-Ninth Day were adopted.

Mr. Koch withdrew his pending amendment found in the Journal on page 1716.

Mr. DeCamp withdrew his pending amendments found in the Journal on pages 1728-29.

Mr. DeCamp offered the following amendment:
Req. #2916

1. Strike the Committee amendments, except for that amendment commencing with "in" on page 1, line 19 and ending with the semicolon in line 21 of page 1.

2. On page 2, strike beginning with "On" in line 7 through the underscored period in line 11 and insert "On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing the current annual salary of forty-three thousand dollars by six percent."; and strike the new matter in lines 19 through 22.

3. On page 3, line 2 after the period insert "on

January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-nine thousand five hundred dollars by six per cent."; strike beginning with "For" in line 15 through line 27.

4. On page 4, strike the new matter in lines 1 and 2; strike beginning with "on" in line 16 through the underscored comma in line 21; and strike the new matter in lines 25, 26, and 27.

5. On page 5, strike the new matter in lines 1 and 2; before the period in line 2 insert ", on January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-six thousand nine hundred fifty dollars by six per cent".

6. Strike beginning with "On" on page 6, line 26, through the underscored period on page 7, line 6, and insert "On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing the current annual salary of thirty-five thousand seven hundred dollars by six per cent.".

7. On page 7, strike the new matter in lines 22 through 26 and insert "be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing the current annual salary of thirty-seven thousand fifty dollars by six per cent.".

8. Insert two new sections as follows:

"Sec. 6. Sections 1 to 4 and 8 of this act shall become operative on the first Thursday after the first Tuesday in January, 1981. Sections 5 and 7 of this act shall become operative on January 1, 1981.

Sec. 7. That original section 48-159, Revised Statutes Supplement, 1978, is repealed.".

9. On page 8, line 27 after "24-513," insert "and" and strike "and 48-159,".

10. Renumber original section 7 as section 8.

Mr. George 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. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Brennan	Duis	Hefner	Labedz	Schmit
Burrows	Fitzgerald	Hoagland	Landis	Simon
Cope	George	Johnson	Lewis	Venditte
Cullan	Goodrich	Kahle	Marsh	
DeCamp	Hasebroock	Kelly	Newell	

Voting in the negative, 20:

Carsten	Kennedy	Lamb	Nichol	Stoney
Clark	Keyes	Maresh	Pirsch	Wagner
Fowler	Koch	Marvel	Reutzel	Warner
Haberman	Kremer	Murphy	Rumery	Wesely

Present and not voting, 1:

Merz

Excused and not voting, 5:

Beutler	Chambers	Dworak	Sieck	Vickers

The DeCamp amendment lost with 23 ayes, 20 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Reutzel requested a machine vote to advance LB 398.

Advanced to E & R for Engrossment with 25 ayes, 15 nays, 4 present and not voting, and 5 excused and not voting.

Messrs. Venditte and Carsten asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 398A. Laid over.

LEGISLATIVE BILL 571. E & R amendments found in the Journal on page 1589 for the Seventieth Day were adopted.

Mr. Schmit renewed his pending amendments found in the Journal on page 1722.

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 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 443. E & R amendment found in the Journal on page 1674 for the Seventy-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 193. E & R amendments found in the Journal on page 1685 for the Seventy-Third Day were adopted.

Advanced to E & R for Engrossment.

REPORT OF EXECUTIVE BOARD

April 30, 1979

The Executive Board wishes to report the following appointments relating to the Correctional Improvement Program pursuant to action at the April 30, 1979 meeting:

Sen. Hoagland - Leisure Time Activities Team
Sen. Cullan - Chairman, Comprehensive Health Care Team
Sen. Wesely - Comprehensive Health Care Team
Victor D. Lofgreen - Staff Training Team

The Board also approved the appointments of Governor Charles Thone as follows:

John Hanlon - Inmate Labor Team
Don Stenberg - Program Planning Team
Terrence D. Ferguson - Staff Training Team

(Signed) Frank Lewis, Chairman
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 71.

Introduced by Murphy, 17th District; Cullan, 49th District.

WHEREAS, the consumption of alcoholic beverages in the State of Nebraska has been increasing in the past few years; and

WHEREAS, there has been a corresponding increase in alcohol abuse and of alcoholism; and

WHEREAS, the State of Nebraska has created numerous programs designed to address the problems of alcohol abuse and alcoholism; and

WHEREAS, there are numerous organizations created to deliver services to alcoholics including but not limited to the Nebraska Commission on Alcoholism; the Division of Alcoholism within the Department of Public Institutions; Regional Alcoholism Advisery Boards; and the School of Alcohol Studies within the University of Nebraska Extension Division; and

WHEREAS, there exists a need to identity the relationships between various public and private entities concerned with the delivery of services to alcoholics and with alcohol abuse; and

WHEREAS, there exists a need to examine the costs and methods of funding of these programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee conduct a study of the delivery, cost, and funding of services to alcoholics.

2. That the study identify: (a) the number of agencies contracting with the Department of Public Institutions; (b) the extent of the funding of these agencies; (c) the correlation of programs between agencies; (d) the effectiveness of the treatment services; (e) the total funds expended and the source of these funds; (f) the use of the funds including an identification of the recipients of the funds and the purposes for which the funds are used; (g) the level of expenditure by each agency for administrative, travel, capital, and treatment expense; and, (h) the level of involvement of regional alcoholism advisory boards.

3. That the Public Health and Welfare Committee submit a report of its findings and recommendations to the Eighty-Sixth Legislature of Nebraska, Second Session.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 391. Placed on Select File as amended.

E & R amendments to LB 391:

1. In the Duis amendments, line 23, strike "44-1628" and insert "44-1627".

2. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT relating to retirement; to change mandatory retirement age as prescribed; to extend certain benefits; to amend sections 23-2315, 79-1041, 79-1057, 79-1521, and 84-1317, Reissue Revised Statutes of Nebraska, 1943, and sections 44-1627 and 79-1509, Revised Statutes Supplement, 1978; and to declare an emergency.".

LEGISLATIVE BILL 161. Placed on Select File as amended.
E & R amendments to LB 161:

1. The only change therein being already made in LB 391, strike section 4 and renumber sections 4 to 9 as sections 3 to 8.

2. On page 4, line 25, strike "shall be" and insert "is hereby".

3. On page 5, line 23, strike "4 to 8" and insert "1 and 3 to 7"; in line 25 strike "sections" and insert "section"; and in lines 25 and 26 strike "and 84-1317".

4. In the title, line 6, strike "sections" and insert "section"; in lines 6 and 7 strike "and 84-1317"; and strike line 8 and insert "1943; and to".

LEGISLATIVE BILL 281. Placed on Select File.

LEGISLATIVE BILL 341. Placed on Select File as amended.
E & R amendment to LB 341:

1. On page 2, line 15, insert an underscored comma after "property".

LEGISLATIVE BILL 540. Placed on Select File as amended.
E & R amendment to LB 540:

1. In the title, line 5, insert "to provide for notification;" after the semicolon.

LEGISLATIVE BILL 86. Placed on Select File as amended.
E & R amendment to LB 86:

1. In the title, insert "and section 84-712.03, Revised Statutes Supplement, 1978," at the end of line 3; and in line 5, insert "to require notice of denial of access as prescribed; to provide for enforcement of rights as prescribed; to provide penalties;" after the second semicolon.

LEGISLATIVE BILL 569. Placed on Select File as amended.
E & R amendments to LB 569:

1. For correlation purposes, on page 2, line 2, insert ", as amended by section 11, Legislative Bill 421, Eighty-sixth Legislature, First Session, 1979" after "1943"; in line 19, strike "and"; in line 22 strike the period and insert "; and"; and after line 22 insert:

"(4) The Secretary of State in consultation with the Attorney General shall have the authority to do all things necessary in the administration of election laws, including ballot preparation, separation of ballots, and ballot instructions to comply with and carry out the intent of national party rules and court decisions notwithstanding the provisions found in sections 32-420.02, 32-504.01, and 32-513.

Whenever Chapter 32 is in conformity with national party rules as to the election of delegates the election procedures found in Chapter 32 shall be followed.".

2. In lieu of committee amendments thereto, on page 3, line 8, insert "32-511, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; and in line 9 insert ", as amended by section 11, Legislative Bill 421, Eight-sixth Legislature, First Session, 1979" after "1943".

3. In the title, line 2, insert "32-511, Reissue Revised Statutes of Nebraska, 1943, and section 11 after "section"; in line 3 insert ", as amended by section 11, Legislative Bill 421, Eighty-sixth Legislature, First Session, 1979" after "1943"; and in line 4 insert "to provide an option in the presidential primary;" after the semicolon.

LEGISLATIVE BILL 149. Placed on Select File as amended.
E & R amendment to LB 149:

1. In the title, line 2, insert "sections 60-430.01 and 60-2021, Revised Statutes Supplement, 1978, and" after "amend".

(Signed) Don Wesely, Chairman

VISITORS

Visitors to the Chamber were 52 fourth grade students and teacher from Peter Sarpy School, Bellevue; 6 seventh and eighth grade students and teacher from Holdrege; 8 M.N.O. Extension Club members from Minden; and Jan Zwiebel, Executive Director, Nebraskaland Days, Inc. of Nebraska from North Platte.

ADJOURNMENT

At 4:49 p.m., on a motion by Mrs. Labedz, the Legislature adjourned until 9:00 a.m., Tuesday, May 1, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 1, 1979

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> Lord our God, Creator, Sustainer, Judge, Father and Friend; may this moment not be the last thought we give to You today, but in the midst of the busy-ness of life we ask You to remind us often of Your presence - invisible, yet real. Bless the work of our Senators today. Even as they labor for a better, stronger State, may they also see their efforts in the context of the needs of the Nation and of the world. Only if Your Spirit guides our leaders and their work can America regain the respect of the world and merit Your blessing. So for each of them may winning peace in the world become more important than winning votes at home.
>
> Teach us to number our days that we may apply our hearts unto wisdom, for Your sake who loved us into life and loves us still. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused; and Messrs. Lewis, Merz, Schmit, Venditte, Wesely, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 573. Placed on Select File as amended.
E & R amendments to LB 573:
1. In committee amendments, line 6, insert "in that" after "proceedings".
2. On page 5, line 11, strike "for" and insert "of".

LEGISLATIVE BILL 380. Placed on Select File as amended.
E & R amendments to LB 380:
(References are to committee amendments)
1. On page 1, insert a comma after "goals" in line 11 and "act" in line 13.
2. On page 2, line 15, strike "performance" and insert "conducting".

LEGISLATIVE BILL 514. Placed on Select File.
LEGISLATIVE BILL 282. Placed on Select File.

(Signed) Don Wesely, Chairman

GENERAL FILE

LEGISLATIVE BILL 158. Title read. Considered.

Standing Committee amendments found in the Journal on page 674 for the Thirty-Seventh Day were considered.

Mr. Beutler offered the following amendment to the Standing Committee amendments:
Strike amendment #2 of committee amendments to LB 158.

The amendment was adopted with 15 ayes, 4 nays, 24 present and not voting, and 6 excused and not voting.

Mr. Murphy offered the following amendment to the Standing Committee amendments:
Strike committee amendment #3 (page 2 - lines 15-20 of committee amend)

The amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Koch withdrew his pending amendment found in the Journal on page 1530.

Mr. Koch offered the following amendment:
In Journal pages 674-675:
On page 1, line 11, strike "thereto." and insert "thereof."
On page 29, line 1, strike "18-2001.02" and insert "18-2001.01,"
In original bill:
On page 20, line 21, insert the word "legal" in front of the word newspaper.

The amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Kelly renewed his pending amendment found in the Journal on page 1275.

Mr. Kelly moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Kelly requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Beutler	Fowler	Kennedy	Maresh	Warner
Burrows	Haberman	Keyes	Murphy	Wesely
Carsten	Hefner	Kremer	Rumery	
Chambers	Kahle	Lamb	Stoney	
Cullan	Kelly	Landis	Wagner	

Voting in the negative, 18:

Brennan	George	Koch	Nichol	Simon
Cope	Hasebroock	Labedz	Pirsch	Vickers
DeCamp	Hoagland	Marsh	Reutzel	
Fitzgerald	Johnson	Newell	Sieck	

Present and not voting, 4:

Clark	Duis	Goodrich	Marvel

Excused and not voting, 5:

Dworak	Lewis	Merz	Schmit	Venditte

The Kelly amendment lost with 22 ayes, 18 nays, 4 present and not voting, and 5 excused and not voting.

Mr. Johnson withdrew his pending amendment found in the Journal on page 1099.

The Chair declared the Call raised.

Mr. Murphy offered the following amendment:
Strike Subsection 12, (e) in Section 1.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Murphy moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Murphy requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Beutler	Cope	Kahle	Landis	Rumery
Burrows	Cullan	Kelly	Maresh	Stoney
Carsten	Haberman	Kennedy	Murphy	Wagner
Chambers	Hasebroock	Labedz	Nichol	Warner
Clark	Hefner	Lamb	Pirsch	Wesely

Voting in the negative, 14:

Brennan	George	Johnson	Marsh	Simon
Fitzgerald	Goodrich	Koch	Marvel	Vickers
Fowler	Hoagland	Kremer	Newell	

Present and not voting, 5:

DeCamp	Duis	Keyes	Reutzel	Sieck

Excused and not voting, 5:

Dworak	Lewis	Merz	Schmit	Venditte

The Murphy amendment was adopted with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Laid over.

EASE

The Legislature was at ease from 10:18 a.m. until 10:22 a.m.

GENERAL FILE

LEGISLATIVE BILL 444. Title read. Considered.

Standing Committee amendments found in the Journal on page 1000 for the Forty-Ninth Day were considered.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

1. Add new section 7 as follows:

Sec. 7. Whenever it is alleged that a party to an industrial dispute has engaged in an act which is in violation of any of the provisions of 48-801 through 48-838, or which interferes with, restrains, or coerces employees in the exercise of the rights provided in sections 48-801 through 48-838, the court shall have the power and authority to make such findings and to enter such temporary or permanent orders as the court may find necessary to provide adequate remedies to the injured party or parties, to effectuate the public policy enunciated in section 48-802, and to resolve the dispute.

2. Renumber remaining sections accordingly.

Mr. Landis 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 13 ayes, 0 nays, and 36 not voting.

The motion to close debate prevailed with 26 ayes, 4 nays, and 19 not voting.

The DeCamp amendment was adopted with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Murphy offered the following amendment to the Standing Committee amendments:

To add new section 7

48-803

In order to carry out the public policy of the State of Nebraska as set forth in section 48-802, there is hereby created an industrial commission to be known as the ~~Court~~ Commission of Industrial Relations.

Mr. Brennan moved the previous question. The question is, "Shall the debate now close?"

Mr. Brennan moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Brennan requested a roll call vote to close debate.

Voting in the affirmative, 23:

Beutler	Fowler	Koch	Marsh	Simon
Brennan	George	Labedz	Newell	Vickers
Burrows	Goodrich	Landis	Reutzel	Wesely
DeCamp	Hoagland	Lewis	Rumery	
Fitzgerald	Keyes	Maresh	Sieck	

Voting in the negative, 11:

Carsten	Cullan	Kelly	Pirsch
Clark	Duis	Kennedy	Stoney
Cope	Kahle	Nichol	

Present and not voting, 9:

Chambers	Hasebroock	Lamb	Murphy	Warner
Haberman	Hefner	Marvel	Wagner	

Excused and not voting, 6:

Dworak	Kremer	Schmit
Johnson	Merz	Venditte

The motion to close debate lost with 23 ayes, 11 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Murphy amendment was adopted with 16 ayes, 11 nays, 15 present and not voting, and 7 excused and not voting.

Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 444A. Title read. Considered.

Mr. Brennan offered the following amendment:

1. On page 2, lines 1 and 2, strike "eight thousand" and insert "one thousand three hundred fifty"; On line 8, strike "thirty-three thousand five hundred" and insert "thirteen thousand seven hundred fifty".

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 Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 285 in the Journal. No objections. So ordered.

1. In the Koch amendment commencing on page 1660 of the Journal, in the Koch amendment 2, lines 4 and 5 strike "retirement systems, insurance premiums,"; and in line 5 after "purpose," insert "and" and strike ", water and sewer service".

Mr. Goodrich asked unanimous consent to print the following amendments to LB 444 in the Journal. No objections. So ordered.

1. On page 6, line 27 strike "its".
2. On page 7, line 4 after the underscored period insert "In cases not arising under the Nebraska Teachers' Professional Negotiation Act, the court shall require the

parties to an industrial dispute over wages, hours, or conditions of employment to submit the dispute to fact-finding within ten days following the receipt of a petition alleging an industrial dispute. The fact-finding shall proceed as established and required under the Nebraska Teachers' Professional Negotiations Act and the fact-finders shall take into consideration the final position of the parties before impasse and shall base their recommended order and settlement upon the final position of the parties prior to impasse. If the parties do not accept the recommended order and settlement of the fact-finders, the recommended order and settlement shall be filed with the court. Unless the order is arbitrary, unreasonable, or substantially inconsistent with wages, hours, and conditions of employment being enjoyed by other employees in comparable circumstances, the recommended order and settlement shall be adopted by the court as the order of the court and shall be enforced in such manner."; and strike beginning with "The" in line 4 through the underscored period in line 11.

Mr. Nichol asked unanimous consent to print the following amendment to LB 572 in the Journal. No objections. So ordered.

1. On page 2, line 11, strike "two" and insert "~~two~~ three"; and in line 16 strike "two-year", show as stricken, and insert "three-year".

MOTION - Return LB 136 to Select File

Mr. Rumery moved to return LB 136 to Select File for the following specific amendment:

1. Page 4, line 5, delete "none", insert "all"
2. Page 4, line 6, delete "except"
3. Page 4, line 7, delete period, insert

,unless the governing body improves a street which divides the city or village corporate area and the area adjoining the city or village. Whenever the governing body of any city of the second class or village improves any street which divides the city or village corporate area and the area adjoining the city or village, said governing body shall determine the sufficiency of petition as set forth in 17-510 by the owners of the record title representing more than sixty percent of the front footage of the property directly abutting upon the street to be improved, not sixty percent of the resident owners. Whenever the governing body shall deem it necessary to make any of the improvements named in section 17-509 on a street which divides the city or

village corporate area and the area adjoining the city or village, said governing body shall by ordinance create the improvement district pursuant to Section 17-511; however, the right of remonstrance shall be limited to owners of record title, not resident owners.

The motion prevailed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 136. The Rumery specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 179.

A BILL FOR AN ACT relating to certain county officers; to change provisions relating to duplicate receipts; to provide for depositing of money received and safekeeping of personal property as prescribed; to amend section 23-1207, 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, 37:

Beutler	Fitzgerald	Kelly	Marsh	Simon
Brennan	Fowler	Kennedy	Marvel	Stoney
Carsten	George	Keyes	Murphy	Wagner
Clark	Goodrich	Koch	Newell	Warner
Cope	Haberman	Lamb	Nichol	Wesely
Cullan	Hasebroock	Landis	Reutzel	
DeCamp	Hoagland	Lewis	Rumery	
Duis	Kahle	Maresh	Sieck	

Voting in the negative, 0.

Present and not voting, 4:

Burrows	Hefner	Labedz	Pirsch

Excused and not voting, 8:

Chambers	Johnson	Merz	Venditte
Dworak	Kremer	Schmit	Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 273.

A BILL FOR AN ACT to amend sections 77-202.23 and 77-202.24, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to define a term; to change exemption provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Beutler	Fowler	Kennedy	Marvel	Simon
Brennan	George	Keyes	Merz	Stoney
Burrows	Goodrich	Koch	Murphy	Wagner
Carsten	Haberman	Labedz	Newell	Warner
Clark	Hasebroock	Lamb	Nichol	Wesely
Cope	Hefner	Landis	Pirsch	
Cullan	Hoagland	Lewis	Reutzel	
DeCamp	Kahle	Maresh	Rumery	
Fitzgerald	Kelly	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Duis

Excused and not voting, 7:

Chambers	Johnson	Schmit	Vickers
Dworak	Kremer	Venditte	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 381.

A BILL FOR AN ACT to amend section 72-224.03, Reissue Revised Statutes of Nebraska, 1943, relating to school lands and funds; to change membership on a board of appraisers; to provide for compensation; and to repeal the 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:

Beutler	Fowler	Kelly	Maresh	Reutzel
Carsten	George	Kennedy	Marsh	Rumery
Clark	Goodrich	Keyes	Marvel	Sieck
Cope	Haberman	Koch	Merz	Simon
Cullan	Hasebroock	Labedz	Murphy	Stoney
DeCamp	Hefner	Lamb	Newell	Wagner
Duis	Hoagland	Landis	Nichol	Warner
Fitzgerald	Kahle	Lewis	Pirsch	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Brennan	Burrows

Excused and not voting, 7:

Chambers	Johnson	Schmit	Vickers
Dworak	Kremer	Venditte	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 416.

A BILL FOR AN ACT to amend sections 23-2305, 23-2317, and 84-1503, Reissue Revised Statutes of Nebraska, 1943, relating to

public employees retirement; to transfer provisions; to revise requirements for lump sum settlements; 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:

Brennan	Fowler	Kennedy	Marvel	Simon
Burrows	George	Keyes	Merz	Stoney
Carsten	Goodrich	Koch	Murphy	Vickers
Clark	Haberman	Labedz	Newell	Wagner
Cope	Hasebroock	Lamb	Nichol	Warner
Cullan	Hefner	Landis	Pirsch	Wesely
DeCamp	Hoagland	Lewis	Reutzel	
Duis	Kahle	Maresh	Rumery	
Fitzgerald	Kelly	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 6:

Chambers	Johnson	Schmit
Dworak	Kremer	Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 421.

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 16-302.01, 17-107.02, 18-103, 32-212, 32-537, 32-542, 32-812, 46-112, and 79-803.09, Reissue Revised Statutes of Nebraska, 1943, and sections 18-102, 32-210.01, 32-402.01, 32-428, and 32-815, Revised Statutes Supplement, 1978; to change election procedures as prescribed; to harmonize provisions; to change the rates of compensation for certain election officials; 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:

Beutler	Fitzgerald	Kelly	Marsh	Sieck
Brennan	Fowler	Kennedy	Marvel	Simon
Burrows	George	Keyes	Merz	Stoney
Carsten	Goodrich	Koch	Murphy	Vickers
Clark	Haberman	Labedz	Newell	Wagner
Cope	Hasebroock	Lamb	Nichol	Wesely
Cullan	Hefner	Landis	Pirsch	
DeCamp	Hoagland	Lewis	Reutzel	
Duis	Kahle	Maresh	Rumery	

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 6:

Chambers	Johnson	Schmit
Dworak	Kremer	Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 427.

A BILL FOR AN ACT to amend sections 71-108, 71-109, 71-111, 71-117 to 71-119, 71-124.01, 71-125, 71-128, and 71-131 to 71-133, Reissue Revised Statutes of Nebraska, 1943, sections 71-110, 71-112, 71-114, 71-121, 71-122, and 71-138, Revised Statutes Supplement, 1978, and section 71-113, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979, relating to professional and occupational licenses; to change the name of a board; to provide for lay board members as prescribed; to change provisions relating to examining boards; to provide duties; to change provisions relating to examinations as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Brennan	Fowler	Keyes	Merz	Stoney
Burrows	George	Koch	Murphy	Vickers
Carsten	Goodrich	Labedz	Newell	Wagner
Clark	Hasebroock	Lamb	Nichol	Warner
Cope	Hefner	Landis	Pirsch	Wesely
Cullan	Hoagland	Lewis	Reutzel	
DeCamp	Kahle	Maresh	Rumery	
Duis	Kelly	Marsh	Sieck	
Fitzgerald	Kennedy	Marvel	Simon	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 7:

Chambers	Haberman	Kremer	Venditte
Dworak	Johnson	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 568.

A BILL FOR AN ACT to amend section 39-1322, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to provide authorization to the Department of Roads 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, 28:

Brennan	Cullan	George	Kelly	Maresh
Carsten	DeCamp	Goodrich	Keyes	Marsh
Clark	Fitzgerald	Hasebroock	Koch	Marvel
Cope	Fowler	Kahle	Labedz	Merz

Murphy	Nichol	Rumery	Simon	
Newell	Reutzel	Sieck	Stoney	

Voting in the negative, 10:

Beutler	Hefner	Lamb	Pirsch	Warner
Duis	Kennedy	Lewis	Vickers	Wesely

Present and not voting, 4:

Burrows	Hoagland	Landis	Wagner

Excused and not voting, 7:

Chambers	Haberman	Kremer	Venditte
Dworak	Johnson	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 181.

A BILL FOR AN ACT to amend sections 14-1733, 14-1735, 14-1737, and 14-1738, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to change provisions relating to financing of off-street parking; to provide for contracts; to change provisions relating to eminent domain; 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:

Brennan	Fitzgerald	Kelly	Marsh	Sieck
Burrows	Fowler	Kennedy	Marvel	Simon
Carsten	George	Keyes	Merz	Stoney
Clark	Goodrich	Koch	Murphy	Vickers
Cope	Hasebroock	Labedz	Newell	Wagner
Cullan	Hefner	Lamb	Nichol	Warner
DeCamp	Hoagland	Lewis	Reutzel	Wesely
Duis	Kahle	Maresh	Rumery	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Landis	Pirsch

Excused and not voting, 7:

Chambers	Haberman	Kremer	Venditte
Dworak	Johnson	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 212.

A BILL FOR AN ACT to amend section 81-523, Reissue Revised Statutes of Nebraska, 1943, to increase premium tax rates; to create a fund and provide its source and use; and to repeal the 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:

Beutler	Fitzgerald	Kelly	Merz	Simon
Burrows	Fowler	Kennedy	Murphy	Stoney
Carsten	George	Keyes	Newell	Vickers
Clark	Goodrich	Koch	Nichol	Wagner
Cope	Hasebroock	Labedz	Pirsch	Warner
Cullan	Hefner	Lamb	Reutzel	Wesely
DeCamp	Hoagland	Maresh	Rumery	
Duis	Kahle	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 4:

Brennan	Landis	Lewis	Marvel

Excused and not voting, 7:

Chambers	Haberman	Kremer	Venditte
Dworak	Johnson	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 72.

Introduced by Warner, 25th District.

WHEREAS, the Legislature has recognized through various actions such as the establishment of the special committee on tax problems and equalization problems and statements and pronouncements from various legislators that equalization and equity in distribution and collection of taxes is of the highest importance to the State of Nebraska; and

WHEREAS, equitable and legal distribution of hundreds of millions of dollars of state money collected through the sales and income tax process to local subdivisions of government to grant various types of property tax relief is dependent upon accurate information and compliance with existing laws by local and state taxing authorities; and

WHEREAS, litigation filed by Senator John W. DeCamp against the State Board of Equalization now pending before the Supreme Court of the State of Nebraska would undoubtedly answer questions which the Legislature must have answered before it can adequately deal with such things as: (1) any proposed or necessary changes in present laws; (2) proper, adequate and fair distribution of sales and income tax monies to subdivisions of government such as state aid, personal property tax relief money, homestead exemption money, natural resource district money, etc.; and

WHEREAS, this particular case, according to Section 77-510, Reissue Revised Statutes of Nebraska, 1943, has precedence over all other civil cases of this state; and

WHEREAS, if the Legislature is to have the ability to take fair and proper action this session, it is imperative that a decision and answers to the questions raised in that litigation be provided to the Legislature; and

WHEREAS, this case has now been pending before the Supreme Court since it was filed on August 10, 1978; and

WHEREAS, said case was argued on February 9, 1979, and no decision has yet been rendered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF THE STATE OF NEBRASKA:

1. That the Legislature hereby respectfully requests and wishes to implore the Supreme Court of this state to render a definitive decision in this case as quickly as possible and in time for this Legislature to address matters raised by that decision yet this session of the Legislature, and

2. That this Legislature hereby respectfully requests that said decision provide as many definitive answers as is possible so that any legislative action to achieve fairness and equity in taxation and fairness and equity in distribution of state funds collected through the sales and income tax method and fairness and equity to all citizens of Nebraska in the areas of taxation and expenditures of funds may be accomplished and that if the decision raises such substantive questions that a special legislative session might be necessary to address any matters raised by the decision that this decision be handed down prior to the termination of this regular session of the Legislature so that arrangements might be made to take any proper steps for any special legislative sessions that might be occasioned or prompted by the court decision.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendments to LB 357 in the Journal. No objections. So ordered.

1. On page 2, line 1 after the period insert "(1)"; and after line 8 insert a new subsection (2) as follows:

"(2) If the agreements allowed by subsection (1) of this section have not been entered into within two years after the effective date of this act, the authority of the Board of Regents of the University of Nebraska to enter into such agreements shall be terminated.".

VISITORS

Visitors to the Chamber were 85 third and fourth grade students, teachers, and parents from Bryan Elementary School, Omaha.

RECESS

At 12:16 p.m., on a motion by Mr. Kelly, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused; and Messrs. Chambers, Hoagland, Johnson, Landis, Lewis, Newell, Sieck, Simon, Venditte, and Mrs. Marsh who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendments to LB 382 in the Journal. No objections. So ordered.

(1)

1. In the Labedz, Venditte, and Kahle amendments insert a new section as follows:

"Sec. 10. In order to guard against fraud upon the public and prevent potential harmful trade practices and dishonest dealing, the Legislature finds that it is necessary for the state to establish the maximum price that laetrile may be sold. Such price shall be set by rules and regulations of the Department of Health. In setting the price the department shall determine and may allow the markup which represents the average increase above costs charged in connection with the sale of similar products. Such price must be reasonable and shall not impose conditions which are arbitrary, discriminatory, or confiscatory. Any person selling or attempting to sell laetrile for a price in excess of the maximum price established pursuant to this section shall be guilty of a Class IIIA misdemeanor.".

2. Renumber remaining sections accordingly.

(2)

1. In the Labedz, Venditte, and Kahle amendments on page 1, line 20 after "act" insert ", but no physician shall prescribe or administer laetrile unless the patient (1) is presently receiving conventional therapies, or (2) has undergone conventional therapies and such patient did not respond or such therapies exposed the patient to intolerable side effects".

ANNOUNCEMENT

Mr. Kremer announced that today is the 61st wedding anniversary of Mr. and Mrs. Walt Robinson.

SELECT FILE

LEGISLATIVE BILL 587. E & R amendments found in the Journal on page 1421 for the Sixty-Fifth Day were adopted.

Mr. Warner moved the adoption of the Appropriations Committee amendments found in the Journal on page 1448.

The amendments were adopted with 26 ayes, 1 nay, 11 present and not voting, and 11 excused and not voting.

Mr. Reutzel withdrew his pending amendment found in the Journal on page 1623.

Mr. Murphy offered the following amendment:
By striking "63,462,502" in line 7, page 17, and inserting "59,462,502."

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 11 ayes, 0 nays, and 38 not voting.

The motion to close debate prevailed with 27 ayes, 7 nays, and 15 not voting.

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:

Brennan	Duis	Kennedy	Nichol	Vickers
Burrows	Fitzgerald	Lewis	Pirsch	Wagner
Clark	George	Merz	Reutzel	
Cullan	Haberman	Murphy	Schmit	
DeCamp	Hefner	Newell	Simon	

Voting in the negative, 19:

Beutler	Goodrich	Koch	Landis	Sieck
Carsten	Hasebroock	Kremer	Maresh	Warner
Cope	Hoagland	Labedz	Marsh	Wesely
Fowler	Kahle	Lamb	Rumery	

Present and not voting, 4:

Kelly Keyes Marvel Stoney

Excused and not voting, 4:

Chambers Dworak Johnson Venditte

The Murphy amendment lost with 22 ayes, 19 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Newell re-offered his amendment found in the Journal on page 1412.

The amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Lewis renewed his pending amendment (1) found in the Journal on page 1753.

Mr. Lamb offered the following amendment to the Lewis amendment:

On page 1753 of the Journal in line 4, item 3, strike "18,644,721" and insert "18,944,721"

Mr. Nichol 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 Lamb amendment was adopted with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Lewis offered the following amendment to his amendment:

Amend the Lewis amendment as amended by the Lamb amendment: On p. 16 in line 11, strike "1,298,122" and insert "1,421,550"

The amendment was adopted with 26 ayes, 5 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Lewis moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Lewis requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 21:

Brennan	George	Lewis	Reutzel	Wagner
Burrows	Haberman	Maresh	Schmit	
Cullan	Hefner	Merz	Sieck	
DeCamp	Kennedy	Murphy	Simon	
Fitzgerald	Lamb	Newell	Vickers	

Voting in the negative, 18:

Beutler	Duis	Hoagland	Labedz	Warner
Carsten	Fowler	Johnson	Landis	Wesely
Clark	Goodrich	Kahle	Marsh	
Cope	Hasebroock	Kremer	Rumery	

Present and not voting, 7:

Kelly	Koch	Nichol	Stoney
Keyes	Marvel	Pirsch	

Excused and not voting, 3:

Chambers	Dworak	Venditte

The Lewis amendment, as amended, lost with 21 ayes, 18 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment:
PURPOSE: To eliminate funds provided for the start-up costs associated with the University's Areas of Excellance Program.
BACKGROUND: The 1974 budget provided first year funding, for what was to be a three year project, to cover "start-up" costs associated with the University's Areas of Excellance Program. The funds, over the three year period, were to be expended for such purposes as faculty recruitment, visits to the University by performance review teams, and data collection as it related to the program. The 1974 budget explicitly stated that the funding for the Areas of Excellance should not be considered as permanent funding. The Legislature presently provides $93,582.00 to UNL and $43,020.00 to UNO for costs associated with the Areas of Excellance project. If enacted the amendment would delete from the University budget a total of $136,602.00.
AMENDMENTS: 1. On page 17, in line 7, strike "63,462,502" and insert "63,368,920"; in line 8, strike "63,462,502" and insert

"63,368,920"; in line 27, strike "17,041,465" and insert "16,998,445".
2. On page 18, in line 1, strike "17,041,465" and insert "16,998,445".

MR. CLARK PRESIDING

Mr. Nichol 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 moved for a Call of the House. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

SPEAKER MARVEL PRESIDING

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Brennan	George	Lewis	Newell	Stoney
Burrows	Haberman	Marvel	Reutzel	Vickers
DeCamp	Johnson	Merz	Schmit	Wagner
Fitzgerald	Kennedy	Murphy	Simon	

Voting in the negative, 21:

Beutler	Duis	Kahle	Maresh	Wesely
Carsten	Fowler	Koch	Marsh	
Clark	Goodrich	Labedz	Nichol	
Cope	Hasebroock	Lamb	Rumery	
Cullan	Hoagland	Landis	Warner	

Present and not voting, 6:

Hefner	Keyes	Pirsch
Kelly	Kremer	Sieck

Excused and not voting, 3:

Chambers	Dworak	Venditte

The Newell amendment lost with 19 ayes, 21 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Lewis withdrew his pending amendment (2) found in the Journal on page 1753.

Messrs. Lamb, Hefner, Kennedy, and Lewis asked unanimous consent to be excused. No objections. So ordered.

Mr. Clark offered the following amendment:
PURPOSE: To appropriate $20,000 General Fund to Chadron State College for pocket gopher research.
AMENDMENTS:
On page 4, in line 18, strike "2,164,995" and insert "2,184,995"; in line 21, strike "2,741,086" and insert "2,761,086"; after line 21 insert "There is included in the appropriation to this program $20,000 General Fund to be used for pocket gopher research."
On page 5, in line 6, strike "34,909" and insert "54,909"; in line 9, strike "91,757" and insert "111,757".
On page 7, in line 8, strike "4,077,736" and insert "4,097,736"; in line 12, strike "6,988,453" and insert "7,008,453".

The amendment lost with 11 ayes, 12 nays, 19 present and not voting, and 7 excused and not voting.

Mr. Keyes offered the following amendment:
To reduce all general fund expenditures for the University & state colleges by two percent.

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. Keyes moved for a Call of the House. The motion prevailed with 19 ayes, 18 nays, and 12 not voting.

Mr. Keyes requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Brennan	George	Merz	Schmit	Wagner
Clark	Haberman	Murphy	Sieck	
Cullan	Kelly	Newell	Simon	
DeCamp	Keyes	Pirsch	Stoney	
Fitzgerald	Marvel	Reutzel	Vickers	

Voting in the negative, 19:

Beutler	Goodrich	Kahle	Landis	Rumery
Carsten	Hasebroock	Koch	Maresh	Warner
Cope	Hoagland	Kremer	Marsh	Wesely
Fowler	Johnson	Labedz	Nichol	

Present and not voting, 2:

Burrows Duis

Excused and not voting, 7:

Chambers	Hefner	Landis	Venditte
Dworak	Kennedy	Lewis	

The Keyes amendment lost with 21 ayes, 19 nays, 2 present and not voting, and 7 excused and not voting.

Mr. Maresh offered the following amendment:
To amend LB 587 on p 18, lines 9 & 10, strike "31,757,798" and insert "31,672,798"; on p 16, in line 18, strike "55,501,677" and insert "55,586,677"; on p. 16, in line 21, strike "18,513,989" and insert "18,598,989"; on p 16, in line 26, strike "55,555,348" and insert "55,640,348"; and on p. 17, in line 2, strike "19,648,830" and insert "19,733,830"

The amendment lost with 12 ayes, 19 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Murphy requested a machine vote to advance LB 587.

Advanced to E & R for Engrossment with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 535. Placed on General File as amended.
Standing Committee amendments to LB 535:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. #2926).

(Signed) Dave Newell, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 100
April 27, 1979

Re: Proposed amendments to LB 571

Dear Senator Koch:

In your letter of April 20, 1979, you requested our opinion in respect to the constitutionality of two proposed amendments to LB 571. LB 571, as currently amended, is set out in the Legislative Journal, Eighty-Sixth Legislature, first session at pages 1423 through 1426, inclusive.

Two separate amendments were attached to your correspondence of April 20th, denominated amendment "A" and amendment "B." Amendment "A" would change the proposed legislation, LB 571, as follows: the term "private industry" would be inserted before the word "municipalities " at section 1 of the bill, and also before the word "municipality" at section 6 and section 9 of the bill. The same term, "private industry" would also be inserted before the word "city" at section 11 and section 16 of the bill as proposed by your amendment "A."

Amendment "B" would add the following language at section 18 of LB 571:

> "Sec. 18. Nothing in this act shall prohibit the State of Nebraska or any county or municipality from entering into an agreement with private industry for the operation of an alcohol plant or plants or facilities related to the production or storage of alcohol."

The practical effect of both amendment A and amendment B is to allow the state to enter into agreements with private enterprise, as well as municipal and county governments, in respect to the construction and leasing of gasohol production facilities. You have asked us to comment separately upon the constitutional implications of proposed amendments A and B, but because we believe the same constitutional problems would arise in the adoption of either amendment, we will treat them together in our ensuing discussion.

In an earlier opinion this year, we addressed constitutional questions relating to LB 571 by letter opinion of March 15, 1979, addressed to Senator Jerome Warner. (A copy of that opinion, 1979, Report of the Attorney General, No. 61 is enclosed herewith.) In that opinion, we reviewed the provisions of LB 571 which, at that time, authorized the Department of Economic Development to enter into agreements with counties and municipalities to develop grain alcohol

plants and production facilities. We opined that the bill, on its face, did not appear to lend the credit of the state to private individuals, associations or corporations as proscribed by Article XIII, section 3 of the Nebraska Constitution. However, we cautioned that simply because legislation appeared constitutional on its face, such an observation did not mean that the legislation would be constitutional in all of its possible applications. Citing from an earlier opinion we had prepared for former Governor Exon, in respect to the constitutionality of LB 424, enacted by the 1978 Legislature and codified at section 66-801 et. seq., R.S.Supp. 1978, we noted the following constitutional problem which could arise in the implementation of laws intended to promote gasohol production:

> ". . . Serious constitutional questions under Article XIII, section 3, would arise, for instance, if the grant would be made to a city, county, or village so that it could construct a plant . . . whereby the benefit of the grant would directly benefit a private corporation leasing or purchasing the plant from the city, county or village. In such a case, it could be argued the state is indirectly lending its credit to the private corporation."

Consistent with our earlier opinions, we believe proposed amendments A and B, if adopted, would make LB 571 very difficult to defend against a constitutional challenge that LB 571 extends the credit of the state to a private party in contravention of Article XIII, section 3 of the Nebraska Constitution.

In our opinion, the Nebraska Supreme Court case of State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957) is controlling here. In that case, the court found that the building of industrial plants by the City of York, for subsequent leasing to private concerns, violated Article XIII, section 3 of the Constitution. In considering how the city's involvement extended the credit of the state to aid a private enterprise, the court noted:

> "It seems clear to us that the revenue bonds are issued by the city in its own name to give them a marketability and value which they would otherwise not possess. If their issuance by the city is an inducement to industry, some benefits must be conferred, or it would be no inducement at all. Such benefits, whatever form they may take, necessarily must be based on the credit of the city. The loan of its name by a city to bring about a benefit to a private project, even though general liability does not exist, is nothing short of a loan of its credit." (Emphasis added.) 164 Neb. at 227.

Applying this reasoning to the statutory changes proposed under amendments A and B, it seems clear to us that LB 571 could be construed as a direct inducement to private industry to enter into

agreements with the state for the construction of alcohol plants. The state's guarantee of lease payments, as set out at section 6, albeit limited to periods of 12 months, or from appropriation to appropriation, appears to us to constitute an extension of the state's credit under the reasoning of the York case.

We are certainly not unmindful of the Legislature's expressed interest in the promotion of gasohol production. However, it is one thing for the state, in a proprietary capacity, to become directly involved in gasohol production as a public business, potentially competing with private enterprise. It is quite another matter for the state to utilize public funds, as are generated under LB 571 by additional motor fuel taxes, to provide an incentive to particular types of private businesses working, for all practical purposes, as a partner with the state. As the court noted in Oxnard Sugar Beet Co. v. State, 73 Neb. 66, 68, 105 N.W. 716 (1905):

> ". . . The legislature cannot appropriate the public moneys of the state to encourage private enterprises. The manufacturing of sugar and chicory is a private enterprise, and the public money or credit cannot be given or loaned in aid of any individual, association or corporation carrying on such enterprises. . . ."

The production of gasohol and other alcohol products is also a private enterprise. While Article XIII of the Constitution provides certain limited guidelines for counties and cities to become involved in industrial development, such as set out at section 2 of Article XIII, these separate provisions are not at issue here. Rather, the proposed amendments A and B would allow the state to contract directly with private industries and would, in our opinion, depreciate the risk involved in private gasohol production at the expense of the state's credit.

In accordance with the judicial precedent we have cited above, we believe proposed amendments A and B would render LB 571 unconstitutional in light of the prohibitions of Article XIII, section 3 of the Nebraska Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Robert F. Bartle
Assistant Attorney General

RFB:sjr
Enc.
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 138 in the Journal. No objections. So ordered.

1. Strike the committee amendments and the Kahle amendment and on page 2, strike beginning with "fifteen" in line 10 through "States" in line 15 and insert "seventeen and one half per cent commencing July 1, 1979, and (2) fifteen per cent commencing July 1, 1980, and each year thereafter".

Mr. Goodrich asked unanimous consent to print the following amendments to LB 423 in the Journal. No objections. So ordered.

1. Strike the original sections and insert new sections as follows:

"Section 1. That at the general election in November, 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XI, of the Constitution of Nebraska, by adding a new section thereto which is hereby proposed by the Legislature:

"Sec. 6. Any city which has adopted or adopts a home rule charter in accordance with this article shall be autonomous, without limitation, self-governing, and independent of state legislation."

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 any city which has adopted or adopts a home rule charter in accordance with this article shall be autonomous, without limitation, self-governing, and independent of state legislation.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in full force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.".

2. In the title strike lines 2 to 7 and insert:

"FOR AN ACT for submission to the electors of an amendment to Article XI, of the Constitution of Nebraska, relating to municipal

corporations by adding thereto a new section 6; to provide that any city which has adopted or adopts a home rule charter in accordance with this article shall be autonomous, self-governing, and independent of state legislation; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 382. Placed on Select File as amended.
E & R amendments to LB 382:

1. Insert new section 13, added by the Simon amendment as section 2 in the Labedz amendments in lieu of section 2 stricken therefrom.

2. The provisions thereof being duplicated in the Labedz amendments, strike the Simon amendments found in Req. #2892.

3. In the Wesely amendment 1, line 1, insert a comma before "and"; and in line 2 strike "through" and insert "to".

4. In the Labedz amendments, page 1, line 21, insert "(1)" before "Any"; and on page 2 redesignate subdivisions "(1)" to "(3)" as "(a)" to "(c)".

5. In the Labedz amendments, page 2, line 17, strike the period and insert a semicolon; and in line 22 strike the period and insert "; and".

6. Insert the Murphy amendments into page 3 of the Labedz amendments after line 9; in line 1 thereof, strike the quotation marks; in line 3 strike "State" and strike "of Health"; and in line 8 insert ", disease, illness, or physical condition" after "malignancy".

7. In the Labedz amendments, page 4, line 4, strike "However, nothing" and insert "Nothing"; in line 12 insert a comma after "have"; in line 17 insert " of this act" after "provision"; and in line 26 strike the quotation mark.

8. In the Labedz amendments, page 5, line 3, strike the quotation mark.

9. Renumber sections 12 and 13, added by the Wesely amendments as sections 11 and 12; and strike the Wesely amendment 4.

10. In the Wesely amendments, strike "of Health" in line 10 and lines 12 and 13; in lines 18 to 25 redesignate subdivisions as "(1)" to "(5)"; in lines 19, 22, and 23, strike the period and insert a semicolon; and in line 24 strike the period and insert "; and".

11. In renumbered section 12, line 1, strike "in violation of" and insert "who violates any provision".

12. In the title, strike lines 2 to 6 and insert :
"FOR AN ACT relating to public health; to authorize and regulate the prescription and administration of laetrile as prescribed; and to provide a penalty.".

LEGISLATIVE BILL 357. Placed on Select File as amended.
E & R amendment to LB 357:
1. On page 3, line 6, strike "Board of Regents" and insert "board".

(Signed) Don Wesely, Chairman

EXPLANATION OF VOTE

Had I been present I would have voted yes on LB 427, 181, 212; no on LB 568.

(Signed) Rex Haberman

SELECT FILE

LEGISLATIVE BILL 344A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 75. E & R amendments found in the Journal on page 1732 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 355. E & R amendments found in the Journal on page 1732 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 355A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 579. E & R amendments found in the Journal on page 1733 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 590. E & R amendments found in the Journal on page 1733 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 152. E & R amendments found in the Journal on page 1648 for the Seventy-Second Day were adopted.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 1665.

Messrs. DeCamp, Beutler, and Johnson offered the following amendment:

Req. #2923

1. On page 2, reinstate lines 5 through 12; in line 11 strike the reinstated comma, show as stricken, and insert "or"; after line 12 insert "therefore;"; and reinstate lines 23 through 26.

2. On page 4, reinstate lines 19 through 23; in line 19 strike the reinstated "(10)" and insert "~~(10)~~ (3)"; in line 23 strike the reinstated "and", and show as stricken.

3. On page 5, line 4 strike "(1)" and insert "(4)"; in line 20 strike "(2)" and insert "(5)".

4. On page 6, line 2 strike "(3)" and insert "(6)"; in line 11 strike "(4)" and insert "(7)"; and in line 17 strike "(5)" and insert "(8)".

5. In the committee amendments on page 1, line 18 strike "other", show as stricken, and insert "unlawful".

6. In the committee amendments on page 2, line 3 after "from" insert "any unlawful"; in lines 3 and 4 strike "or bets" and insert "by:

(a) Engaging in bookmaking to the extent that he or she receives or accepts in any one day one or more bets totaling less than one thousand dollars;

(b) Receiving, in connection with any unlawful gambling scheme or enterprise, less than one thousand dollars of money played in the scheme or enterprise in any one day; or

(c) Betting"; in line 5, strike "but less than one thousand dollars"; and in line 13 after "in" insert "unlawful".

7. In the committee amendments, strike beginning with the last comma on page 5, line 26 through "scheme" on page 6, line 3.

8. In the committee amendments, on page 6, line 3 after the period insert "Not less than sixty-five per cent of the gross proceeds shall be used for the awarding of prizes and not more than twenty-five per cent of that amount remaining after the awarding of prizes shall be used to pay the expenses of operating such scheme.".

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. DeCamp offered the following amendment:

1. Insert a new section 5 as follows:

"Sec. 5. (1) A person commits the offense of gambling debt collection if he or she employs any force or intimidation or threatens force or intimidation in order to collect any debt which results from gambling as defined by this act.

(2) Gambling debt collection is a Class III felony.".

2. Renumber the remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. DeCamp requested a roll call vote to advance LB 152.

Voting in the affirmative, 19:

Beutler	DeCamp	Hasebroock	Marvel	Simon
Brennan	Duis	Keyes	Merz	Vickers
Carsten	Fowler	Koch	Reutzel	Wagner
Clark	George	Marsh	Schmit	

Voting in the negative, 16:

Cope	Johnson	Maresh	Sieck
Cullan	Kahle	Murphy	Stoney
Fitzgerald	Kelly	Pirsch	Warner
Hoagland	Labedz	Rumery	Wesely

Present and not voting, 6:

Burrows	Haberman	Newell
Goodrich	Kremer	Nichol

Excused and not voting, 8:

Chambers	Hefner	Lamb	Lewis
Dworak	Kennedy	Landis	Venditte

Failed to advance to E & R for Engrossment with 19 ayes, 16 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 390. E & R amendments found in the Journal on page 1648 for the Seventy-Second Day were adopted.

Mr. Johnson renewed his pending amendment found in the Journal on page 1720.

Mr. Simon offered the following amendment to the Johnson amendment:

Amend 12½% to 12%

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Simon withdrew his amendment.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

The Johnson amendment was adopted with 27 ayes, 6 nays, 7 present and not voting, and 9 excused and not voting.

Mr. Burrows offered the following amendment:

1. In the committee amendment on page 1, lines 11 through 14 strike the underscored matter.

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.

Mr. Burrows withdrew his amendment.

Mr. Burrows offered the following amendment:
To add the language "In no case shall the simple annual interest not exceed 12½%.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Burrows requested a record vote on his amendment.

Voting in the affirmative, 14:

Brennan	Johnson	Kremer	Newell	Warner
Burrows	Kelly	Landis	Nichol	Wesely
Fowler	Keyes	Merz	Sieck	

Voting in the negative, 21:

Beutler	Duis	Kahle	Murphy	Wagner
Carsten	George	Koch	Pirsch	
Clark	Goodrich	Labedz	Reutzel	
Cope	Hasebroock	Maresh	Rumery	
DeCamp	Hefner	Marsh	Vickers	

Present and not voting, 7:

Cullan	Hoagland	Schmit	Stoney
Fitzgerald	Marvel	Simon	

Excused and not voting, 7:

Chambers	Haberman	Lamb	Venditte
Dworak	Kennedy	Lewis	

The Burrows amendment lost with 14 ayes, 21 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Burrows moved to indefinitely postpone LB 390.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

1. In the committee amendments on page 3, line 3 after the period, insert "Any person appointed as a hearing officer shall be an attorney admitted to practice in Nebraska and shall be knowledgeable in the rules of civil procedure and evidence applicable to the district courts."

VISITORS

Visitors to the Chamber were Rep. John Sullivan, member of the Kansas House of Representatives; Miss Mariel Jones from Lincoln; 26 eighth grade students and teacher from East Catholic Elementary School, St. Helena; 21 fifth, sixth, and seventh grade students and teacher from Riverton; 32 fifth, sixth, seventh, and eighth grade students and teachers from District #83, Genoa and Monroe Schools; and 15 sixth, seventh, and eighth grade students and teacher from District #82, Cuming County.

ADJOURNMENT

At 5:21 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Wednesday, May 2, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SEVENTH DAY - MAY 2, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 2, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> God our Father, hear our words as we come to You in prayer, not because of what we say, but because of the great need - often unrecognized - that prompts us to call upon Your name. Give us wisdom to see that no good life comes without right discipline, and give us the courage to impose it upon ourselves, lest others do it for us.
>
> Help us to think clearly and to act decisively, that here in this place people all over the world may see democracy at its best and us at our best for democracy, as You continue to work in us and through us for the good of all. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan and Dworak who were excused; and Messrs. Chambers, Haberman, Hoagland, Johnson, Koch, Landis, Lewis, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 179, 181, 212, 273, 381, 416, 421, 427, and 568.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 179, 181, 212, 273, 381, 416, 421, 427, and 568.

GENERAL FILE

LEGISLATIVE BILL 489. Title read. Considered.

Standing Committee amendments found in the Journal on page 697 for the Thirty-Eighth Day were laid over temporarily.

Mr. Newell offered the following amendment:

1. Insert the following new section:

"Section 1. That section 48-221, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-221. (1) It shall be unlawful for any employer, as defined in section 48-220, to require any applicant for employment, to pay the cost of a medical examination required by the employer as a condition of employment, except as provided in subsection (2) of this section. When the employer requests an applicant for a position to submit to a medical examination, the employer shall assume the cost thereof, except as provided in subsection (2) of this section.

(2) If an applicant is hired by an employer and voluntarily quits within thirty days of the time he or she begins work, the employer may deduct the cost of any required medical examination from the employee's final paycheck.".

2. On page 10, line 20 strike "section" and insert "sections 48-221 and".

3. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Standing Committee amendments were considered.

Mr. Landis offered the following amendment to the Standing Committee amendments:

Strike language of committee amendments and insert the following:
1. On page 4, line 11, add the following:
"except that (i) when an individual leaves work in order to accept better employment, or (ii)when one spouse leaves work to accompany the other spouse to a new place of employment, it shall be considered that such leaving was with good cause; provided that if an individual has left work under (i) or (ii) above, through no fault of the employer, benefits for which such individual may be eligible, which would otherwise be chargeable to the employer's account, shall not be chargeable to the employer's account, but shall be chargeable to the unemployment compensation insurance fund;"
2. Strike all new language in the bill.

The amendment lost with 10 ayes, 16 nays, 16 present and not voting, and 7 excused and not voting.

Standing Committee amendments lost with 9 ayes, 16 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Hefner moved to indefinitely postpone LB 489.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?"

Mr. Hefner moved for a Call of the House. The motion prevailed with 17 ayes, 7 nays, and 25 not voting.

Mr. Hefner requested a roll call vote to close debate.

Voting in the affirmative, 20:

Carsten	Clark	Cope	Duis	George
Hasebroock	Hefner	Kahle	Kelly	Kennedy
Kremer	Lamb	Maresh	Murphy	Nichol
Sieck	Simon	Stoney	Vickers	Wagner

Voting in the negative, 15:

Beutler	Brennan	Burrows	Fitzgerald	Fowler
Goodrich	Johnson	Keyes	Labedz	Landis
Marsh	Newell	Pirsch	Rumery	Wesely

Present and not voting, 7:

DeCamp	Haberman	Marvel	Merz	Reutzel
Schmit	Warner			

Excused and not voting, 7:

Chambers	Cullan	Dworak	Hoagland	Koch
Lewis	Venditte			

The motion to close debate lost with 20 ayes, 15 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

The Hefner motion to indefinitely postpone LB 489 prevailed with 26 ayes, 11 nays, 5 present and not voting, and 7 excused and not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 101
May 1, 1979

Dear Senator Chambers:

You have asked that we review the provisions of LB 319. Since your questions specifically concern the provisions of this bill relating to the allocation of an inmate's wages; we will confine our remarks on LB 319 to this section.

This bill provides, in part, that the wages of an inmate employed in some capacity at the Penal Complex or in a work release program shall be distributed pursuant to section 7 of this act.

Section 7 provides for a system of dividing an inmate's income (after payroll deductions and payment of necessary work related incidental expenses) for the following purposes (in this order):

(1) 10% retained by inmate;
(2) 50% for support of legal dependents, if any:
(3) 25% to 75% to the state as restitution for the amount of compensation awarded a victim of a crime for which the inmate is sentenced (until paid in full);

(4) costs of confinement;
(5) 10% to inmate release fund;
(6) remainder to pay any judgment for costs, fines or other lawful claims.

The allocation of prisoner funds to the prisoner or his legal dependants does not on its face raise constitutional issues. However, the system of allocating an inmate's funds to the state as restitution is, we believe, objectionable for several reasons.

First, it may be considered an enhancement of a criminal penalty, without notice, in excess of the penalty authorized by law and previously imposed by the court.

Second, it is a violation of the equal protection clause of both the United States and Nebraska Constitutions because only those individuals who are imprisoned are required to make payments to the state. The United States Supreme Court in Rinaldi v. Yeager, 484 U.S. 305, 86 S.Ct. 1497, 16 L.Ed.2d 577 (1966), held that a New Jersey statute which imposed a duty only on imprisoned indigents to reimburse the county for the cost of a transcript in case of an unsuccessful appeal out of any institutional wages and did not impose the same financial burden on persons who received a suspended sentence, were placed on probation or who were sentenced only to pay a fine, constituted a discriminatory classification violative of the equal protection clause. Since individuals who receive a suspended sentence, probation or only a fine are not required to pay restitution to the state under LB 319, allocations to this fund are violative of the equal protection clause based on the rationale of Rindali, supra.

Finally, due process issues are also raised by the requirement to pay restitution since under the present procedure inmates do not receive notice of the hearing before the Crime Victim's Reparation Board. It is this board which actually determines whether money would be deducted from an inmate's wage fund since no restitution is required unless the victim of a crime for which he is sentenced has previously received money from the board.

We will not discuss your questions concerning victimless crimes or the equal protection issues raised by the fact that an inmate may or may not have dependents because under the present system the allocation of money from any inmate should be stricken.

With regard to your questions concerning charges made against an inmate's wage fund for costs of confinement, in our opinion there is nothing constitutionally wrong with the state requiring inmates to contribute toward the expenses of their incarceration. As the court stated in Rindali, supra, at 309, 86 S.Ct. at 1500: "We may assume that a legislature could validly provide for replenishing a county treasury from the pockets of those who have directly benefited from county expenditures." However, in so doing the Legislature may not choose indiscriminately to seek reimbursement from some and not from others. The distinctions which are drawn must have some relevance to the purpose for which the classifications are made.

Here the Legislature has elected not to make those distinctions itself but to allow the Director to choose who shall pay and who shall not pay. Under paragraph (4) "[T]he director may authorize the chief executive officer to reimburse the state from a person's wage fund. . ."(Emphasis added.) This discretionary power without more stringent guidelines is, we think, impermissible.

It should be pointed out that rules could be adopted by the Director, as is required by section 7, which might conceivably cure these constitutional defects. However, this result is not required by the language of LB 319. The Director could just as easily adopt rules which would create constitutionally improper classifications.

Determination of costs of confinement is not such a problem. The term "costs of confinement", while it may be interpreted broadly, is subject to limitation. Assuming rules are adopted as specified in section 7, criteria would be provided for determining costs of confinement.

Under the Administrative Procedures Act, an inmate could challenge an unrealistic determination of costs or any determination made by the Director under a rule implemented pursuant to this act.

Finally, you question the provision of this bill concerning deductions for "judgments for costs, fines or other lawful claims." As presently written, a deduction may be made from an inmate's wage fund for all judgments for costs, fines and claims. We would question on due process grounds any judgment for costs, fine or claim not the result of a procedure which would comply with basic due process requirements. Admittedly, judgments are generally the product of a judicial determination but this is not always so with fines or lawful claims (a claim may be lawful and not the product of a procedure complying with due process) which could be made from an inmate's fund. Unless this provision is further clarified by amendment, it too should fall on due process grounds.

In conclusion, paragraph number (3), is clearly, in our opinion, unconstitutional as written. Purposes number (4) and (6) are so loosely written as to permit unconstitutional application. While it is true that these potential defects could be cured by rule and regulation, without more stringent legislative guidelines requiring compliance with constitutional provisions as discussed herein we feel that numbers (4) and (6) must be identified as having grave constitutional deficiencies.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Linda A. Akers
Assistant Attorney General

LAA:pjs
cc: Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Opinion No. 102
May 1, 1979

Dear Senator DeCamp:

In your letter of April 30th you take note of a newspaper article which reports that sales assessment ratios compiled by the Tax Commissioner show that real estate throughout the state was assessed at only about half the 35% of actual values specified by law. You ask a number of questions about the implications of this.

You ask whether this raises constitutional problems about the distribution of the Personal Property Tax Relief Fund. Your analysis is that the low assessment of real estate resulted in a higher mill levy. This, in turn, resulted in an apparently greater loss of personal property tax than actually occurred, since, had real estate been assessed properly, the lower mill levy applied against exempt personal property would have shown a smaller loss of revenue. You ask whether this is a denial of due process to "certain citizens" because of the supposed over-reimbursement.

We are unable to see any constitutional problems in this respect. First, even if we were to assume the basic premise, we do not see what citizens could claim denial of due process. The determination to pay money to the political subdivisions, and the amount of that payment, are legislative ones, and we don't see how any citizen could shown that he had been especially damaged to the extent that he was denied due process.

Further than that, of course, is the fact that your question rests on two basic assumptions which have not been judicially determined. First, it assumes that the sales assessment ratios referred to in the newspaper article reflect the ratio between actual values and assessed values. Our court has repeatedly pointed out the inadequacies and inaccuracies of sales assessment ratios. In County of Kearney v. State Board of Equalization and Assessment, 183 Neb. 329, 160 N.W.2d 179 (1968), the court discussed a number of factors which cast doubt on the validity of such ratios, and sustained the board in refusing to use them. In Carpenter v. State Board of Equalization and Assessment, 178 Neb. 611, 134 N.W.2d 272 (1965), the court discussed at length the inaccuracies of sales assessment ratios, and said that the ratios compiled in that case were nothing more than the application of a statistical method to a mass of raw, unchecked, and uncertain information. See also Hanna v. State Board of Equalization and Assessment, 181 Neb. 725, 150 N.W.2d 878 (1967), and County of Sioux v. State Board of Equalization and Assessment, 185 Neb. 741, 178 N.W.2d 754 (1970).

Furthermore, your question assumes that personal property has been assessed at 35% of actual value, although real estate has not been. While this may or may not be true, it has not been judicially established, and the presumption is that real estate and personal property have been equalized. It is the duty of the County Board of Equalization to equalize assessments

in the county. If no appeal is taken from the action of the board, the court would probably say the presumption is conclusive, unless action was taken by the State Board. If no appeal is taken from either board, we suspect no one is in a position to claim there has not been equalization.

You also ask whether personal property taxpayers would have a claim against the state or county because they paid on a higher assessed value than real estate taxpayers did. While this may not be a proper question to answer for you, since it does not involve pending or proposed legislation, the answer is very simple. Such taxpayers had a right to appeal from the action of the County Board of Equalization, and also from the action of the State Board of Equalization and Assessment. Having failed to do so, their rights, if any, are lost.

You ask whether the Legislature has an obligation or duty "to provide any funding for this reimbursement since they apparently are involved to some degree in causing this problem?" We are not sure what you mean. If you are asking whether the Legislature should furnish money to the counties to reimburse personal property taxpayers who must be repaid, our answer to the previous question eliminates that problem. If you are asking whether the Legislature should provide reimbursement to the counties by way of the Personal Property Tax Relief Fund, that, of course, is a legislative question, and not a legal one.

Your last question is whether it would be proper to hold up any payments or reimbursements on personal property until such time as these questions are resolved. If you are asking whether it would be proper for the Tax Commissioner or the State Treasurer to fail to follow the mandate of section 77-202.42, R.S.Supp. 1978, which provides for distribution of the Personal Property Tax Relief Fund, obviously it would not be proper. They must follow the law until the law is changed or a court rules otherwise.

If you are asking whether it would be proper for the Legislature to take some action in this regard, by amendment of the statutes or by failing to appropriate the money, again, we cannot answer that question, which is purely a legislative one.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG/cmb
cc: Patrick J. O'Donnell
Clerk of the Legislature

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 228A. By Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 228, Eighty-sixth Legislature, First Session, 1979.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

1. On page 2, line 1 strike "The" and insert "Before entering into other agreements to achieve the purposes of this section, the Board of Regents of the University of Nebraska shall first attempt to enter into an agreement with the Board of Regents of Iowa State University to carry out such purposes. If no such agreement is achieved, the".

GENERAL FILE

LEGISLATIVE BILL 11. Title read. Considered.

Standing Committee amendments found in the Journal on page 739 for the Thirty-Ninth Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Reutzel offered the following amendment:
Add new section 5 on line 12 p. 5 to read this act shall expire on Dec. 31, 1983, unless reenacted by the Legislature.
Renumber sections accordingly.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Kahle moved to indefinitely postpone LB 11.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to indefinitely postpone lost with 12 ayes, 23 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Stoney offered the following amendment:

Amend the committee amendment to LB 11 on page 5, line 6 in the new language strike "fifty" and insert twenty-five.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?"The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Stoney amendment was adopted with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Reutzel requested a roll call vote to advance LB 11.

Voting in the affirmative, 28:

Brennan	Burrows	Carsten	Chambers	DeCamp
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Hoagland	Johnson	Keyes	Labedz
Landis	Marsh	Marvel	Merz	Newell
Pirsch	Reutzel	Rumery	Schmit	Simon
Stoney	Warner	Wesely		

Voting in the negative, 13:

Clark	Cope	Duis	Haberman	Kahle
Kelly	Kremer	Lamb	Maresh	Nichol
Sieck	Vickers	Wagner		

Present and not voting, 2:

Kennedy	Murphy

Excused and not voting, 6:

Beutler	Cullan	Dworak	Koch	Lewis
Venditte				

Advanced to E & R for Review with 28 ayes, 13 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Kelly asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 589. Replaced on Select File as amended.
E & R amendments to LB 589:

1. On page 54, line 26 as amended, strike "814,604" and insert "830,566".

2. On page 69, line 18, strike "and"; and in line 22 strike the period and insert "; and".

3. In the amendment to page 44, after line 18, remove paragraphing and strike the second colon.

Correctly Engrossed

The following bills were correctly engrossed: 193, 365, 398, and 443.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

1. Strike Section 13 in its entirety and strike Section 4 in its entirety.
2. Page 2, Line 12 strike "car" and insert "motor vehicle".
3. Page 2, Line 15 strike both references to "car" and insert in both instances "motor vehicle".
4. Page 2, Line 16 strike "car" and insert "motor vehicle".
5. Page 2, Line 18 strike "car's" and insert "motor vehicles".
6. Page 2, Line 19 strike "car" and insert "motor vehicle".
7. Page 2, Line 21 strike "car" and insert "motor vehicle".
8. Page 2, Line 22 strike "car" and insert "motor vehicle".
9. Page 3, Line 1 strike "cars" and insert "a motor vehicle"; Lines 2 and 3 strike "are" and insert "is".
10. Page 3, Line 12 after "any" insert "reasonably foreseeable"; Line 16 after "any" insert "reasonably foreseeable"; and Line 20 after "any" insert "reasonably foreseeable".
11. Page 4, Line 14 after "take" strike "all".
12. Page 4, Line 25 after "accept" insert "therefor".

Mr. Schmit asked unanimous consent to print the following amendment to LB 11 in the Journal. No objections. So ordered.

1. Insert a new section as follows:

"Sec. 2. That section 37-213, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 435, Eighty-sixth Legislature, First Session, 1979, 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 commission. 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. During the firearms deer season, wild animals other than deer may be hunted only with a shotgun or .22 rimfire rifle or handgun, except that this provision shall not apply to any authorized person hunting on a commercial game farm which has a valid permit issued by the Game and Parks Commission or to a bona fide farmer or rancher who owns, leases, or resides upon farm or ranch land, or a member of the immediate family of such farmer or rancher, while hunting on such farm or ranch land. Any violation of the provisions of this section shall constitute a Class II misdeameanor 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.".

2. On page 5, line 10 strike "4" and insert "5"; in line 13 strike "and"; and in line 14 after the third comma insert "and section 37-213, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 435, Eighty-sixth Legislature, First Session, 1979,".

3. Renumber original sections 2 to 6 as sections 3 to 7.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 2, 1979, at 10:55 a.m., were the following bills: 421, 427, 416, 181, 212, 568, 381, 273, and 179.

(Signed) Janet M. Loder, Enrolling Clerk

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 390. Mr. Burrows withdrew his pending motion found in the Journal on page 1795 to indefinitely postpone.

Mr. Duis offered the following amendment:
Amend the committee amendment as follows:
In line 11, strike the word "Any", and all of lines 12, 13, 14.

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.

Mr. Cope asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 138. E & R amendment found in the Journal on page 1649 for the Seventy-Second Day was adopted.

Mr. Hoagland renewed his pending amendment found in the Journal on page 1789.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hoagland amendment lost with 9 ayes, 19 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Warner requested a machine vote to advance LB 138.

Advanced to E & R for Engrossment with 25 ayes, 11 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 138A. Mr. Warner offered the following amendment:
On page 2, after line 7, add a new section to read as follows:
"Section 2. There is hereby appropriated six million five hundred twenty seven thousand one hundred seventy-five dollars from the General Fund for the period July 1, 1980 to June 30, 1981 to the Department of Public Welfare, for Program 347, to aid in carrying out the provisions of Legislative Bill 138, Eighty-Sixth Legislature, First Session, 1979."

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 with 25 ayes, 11 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 99. Mr. Murphy renewed his pending amendment found in the Journal on page 1649.

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Reutzel offered the following amendment:

(All references are to the committee amendments.)

1. On page 2, lines 14-15, strike the new matter and reinsert "The".

2. On page 2, line 22, strike "retirement, nor shall" and insert "retirement. Except as provided in Article XV, section 19,".

3. On page 2, line 24, after "Legislature," insert "shall not".

4. On page 2, line 25, insert a semicolon after "office", strike "except", and insert "Provided".

5. On page 2, line 26, to page 3, line 1, strike "the Legislature or officers elected or appointed to a court, board," and insert "a board".

6. On page 3, lines 3-4, strike "the Legislature or of such court, board," and insert "such board".

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 with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARING
Rules

Tuesday, May 8, 1979 12:00 p.m.
All pending rule changes.

(Signed) Steve Fowler, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 73.

Introduced by Maresh, 32nd District; DeCamp, 40th District.

WHEREAS, cemetery associations are required by law to establish and maintain perpetual care trust funds to insure the upkeep and maintenance of cemeteries; and

WHEREAS, cemetery perpetual care trust funds and perpetual special care trust funds are deemed to be for charitable and benevolent uses in that they provide for the benefit and protection of the public; and

WHEREAS, receipt of contributions to perpetual care and perpetual special care trust funds constitutes an obligation by the association to provide for maintenance; and

WHEREAS, current restrictions on the manner in which perpetual care and perpetual special care trust funds can be invested appear to be inadequate in that they could allow trust money to be lost by investment or overinvestment in certain classes of securities and investments; and

WHEREAS, any investment which allows for loss of trust money appears to run contrary to the purpose for establishing perpetual care and perpetual special care trust funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee shall conduct an interim study on the following:

(1) Analyze and study the current laws that deal with investment of perpetual care and perpetual special care trust funds;

(2) Collect and study information on current investment practices relating to perpetual care and perpetual special care trust funds; and

(3) Determine if there is a need to revise the laws relating to the investment of perpetual care and perpetual special care trust funds.

2. That the committee make a report of its findings, together with any recommendations for proposed legislation, to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 30 senior high students and teacher from Walthill School; 21 senior high students and teacher from Waterloo; 12 junior and senior high students and teacher from Wilcox; 36 senior high students and teacher from Plattsmouth; and 10 seniors and teacher from Bruning.

RECESS

At 11:51 a.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan and Dworak who were excused; and Messrs. Venditte and Vickers who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 594. E & R amendments found in the Journal on page 1708 for the Seventy-Fourth Day were adopted.

Mr. Warner moved the adoption of the Appropriations Committee amendments found in the Journal on page 1695.

The amendments were adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Mr. Wesely offered the following amendment:
Strike the Nichol Amendment to LB 594.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

The Wesely amendment lost with 8 ayes, 20 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 1497.

Mr. Koch moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler	Brennan	DeCamp	Fitzgerald	Fowler
Goodrich	Hoagland	Johnson	Keyes	Koch
Labedz	Landis	Lewis	Murphy	Nichol
Pirsch	Reutzel	Schmit	Sieck	Wesely

Voting in the negative, 20:

Burrows	Carsten	Clark	Cope	Duis
Hasebroock	Hefner	Kahle	Kennedy	Kremer
Lamb	Maresh	Marsh	Marvel	Merz
Newell	Rumery	Stoney	Vickers	Warner

Present and not voting, 6:

Chambers	George	Haberman	Kelly	Simon
Wagner				

Excused and not voting, 3:

Cullan	Dworak	Venditte

The Koch amendment lost with 20 ayes, 20 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Haberman offered the following amendment:
page 16 Sec 36 Program 906
page 16 Sec 37 Program 924
page 17 Sec 40 Program 902
delete all of the above

MR. CLARK PRESIDING

Mr. Lewis offered the following amendment to the Haberman amendment:
Strike sections 27, 35, and insert the following:

"Sec. _____ Program 999. The Board of Regents of the University of Nebraska is hereby authorized to install a chiller at the Lincoln east campus with a total project cost not to exceed $1,645,000. There is hereby appropriated $1,100,000 from the State Building Fund for the fiscal year ending June 30, 1980, to initiate the installation. There is hereby appropriated $455,000 from the State Building Fund for the fiscal year ending June 30, 1981, to complete the installation of the chiller."

SPEAKER MARVEL PRESIDING

The Lewis amendment was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Clark requested to divide and vote separately on the six parts of the Haberman amendment, as amended by Lewis.

The amendment to strike section 27 was considered.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The amendment to strike section 27 lost with 16 ayes, 21 nays, 9 present and not voting, and 3 excused and not voting.

The amendment to strike section 35 lost with 16 ayes, 23 nays, 7 present and not voting, and 3 excused and not voting.

The amendment to add Program 999 (Chiller) was considered.

Mr. Lewis moved for a Call of the House. The motion lost with 21 ayes, 21 nays, and 7 not voting.

Mr. Lewis requested a roll call vote on the amendment.

Voting in the affirmative, 25:

Beutler	Brennan	DeCamp	Fitzgerald	Fowler
George	Goodrich	Haberman	Hefner	Hoagland
Johnson	Kahle	Koch	Kremer	Lamb
Lewis	Maresh	Marsh	Marvel	Merz
Rumery	Schmit	Sieck	Wagner	Wesely

Voting in the negative, 19:

Burrows	Carsten	Clark	Cope	Duis
Hasebroock	Kelly	Kennedy	Keyes	Labedz
Landis	Murphy	Newell	Nichol	Pirsch
Reutzel	Simon	Stoney	Warner	

Present and not voting, 2:

Chambers Vickers

Excused and not voting, 3:

Cullan Dworak Venditte

The amendment to add Program 999 (Chiller) was adopted with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

The amendment to delete section 36, Program 906 lost with 10 ayes, 28 nays, 8 present and not voting, and 3 excused and not voting.

The amendment to delete section 37, Program 924 was considered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 18 ayes, 13 nays, and 18 not voting.

Mr. Haberman requested a roll call vote on the amendment to delete section 37.

Voting in the affirmative, 20:

Clark	Duis	George	Goodrich	Haberman
Hefner	Kelly	Kennedy	Keyes	Kremer
Lamb	Maresh	Marvel	Merz	Murphy
Pirsch	Simon	Stoney	Vickers	Wagner

Voting in the negative, 23:

Beutler	Brennan	Burrows	Carsten	Chambers
Cope	Fitzgerald	Fowler	Hasebroock	Hoagland
Johnson	Kahle	Koch	Labedz	Landis
Lewis	Marsh	Newell	Rumery	Schmit
Sieck	Warner	Wesely		

Present and not voting, 3:

DeCamp	Nichol	Reutzel

Excused and not voting, 3:

Cullan	Dworak	Venditte

The amendment to strike section 37 lost with 20 ayes, 23 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

The amendment to delete section 40, Program 902 lost with 16 ayes, 26 nays, 4 present and not voting, and 3 excused and not voting.

The Haberman amendment, as amended by Mr. Lewis, lost with 13 ayes, 23 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Keyes offered the following amendment:
1. On page 4, line 26 strike "$176,350" and insert "$201,350".
2. On page 5 after line 16 insert
"Improvements - Hard surface Parking-Gretna Fish Hatchery 35,000".

Mr. Keyes requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Brennan	Burrows	Chambers	DeCamp	Fitzgerald
Fowler	Goodrich	Johnson	Kahle	Keyes
Koch	Kremer	Lewis	Maresh	Merz
Nichol	Reutzel	Schmit	Sieck	Wagner
Wesely				

Voting in the negative, 18:

Beutler	Carsten	Clark	Cope	Duis
Hasebroock	Hoagland	Kennedy	Labedz	Lamb
Marsh	Newell	Pirsch	Rumery	Simon
Stoney	Vickers	Warner		

Present and not voting, 7:

George	Haberman	Hefner	Kelly	Landis
Marvel	Murphy			

Excused and not voting, 3:

Cullan	Dworak	Venditte

The Keyes amendment lost with 21 ayes, 18 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Schmit offered the following amendment:
Strike original section 37 and insert the following:
"Sec. 36. Program 924. The Board of Regents of the University of Nebraska is hereby authorized to develop preliminary plans to renovate and restore the Temple Building as a theatre facility at the University of Nebraska-Lincoln with a total project cost not to exceed $2,800,000. The $100,000 of planning funds previously appropriated shall be used for developing these plans.".

The amendment lost with 12 ayes, 15 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Kelly asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch requested a record vote to advance LB 594.

Voting in the affirmative, 26:

Beutler	Brennan	Burrows	Carsten	Cope
DeCamp	Fowler	Goodrich	Hasebroock	Hoagland
Johnson	Kahle	Keyes	Koch	Labedz
Landis	Lewis	Maresh	Marsh	Marvel
Murphy	Nichol	Rumery	Sieck	Warner
Wesely				

Voting in the negative, 11:

Clark	Duis	Hefner	Kennedy	Lamb
Merz	Pirsch	Simon	Stoney	Vickers
Wagner				

Present and not voting, 8:

Chambers	Fitzgerald	George	Haberman	Kremer
Newell	Reutzel	Schmit		

Excused and not voting, 4:

Cullan	Dworak	Kelly	Venditte

Advanced to E & R for Engrossment with 26 ayes, 11 nays, 8 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 74.

Introduced by Newell, 13th District.

WHEREAS, alcohol abuse among Nebraska's youth is a serious problem confronting the people of the State of Nebraska; and

WHEREAS, the availability and abuse of alcohol by young people is of great concern presently and in the future to the State of Nebraska; and

WHEREAS, drinking habits developed during youth carry on through later life; and

WHEREAS, alcohol education programs, where they exist, are of limited scope; and

WHEREAS, studies indicate that simply raising the drinking age may actually increase alcohol consumption and potential for abuse among the young; and

WHEREAS, alcohol abuse is a complex problem which does not lend itself to quick and simple solutions; and

WHEREAS, the State of Nebraska should employ reasonable and effective means to curb the growing problem of alcohol abuse among Nebraska's youth; and

WHEREAS, any solution to alcohol abuse problems among Nebraska's youth should not be a capricious one which deprives a certain group of Nebraska citizens of their rights and privileges.

THEREFORE, be it resolved by the Eighty Sixth Legislature, First Session

1. That the Legislature's Miscellaneous Subjects Committee conduct an interim study of the problem of alcohol abuse among the young people of Nebraska. This study shall examine the effect adjustment of existing penalties would have on the teenage alcohol problem.The Committee shall also investigate the possibility of improving alcohol education programs for Nebraska's youth.

2. That the Miscellaneous Subjects Committee, at the conclusion of it's interim study, prepare such legislation as it deems necessary and appropriate for introduction in it's next regular session of the Nebraska Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORT
Committee on Committees

May 2, 1979

The Committee on Committees desires to report favorably upon the following reappointment. The Committee suggests this reappointment be confirmed by the Legislative Body and suggests a record vote.

Marian Andersen - Nebraska Arts Council

VOTE: For: Marsh, Simon, Burrows, Cope, Hasebroock, Labedz, Nichol, Reutzel, Schmit, Wesely. (10) Against: None. Not Voting: None. Excused: Cullan, Lewis. (2) Absent: Newell. (1)

(Signed) Shirley Marsh, Chairperson

MESSAGE FROM THE GOVERNOR

May 2, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 394 and Reengrossed Legislative Bills 65 and 560.

These bills were signed by me on April 1, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

EXPLANATION OF VOTE

Because of a potential conflict of interest due to my employment, I shall not vote either aye or nay on the Wesely amendment to L.B. 594.

(Signed) Dave Newell

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

April 30, 1979

Senator John W. DeCamp
State Capitol
Lincoln, Nebraska

Dear Senator DeCamp,

You have introduced an amendment to LB 42 that establishes a ton mile tax on all freight transported in Nebraska by rail. This amendment will increase funds available for distribution under the Nebraska Grade Crossing Protection Fund, and allows the Fund to be used for construction of overpasses and underpasses.

The railroads acknowledge the existence of the problems caused by the intersection of rail lines and highways, and that this problem is likely to increase. Moreover, the railroads recognize an obligation to participate in developing solutions to this problem. Your amendment to LB 42, however, results in a tax that will ultimately increase the rates charged to our Nebraska customers, and more acceptable methods may exist.

We urge you to consider more public involvement by means of an interim study designed to investigate alternative means of addressing the problem. Of course, the railroads will fully cooperate in any such study.

In this regard, you have asked whether the railroads would oppose a repeal of LB 103, recently passed by the Nebraska Legislature. You will recall that the railroad's position on LB 103 was one of neutrality. We, therefore, would not oppose a repeal of LB 103 just as we did not support LB 103 in the first instance.

Nebraska Railroad Association
(Signed) Philip T. Kenny
Executive Director

Mr. Haberman asked unanimous consent to print the following amendment to LB 42 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's office - Req. No. 2929)

SELECT FILE

LEGISLATIVE BILL 80. E & R amendments found in the Journal on page 1685 for the Seventy-Third Day were adopted.

Mr. Duis offered the following amendment:
1. Strike the second Marsh amendment adopted on page 1346 of the Journal.
2. Renumber remaining sections accordingly.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Duis amendment was adopted with 27 ayes, 6 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Kremer asked unanimous consent to be excused. No objections. So ordered.

Mr. Murphy offered the following amendment:

48-1118. (1) Whenever it is charged in writing under oath by or on behalf of a person claiming to be aggrieved, and such charge sets forth the facts upon which it is based, that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the commission shall furnish such employer, employment agency, or labor organization with a copy of such charge within ten days, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, and shall make an investigation of such charge, but such charge shall not be made public by the commission. If the commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the commission, who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a Class III misdemeanor.

(2) A written charge of violation of sections 48-1101 to 48-1125 shall be filed within one hundred eighty days after the occurrence of the alleged unlawful employment practice and notice of the charge, including a statement of the date, place and circumstances of the alleged unlawful employment practice, shall be served upon the person against whom such charge is made within ten days ~~thereafter.~~ after the date of the alleged incident.

(3) In connection with any investigation of a charge filed under this section, the commission or its authorized agents shall have at all reasonable times access to, for the purposes of examination, and the right to copy, any evidence or records of any person being investigated or proceeded against that relates to unlawful employment practices covered by sections 48-1101 to 48-1125 and is relevant to the charge under investigation.

(4) When notice is received by employer and a response or reply is required within a specific number of days after the commission receives such a reply or response, it shall have the same number of days to act or make a determination or charges shall be dismissed or dropped.

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. Murphy moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Murphy requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Burrows	Carsten	Clark	Cope	Fitzgerald
George	Goodrich	Haberman	Hefner	Kahle
Kelly	Kennedy	Lamb	Maresh	Murphy
Nichol	Rumery	Schmit	Sieck	Vickers
Wagner				

Voting in the negative, 14:

Beutler	Brennan	Chambers	DeCamp	Fowler
Hoagland	Johnson	Landis	Marsh	Newell
Pirsch	Simon	Warner	Wesely	

Present and not voting, 10:

Duis	Hasebroock	Keyes	Koch	Labedz
Lewis	Marvel	Merz	Reutzel	Stoney

Excused and not voting, 4:

Cullan	Dworak	Kremer	Venditte

The Murphy amendment lost with 21 ayes, 14 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 31 ayes, 8 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 152. Mr. Chambers withdrew his pending amendment found in the Journal on page 1634.

Mr. Fitzgerald offered the following amendment:

1. In the committee amendments on page 6, line 14 after the period insert "Each nonprofit organization conducting a lottery shall have its name clearly printed on each lottery ticket used in such lottery. No such ticket shall be sold unless such name is so printed thereon.".

2. On page 11, line 7, after "501," insert "or".

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Hoagland offered the following amendment:

Amend the Committee amendments

On page 1, line 22 strike "I Misdemeanor" and insert "IV Felony".

(This would reinsert the language found in the original Committee amendments.)

Mr. Carsten 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 Hoagland amendment lost with 14 ayes, 22 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 378 in the Journal. No objections. So ordered.

Req. No. 2937

1. Strike all amendments to such bill and insert the following:

"Section 1. As used in sections 1 to 8 of this act, unless the context otherwise requires:

(1) Sexual offense shall mean:

(a) Any of the felonies set forth in section 28-319, 28-320, or 28-805; or

(b) The commission of any felony as defined by law in which the sexual excitement of the person committing the crime is a substantial motivational factor;

(2) Mentally disordered sex offender shall mean any person who has been convicted of a sexual offense and who has been determined, by the procedures set forth in this act, to have a mental disorder which causes him or her to commit repetitive sexual crimes likely to cause substantial injury to the health of others; and

(3) Treatment shall mean the application of scientifically accepted principles with the object of improving the defendant's mental disorder and decreasing the likelihood of his or her commission of repetitive sexual crimes.

Sec. 2. After a person is convicted of a sexual offense, the court, prior to sentencing, shall order a presentence investigation which shall include an evaluation to determine whether the defendant is a mentally disordered sex offender. The entire proceeding to determine whether the defendant is a mentally disordered sex offender and treatable shall be deemed a critical stage of a criminal prosecution at which the

defendant shall be accorded all the rights a criminal defendant has in sentencing proceedings. The defendant may appeal the findings and sentence made pursuant to sections 1 to 8 of this act. On appeal the presentence investigation shall be made a part of the appeal record.

Sec. 3. To conduct the evaluation the court shall appoint a panel of two physicians, licensed to practice medicine and surgery who have had at least three years special training in the treatment of mental disorders or one such physician and one clinical psychologist who has had at least three years special training in treatment of mental disorders, to conduct individual psychiatric examinations of the defendant. The panel shall file with the court a written report, as to whether in their opinion the defendant is a mentally disordered sex offender, at least ten days prior to the date set for the sentencing of the defendant. Copies of the report shall be furnished to all counsel. If the defendant, or counsel for the defendant, disagrees with the report of the court appointed panel, he or she may file a motion with the court requesting an additional evaluation by two other physicians, or one other physician and one other psychologist, of the defendant's choice, qualified as described in this section. Such additional evaluation shall be reduced to writing and filed with the court at least ten days prior to the date set for the sentencing of the defendant. Copies of the report shall be furnished to all counsel.

Sec. 4. If the court determines, based on all the evidence, that the defendant is not a mentally disordered sex offender, is a mentally disordered sex offender whose disorder is not treatable, or that treatment is not available in this state, the court shall sentence the defendant as provided by law for the offense of which he or she has been convicted.

Sec. 5. If the court determines that: (1) The defendant is a mentally disordered sex offender; (2) the mental disorder is treatable; and (3) such treatment is available in this state, the court shall, after first sentencing the defendant as provided by law for the offense of which he or she has been convicted, return the defendant for treatment to one of the regional centers until such time as the court determines that the defendant is no longer mentally disordered or until the defendant has received the maximum benefit of treatment, except that no sentence to treatment shall exceed the maximum length of such offender's sentence.

Sec. 6. (1) The regional center with custody of a mentally disordered sex offender shall, at least annually from the date of sentence, assess whether the defendant still has a mental disorder and whether the defendant has received the maximum benefit of treatment. Such assessment shall be in writing, including all data and test results, and shall be filed in the sentencing court. Copies of such assessment shall be furnished to all counsel. Defendants shall have the right of mandamus to compel compliance with this section. After reviewing the annual assessment of the defendant made by the regional center, the court may hold a hearing if it determines that such a hearing is desirable. The court shall hold such a hearing if requested by either the defendant or the county attorney.

(2) If after hearing upon the assessment the sentencing court shall determine that the defendant no longer has a mental disorder or that the defendant has received the maximum benefit of treatment, the court may return the defendant to the Nebraska Penal and Correctional Complex or release the defendant on probation for the remainder of his or her sentence. Credit shall be given for the time spent in treatment.

Sec. 7. Ninety days prior to the release, from any regional center or any institution under the control of the Department of Correctional Services, of any mentally disordered sex offender who has (1) previously been adjudged untreatable and sentenced pursuant to section 4 of this act, (2) been determined to have received the maximum benefit of treatment pursuant to section 6 of this act, or (3) been sentenced to treatment pursuant to section 5 of this act, but whose time in treatment will, within ninety days, exceed the maximum length of such offender's sentence on the underlying criminal conviction, the Board of Parole, Department of Correctional Services, regional center, or other unit of government having final release authority, shall give notice to the county attorney who prosecuted the underlying criminal charge that the release of such offender is so pending. Upon receipt of such notice from the releasing authority, the county attorney shall cause mental health commitment proceedings to be commenced on behalf of such offender pursuant to the Nebraska Mental Health Commitment Act.

Sec. 8. Sections 1 to 8 of this act are retroactive. All persons now committed under Chapter 29,

article 29, as either a sexual psychopath or a sexual sociopath, shall be forthwith returned to the district court which committed them for sentencing pursuant to sections 1 to 8 of this act. If a person was found to be a sexual psychopath or sexual sociopath pursuant to Chapter 29, article 29, such finding shall constitute a finding of a mentally disordered sex offender under sections 1 to 8 of this act. Psychiatric evaluations conducted within eighteen months prior to sentencing shall be admissible in lieu of the panel reports required by section 3 of this act. No person now committed, voluntarily or involuntarily, shall be released until the requirements of section 7 of this act have been fulfilled.

Sec. 9. Sections 1 to 8 of this act shall be known and may be cited as the Mentally Disordered Sex Offender Act.

Sec. 11. 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. 13. 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 sections 1 and 2 as sections 10 and 12 respectively.

Mr. Murphy asked unanimous consent to print the following amendments to LB 86 in the Journal. No objections. So ordered.

Req. 2930

1. Strike the original sections and all amendments thereto and insert the following:

"Section 1. That section 84-712, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712. Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in section 84-712.01, are hereby fully empowered and authorized to examine the same, and to make memoranda and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business.

Sec. 2. That section 84-712.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

84-712.01. (1) Except where any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.

(2) Sections 84-712 to 84-712.03 shall be liberally construed whenever any state, county or political subdivision fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt or other record of receipt, cash or expenditure involving public funds is involved in order that the citizens of this state shall have full rights to know of, and have full access to information on the public finances of the government and the public bodies and entities created to serve them.

Sec. 3. That section 84-712.03, Revised Statutes Supplement, 1978, be amended to read as follows:

84-712.03. Any person denied any rights granted by sections 84-712 to 84-712.03 may elect to (1) file for speedy relief by a writ of mandamus in the district court within whose jurisdiction the state, county, or political subdivision officer who has custody of said public record can be served~~. Any official who shall violate the provisions of sections 84-712 to 84-712.03 shall be subject to removal or impeachment and in addition shall be deemed guilty of a Class III misdemeanor.~~ or (2) may petition the Attorney General to review the record to determine whether it may be withheld from public inspection. This determination shall be made within fifteen calendar days of the submission of the petition. If the Attorney General determines that the record may not be withheld, the public body shall be ordered to disclose the record immediately. If the public body continues to withhold the record, the person seeking disclosure may (a) bring suit in the trial court of general jurisdiction or (b) demand in writing that the Attorney General bring suit in the name of the state in the trial court of general jurisdiction for the same purpose. If such demand is made, the Attorney General shall bring suit within fifteen calendar days of its

receipt. The requester shall have an absolute right to intervene as a full party in said suit at any time.

In any suit filed under this section, the court has jurisdiction to enjoin the public body from withholding records, to order the disclosure, and to grant such other equitable relief as may be proper. The court shall determine the matter de novo and the burden is on the public body to sustain its action. The court may view the records in controversy in camera before reaching a decision, and in the discretion of the court, other persons, including the requester, counsel, and necessary expert witnesses may be permitted to view the records, subject to necessary protective orders.

Proceedings arising under this section, except as to the cases the court considers of greater importance, shall take precedence on the docket over all other cases and shall be assigned for hearing, trial, or argument at the earliest practicable date and expedited in every way.

If a person seeking the right to inspect or to receive a copy of a public record substantially prevails in such a suit, he or she shall be awarded reasonable attorney fees and other costs of litigation.

Sec. 4. (1) Any person denied any rights granted by sections 84-712 to 84-712.03 shall receive in written form from the public body which denied the request for records at least the following information:

(a) A description of the contents of the records withheld and a statement of the specific reasons for the denial, correlated to specific reasons for the denial, correlated to specific portions of the records, including citations to the particular exception under section 2 of this act relied on as authority for the denial;

(b) The name of the public official or employee responsible for the decision to deny the request; and

(c) Notification to the requester of any administrative or judicial right of review under section 8 of this act.

(2) Each public body shall maintain a file of all letters of denial of requests for records. This file shall be made available to any person on request.

Sec. 5. The following public records may be withheld from the public by the lawful custodian of the records:

(1) Personal information in records regarding a student, prospective student, or former student of any tax-supported educational institution maintaining such records, other than routine directory information;

(2) Medical records, other than records of births and deaths, in any form concerning any person, and also records of elections filed under section 44-2821, Revised Statutes Supplement, 1978;

(3) Trade secrets, research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;

(4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body, or which are confidential communications as defined in section 27-503, Reissue Revised Statutes of Nebraska, 1943;

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, the investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training;

(6) Appraisals or appraisal information and negotiation records, concerning the purchase or sale of any interest in real or personal property, prior to completion of the purchase or sale; and

(7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information.

Sec. 6. Any reasonably segregable public portion of a record shall be provided to the public as a public record upon request after deletion of the portions which may be withheld.

Sec. 7. The provisions of this act pertaining to the rights of citizens to access to public records may be enforced by equitable relief, whether or not any other remedy is also available. In any case in which the complainant seeking access has substantially prevailed, the court may assess against the public body which had denied access to their records, reasonable attorney fees and other litigation costs reasonably incurred by the complainant.

Sec. 8. If it is determined that any provision of this act would cause the denial of funds, services, or essential information from the United States government

which would otherwise definitely be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services, or essential information.

Sec. 9. That section 84-1413, Revised Statutes Supplement, 1978, be amended to read as follows:

84-1413. (1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a city which utilizes an electronic voting device which allows the yeas and nays of each council member to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written and available for inspection within ten working days, or prior to the next convened meeting, whichever occurs earlier.

Sec. 10. Any official who shall violate the provisions of this act shall be subject to removal or impeachment and in addition shall be deemed guilty of a Class III misdemeanor.

Sec. 11. That original sections 84-712 and 84-712.01, Reissue Revised Statutes of Nebraska, 1943, and sections 84-712.03 and 84-1413, Revised Statutes Supplement, 1978, are repealed.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend sections 84-712 and 84-712.01, Reissue Revised Statutes of Nebraska, 1943, and sections 84-712.03 and 84-1413, Revised Statutes Supplement, 1978, relating to state

officers; to clarify provisions; to define a term; to require notice of denial of access as prescribed; to provide for enforcement of rights as prescribed; to provide penalties; to repeal the original sections; and to declare an emergency.".

VISITORS

Visitors to the Chamber were 27 fifth and sixth grade students and teacher from Elgin School, Elgin; 18 fourth grade students and teacher from Adams School, Adams; 13 seventh and eighth grade students and teacher from Funk School, Funk; 18 fourth grade students and teacher from Newell School, Grand Island; 40 fourth grade students and teachers from John Knickrehm School, Grand Island.

ADJOURNMENT

At 5:23 p.m., on a motion by Mr. Clark, the Legislature adjourned until 8:30 a.m., Thursday, May 3, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-EIGHTH DAY - MAY 3, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 3, 1979

Pursuant to adjournment, the Legislature met at 8:31 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Wallace E. Easter, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> Heavenly Father, in the numerous times of confusion, when people doubt their beliefs and believe their doubts, and are victims of an imprisonment that is worse than that occasioned by bars and brick walls, give to the people of this State and Nation a true appreciation of the truths we hold in common. Help us to appreciate our agreements and to have the conviction and courage to stand together in them, for there are so many forces in the world today that would seek to divide and conquer. Bless the lawmakers of our land, that they may make it as hard as possible for the people to do wrong, and as easy as possible for them to do right. And may they ever draw upon the wisdom of the past, which You have revealed in the Bible and in Your prophets and teachers of old. You have shown us the way; help us to walk in it. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Duis and Dworak who were excused; and Messrs. Burrows, Cullan, Haberman, Hoagland, Landis, Lewis, Newell, Reutzel, Simon, Stoney, Venditte, Wesely, Mesdames Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Seventh Day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 581.

A BILL FOR AN ACT to amend sections 48-602, 48-604, 48-628, and 48-628.02, Revised Statutes Supplement, 1978, relating to employment security; to redefine terms; to clarify benefit disqualification provisions; to provide that certain aliens are disqualified from receiving 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:

Beutler	Fitzgerald	Kahle	Maresh	Schmit
Brennan	Fowler	Kelly	Marsh	Sieck
Carsten	George	Kennedy	Merz	Simon
Clark	Goodrich	Keyes	Murphy	Vickers
Cope	Hasebroock	Koch	Newell	Wagner
Cullan	Hefner	Kremer	Nichol	Warner
DeCamp	Johnson	Lamb	Rumery	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Marvel

Excused and not voting, 13:

Burrows	Haberman	Landis	Reutzel	Wesely
Duis	Hoagland	Lewis	Stoney	
Dworak	Labedz	Pirsch	Venditte	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 234.

A BILL FOR AN ACT to amend sections 25-1601, 25-1603, 25-1609, 25-1611, 25-1625, 25-1627.01, 25-1631.03, and 25-1637, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1627 and 25-1629, Revised Statutes Supplement, 1978, relating to juries; to provide legislative intent; to change procedures relating to the selection of jurors; to change a penalty; to provide duties; and to repeal the original sections, and also sections 25-1631.01, 25-1631.02, 25-1633.02, 25-1633.03, and 25-1638, Reissue Revised Statutes of Nebraska, 1943, and section 25-1631, Revised Statutes Supplement, 1978.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mr. Reutzel requested a roll call vote.

Voting in the affirmative, 23:

Beutler	DeCamp	Hoagland	Marsh	Simon
Brennan	Fitzgerald	Johnson	Merz	Stoney
Burrows	Fowler	Keyes	Newell	Vickers
Chambers	Goodrich	Koch	Nichol	
Cullan	Hasebroock	Landis	Schmit	

Voting in the negative, 22:

Carsten	Hefner	Labedz	Pirsch	Wagner
Clark	Kahle	Lamb	Reutzel	Warner
Cope	Kelly	Maresh	Rumery	
George	Kennedy	Marvel	Sieck	
Haberman	Kremer	Murphy	Venditte	

Excused and not voting, 4:

Duis	Dworak	Lewis	Wesely

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 250.

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 petitions and objections by owners of record title; to provide for notice and levies; to provide for railroad properties as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mr. George requested a roll call vote.

Voting in the affirmative, 22:

Carsten	Goodrich	Kennedy	Marsh	Wagner
Cope	Haberman	Keyes	Marvel	Warner
Cullan	Hefner	Lamb	Murphy	
Fitzgerald	Kahle	Landis	Sieck	
George	Kelly	Maresh	Stoney	

Voting in the negative, 23:

Beutler	DeCamp	Kremer	Pirsch	Venditte
Brennan	Fowler	Labedz	Reutzel	Vickers
Burrows	Hoagland	Lewis	Rumery	Wesely
Chambers	Johnson	Merz	Schmit	
Clark	Koch	Newell	Simon	

Present and not voting, 2:

Hasebroock Nichol

Excused and not voting, 2:

Duis Dworak

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 331. With Emergency.

A BILL FOR AN ACT to amend sections 5-108, 23-148, 23-204, 23-205, 23-207, 23-297, and 32-4,111, Reissue Revised Statutes of Nebraska, 1943, section 32-1040, Revised Statutes Supplement, 1978, and section 23-151, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 345, Eighty-sixth Legislature, First Session, 1979, relating to elections; to change provisions relating to city, village, county, or school district elections at large or by districts;

to provide procedures for counties to appoint three or five commissioners; to provide that the county attorney perform certain duties previously performed by the county judge; to change provisions relating to vacancies in office as prescribed; to provide for enforcement of redistricting requirements; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Burrows	Haberman	Keyes	Marvel	Sieck
Carsten	Hasebroock	Koch	Merz	Simon
Clark	Hefner	Kremer	Murphy	Stoney
Cope	Hoagland	Labedz	Newell	Venditte
Cullan	Johnson	Lamb	Nichol	Vickers
DeCamp	Kahle	Landis	Pirsch	Wagner
George	Kelly	Maresh	Rumery	Warner
Goodrich	Kennedy	Marsh	Schmit	

Voting in the negative, 5:

Brennan	Fowler	Lewis	Reutzel	Wesely

Present and not voting, 3:

Beutler	Chambers	Fitzgerald

Excused and not voting, 2:

Duis	Dworak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 395.

A BILL FOR AN ACT to amend section 39-642, Reissue Revised Statutes of Nebraska, 1943, relating to the rules of the road; to require that a driver of a vehicle yield to a pedestrian 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:

Beutler	Goodrich	Keyes	Marsh	Sieck
Brennan	Haberman	Koch	Merz	Simon
Carsten	Hasebroock	Kremer	Murphy	Stoney
Clark	Hefner	Labedz	Nichol	Venditte
Cope	Hoagland	Lamb	Pirsch	Wagner
Fitzgerald	Johnson	Landis	Reutzel	Warner
Fowler	Kahle	Lewis	Rumery	Wesely
George	Kelly	Maresh	Schmit	

Voting in the negative, 2:

Cullan Newell

Present and not voting, 6:

Burrows	DeCamp	Marvel
Chambers	Kennedy	Vickers

Excused and not voting, 2:

Duis Dworak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 546.

A BILL FOR AN ACT to amend sections 2-3254 and 46-1011, Reissue Revised Statutes of Nebraska, 1943, relating to water; to change provisions for filing of information and approval of projects and improvements relating to domestic water supplies; to change 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, 45:

Beutler	George	Kennedy	Marsh	Schmit
Brennan	Goodrich	Keyes	Marvel	Sieck
Burrows	Haberman	Koch	Merz	Simon
Carsten	Hasebroock	Kremer	Murphy	Stoney
Clark	Hefner	Labedz	Newell	Venditte
Cope	Hoagland	Lamb	Nichol	Vickers
Cullan	Johnson	Landis	Pirsch	Wagner
DeCamp	Kahle	Lewis	Reutzel	Warner
Fitzgerald	Kelly	Maresh	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Chambers Fowler

Excused and not voting, 2:

Duis Dworak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 584. With Emergency.

A BILL FOR AN ACT to amend sections 23-362 and 23-362.03, Reissue Revised Statutes of Nebraska, 1943, relating to support of Indians; to prescribe the amount of state aid to certain counties; to provide an operative date; to repeal the original sections, and also section 23-362.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Brennan	George	Kennedy	Marsh	Schmit
Burrows	Goodrich	Keyes	Marvel	Sieck
Carsten	Haberman	Koch	Merz	Simon
Clark	Hasebroock	Kremer	Murphy	Stoney
Cope	Hefner	Labedz	Newell	Venditte
Cullan	Hoagland	Lamb	Nichol	Vickers
DeCamp	Johnson	Landis	Pirsch	Wagner
Fitzgerald	Kahle	Lewis	Reutzel	Warner
Fowler	Kelly	Maresh	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 2:

Duis Dworak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 547.

A BILL FOR AN ACT to amend section 33-105, Revised Statutes Supplement, 1978, relating to the Department of Water Resources; to change certain fees as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Beutler	George	Kennedy	Marsh	Schmit
Brennan	Goodrich	Keyes	Marvel	Sieck
Burrows	Haberman	Koch	Merz	Simon
Carsten	Hasebroock	Kremer	Murphy	Stoney
Clark	Hefner	Labedz	Newell	Venditte
Cope	Hoagland	Lamb	Nichol	Vickers
Cullan	Johnson	Landis	Pirsch	Wagner
DeCamp	Kahle	Lewis	Reutzel	Warner
Fowler	Kelly	Maresh	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Chambers Fitzgerald

Excused and not voting, 2:

Duis Dworak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 492.

A BILL FOR AN ACT to amend section 45-338, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 478, Eighty-sixth Legislature, First Session, 1979, relating to interest; to provide an exception to the maximum interest rates in certain installment contracts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler	Fowler	Kennedy	Merz	Simon
Brennan	George	Keyes	Murphy	Stoney
Burrows	Goodrich	Koch	Newell	Venditte
Carsten	Hasebroock	Kremer	Nichol	Vickers
Clark	Hefner	Labedz	Pirsch	Wagner
Cope	Hoagland	Lamb	Reutzel	Warner
Cullan	Johnson	Landis	Rumery	Wesely
DeCamp	Kahle	Maresh	Schmit	
Fitzgerald	Kelly	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Haberman	Lewis	Marvel

Excused and not voting, 2:

Duis	Dworak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

If I had been present I would have voted aye on LB 234.

(Signed) Don Wesely

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 99. Replaced on Select File as amended.
E & R amendments to LB 99:

1. Show as stricken all old matter stricken by the Reutzel amendments.

2. In the Reutzel amendment 2, line 2, strike "retirement." and insert "retirement.".

3. In the Reutzel amendment 4, insert an underscored comma after "Provided" in line 2.

4. In committee amendments, page 2, line 26, strike "that," and show as stricken.

LEGISLATIVE BILL 136. Replaced on Select File as amended.
E & R amendments to LB 136:
(NOTE: The Rumery amendments are to the Final Reading Second copy of the bill.)

1. Show as stricken the matter stricken by the Rumery amendments 1 and 2.

2. In the Rumery amendment 3, line 1, strike "delete" and insert "before the period"; in lines 8 and 19 of the new matter, strike "said" and insert "the"; in line 9 insert "section" after "in"; in lines 13 and 22, strike "not" and insert "rather than"; in line 21 strike "; however," and insert "and"; and in the last line strike the period.

LEGISLATIVE BILL 444. Placed on Select File as amended.
E & R amendments to LB 444:

1. Pursuant to the Murphy amendment, insert a new section to read:

"Section 1. That section 48-803, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-803. In order to carry out the public policy of the State of Nebraska as set forth in section 48-802, there is hereby created an industrial commission to be known as the ~~Court~~ Commission of Industrial Relations.".

2. Renumber present sections 1 to 7 as sections 2 to 8 and present sections 8 and 9 as sections 10 and 11.

3. On page 2, lines 3 and 22, strike "Court" and insert "~~Court~~ Commission".

4. On page 4, line 3, strike "Court" and insert "Commission"; in lines 10 and 18 strike "Court" and insert "~~Court~~ Commission"; and in lines 11, 13, 14, and 17, strike "court" and insert "~~court~~ Commission".

5. On page 5, lines 2 and 12, strike "Court" and insert "~~Court~~ Commission"; and in lines 8 and 15

strike "court" and insert "~~court~~ commission".

6. In committee amendments, page 1, strike beginning with "in" in line 16 through the semicolon in line 18; in line 19 strike "and" and insert "; and in line 19, after 'Court'"; and in line 22 strike "court" and insert "commission".

7. On page 6, line 3, strike "Court" and insert "~~Court~~ Commission"; in line 4 strike "court" and show as stricken; in lines 7 and 22 strike "court" and insert "~~court~~ commission; and in line 25 strike "court" and insert "commission".

8. On page 7, line 4 strike "court" and insert "commission"; and in line 6 strike "the court".

9. On page 8, line 9, strike "Where" and insert "~~Where~~ When"; in line 23 strike "court" and insert "commission"; and in line 26 strike "court" and insert "~~court~~ commission".

10. On page 9, line 5, strike "the board" and insert "~~the board~~ it"; and in line 24 insert "48-803," after "sections".

11. In committee amendments, page 2, line 26, strike "in the court" and insert "with the commission".

12. In committee amendments, page 3, insert an underscored comma at the end of line 7; and in lines 8, 12, and 14, strike "court" and insert "~~court~~ commission".

13. Insert a new section to read:

"Sec. 9. After the effective date of this act, whenever the name Court of Industrial Relations appears in the statutes it shall be taken to mean the Commission of Industrial Relations and whenever the word court appears with reference to such body it shall be taken to mean commission. The Revisor of Statutes shall make the changes in the statutes necessary to reflect such name change.".

14. In new section 8, lines 3 and 5, strike "through" and insert "to"; and in line 5 strike "court" and insert "commission".

15. In the title, line 2, strike "48-812 and 48-816," and insert "48-803, 48-812, 48-816, and 48-817,"; strike beginning with "to" in line 6 through the semicolon in line 9 and insert "to rename the court as the Commission of Industrial Relations; to increase the per diem; to clarify the provision for expenses; to provide when an appeal may not be taken; to provide for hearing officers; to provide when information may not be considered;"; and in line 11 insert "to provide duties;" after the semicolon.

LEGISLATIVE BILL 444A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 75, 138, 138A, 344A, 355, 355A, 390, 579, and 590.

(Signed) Don Wesely, Chairman

EXPLANATIONS OF VOTE

Had I been present, I would have voted yes on LB 581.

(Signed) Rex Haberman

Had I been present on Final Reading I would have voted aye on LB 581.

(Signed) Larry D. Stoney

MESSAGE FROM THE GOVERNOR

May 3, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Please correct a clerical error in the May 2, 1979 letter from Governor Thone to you regarding the signing of LB 394 and Reengrossed LB 65 and LB 560.

The bills were signed on May 1, 1979, not April 1 as reported.

Yours truly,
(Signed) Marilyn Hasselbalch
Executive Secretary

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 571 in the Journal. No objections. So ordered.

1. In the Schmit amendments commencing on page 1722 of the Journal, in line 3 of section 13, strike "effective" and insert "operative".

2. In the Schmit amendments commencing on page 1722 of the Journal, insert a new section as

follows:

"Sec. 23. This act shall become operative on the first day of the month following the effective date of this act.".

3. Renumber sections 23 and 24 as sections 24 and 25.

4. In the title, line 2 strike "grain" and after "alcohol" insert "plants or facilities"; in line 3 strike "grain"; strike beginning with "to" in line 7 through "tax" in line 9 and insert "to change provisions relating to the reduced tax on agricultural ethyl alcohol"; and in line 12 after the semicolon insert "to provide for severability; to provide an operative date;".

MOTION - Suspend Rules

Mr. Newell moved to suspend the rules, Rule 6, Sec. 2 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 16.

Mr. Newell moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Newell requested a roll call vote on his motion.

Voting in the affirmative, 27:

Beutler	Fitzgerald	Koch	Marvel	Venditte
Brennan	Fowler	Kremer	Merz	Warner
Burrows	Hoagland	Labedz	Newell	Wesely
Carsten	Johnson	Landis	Reutzel	
Chambers	Kelly	Lewis	Schmit	
DeCamp	Keyes	Maresh	Simon	

Voting in the negative, 16:

Cullan	Kahle	Murphy	Sieck
George	Kennedy	Nichol	Stoney
Goodrich	Lamb	Pirsch	Vickers
Hefner	Marsh	Rumery	Wagner

Present and not voting, 4:

Clark	Cope	Haberman	Hasebroock

Excused and not voting, 2:

Duis Dworak

The Newell motion to suspend the rules lost with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Mr. Maresh moved to suspend the rules, Rule 6, Section 2 and Rule 7, Section 3 and vote without further debate and without further amendments on the advancement of LB 44.

The motion lost with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Mr. Chambers moved to suspend the rules, Rule 6, Section 2 and Rule 7, Section 3 and vote without further debate and without further amendments on the advancement of LB 329.

The motion prevailed with 31 ayes, 12 nays, 4 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 329. Advanced to E & R for Review with 26 ayes, 17 nays, 4 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Mr. Fowler moved to suspend the rules, Rule 6, Section 2 and Rule 7, Section 3 and vote without further debate and without further amendments on the advancement of LB 107.

The motion prevailed with 30 ayes, 12 nays, 5 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 107. Advanced to E & R for Review with 27 ayes, 11 nays, 9 present and not voting, and 2 excused and not voting.

MOTION - Recess

Mr. Chambers moved to recess for 15 minutes. The motion lost.

SELECT FILE

LEGISLATIVE BILL 285. E & R amendments found in the Journal on page 1707 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 285 to Select File

Mr. Keyes moved to return LB 285 to Select File for the specific amendment found in the Journal on page 1705.

Mr. Kremer moved the Call be raised. The motion lost with 16 ayes, 20 nays, and 13 not voting.

The Keyes motion lost with 15 ayes, 27 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 285 to Select File

Mr. Carsten moved to return LB 285 to Select File for the specific amendment found in the Journal on page 1767.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 29 ayes, 6 nays, and 14 not voting.

SPEAKER MARVEL PRESIDING

The Carsten motion prevailed with 32 ayes, 7 nays, 8 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 285. The Carsten specific amendment found in the Journal on page 1767 was renewed.

Mr. Chambers moved the Call be raised. The motion lost with 17 ayes, 25 nays, and 7 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Carsten amendment was adopted with 30 ayes, 7 nays, 10 present and not voting, and 2 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 380A. By Reutzel, 15th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 380, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 11 in the Journal. No objections. So ordered.

1. On page 2, line 13, after the underscored period insert "Nothing in this act shall be construed to prohibit or limit any use of or right to water or real property, by any corporation, partnership, association, or individual, which is not otherwise prohibited by law.".

RESOLUTION

LEGISLATIVE RESOLUTION 75.

Introduced by Lewis, 45th District.

WHEREAS, the relationship between the Nebraska Unicameral Legislature and the University of Nebraska plays a key role in meeting the demands of future generations; and

WHEREAS, improving the effectiveness of the University of Nebraska without curtailing necessary services requires careful examination; and

WHEREAS, information related to the financial status of the University of Nebraska at times lacks specificity; and

WHEREAS, the Legislature must have accurate and current detailed information about the University of Nebraska in order to reach sound decisions about funding, provisions for new facilities, and related fiscal and budgetary matters; and

WHEREAS, the Legislature bears a continuing responsibility to the citizens of Nebraska for insuring the achievement of educational goals and objectives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a special committee be appointed by the Executive Board of the Legislative Council to study, in-depth, the fiscal and budgetary aspects of the University of Nebraska.

2. That such study shall include, but not be limited to:

(a) A complete analysis of University of Nebraska funding and expenditures;

(b) Current and proposed actions relating to capital construction projects; and

(c) A review of the manner fiscal and budgetary information is provided to the Legislature.

3. That such committee hold hearings and conduct such interviews as are necessary to provide for both university and citizen imput.

4. That the committee report its findings, conclusions, and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION - Rule Change

Messrs. Vickers, Fitzgerald, Cullan, and Mrs. Marsh offered the following rule change:

Whereby our seats would be equipped with seat belts which when engaged would register our presence. In order to be released the chair would have a button to electronically release each seat belt. Thereby when we are under Call the only way a senator could get out of his seat would be by calling the Chair and getting the Chair's permission by being released.

Referred to the Rules Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 76.

Introduced by Newell, 13th District.

WHEREAS, the University of Nebraska has gained, due to a recent Supreme Court decision, the right to determine its internal spending priorities; and

WHEREAS, the Legislature has no control of the spending priorities adopted by the University of Nebraska; and

WHEREAS, the ability of the Legislature to coordinate higher education is gravely weakened by many competing funding requests generated by various elements within the higher education system; and

WHEREAS, the cost of higher education in the State of Nebraska has been escalating at an excessive rate due to duplication of programs and lack of coordination; and

WHEREAS, the community technical college system is supported primarily by state funds but is locally controlled and is thus difficult to coordinate; and

WHEREAS, the taxpayers of Nebraska cannot be expected to continually fund a higher education system that contains duplicative elements and condons wasteful spending; and

WHEREAS, there exists a great need for the coordination of higher education in the State of Nebraska; and

WHEREAS, it is necessary to create a board of regents for the entire system of higher education so as to end wasteful duplication and increase coordination of the system while also eliminating the need for coordinating councils and commissions.

NOW, THEREFORE BE IT RESOLVED BY THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION

1. That the Legislature's Constitutional Revision and Recreation Committee is hereby directed to conduct an interim study of a constitutional amendment to provide for the statewide coordination of the higher education system including the University of Nebraska, community technical colleges, and the state colleges, and to provide for the creation of a board of regents appointed by the Governor and confirmed by the Legislature to supplant all existing higher education governing bodies.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 45 fourth grade students and teacher from Underwood Hill School, Omaha; 83 junior and senior students and teacher from Millard; 31 eighth grade students and teacher from Wakefield; 47 seventh and eighth grade students and teacher from Stanton; 27 third through 6th grade students and teachers from North Bend; 30 fourth grade students and teacher from Raymond Central School, Valparaiso; Ken Fancolly, Director of the Eastern Nebraska Office on Aging; former state senator George Fleming from Sidney; Julia Lynch; 62 fourth grade students and teacher from Tara Heights School, Papillion; 70 fifth and sixth grade students and teacher from Stolley Park School, Grand Island; 24 third and fourth grade students and teacher from Davenport; 42 sixth grade students and teacher from Morton School, Hastings; and 82 eighth grade students and teachers from Holt County Rural School.

RECESS

At 11:52 a.m., on a motion by Mr. Reutzel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:49 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused; and Messrs. Chambers, DeCamp, Duis, and Mrs. Labedz who were excused until they arrive.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 11. Placed on Select File as amended.
E & R amendments to LB 11:

1. In the Stoney amendment, underscoring has been supplied and capitalization removed.

2. In lieu of the Reutzel amendment, insert a new section to read:

"Sec. 6. This act shall expire on December 31, 1985, unless reenacted by the Legislature and the amendments of sections 37-432 and 77-27,132 made by this act shall be deleted by the Revisor of Statutes.".

3. In the title, line 2, insert "relating to

the protection of endangered species;" after "ACT", and strike the same in lines 5 and 6; at the end of line 4 strike the comma and insert a semicolon; and in line 8 insert "to provide for termination;" after the semicolon.

4. Renumber original section 6 as section 7.

(Signed) Don Wesely, Chairman

MOTION - Place LB 461 on General File

Mr. Simon renewed his pending motion found in the Journal on page 1692 to place LB 461 on General File pursuant to Rule 3, Sec. 10.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Simon withdrew his motion.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 597. Placed on General File as amended. Standing Committee amendments to LB 597:

1. On page 3, lines 18 and 19, page 9, lines 6 and 7, and page 15, line 17 strike "other than an associate county judge,".
2. On page 3, line 18 strike the second underscored comma.
3. On page 15, line 17 strike the first underscored comma.

(Signed) William E. Nichol, Chairman

EASE

The Legislature was at ease from 2:35 p.m. until 2:38 p.m.

MOTION - Reconsider Action on LB 221

Mr. Kelly renewed his pending motion found in the Journal on page 1681 to reconsider action on the advancement vote of LB 221.

Mr. Lewis raised a point of order on whether the Kelly motion is in order in accordance with Rule 7, Sec. 7a.

The Chair ruled the motion out of order.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kelly challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Koch 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 moved for a Call of the House. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Kelly requested a record vote on the motion to overrule the Chair.

Voting in the affirmative, 32:

Burrows	Hefner	Kremer	Murphy	Venditte
Carsten	Hoagland	Labedz	Newell	Wagner
Chambers	Kahle	Lamb	Nichol	Warner
Cope	Kelly	Landis	Pirsch	Wesely
Cullan	Kennedy	Lewis	Rumery	
George	Keyes	Maresh	Sieck	
Haberman	Koch	Merz	Stoney	

Voting in the negative, 15:

Beutler	DeCamp	Fowler	Johnson	Schmit
Brennan	Duis	Goodrich	Marsh	Simon
Clark	Fitzgerald	Hasebroock	Reutzel	Vickers

Present and not voting, 1:

Marvel

Excused and not voting, 1:

Dworak

The motion to overrule the Chair prevailed with 32 ayes, 15 nays, 1 present and not voting, and 1 excused and not voting.

EASE

The Legislature was at ease from 3:45 p.m. until 4:43 p.m. while the former State Legislators were introduced.

UNANIMOUS CONSENT - Members Excused

Messrs. Carsten, Schmit, Venditte and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Keyes asked unanimous consent to be excused at 4:50 p.m. No objections. So ordered.

MOTION - Reconsider Action on LB 221

Mr. Kelly renewed his pending motion to reconsider action on the advancement vote of LB 221.

Mr. Newell moved to reconsider action on the Kelly motion to overrule the Chair.

The Chair ruled the Newell motion out of order.

Mr. Cullan 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. Kelly moved for a Call of the House. The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

Mr. Kelly requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 21:

Burrows	Haberman	Kremer	Nichol	Warner
Chambers	Hefner	Labedz	Rumery	
Clark	Kahle	Lamb	Sieck	
Cope	Kelly	Maresh	Stoney	
Cullan	Kennedy	Murphy	Wagner	

Voting in the negative, 19:

Beutler	Fowler	Hoagland	Lewis	Simon
Brennan	George	Johnson	Marsh	Vickers
Duis	Goodrich	Koch	Newell	Wesely
Fitzgerald	Hasebroock	Landis	Reutzel	

Present and not voting, 3:

DeCamp	Marvel	Merz

Excused and not voting, 6:

Carsten	Keyes	Schmit
Dworak	Pirsch	Venditte

The Kelly motion to reconsider action on LB 221 lost with 21 ayes, 19 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 42 in the Journal. No objections. So ordered.

To strike the DeCamp Amendments to the final reading copy adopted 4-27-79.

VISITORS

Visitors to the Chamber were 8 University of Nebraska students and teacher; 19 third and fourth grade students and teacher from Table Rock; 25 eighth grade students and teacher from West Catholic Elementary School, Menominee; Robert Poston, Bernard Easterday, and Peter Bunn, Madison; and 15 eighth grade students and teacher from Shickley.

ADJOURNMENT

At 5:17 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 9:00 a.m., Friday, May 4, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-NINTH DAY - MAY 4, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 4, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal Father, give us a careful analysis of the issues before us, but as well a respect for and a patience with all of our colleagues. For problems that seem to be on dead center, lead this body toward perseverance and openness rather than frustration and defeat. When difficulties face us, may we find new roads until the impossible becomes possible and the possible becomes successful. So help us through this day to do our work with integrity and with the best that is in us. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler, Haberman, and Merz who were excused; and Messrs. Goodrich, Kelly, Schmit, Venditte, Wesely, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Eighth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Burrows asked unanimous consent to be excused this afternoon. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 152. Replaced on Select File as amended.
E & R amendments to LB 152:

1. Insert the Fitzgerald amendment to page 11, line 7, into committee amendments, page 5, line 19.
2. In the title, line 7, insert "to provide a new crime;" after the semicolon.
3. Strike E & R 4, adopted 3/1/79.

Correctly Enrolled

The following bills were correctly enrolled: 331, 395, 492, 546, 547, 581, and 584.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 331, 395, 492, 546, 547, 581, and 584.

COMMUNICATION

Received a note of appreciation from the Col. C. P. Karthauser family.

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 May 3, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Nicholas, William J. - Lincoln, (withdrawn 4/30/79), Nebraska Rural Electric Association

Tews and Radcliffe:

Radcliffe, Walter H. - Lincoln, Thompson and Leonard Associates

Tews, David D. - Lincoln, Thompson and Leonard Associates

GENERAL FILE

LEGISLATIVE BILL 158. Considered.

Mr. Murphy offered the following amendment:

(4)

Strike on page 15 line 2 beginning with "notwithstanding" through "development in line 4

The amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Murphy offered the following amendment:

(5)

Strike new material in line 27, page 4 and lines 1 and 2 on page 5. Also strike new material in lines 21 and 22 on page 14.

The amendment lost with 11 ayes, 14 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Murphy offered the following amendment:

(6)

Strike all new material on page 9 and in line 1 on page 10.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Murphy moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Murphy requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Beutler	Cope	Hasebroock	Lamb	Reutzel
Burrows	Cullan	Hefner	Landis	Rumery
Carsten	Duis	Kahle	Maresh	Schmit
Chambers	Dworak	Kelly	Murphy	Wagner
Clark	Fitzgerald	Kennedy	Nichol	Warner

Voting in the negative, 15:

Brennan	Hoagland	Marsh	Pirsch	Stoney
DeCamp	Johnson	Marvel	Sieck	Vickers
George	Koch	Newell	Simon	Wesely

Present and not voting, 3:

Keyes	Kremer	Lewis

Excused and not voting, 6:

Fowler	Haberman	Merz
Goodrich	Labedz	Venditte

The Murphy amendment was adopted with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

Mr. Murphy offered the following amendment:

(7)

Reinstate the word "shall" in line 24, page 18.

Mr. Koch 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 Murphy amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Murphy offered the following amenndment:

(8)

Strike the words "below par" on page 20 line 19, & on page 21 line 2 & 7.

The Murphy amendment was adopted with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

Mr. Murphy offered the following amendment:

(9)

On page 25 line 9 after the word "body" insert "in the same proportion".

The amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 14 nays, 4 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 77.

Introduced by Sieck, 24th District.

WHEREAS, state funding of special education programs has increased over the past few years; and

WHEREAS, many schools are increasing their budgets due to special education programs; and

WHEREAS, it has been alleged that some schools are improperly using special education funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee conduct an interim study of special education funding.

2. That the committee investigate possible misuse of funds.

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.

SELECT FILE

LEGISLATIVE BILL 172. E & R amendments found in the Journal on page 1599 for the Seventy-First Day were adopted.

Mrs. Marsh withdrew her pending amendment found in the Journal on page 1511.

Mr. Haberman withdrew his pending amendments found in the Journal on page 1629.

Mr. Cullan withdrew his pending amendments found in the Journal on pages 1633 and 1634.

Mr. DeCamp withdrew his pending amendments found in the Journal on page 1634.

Mr. Kennedy withdrew his pending amendments found in the Journal on page 1634.

Mr. Carsten withdrew his pending amendments found in the Journal on page 1635.

Mr. Cullan withdrew his pending amendment found in the Journal on page 1635.

Mr. Koch withdrew his pending amendments found in the Journal on pages 1642 and 1643.

MR. CLARK PRESIDING

Messrs. Schmit, DeCamp, Newell, Koch, Cullan, Hoagland, Johnson, Simon, Rumery, Beutler, Keyes, Merz, Reutzel, Fitzgerald, Burrows, Fowler, Lewis, Landis, Wesely, and Mesdames Pirsch and Marsh offered the following amendments:
(Amendments 1 to 4 are to committee amendments Req. 2702
Amendments 5 to 9 are to the Schmit amendments
beginning on page 1531 of the Journal Req. 2894)
Req. #2936

1. On page 5, line 22 strike beginning with "with" through "ownership".

2. On page 8, line 8 after the second comma insert "or"; in lines 8 and 9 strike ", or financing"; strike beginning with the comma in line 11 through "sale" in line 24 and insert "unless:

(a) The acquisition of the facility occurs at a judicial sale pursuant to foreclosure of the facility for collection of a debt secured by the facility or a lien on the facility arising by the operation of law, or a subsequent sale or lease of the facility by the secured lender or lienholder who has purchased the facility at a judicial sale; or

(b) The acquisition of the facility is a transfer of ownership occurring by reason of the death of the owner or part owner thereof, and the transferees are the owner's heirs, are persons designated in the owner's probated will or trust agreement, or are joint tenants with the owner on the title instrument".

3. Insert a new section as follows:

"Sec. 71. After the operative date of this act, any person who sells, for a profit, a health care facility for which Medicaid reimbursement has been received shall reimburse the Department of Public Welfare for either (1) the amount of depreciation allowed and paid by the Department of Public Welfare for previous years to the time of sale of the property or (2) the product of the ratio of depreciation paid in past years to the total depreciation accumulated by the facility times the difference in the sales price of the property over the book value of the assets sold, whichever is less. The determination of the amount to be recaptured shall be made within one hundred twenty days of the

effective date of the transfer or within thirty days of the date of receipt of the final cost report of the seller. The Department of Public Welfare shall adopt and promulgate rules and regulations to determine the computation of such reimbursement.".

4. On page 24, line 27, and page 25, line 1, strike "representative of the consumer viewpoint" and insert "who are not providers of health care as defined in section 60 of this act".

5. On page 1, strike beginning with "and" in line 16 through the quotation mark in line 20; and strike beginning with the first semicolon in line 22 through "24" in line 25.

6. On page 2, strike beginning with the semicolon in line 14 through the quotation mark in line 17; in line 24 after the comma insert "a scanner and automatic film processor used in nuclear medicine, ultrasound equipment for diagnostic or therapeutic treatment, heart or lung bypass units, or critical care remote monitoring units"; strike beginning with "or" in line 24 through "care" in line 26; and in line 26 after the period insert "The department may recommend to the Legislature that other clinical equipment be included as equipment which such offices shall not acquire if the expenditure for such equipment would be in excess of one hundred thousand dollars and the equipment is the kind which is primarily used for inpatient or outpatient hospital care. The specification of such clinical equipment by the department shall be subject to the rulemaking procedures, including the notice and hearing procedures, under Chapter 84, article 9. The department shall annually, on or before January 1, file the recommendations it proposes under this section with the Clerk of the Legislature. If no recommendation is made a statement to that effect shall be filed with the clerk.".

7. On page 3, strike beginning with "An" in line 21 through the period in line 26.

8. On page 5, strike beginning with "Such" in line 26 through "department" in line 28 and insert "The department may incorporate as part of its rules and regulations adopted pursuant to Chapter 84, article 9, any part of such plans".

9. On pages 6 and 7 strike the new section 71.

SPEAKER MARVEL PRESIDING

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 Schmit et al amendments were adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 585. E & R amendment found in the Journal on page 1708 for the Seventy-Fourth Day was adopted.

Mr. Warner reoffered the Appropriations Committee amendments found in the Journal on page 1450.

The amendments were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Warner renewed the Appropriations Committee amendments found in the Journal on page 1699.

The amendments were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Keyes renewed his pending amendment found in the Journal on page 1632.

MR. CLARK PRESIDING

Mr. Hefner offered the following amendment to the Keyes amendment:

Amend the Keyes amendment from 10 million to 4 million.

SPEAKER MARVEL PRESIDING

The Hefner amendment lost with 13 ayes, 17 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Sieck 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. Keyes moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Keyes requested a roll call vote on this amendment.

Voting in the affirmative, 20:

Brennan	Fitzgerald	Kennedy	Lewis	Simon
Cullan	Hefner	Keyes	Maresh	Vickers
DeCamp	Hoagland	Koch	Newell	Wagner
Duis	Kahle	Lamb	Sieck	Wesely

Voting in the negative, 21:

Beutler	Cope	Kelly	Nichol	Warner
Burrows	Dworak	Kremer	Pirsch	
Carsten	George	Labedz	Rumery	
Chambers	Hasebroock	Marvel	Schmit	
Clark	Johnson	Murphy	Stoney	

Present and not voting, 3:

Landis	Marsh	Reutzel

Excused and not voting, 5:

Fowler	Goodrich	Haberman	Merz	Venditte

The Keyes amendment lost with 20 ayes, 21 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Kremer asked unanimous consent to be excused until 1:00 p.m. No objections. So ordered.

Messrs. Duis and Clark asked unanimous consent to be excused at noon. No objections. So ordered.

Mr. DeCamp offered the following amendment:

1. On page 3, lines 3 and 4 strike "62,200,000" and insert "31,100,000"; and in lines 7 and 8 strike "74,800,000" and insert "43,700,000".

Mr. DeCamp withdrew his amendment.

Mr. Brennan offered the following amendment:

1. On page 14 after line 21 insert a new paragraph as follows:

"Prior to the expenditure of any funds from the program, each Technical College Board of Governors for each technical community college area shall file a plan with the Appropriations Committee and each member of the Legislature delineating how such funds will be integrated into its budget. No expenditure shall be made from any funds appropriated

by this section unless the Chairperson of the Appropriations Committee has certified to the Director of Administrative Services that such plan has been filed.".

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.

Mr. Brennan moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Brennan requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Brennan	DeCamp	Johnson	Maresh	Reutzel
Burrows	Dworak	Keyes	Marvel	Schmit
Chambers	Fitzgerald	Labedz	Murphy	Simon
Clark	George	Lamb	Newell	Vickers
Cullan	Hoagland	Lewis	Pirsch	Wesely

Voting in the negative, 14:

Cope	Kahle	Koch	Rumery	Wagner
Duis	Kelly	Marsh	Sieck	Warner
Hasebroock	Kennedy	Nichol	Stoney	

Present and not voting, 4:

Beutler	Carsten	Hefner	Landis

Excused and not voting, 6:

Fowler	Haberman	Merz
Goodrich	Kremer	Venditte

The Brennan amendment was adopted with 25 ayes, 14 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

SPEAKER'S ORDER

SPECIAL ORDER:
LB 363 Wednesday, May 9, 1979

(Signed) Richard D. Marvel, Speaker

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused on Monday, May 7, 1979, and Tuesday, May 8, 1979. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 120A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 120, Eighty-sixth Legislature, First Session, 1979.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 490 in the Journal. No objections. So ordered.

Req. #2940
1. Strike the original sections and insert:
"Section 1. That section 33-117, Revised Statutes Supplement, 1978, be amended to read as follows:
33-117. (1) The several sheriffs shall charge and collect fees as follows: Serving capias with commitment or bail bond and return, two dollars; serving search warrant, two dollars; arresting under search warrant, two dollars for each person so arrested; serving summons, subpoena in equity, order of attachment, order of replevin, writ of injunction, scire facias, citation, or other writ or mesne process and return thereof, one dollar for the first defendant and fifty cents for each of the other defendants in the same case; copy of summons, subpoena in equity or order of attachment, fifty cents; serving subpoena for witness, each person served, fifty cents; taking and filing replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; making a copy of any process, bond, or paper other than herein provided for, fifty cents; traveling expenses for each mile actually and necessarily traveled within or without their several counties in

their official duties, twenty cents, except that the minimum fee shall be fifty cents when such service is made within two miles of the courthouse; and, as far as is expedient, all papers in the hands of the sheriff at any one time shall be served in one or more trips by the most direct route or routes and only one mileage fee shall be charged for a single trip, the total mileage cost to be computed as a unit for each trip and the combined mileage cost of each trip to be prorated among the persons or parties liable for the payment of same; levying writ of execution and return thereof, two dollars; levying writ of possession without the aid of the county, two dollars; levying writ of possession with the aid of the county, four dollars; summoning the grand jury, not including mileage to be paid by the county, ten dollars; summoning petit jury, not including mileage to be paid by the county, twelve dollars; summoning special jury for each person impaneled, fifty cents; calling jury for trial of a case or cause, fifty cents; serving notice of motion, other notice, or order of court, one dollar; executing writ of restitution and return, two dollars; calling inquest to appraise lands and tenements levied on by execution, one dollar; calling inquest to appraise goods and chattels taken by order of attachment or replevin, one dollar; advertisement of sale in newspaper in addition to the price of printing, one dollar; advertising in writing for sale of real or personal property, two dollars; executing writ of partition, four dollars; making deeds for land sold on execution or order of sale, two dollars; committing prisoner to prison; one dollar; commission on all money received and disbursed by him or her on execution or order of sale, order of attachment decree, or on sale of real or personal property shall be for each dollar, not exceeding four hundred dollars, six cents; for every dollar above four hundred dollars and not exceeding one thousand dollars, four cents; for every dollar above one thousand dollars, two cents; Provided, in all cases where no money is received or disbursed by him or her no percentage shall be allowed; for guarding prisoners when it is actually necessary, four dollars per day, to be paid by the county. ~~; where there are prisoners confined in the county jail, three dollars shall be allowed the sheriff as jailer; for boarding prisoners, other than state prisoners, three dollars and fifty cents per day, in all counties where there is an average of less than fifty prisoners per day, computed on the basis of all kinds of prisoners, whether city, county, state, federal, or any other class, confined in the jail, and ninety cents per day where there is an average of more than fifty such~~

~~prisoners per day; and provided further, the fees for committing, guarding, confining, and the boarding of prisoners, other than state prisoners, in counties having a population of more than two hundred thousand inhabitants shall be governed by section 33-117.01.~~

(2) Except as provided in section 33-117.02, Reissue Revised Statutes of Nebraska, 1943, the office of sheriff of each county shall be granted reimbursement only for actual cost for boarding prisoners of all classes. Such reimbursement shall, for all prisoners other than state prisoners, be negotiated between the office of sheriff and the county board based upon the actual cost of boarding prisoners. The reimbursement for cost for state prisoners shall be three dollars and fifty cents per day and shall be paid to the county. In no event shall the sheriff receive any compensation which is calculated based upon the number of prisoners held in the county jail.

~~(2)~~ (3) The sheriff shall, on the first Tuesday in January, April, July, and October of each year, make a report to the county board, under oath, showing (a) the different items of fees, except mileage, collected or earned, from whom, at what time, and for what service, (b) the total amount of such fees collected or earned by such officer since the last report, and (c) the amount collected or earned for the current year. He or she shall pay all fees earned to the county treasurer, who shall credit same to the general fund of the county.

Sec. 2. That section 33-117.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-117.01. In counties having a population of two hundred thousand inhabitants or more the county board shall provide proper quarters and adequate equipment for the preparation and serving of all meals furnished to all prisoners confined in the county jail. The county sheriff shall have full charge and control of the quarters and service, and shall prepare and furnish all meals and provide all washing, fuel, lights and clothing for prisoners at actual cost to the county, subject to the right of the county to be paid by the state for state prisoners at the rate provided in ~~sections 47-113 and 47-113.01~~ section 33-117, and subject to the right of the county to be paid by the city for city prisoners at actual cost to the county. The sheriff shall, by written requisition, advise the county board what supplies are needed to enable him or her to carry out the duties herein imposed. All supplies of every nature entering into the furnishing of meals, washing, fuel, lights and clothing to the prisoners confined in the county jail

shall be purchased and provided, under the direction of the county board, by a person, other than the county sheriff or any of his or her deputies, designated by the county board. Payment for all purchases shall only be made by the county board on the original invoices and on the sworn affidavit of the person designated to make the purchases, attached to each and every separate invoice of goods and supplies, setting forth, under oath, (1) that the invoice correctly describes the goods as to quality and quantity, (2) that the same have been received and are in the custody of the affiant, (3) have been or will be devoted exclusively to the purposes authorized in this section, and (4) the price charged is reasonable and just.

Sec. 3. That section 47-113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

47-113. The sheriffs, ~~or~~ jailers, or, in counties having a population of two hundred thousand or more inhabitants, the county board of the several counties, ~~who have the custody of state prisoners confined in the jails of such counties,~~ shall receive for boarding ~~such~~ state prisoners the schedule of fees set forth in section 33-117. Such sheriffs or jailers are hereby authorized to provide such fuel, lights, washing and clothing as may be necessary for the comfort of such prisoners while in their custody. Each ~~such~~ sheriff, ~~or~~ jailer, or person so authorized by the county board shall, on the first day of January, April, July, and October of each year, make a report in writing to the Director of Administrative Services of the number of state prisoners in ~~his~~ custody in the county jail for the last three months before making his or her report, when committed, and for what item, the amount due ~~him~~ for boarding such prisoner or prisoners, the amount of clothing furnished each prisoner and the costs of the same, and the amount expended for washing, lights and fuel, for that quarter, which amount shall be sworn to by the sheriff, ~~or~~ jailer, or other authorized person before the clerk of ~~the~~ such county ~~of which he is sheriff or jailer,~~ and certified to under his or her seal. Thereupon the director shall quarterly draw his or her warrant upon the State Treasurer for the amount due such officer or county. When the condition of the jails in this state requires a constant guard to be kept to prevent the escape of prisoners confined therein, the sheriff shall be allowed the sum of four dollars per day for guarding or procuring guard for such prisoners, which shall be paid to him or her quarterly.

Sec. 4. Except as otherwise provided by law,

the office of sheriff shall be responsible for the care of prisoners committed to the county jail. The sheriff shall comply with all of the standards for criminal detention facilities developed under sections 83-945 to 83-953, Revised Statutes Supplement, 1978.

Sec. 5. That original sections 33-117.01 and 47-113, Reissue Revised Statutes of Nebraska, 1943, and section 33-117, Revised Statutes Supplement, 1978, and also section 47-113.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend sections 33-117.01 and 47-113, Reissue Revised Statutes of Nebraska, 1943, and section 33-117, Revised Statutes Supplement, 1978, relating to fees and salaries; to change certain fees paid to sheriffs as prescribed; to provide duties; and to repeal the original sections, and also section 47-113.01, Reissue Revised Statutes of Nebraska, 1943.".

Messrs. DeCamp and Reutzel asked unanimous consent to print the following amendments to LB 398 in the Journal. No objections. So ordered.

Req. #2939

(Final Reading Copy)

1. On page 2, line 6 reinstate the stricken matter; in line 7 strike "forty-five thousand five hundred"; in line 7 after the underscored period insert "On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For The purposes of this section, base salary shall mean the amount derived by increasing forty-three thousand dollars by six percent."; strike the new matter and reinstate the stricken matter in lines 20 through 23; and in line 24 after the period insert "On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-nine thousand five hundred dollars by six per cent.".

2. On page 3, strike lines 18 through 23.

3. On page 4, reinstate the stricken matter and strike the new matter in lines 1, 2, and 6; and in line 7 strike "thousand five" and reinstate "fifty"; and in line 7 after the period insert "On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing

thirty-two thousand dollars by six per cent, except that for each county judge in a county judge district having a population of one hundred thousand or more base salary shall mean the amount derived by increasing thirty-six thousand nine hundred fifty dollars by six per cent.".

4. On page 6, strike the new matter and reinstate the stricken matter in lines 2 and 3; in line 4 after the period insert "On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-five thousand seven hundred dollars by six per cent."; in lines 17 and 18 strike the new matter and reinstate the stricken matter; and in line 19 after the period insert "On January 1, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-nine thousand five hundred dollars by six per cent.".

5. In the title, line 7, strike "to provide for classes of judges;".

RESOLUTION

LEGISLATIVE RESOLUTION 78.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Fitzgerald, 14th District; Lewis, 45th District; Brennan, 9th District; Schmit, 23rd District.

WHEREAS, Nebraska law provides very little guidance to those charged with the responsibility of administering trusts; and

WHEREAS, enactment of the Uniform Trustees' Power Act and the Uniform Principal and Income Act have been viewed as a means of lending predictability to trust administration without need of complex trust instruments or determinations reached by courts of law; and

WHEREAS, the usefulness of these uniform acts may be enhanced by altering some provisions to accurately reflect changes in the Nebraska Uniform Probate Code, changes in the federal tax code and suggested amendments to the uniform acts; and

WHEREAS, further review of these uniform acts may be of great value in an effort to formulate legislation designed for the needs of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Committee on Banking and Finance conduct an interim review of the Uniform Trustees' Powers Act and the Uniform Principal and Income Act in an effort to determine what changes in these acts may be required to insure their effectiveness in the legal framework of Nebraska.

2. That the Committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

Mr. Brennan asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 591. Mr. Warner renewed the Appropriations Committee amendments found in the Journal on page 1695.

The amendments were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Warner offered the following amendment:

PURPOSE: To reduce the General Fund appropriation to Region V (Lincoln) Community Mental Health by $41,488, pursuant to the Region V request as stated in a letter dated April 26, 1979.
AMENDMENT:
On page 2, in lines 19 and 20 strike "115,325" and insert "73,837". On page 3, strike line 2. On page 4, in lines 3 and 4 strike "705,074" and insert "663,586".

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Lewis asked unanimous consent to be excused. No objections. So ordered.

Messrs. Murphy and Newell offered the following amendment:
Amend LB 591 by striking section 9, section 10, and section 11.

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.

Mr. Newell moved for a Call of the House. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Newell requested a roll call vote on the Murphy-Newell amendment.

Voting in the affirmative, 25:

Burrows	Fitzgerald	Kennedy	Murphy	Sieck
Carsten	Hefner	Keyes	Newell	Simon
Chambers	Johnson	Koch	Pirsch	Stoney
Cullan	Kahle	Lamb	Reutzel	Vickers
DeCamp	Kelly	Maresh	Schmit	Wagner

Voting in the negative, 11:

Beutler	Hasebroock	Landis	Warner
Cope	Hoagland	Marsh	Wesely
George	Labedz	Rumery	

Present and not voting, 3:

Dworak	Marvel	Nichol

Excused and not voting, 10:

Brennan	Duis	Goodrich	Kremer	Merz
Clark	Fowler	Haberman	Lewis	Venditte

The Murphy-Newell amendment was adopted with 25 ayes, 11 nays, 3 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment with 28 ayes, 1 nay, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 582. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 583. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 596. E & R amendment found in the Journal on page 1722 for the Seventy-Fourth Day was adopted.

Mr. Warner renewed the Appropriations Committee amendments found in the Journal on page 1696.

The amendments were adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 1716.

The amendment was adopted with 25 ayes, 0 nays, 14 present and not voting and 10 excused and not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 1748.

The amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Warner offered the following amendment:

On page 35, after line 6, add a new section to read as follows:

"Sec. 25. Agency 65 - Department of Administrative Services.

Program No. 172 - Central Data Processing Division.

In the development of new computer programs for state agencies, the Central Data Processing Division shall inform state agencies of any less costly alternative methods of substantially obtaining the requested service or information. When the Central Data Processing Division is requested to modify any existing computer program for a state agency, the Division shall inform the agency of any less costly modifications which will substantially provide the requested service or information."

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Newell offered the following amendment:

On page 23, after Line 23, insert a new section: "It is the intent of the Legislature that no General fund support be given for the State University of Nebraska (SUN) in 1979-80. The University of Nebraska shall not request General fund support for (SUN) in the future.

The amendment was adopted with 25 ayes, 0 nays, and 24 not voting.

Mr. Johnson offered the following amendment:

(1)

PURPOSE: To state that the Legislature intends that the Department of Public Welfare allow the maximum number of recipients of State Supplement to Supplemental Security Income receive full benefit of the 9.9% increase in Social Security beginning July 1, 1979.

AMENDMENTS:

On page 16, after line 3, insert a section to read as follows:

"It is the intent of the Legislature that the Department of Public Welfare maximize the number of recipients in The State Supplement to Supplemental Security Income Program to receive the full increase in Supplemental Security Income or Social Security payments effective July 1, 1979."

The amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Johnson offered the following amendment:

(2)

PURPOSE: To state that the Legislature intends that the Department of Public Welfare utilize in its need based assistance programs standards that conform to the poverty guidelines prescribed by the Office of Management and Budget in the Executive Office of the President of the United States, as adjusted pursuant to Title 42, United States Code, section 297ld.

AMENDMENTS: 1. On page 14, after line 1, insert a new paragraph as follows:

"It is the intent of the Legislature that the Department of Public Welfare shall, no later than June 30, 1980, utilize in their need based programs standards that conform to the current and applicable poverty guidelines prescribed by the Office of Management and Budget in the Executive Office of the President of the United States, as adjusted pursuant to 42 United States Code, section 297ld. Should it appear to the Department of Public Welfare that the new standards would result in expenditures during the remainder of the fiscal year of more money than was appropriated for its use as assistance payment, it is the intent of the Legislature that the department by regulation establish a percentage factor to be applied uniformly during the remainder of the fiscal year to such standards as to result in aggregate assistance payment expenditures not significantly different from the money appropriated for the fiscal year.".

The amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

MR. NICHOL PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 79.

Introduced by Stoney, 4th District.

WHEREAS, the 1979 National Football League professional draft was begun Thursday, May 3; and

WHEREAS, UNL football team members George Andrews and Barney Cotton and UNO football team member Rod Kush were drafted by the Los Angeles Rams, Cincinnati Bengals and the Buffalo Bills respectively; and

WHEREAS, all three of these football talents were high school football teammates at Omaha's Harry A. Burke High School under the coaching of Larry Jacobsen and his staff; and

WHEREAS, the outstanding successes of these players is a tribute to the superb quality and style of head coach Larry Jacobsen and his staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the inspired efforts of head coach Larry Jacobsen and his far-reaching constructive impact on the lives of these three players and many other fine young Nebraskans.

2. That the members of the Legislature extend their congratulations to George Andrews, Barney Cotton, and Rod Kush and commend their individual efforts and achievements as members of Nebraska football teams and wish them continued success.

3. That the Clerk of the Legislature send a copy of this resolution to Coach Jacobsen and his staff and to George Andrews, Barney Cotton and Rod Kush.

Mr. Stoney moved to suspend the rules, Rule 4, Sec. 6, to consider LR 79 today.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

LR 79 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 80.

Introduced by Cullan, 49th District.

WHEREAS The provision of mental health services is a high priority in Nebraska and

WHEREAS The Mental Health Commitment Act was passed in 1976 and has not been evaluated in depth since then and

WHEREAS Concern has been expressed as to the suitability and flexibility of the current mental health act especially as it affects rural areas of Nebraska

NOW THEREFORE BE IT RESOLVED BY THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee conduct a study of the Mental Health Commitment Act to determine its effectiveness in providing mental health services to individuals in need of them;

2. That the study identify (a) the costs of mental health board proceedings to the county, to the state, and to individuals; (b) the level of services currently provided to the mentally ill under the Mental Health Commitment Act; (c) any procedural changes that may facilitate carrying out the mental Health Commitment Act while protecting the rights of individuals during mental health proceedings; (d) any special problems carrying out the Mental Health Commitment Act in rural areas of the state and how to alleviate such problems; and (e) the relationship between the mental health boards and the judiciary;

3. That the committee solicit input from mental health boards, the judiciary, county attorneys, public defenders, attorneys interested in mental health, law enforcement officers, mental health professionals and individuals affected by the Mental Health Commitment Act;

4. That the Public Health and Welfare Committee submit a report of its findings and recommendations to the Eighty-Sixth Legislature of Nebraska, Second session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 81.

Introduced by Cullan, 49th District.

WHEREAS The Department of Health encompasses numerous programs affecting every citizen of Nebraska on a daily basis and
WHEREAS The Department of Health employs 354 people and expends a budget for the current fiscal year of $13.8 million and
WHEREAS The Department of Health is the only major human service agency not directly accountable to the Governor
NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee conduct a study regarding the funding, services, programs, organization, and structure of the Department of Health and

2. That the committee make a report of its findings and recommendations to the next session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 11 in the Journal. No objections. So ordered.

1. On page 2, line 13, after the underscored period insert "Nothing in this act shall be construed to prohibit or limit any use of or right to water or real property, by any corporation, partnership, association, political subdivision, or individual, which is not otherwise prohibited by law.".

Mr. Duis asked unanimous consent to print the following amendment to LB 327 in the Journal. No objections. So ordered.

Req. #2918

1. Insert three new sections as follows:

"Sec. 4. That section 19-919, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-919. No plat of or instruments effecting the subdivision of real property described in section 19-918 shall be recorded or have any force and effect unless the same be approved by the governing body of such municipality except as provided in section 19-921. The governing body of such municipality shall have power, by ordinance, to provide the manner, plan, or method by which real property in any such area may be subdivided, platted, or laid out, including a plan or system for the avenues, streets or alleys to be laid out within or across the same; and to prohibit the sale or offering for sale of, and the construction of buildings and other improvements on, any lots or parts of real property not subdivided, platted or laid out as required in sections 19-918 and 19-920.

Sec. 5. That section 19-921, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-921. 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 ownership or building development, except that the division of land shall not be considered to be a subdivision when the smallest parcel created is more than ten acres in area. The fact that a parcel created within

the zoning jurisdiction of a city of the first or second class or village has not been approved by the governing body shall not constitute a defect of record title when the deed or other instrument was recorded before the effective date of this act.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

1. On page 2, lines 4, 7, 8, 14, and 17, page 4, lines 7, 12, 14, and 16, and page 5, line 2, strike "judges" and insert "~~judges~~ commissioners"

2. On page 2, lines 15 and 21, page 4, line 9, and page 5, line 6, strike "judge" and insert "~~judge~~ commissioner".

3. On page 4, line 3, and in committee amendments, page 2, line 24, strike "judge" and insert "commissioner".

4. In renumbered section 8, line 7, strike "court" and insert "commission".

5. In line 1 of new section 9, insert "(1)" before "After"; and strike the sentence beginning in line 6 and after line 6 insert:

"(2) After the effective date of this act, whenever the word judge or judges occurs in the statutes with reference to the Commission of Industrial Relations it shall be taken to mean commissioner or commissioners.

(3) The Revisor of Statutes shall make the changes in the statutes to reflect the name changes provided in subsections (1) and (2) of this section.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 82.

Introduced by Schmit, 23rd District; Newell, 13th District; Burrows, 30th District; Labedz, 5th District; Simon, 31st District; Maresh, 32nd District; Kahle, 37th District; Johnson, 8th District; DeCamp, 40th District; Lamb, 43rd District; Chambers, 11th District; Stoney, 4th District; Pirsch, 10th District; Nichol, 48th District; Hoagland, 6th District; Koch, 12th District.

WHEREAS, the South Omaha balefill dump is a solid waste disposal site for compressed garbage located near Second and Martha Streets and operated by the City of Omaha; and

WHEREAS, citizen complaints have been recorded relating to oders, blowing trash, insects, rodents and other negative externalities; and

WHEREAS, inspections of the facility reveal immediate danger to the public safety due to perpendicular embankments, uncovered bales, and improper fence enclosure; and

WHEREAS, the allegations of neighbors and subsequent inspections by members of the Legislature to the facility indicate that violations of state law have been committed in the management and operation of the dump site; and

WHEREAS, the Legislature has a continuing interest in the implementation and enforcement of state law, and protection of environmental quality of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee of the Legislature conduct an investigation of the allegations relating to deficient administration of the South Omaha balefill dump and ensuing threats to health, welfare, and environmental quality.

2. That the investigation shall commence immediately after the close of this legislative session.

3. That the Committee may employ such staff as may be necessary to effectively complete this investigation.

4. That a report of any infractions of state law discovered by the Committee be forwarded to the appropriate jurisdictional entities for further action.

5. That the Committee may initiate any appropriate legal action necessary and proper to ensure the safety of the public.

6. That the Committee make a report of its findings together with any recommendations it may formulate to the next regular session of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 83.

Introduced by Wesely, 26th District.

WHEREAS, the Nebraska Legislature enacted into law the Nebraska Records Management Act for the management, preservation, and public availability of public records; and

WHEREAS, it has been one decade since the enactment of the Nebraska Record Management Act; and

WHEREAS, the 95th Congress, 2nd Session, has enacted legislation regarding the management, preservation, and public availability of the official records of certain public officials, which is cited as the "Presidential Records Act of 1978"; and

WHEREAS, the Nebraska Legislature has not reviewed the Nebraska Records Management Act since the enactment of this new federal law; and

WHEREAS, it is an appropriate time for the Legislature to review how the Nebraska Records Management Act applies to the public records of certain state officials and to compare how the provisions of the act may correspond to provisions of the "Presidential Records Act of 1978", with reference to the management and preservation of public records created by elected officials.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Committee on Miscellaneous Subjects perform an interim study to:

(a) Study the clarification needs in the current records management act for the public records of these elected public officials; the Governor, the Lieutenant Governor, elected Constitutional Officers, and State Legislators.

(b) Study the guidelines and procedures for the scheduling, review, and maintenance of the public records of the elected public officials as stated in item (a).

(c) Study the comparability of the federal records management law with Nebraska's record management law.

(d) Study the record management laws of those states that have initiated new or inovative acts as they may relate to the officials as to be studied in item (a) of this resolution.

(e) Assess the cost of preserving the public records of the officals as stated in item (a) of this resolution and study those other issues as may be deemed necessary by the Miscellaneous Subjects Committee or desirable to accomplish the directives of this study resolution.

2. The Committee shall work with the State Records Board in the conduct of this interim study.

3. The Committee shall make a report of its findings, together with any recommendations it may formulate, to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 345. Mr. Newell asked unanimous consent to have the bill laid over.

Mr. Kelly objected.

Mr. Newell moved to have the bill laid over.

The motion prevailed with 13 ayes, 1 nay, 25 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 391. E & R amendments found in the Journal on page 1758 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 161. E & R amendments found in the Journal on page 1759 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 281. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 341. E & R amendment found in the Journal on page 1759 for the Seventy-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 540. E & R amendment found in the Journal on page 1759 for the Seventy-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 569. E & R amendments found in the Journal on page 1759 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 149. E & R amendment found in the Journal on page 1760 for the Seventy-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 573. E & R amendments found in the Journal on page 1762 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 282. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 534. E & R amendment found in the Journal on page 1674 for the Seventy-Third Day was adopted.

Mr. Hoagland withdrew his pending amendments found in the Journal on page 1688.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 4, 1979, at 1:30 p.m., were the following bills: 492, 547, 584, 581, 331, 395 and 546.

(Signed) Janet M. Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 152 in the Journal. No objections. So ordered.

Req. #2945

(Amendments are to the Committee Amendments)

1. On page 1, line 21, strike "a", show as stricken and insert "for the first offense, a Class I misdemeanor, for the second offense, a Class IV felony, and for the third and all subsequent offenses, a Class III felony."; and strike line 22 and all amendments thereto, and show the old matter as stricken.

2. Insert a new section as follows:

"Sec. 5. That section 28-1105, Revised Statutes Supplement, 1978, be amended to read as follows:

28-1105. (1) A person commits the offense of possession of gambling records ~~in the first degree~~ if, other than as a player, he or she knowingly possesses any writing, paper, instrument, or article which is:

~~constitutes, reflects, or represents more than five bets totaling more than five hundred dollars, and which is:~~

(a) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise and such writing, paper, instrument, or article has been used for the purpose of recording, memorializing, or registering any bet, wager, or other gambling information; or

(b) Of a kind commonly used in the operation, promotion, or playing of a lottery or mutuel scheme or enterprise and such writing, paper, instrument, or

article has been used for the purpose of recording, memorializing, or registering any bet, wager, or other gambling information.

(2) Possession of gambling records in the first degree is a Class ~~IV felony~~ II misdemeanor.''.

3. Renumber remaining sections accordingly.

4. Strike the first E and R amendment to page 6, line 23.

Mr. George and Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 514. Mr. DeCamp withdrew his pending amendments found in the Journal on page 1575.

Advanced to E & R for Engrossment.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 565A. Mr. Nichol renewed his pending amendment found in the Journal on page 1740.

The amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 565. E & R amendment found in the Journal on page 1732 for the Seventy-Fifth Day was adopted.

Advanced to E 7 R for Engrossment.

LEGISLATIVE BILL 378. E & R amendments found in the Journal on page 1470 for the Sixty-Seventh Day were adopted.

Mr. Venditte withdrew his pending amendment found in the Journal on page 1138.

Mr. Hoagland withdrew his pending amendment found in the Journal on page 1635.

Mr. Hoagland renewed his pending amendment found in the Journal on page 1824 (Req. #2937).

Laid over.

Mr. Vickers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 141. E & R amendment found in the Journal on page 1732 for the Seventy-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 86. E & R amendment found in the Journal on page 1759 for the Seventy-Fifth Day was adopted.

Mr. Murphy withdrew his pending amendment found in the Journal on page 1728.

Mr. Murphy renewed his pending amendment found in the Journal on page 1827 (Req. #2930).

The amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Murphy reoffered his amendment found in the Journal on page 1728.

Amendment pending. Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Newell, Landis, and Wesely asked unanimous consent to print the following amendment to LB 569 in the Journal. No objections. So ordered.

In the Wesely Landis amendments strike the word "~~Delegates~~" after the word Uncommitted.

Mr. Koch asked unanimous consent to print the following amendment to LB 596 in the Journal. No objections. So ordered.

1. On page 2, line 5, after the period insert "It is the intent of the Legislature that the State Board of Equalization and Assessment shall not, when setting the rates of the sales tax and income tax, reduce the sales or income tax because of appropriations made by the Eighty-sixth Legislature, First Session, 1979, for the period July 1, 1979, to June 30, 1980.".

UNANIMOUS CONSENT - Member Excused

Mr. Johnson asked unanimous consent to be excused Monday, May 7, 1979. No objections. So ordered.

VISITORS

Visitors to the Chamber were 17 junior and senior high students and teacher from Weeping Water; 12 seventh and eighth grade students and teacher from Mason City; 24 seventh and eighth grade students and teacher from Farwell; 42 seventh grade students and teacher from Valentine; 17 fourth grade students and teacher from Helen Hyatt School, Lincoln; 41 eighth grade students and teacher from Church of Risen Christ School, Lincoln; 18 kindergarten through eighth grade students and teacher from District #40 - Looking Glass School, Lindsay; Mr. Wendel Muller from Gibbon; Irene Swisher from Gering; 49 fourth grade students and teachers from Cottonwood Elementary School, Millard; 18 seventh and eighth grade students and teachers from Gresham; 8 eighth grade students and teacher from Benedict; 42 fourth grade students and teacher from Cottonwood Elementary School, Millard; 20 second grade students, teacher, and parents from Johnson-Brock School; and Senator and Mrs. Kennedy's daughter, Bonnie Wollen and son Matt, from Hampton, Iowa.

ADJOURNMENT

Mr. Wagner moved to adjourn until 9:00 a.m, Monday, May 7, 1979. The motion prevailed with 18 ayes, 8 nays, and 23 not voting.

At 2:10 p.m., the Legislature adjourned until 9:00 a.m., Monday, May 7, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTIETH DAY - MAY 7, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 7, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God and Father, someone once said, "Democracy is the worst form of government, except for all the others." Sometimes we only perceive the truth of that statement when we view our country in relationship to others, and our government in relationship to that of other lands. Help us, therefore, this day, despite past mistakes, present problems, or uncertain tomorrows, to appreciate anew the genius of our government of the people, by the people, and for the people. In these closing days of this session, help us to see that our government depends upon our efforts, that justice depends upon our wisdom, and that equality depends upon our perseverance in furthering the values which we hold highest. So may we work together through our compromises and solutions, through our discussions and decisions, toward a successful conclusion of our business, that when we have finished, we may be able to look back and say, we're not perfect, we did out best, and accomplished the most, by Your strength. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Johnson and Koch who were excused; and Messrs. George, Hoagland, Lewis, Schmit, Simon, Venditte, and Mesdames Labedz and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 80. Replaced on Select File as amended.
E & R amendments to LB 80:

1. In committee amendments, page 13, line 2, strike "14-233" and insert "14-223".

2. On page 83, line 24, strike "23-2817" and insert "23-1817".

3. Strike E & R 3, adopted 5/2.

4. In the title, line 17, strike "48-1119,".

LEGISLATIVE BILL 594. Replaced on Select File as amended.
E & R amendment to LB 594:

1. Renumber as section 54 the new section inserted on 5/2; and in line 4 thereof strike "provided," and insert "Provided,".

LEGISLATIVE BILL 591. Replaced on Select File as amended.
E & R amendments to LB 591:

1. Renumber original sections 12 to 14 as sections 9 to 11.

2. On page 2, line 9, strike "12" and insert "9".

LEGISLATIVE BILL 329. Placed on Select File as amended.
E & R amendments to LB 329:

1. On page 3, line 8, insert an underscored comma after "class"; and in line 23 insert "a" after "be".

2. On page 4, line 14, strike "i".

3. On page 12, line 17, strike "councilmen" show as stricken and insert "council members".

4. On page 13, line 2, and in the title, line 11, insert ", as amended by Legislative Bill 80, Eighty-sixth Legislature, 1979" after "1943".

LEGISLATIVE BILL 107. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: 285.

(Signed) Don Wesely, Chairman

MESSAGE FROM THE GOVERNOR

May 4, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 179, 181, 212, 273, 381, 416, 421, 427, 568.

These bills were signed by me on May 4, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Member Excused

Mr. Hasebroock 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 354.

A BILL FOR AN ACT to amend sections 44-403, 44-404, 44-407, 44-407.08, and 44-407.09, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to establish standards of valuation, interest rates, and reserves as prescribed; to change the Standard Nonforfeiture Law for Life Insurance; to enact the Standard Nonforfeiture Law for Individual Deferred Annuities; 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:

Brennan	Fitzgerald	Kremer	Murphy	Simon
Carsten	Haberman	Lamb	Newell	Stoney
Cope	Hefner	Landis	Nichol	Vickers
Cullan	Kahle	Maresh	Pirsch	Wagner
DeCamp	Kelly	Marsh	Reutzel	Warner
Duis	Kennedy	Marvel	Rumery	Wesely
Dworak	Keyes	Merz	Sieck	

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Chambers	Fowler
Burrows	Clark	Goodrich

Excused and not voting, 9:

George	Hoagland	Koch	Lewis	Venditte
Hasebroock	Johnson	Labedz	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 39. With Emergency.

A BILL FOR AN ACT to amend sections 71-604.01 and 71-604.03, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for screening of infants for metabolic disease as prescribed; to provide duties; to provide for fees and their use; to repeal the original sections, and also section 71-604.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Beutler	Dworak	Kahle	Maresh	Pirsch
Brennan	Fitzgerald	Kelly	Marsh	Reutzel
Burrows	Fowler	Kennedy	Marvel	Rumery
Carsten	George	Keyes	Merz	Sieck
Cope	Goodrich	Kremer	Murphy	Simon
Cullan	Haberman	Lamb	Newell	Stoney
Duis	Hefner	Landis	Nichol	Vickers

Wagner	Warner	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Clark	DeCamp

Excused and not voting, 8:

Hasebroock	Johnson	Labedz	Schmit
Hoagland	Koch	Lewis	Venditte

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 252.

A BILL FOR AN ACT to amend section 31-748, Reissue Revised Statutes of Nebraska, 1943, and sections 31-727.03, 31-734, and 31-749, Revised Statutes Supplement, 1978, relating to sanitary and improvement districts; to change certain procedures; to provide a bond amount; to change a notice requirement; 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:

Beutler	Duis	Kahle	Marvel	Simon
Brennan	Dworak	Kelly	Merz	Stoney
Burrows	Fitzgerald	Kennedy	Murphy	Vickers
Carsten	Fowler	Keyes	Newell	Wagner
Chambers	George	Kremer	Nichol	Warner
Clark	Goodrich	Lamb	Pirsch	Wesely
Cope	Haberman	Landis	Reutzel	
Cullan	Hasebroock	Maresh	Rumery	
DeCamp	Hefner	Marsh	Sieck	

Voting in the negative, 0.

Excused and not voting, 7:

Hoagland	Koch	Lewis	Venditte
Johnson	Labedz	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 332.

A BILL FOR AN ACT relating to insurance; to provide certain requirements for all lines insurers; to define terms; and to repeal section 44-201.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Brennan	Dworak	Kelly	Marsh	Rumery
Carsten	Fitzgerald	Kennedy	Marvel	Sieck
Chambers	George	Keyes	Merz	Simon
Clark	Goodrich	Kremer	Murphy	Stoney
Cope	Haberman	Labedz	Newell	Vickers
Cullan	Hasebroock	Lamb	Nichol	Wagner
DeCamp	Hefner	Landis	Pirsch	Warner
Duis	Kahle	Maresh	Reutzel	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Burrows	Fowler

Excused and not voting, 6:

Hoagland	Koch	Schmit
Johnson	Lewis	Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 387. Laid over at the request of Mr. Carsten.

LEGISLATIVE BILL 42. Laid over at the request of Mr. DeCamp.

LEGISLATIVE BILL 227. With Emergency.

A BILL FOR AN ACT to amend sections 60-311.05, 60-311.07, and 77-1240.03, Reissue Revised Statutes of Nebraska, 1943, and sections 60-305.09 and 60-315, Revised Statutes Supplement, 1978, relating to motor vehicle registration; to provide for cancellation of registration and credit for a portion of unused fees for certain disabled vehicles; to provide for reregistration; to change audit requirements; to provide for unladen-weight registration; to provide for amateur radio plates on commercial trucks; to provide a credit for cabin trailers as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 33:

Beutler	Duis	Hefner	Maresh	Stoney
Brennan	Dworak	Kelly	Marsh	Venditte
Burrows	Fitzgerald	Kennedy	Marvel	Vickers
Carsten	George	Keyes	Murphy	Wagner
Clark	Goodrich	Kremer	Rumery	Warner
Cope	Haberman	Labedz	Schmit	
Cullan	Hasebroock	Landis	Sieck	

Voting in the negative, 9:

Chambers	Kahle	Merz	Pirsch	Wesely
Fowler	Lamb	Newell	Reutzel	

Present and not voting, 3:

DeCamp	Nichol	Simon

Excused and not voting, 4:

Hoagland	Johnson	Koch	Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 251 to Select File

Mr. Fowler moved to return LB 251 to Select File for the following specific amendment:

Amendments to LB 251, as currently existing
after adoption of Select File amendments,
as shown on pages 1567-1569 of the 69th Day Journal

1. Page 5 - Strike Section 9, and in Section 11, line 24, after the word "council", add "after consulting with the Planning Commission if the City has a Planning Commission".

2. Page 6 - Beginning on line 14, strike the words "and uniform". Line 18, strike the word "revenue", and insert the word "assessment".

Line 25, after the word "property", strike the word "and", and insert the words "as shown on the latest tax rolls of the County Treasurer for such County, and to each".

3. Page 7 - Line 11, after the word "all" add the word "written", and after the word "protest" add the words "received prior to the close of the hearing".

Line 15, after the word "if", add the word "written", and after the word "made" add "prior to the close of the hearing".

Line 15, prior to the word "proceedings" insert "if a special assessment is to be used,".

Line 16, and line 17, strike the words "front footage", and insert in place thereof the word "units".

Line 17 beginning with the word "if" on line 17, strike the words "if a different method of assessment" and insert the words "if an occupation tax".

Lines 19 and 20, strike the words "owners or".

Page 8 - Beginning on line 14, strike the words "provisions of the special assessment or the imposition of a".

Line 16, after the word "tax", and before the period, add "or that the real property in the area will be subject to the special assessment authorized by this act".

Page 9 - Beginning on line 1, strike the words "a general business license and occupation tax or".

Beginning on line 10, strike the words "or any general business license and occupation tax".

Line 12, strike the words "or users".

Line 27, after the period, add the following: "All special assessments levied under this act shall be liens on the property and shall be certified for collection and collected in the same manner as special assessments for improvments and street improvement districts of the city are collected."

Page 10 - Line 1, after the word "the" reinstate the words "levy of taxes or".

Line 4 after the word "such" reinstate "levy, the", and after the word "assessment" reinstate the words "or levy on".

Line 5 after the word "the" reinstate the words "levy or".

Line 6, after the word "assessment" reinstate the words "or levy".

Line 8, after the period, add the following: "Reassessments, or changes in the rate of levy of assessments or taxes may be made by the City Council after notice and hearing as provided in Section 16 of this act."

Line 18, after the word "facility" and before the period, add ", or of maintaining such improvement or facility", and after the word "of" strike the word "such" and insert the word "any".

Page 11 - After line 14, add a new section to read as follows: "Any business improvement district or any downtown improvement and parking district created prior to the effective date of this act pursuant to Sections 19-4001 to 19-4014, or Sections 19-3401 to 19-3420, Reissue Revised Statutes of Nebraska, 1943, shall continue in existence and shall hereafter be governed by this act."

Add a new Section 17, to read as follows:

"(1) In addition to or in place of the special assessments authorized by this act, a city may levy a general business license and occupation tax upon the businesses and users of space within a district established for acquiring, constructing, maintaining or operating public off-street parking facilities and providing in connection therewith other public improvements and facilities authorized by this act, for the purpose of paying all or any part of the total cost and expenses of any authorized improvement or facility within such district. Notice of a hearing on any such tax levied under this act shall be given to the businesses and users of space of such districts, and appeals may be taken, all in the manner provided in Section 16 of this act.

(2) For the purposes of the tax to be imposed under this section, the City Council may make a reasonable classification of businesses or users of space. The collection of a tax imposed pursuant to this section shall be made and enforced in such a manner as the City Council shall by ordinance determine to produce the required revenue. The City Council may provide that failure to pay the tax imposed pursuant to this section shall constitute a violation of the ordinance and subject the violator to a fine or other punishment as provided by ordinance.

(3) As used in this section, the word "space" shall mean the square foot space wherein customers, patients, clients, or other invitees are received and space from time-to-time used or available for use in connection with a business or profession of a user, excepting all space owned or used by political subdivisions."

Add a new section, with the emergency clause, to provide for the immediate effect of this act.

Renumber the sections as necessary.

The motion prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 251. The Fowler specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 387 to Select File

Mr. Carsten moved to return LB 387 to Select File for the following specific amendment:

(Amendments are to Final Reading Copy)

Req. # 2922

1. Insert a new section 1 as follows:

"Section 1. That section 32-4,152, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,152. Vacancies in city and village offices shall be filled by the mayor and council or board of trustees for the balance of the unexpired term, except as provided in subsection (2) of this section. Notice of a vacancy, except that resulting from the death of the incumbent, shall be in writing and presented to the council or board of trustees at a regular meeting and shall appear as a part of the minutes of such meeting. The council or board of trustees shall at once give public notice of the vacancy by causing to be published in a newspaper or newspapers of general circulation within such village or city or by posting in three public places in the village or city the office vacated and the length of the unexpired term.

(1) The mayor or chairman of the board shall within two weeks after the regular meeting at which such notice of vacancy has been presented, or upon the death of the incumbent, call a special meeting of the board at which time the mayor or chairman of the board shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term. The board members shall vote upon such nominee and if a majority of the board votes in favor of such nominee the vacancy shall be declared filled. If a majority vote is not

reached the nomination shall be rejected and the mayor or chairman shall at the next regular meeting submit the name of another qualified elector to fill the vacancy. If the vote on the nominee fails to carry by a majority vote the mayor or chairman shall continue at such meeting to submit the names of qualified electors in nomination and the council or board of trustees shall continue to vote upon such nominations until the vacancy is filled. The mayor or chairman of the board shall cast his or her vote for or against the nominee in the case of a tie vote of the council or board of trustees. All council members and trustees present shall cast a ballot for or against the nominee.

(2) Vacancies in city offices in any home rule charter city shall be filled as provided in the home rule charter.

(3) If there is a vacancy in the offices of a majority of the members of a city council or village board, there shall be a special municipal election conducted by the Secretary of State to fill such vacancies.".

2. On page 2, strike beginning with "Any" in line 1 through the period in line 6, and insert "(1) Any or all of the members of the city council or board of trustees, and the mayor or chairperson of the board of any municipality not organized under the city manager plan of government, the commission form of government, or with a home rule charter may be removed from office by the registered voters of the municipality pursuant to this act. The mayor and members of the city council of municipalities organized under the commission form of government may be removed from office according to the recall provisions of Chapter 19, article 4. The mayor and members of the city council of municipalities organized under the city manager form of government may be removed from office according to the recall provisions of Chapter 19, article 6. The mayor and members of the city council of municipalities with a home rule charter may be removed from office according to the recall provisions of the home rule charter."; in line 7 before "A" insert "(2)"; in line 9 after the second "the" insert "city" and after "council" insert "or village board of trustees"; in line 10 after "all" insert "such officers" and strike beginning with "of" in line 10 through "mayor" in line 11; in lines 11 and 15 strike "councilmember" and insert "officer"; and in lines 22 and 27 after "city" insert "or village".

3. On page 3, lines 8 and 24 after "city" insert "or village".

4. On page 4, lines 4, 14, and 23 after "city"

insert "or village"; and in line 24 after the second "the" insert "city" and after "council" insert "or village board of trustees".

5. On page 5, lines 1 and 6 strike "council" and insert "city council or village board of trustees".

6. Insert a new section 9 as follows:

"Sec. 9. If the officer is deemed removed, such removal shall result in a vacancy in the office. Such vacancy shall be filled as provided in section 32-4,152.".

7. On page 6, line 3, strike "councilman or mayor" and insert "members of the city council or board of trustees, or the mayor or chairperson of the board"; and in line 6 after "the" insert "city" and after "council" insert "or village board of trustees".

8. Insert a new section 12 as follows:

"Sec. 12. That original section 32-4,152, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

9. Renumber the remaining sections accordingly.

10. Supply underscoring to original sections.

11. In the title, line 2, after "ACT" insert "to amend section 32-4,152, Reissue Revised Statutes of Nebraska, 1943,"; in line 4 after "cities" insert "and villages"; and after the semicolon insert "to provide for a special municipal election as prescribed; to repeal the original section;".

The motion prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 387. The Carsten specific amendment found in this day's Journal was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and upon final passage:

LEGISLATIVE BILL 298. With Emergency.

A BILL FOR AN ACT to amend sections 71-5502, 71-5503, 71-5508, 71-5509, 71-5510, 71-5511, 71-5512, 71-5513, 71-5514, 71-5515, 71-5516, and 71-5517, Revised Statutes Supplement, 1978, relating to

public health and welfare; to amend the Emergency Medical Technician-Paramedic Act; to define and redefine terms; to authorize performance of prescribed emergency medical procedures; to harmonize provisions; to provide for rules and regulations; 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:

Brennan	Dworak	Kennedy	Marvel	Sieck
Burrows	Fitzgerald	Keyes	Merz	Simon
Carsten	George	Kremer	Newell	Stoney
Clark	Haberman	Labedz	Nichol	Venditte
Cope	Hasebroock	Lamb	Pirsch	Vickers
Cullan	Hefner	Landis	Reutzel	Wagner
DeCamp	Kahle	Maresh	Rumery	Warner
Duis	Kelly	Marsh	Schmit	Wesely

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Chambers	Fowler	Goodrich	Murphy

Excused and not voting, 4:

Hoagland	Johnson	Koch	Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 348 to Select File

Mr. Newell moved to return LB 348 to Select File for the specific amendment found in the Journal on page 1807.

The motion prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 348. The Newell specific amendment found in the Journal on page 1807 was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 356 to Select File

Mr. Lewis moved to return LB 356 to Select File for the following specific amendment:
Strike the enacting clause.

Motion pending.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 425.

A BILL FOR AN ACT to amend section 79-490, Revised Statutes Supplement, 1978, relating to schools; to remove an exception; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Beutler	Dworak	Kennedy	Merz	Venditte
Brennan	Fitzgerald	Keyes	Newell	Vickers
Burrows	Fowler	Kremer	Pirsch	Wagner
Carsten	George	Labedz	Reutzel	Warner
Chambers	Goodrich	Lamb	Rumery	Wesely
Clark	Haberman	Landis	Schmit	
Cope	Hasebroock	Maresh	Sieck	
Cullan	Hefner	Marsh	Simon	
DeCamp	Kahle	Marvel	Stoney	

Voting in the negative, 0.

Present and not voting, 4:

Duis	Kelly	Murphy	Nichol

Excused and not voting, 4:

Hoagland	Johnson	Koch	Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 576. With Emergency.

A BILL FOR AN ACT relating to the Department of Administrative Services; to change provisions for start of social security coverage; to provide for administrative expenses of a bureau; to change authorities and duties of the State Capitol custodian and administrator; to create a fund; to change cash funds to revolving funds; to change authority of the Accounting Administrator; to change provisions for reimbursement for expenses; to amend sections 68-603, 68-613, 81-1108.17, 81-1108.22, 81-1111, and 84-306.02, Reissue Revised Statutes of Nebraska, 1943, sections 81-1108.18 and 84-306.03, Revised Statutes Supplement, 1978, and section 84-306.01, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 578, Eighty-sixth Legislature, First Session, 1979; 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:

Beutler	Duis	Kelly	Marvel	Sieck
Brennan	Dworak	Kennedy	Merz	Simon
Burrows	Fitzgerald	Keyes	Murphy	Stoney
Carsten	George	Kremer	Newell	Venditte
Chambers	Goodrich	Labedz	Nichol	Vickers
Clark	Haberman	Lamb	Pirsch	Wagner
Cope	Hasebroock	Landis	Reutzel	Warner
Cullan	Hefner	Maresh	Rumery	Wesely
DeCamp	Kahle	Marsh	Schmit	

Voting in the negative, 0.

Present and not voting, 1:

Fowler

Excused and not voting, 4:

Hoagland Johnson Koch 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 576A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 576, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Beutler	Duis	Kelly	Marvel	Sieck
Brennan	Dworak	Kennedy	Merz	Simon
Burrows	Fitzgerald	Keyes	Murphy	Stoney
Carsten	George	Kremer	Newell	Venditte
Chambers	Goodrich	Labedz	Nichol	Vickers
Clark	Haberman	Lamb	Pirsch	Wagner
Cope	Hasebroock	Landis	Reutzel	Warner
Cullan	Hefner	Maresh	Rumery	Wesely
DeCamp	Kahle	Marsh	Schmit	

Voting in the negative, 0.

Present and not voting, 1:

Fowler

Excused and not voting, 4:

Hoagland Johnson Koch Lewis

A constitutional two-thirds majority having voted in the majority, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 42 to Select File

Mr. Haberman moved to return LB 42 to Select File for the specific amendment referred to in the Journal on page 1821 (Req. #2929).

Mr. Cullan requested a ruling of the Chair on whether the Haberman amendments are germane to the bill.

The Chair ruled the Haberman amendments out of order.

MOTION - Return LB 42 to Select File

Mr. Goodrich moved to return LB 42 to Select File for the specific amendment found in the Journal on page 1855.

Mr. Cullan 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. Goodrich withdrew his amendment.

MOTION - Return LB 42 to Select File

Mr. DeCamp moved to return LB 42 to Select File for the following specific amendment:

In the Final Reading copy on Pg. 8 Line 17 strike "January 1, 1980" and insert "July 1, 1980".

The motion prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 42. The DeCamp specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Rule Changes

Mr. Fowler offered the following rule change:

Rule 4, Section 1

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.

Referred to the Rules Committee.

Messrs. Newell and Vickers offered the following rule changes:

(1)

Amend Rule 3, Section 10(c)

Any time any member 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. The introducer must concur with any motion offered under this rule.

(2)

RULE 6, Sec. 2.

Add new sub-section

(j) No motion to reconsider the vote on advancement from General File shall be in order.

(3)

RULE 6, Sec. 4.

Add new sub-section

(j) No motion to reconsider the vote on advancement from Select File shall be in order.

(4)

RULE 7, Sec. 7.

Amend Sec. 7, sub-section (a) by adding the following new language: Provided no motion to reconsider the vote on advancement from either General File or Select File shall be in order.

Referred to the Rules Committee.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 571. Replaced on Select File as amended.

E & R amendments to LB 571:

(All references are to the Schmit select file amendments.)

1. In section 1, line 6, insert an underscored comma after "storage".

2. In section 2, lines 12 and 34, strike "herein" and insert "in this section"; in line 18 insert "~~The~~" after the period and "~~not required for such use~~" after "fund"; insert "of this act" after "8" in line 32 and

"9" in line 34; and in line 43 insert "~~fund~~" after "Fund".

3. In section 3, line 6, insert "~~nine~~" after "ten".

4. In section 4, insert "~~nine~~" after "ten" in lines 4 and 14; in line 9 insert "~~August 1, 1977,~~" after "after"; and in line 10 insert "~~four~~" after "five".

5. In section 5, line 4, insert "~~nine~~" after "ten"; and in line 10 strike "fund" and insert "fuel" as in the statutes.

6. In section 6, line 5, strike "provided such" and insert "which"; in line 6 strike "(50)"; and in line 18 insert "or combination thereof" after "county".

7. In section 8, line 5, strike "sections" and insert "section".

8. In section 10, line 1, strike "In the event that" and insert "If"; in line 3, insert "of this act" after "6"; in line 4 insert an underscored comma after "contract"; and insert "or combination thereof" after "county" in lines 3, 7, 10, and 11.

9. In section 11, insert an underscored comma after "lessee" in line 2, "operating" in line 5, and "building" in line 7, and in line 9 insert "of this act" after "6".

10. In section 12, insert an underscored comma after "maintain" in line 2 and "storage" in line 4.

11. In section 15, insert an underscored comma after "storage" in line 6.

12. In section 16, insert an underscored comma after "storage" in line 4.

13. In section 19, line 1, insert "of this act" after "9"; and in lines 3 and 6 insert "or combination thereof" after "county".

14. In section 20, line 5, strike "hereby" and insert "by this act"; in line 7 insert an underscored comma after "rights" and strike "herein" and insert "in this act" after "made"; insert "or combination thereof" after "county" in lines 9 and 12; and in line 10 strike "such sections" and insert "this act".

15. Renumber section 21 as section 22 and section 22 as section 21.

16. In renumbered section 21, insert "or combination thereof" after "county" in line 2; insert an underscored comma after "maintain" in lines 2 and 3, "storage" in line 4, and at the end of line 6; and in line 7 strike "Nebraska Revised Statutes" and insert "statutes of Nebraska".

17. In section 23, line 3, insert "and" after the first comma.

LEGISLATIVE BILL 596. Replaced on Select File as amended.
E & R amendments to LB 596:

1. In the Warner amendment 2, on page 1696 of the Journal, in line 1 strike "section" and insert "paragraph", and before "It" insert "(13)".

2. In lieu of the Newell amendment, on page 31 after line 23, insert a new paragraph as follows:

"(8) It is the intent of the Legislature that no General Fund support be given to the State University of Nebraska in 1979-80. The University of Nebraska shall not request General Fund support for the State University of Nebraska in the future."; in line 24 strike "(8)" and insert "(9)", and on page 32, line 2, strike "(9)" and insert "(10)", in line 11, strike "(10)" and insert "(11)", and in line 18 strike "(11)" and insert "(12)".

3. In line 1 of the Johnson amendment to page 16, strike "section" and insert "paragraph".

4. In the Warner amendment on page 1716 of the Journal, in line 3 before "Included" insert "Sec. 35.".

5. Renumber sections 25 to 33 and 34 to 36 as sections 26 to 34 and 36 to 38 respectively.

(Signed) Don Wesely, Chairman

GENERAL FILE

LEGISLATIVE BILL 172A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 216A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 382A. Title read. Considered.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?"

Mr. Maresh moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The motion to close debate prevailed with 26 ayes, 3 nays, and 20 not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 380A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 120A. Title read. Considered.

Mr. Dworak moved to indefinitely postpone LB 120A.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

The Dworak motion to indefinitely postpone lost with 11 ayes, 23 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Kelly asked unanimous consent to be excused. No objections. So ordered.

Mr. Dworak requested a record vote to advance LB 120A.

Voting in the affirmative, 25:

Brennan	Duis	Kennedy	Marvel	Reutzel
Burrows	Goodrich	Keyes	Merz	Rumery
Carsten	Hasebroock	Landis	Newell	Simon
Clark	Hefner	Lewis	Nichol	Venditte
DeCamp	Kahle	Marsh	Pirsch	Warner

Voting in the negative, 12:

Beutler	Dworak	Hoagland	Murphy
Cope	Fowler	Lamb	Vickers
Cullan	Haberman	Maresh	Wesely

Present and not voting, 9:

Chambers	George	Labedz	Sieck	Wagner
Fitzgerald	Kremer	Schmit	Stoney	

Excused and not voting, 3:

Johnson	Kelly	Koch

Advanced to E & R for Review with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Murphy asked unanimous consent to print the following amendments to LB 86 in the Journal. No objections. So ordered.

(Amendments are to Req. 2930)

1. On page 4, strike lines 3 to 6; in line 25 strike "public" and after "records" insert "unless publicly disclosed in an open court, open administrative proceeding or open meeting or disclosed by a public entity pursuant to its duties,".

2. On page 5, line 9 after the underscored comma insert "academic and scientific"; and in line 20 after "1943" insert "and preliminary personal opinions about administrative options as to policy or implementation of policy expressed in internal communications".

3. On page 6, line 3 after "sale" insert ", by a public body,"; in line 5 strike "and"; in line 8 strike the underscored period and insert an underscored semicolon; after line 8 insert new subsections (8) and (9) as follows:

"(8) Information solely pertaining to protection of the physical security of public property such as guard schedules or lock combinations; and

(9) Personally identified private citizen account payment information held by public utilities."; in line 22 after "determined" insert "by any federal department or agency or other federal source of funds, services, or essential information,"; and in line 23 after the second "of" insert "any".

4. On page 7, line 21 after "received" insert "or disclosed".

5. On page 8, line 2 after "of" insert "sections 1 to 8 of".

MESSAGE FROM THE GOVERNOR

May 7, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 331.

This bill was signed by me on May 7, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

MOTION - Return LB 356 to Select File

Mr. Kelly moved to return LB 356 to Select File for the following specific amendment:

Amend - on pg 3 Line 2 strike "10 thousand" insert "seven thousand five hundred" also: pg 3 Line 16; also, pg 5 Line 7; also, pg 5 Line 12; also pg 3 Line 5

Motion pending.

RESOLUTION

LEGISLATIVE RESOLUTION 84.

Introduced by Pirsch, 10th District.

WHEREAS, there are ninety-three counties in the State of Nebraska which have all experienced population growth; and

WHEREAS, the primary numbers on Nebraska license plates were originally designed to identify each of the ninety-three counties in order by population size; and

WHEREAS, due to unequal population growth in the counties, this numbering system no longer reflects the current order of counties by population; and

WHEREAS, each county deserves its full name recognition rather than a meaningless number designation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the primary number on Nebraska license plates designating the county identity be eliminated and the name of the issuing county be printed clearly across the bottom of each license plate.

2. That the Public Works Committee study appropriate and necessary measures to incorporate the county name on Nebraska

license plates according to the terms of this resolution on the first opportunity that new license plates are designed and issued.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 104
May 3, 1979

Dear Senator Carsten:

You have asked two questions concerning LB 285. In your first question you ask whether or not home rule charter cities would be exempt from budget limitation such as that contained in LB 285.

In this question you direct our attention to the case of Eppley Hotels Co. v. City of Lincoln, 133 Neb. 550, 276 N.W. 196 (1937). In the Eppley case the contention was that the Legislature, by enacting a statute with a lower limit, precluded imposition of a higher limit authorized by the charter. However, the Supreme Court held a city adopting a home rule charter, under the provisions of the Constitution allowing such action, was authorized to exceed such limitations.

The argument now being made is that that case extends to the proposition that the Legislature may not limit a home rule charter city's ability to tax the inhabitants of that city by statute. However, we believe that that argument is incorrect.

In the first instance, the Supreme Court said concerning the limitation on the amount of taxes that may be levied:

> ". . . This particular section of the statute had no particular sanctity beyond any other section of the statutory charter. It was no part of any general revenue statute. It provided for the levying of no taxes for any purposes other than for the uses and purposes of the city and upon no other property except that within the physical limits and jurisdiction of the city. If a home rule charter means what the words imply, why were not the people of Lincoln authorized by the Constitution to hold a charter convention or to have a local constitutional convention of their own and to vote upon the amendments to any charter by which they were formerly governed and make the charter thereby formed supersede the charter formerly existing, so long as they did not thereby violate the Constitution or general laws of the state?" (Emphasis added.) 133 Neb. at 554-555.

The court went on later to state that:

> ". . . While a home rule charter adopted pursuant to the constitutional provision may not contravene any provisions of

the Constitution or of any general statute enacted by the legislature, it is, in all other respects, binding and controlling. . . .'' (Emphasis added.) 133 Neb. at 555.

The specific act under attack in Eppley was a limitation on the power to tax of cities the size of Lincoln. LB 285 is a general statute that regulates the authority of all taxing entities within the State of Nebraska. As such, it is a law of general character and not one specifically directed at particular classes of cities or other subdivisions. A city charter which authorized actions which were inconsistent with the Constitution of the State of Nebraska or the general laws of the State of Nebraska would be a nullity. It is, therefore, our conclusion that LB 285 would be applicable to and effective in limiting home rule charter cities.

In your second question you ask whether LB 285 would be effective for fiscal year 1979-80 budget if it is adopted without the emergency clause. You point out that the Legislature will adjourn sometime toward the end of May of 1979 which would place the effective date of LB 285, if adopted without the emergency clause, sometime in August of 1979.

As you know, LB 285 amends LB 1, Eighty-fifth Legislature, First Special Session, 1978. It generally refers to the Uniform Budget Act contained in Chapter 23, article 9. The prohibition of LB 285 is contained in section 12. It provides in part:

> ''. . . [N]o governing body of any political subdivision shall adopt a budget statement pursuant to section 23-925, Reissue Revised Statutes of Nebraska, 1943, or pursuant to the charter ordinance of a city with a home rule charter, in which the anticipated combined receipts for the ensuring fiscal year exceeds an increase of more than seven per cent above the combined receipts budget base.'' (Emphasis added.)

Section 23-925 requires a governing body to adopt a proposed budget after holding a public hearing upon the proposed budget. Governing bodies are required by section 23-923, R.R.S. 1943, not later than the first day of August of each year, to prepare and file a proposed budget. This is the budget subject to a public hearing under section 23-925. Section 23-927 requires that the governing body shall file and certify with the levying board before September 1 a copy of the adopted budget statement.

Under the Constitution, Article III, Section 27, bills become effective three calendar months after adjournment of the legislative session. Generally a statute will not be given retroactive effect unless it is clearly and unequivocally ascertainable that the Legislature so intended. See Brown v. Sullivan, 195 Neb. 729, 240 N.W.2d 51 (1976), and Retired City Civilian Employees Club of the City of Omaha v.

The City of Omaha Employee Retirement System, 199 Neb. 507, 260 N.W.2d 472 (1977). If the action of a governing body in adopting a budget statement were to occur after the effective date of LB 285, LB 285 would govern the adoption of the budget statement. If, on the other hand, the adoption of the budget statement occurs prior to the effective date of LB 285, the constraints upon the adopting body would be those existing under LB 1.

Such results are not unprecedented in Nebraska law. In the case of Wheaton v. Aetna Life Ins. Co., 128 Neb. 585, 259 N.W. 753 (1935), the interest rate on judgments was changed from seven to six percent. Interest accrued on a judgment after adoption of an amendment but before its effective date. The Legislature had adopted the act and adjourned in May and the judgment arose as of June 1. The Supreme Court held that the applicable interest rate was seven percent.

Here the act controlled by LB 285 is the adoption of the budget statement. That act will not be controlled until the effective date of LB 285. In all probability most budget statements will have been adopted prior to the effective date of LB 285 if it is adopted without the emergency clause.

We have reviewed LB 285 to find any expression of an intention for retroactive operation. We find none. Furthermore, we do not believe such an intention, if expressed, would be legally effective.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 105
May 4, 1979

Dear Senator Beutler:

You have supplied this office with a copy of a proposed amendment to LB 44 of the Eighty-sixth Legislature, First Session, 1979, and a memorandum brief in connection therewith. The proposed amendment, among other things, would add a new section to LB 44 as follows:

> "Sec. 2. For tax year 1979 there shall be allowed a food sales tax credit of twenty-three dollars. For each year thereafter the Tax Commissioner shall adjust the previous year's credit by a

percentage equal to the percentage change in the cost of living for the most recent twelve-month period. For purposes of this section, the Tax Commissioner shall compute the cost of living change for the state based on: (1) data from the federal government including that published in the form of consumer price indexes, and (2) any other information the Tax Commission deems relevant."

You then ask if the proposed amendment, which is quoted above, would suffice to create a constitutional and workable food sales tax credit arrangement. The same is hereinafter discussed.

LB 44, as originally introduced, would amend Neb.Rev.Stat. section 79-2715 (Supp. 1978) and thereby increase the food sales tax credit from twenty to twenty-three dollars multiplied by the number of legally allowable personal exemptions. Your amendment would strike that portion of LB 44 and grant a food sales tax credit based upon the "cost of living" as quoted above. Specifically, the Tax Commissioner would have the duty to compute the cost of living change for the state based on: (1) data from the federal government including that published in the form of consumer price indexes, and (2) any other information the Tax Commissioner deems relevant.

As you know, the Consumer Price Index is established by the United States Department of Labor. In connection therewith, the Supreme Court of Nebraska has recently held that a resolution of a county board fixing the salaries of elected county officers at an amount plus an annual adjustment for changes in the cost of living as determined by an independent federal agency does not violate Article III, Section 19, of the Constitution of Nebraska. Shepoka v. Knopik, 201 Neb. 780, 272 N.W.2d 364 (1978). Prior thereto we had expressed our opinion that the Legislature may limit the current general fund expenditures of a governmental subdivision over its expenditures for the preceding year to an amount which is based on the Consumer Price Index. In other words, the Legislature may lawfully enact a statute in which it adopts by reference an existing law or regulation of another jurisdiction, including the United States. We then stated:

". . . It is also settled law that the Legislature, except as expressly authorized by the Constitution of Nebraska, may not lawfully enact a statute in which it adopts (1) administrative rules of a federal agency to be promulgated in the future or (2) an act of Congress of the United States to be passed in the future. . . .Consequently, the critical legal problem associated with Neb.Rev.Stat. section 79-4,164 (Supp. 1974) is the possibility that the United States Department of Labor or the United States Department of Commerce, or both, may establish certain criteria to determine the above stated indices different

from the criteria which was established to determine these indices at the time Neb. Rev.Stat. section 79-4,164 (Supp. 1974) became overative law. If that were to occur, Neb.Rev.Stat. section 79-4,164 (Supp. 1974) would obviously be rendered inoperative and the constitutionality of LB 984, Eighty-Third Legislature, Second Session, would be placed in jeopardy. . . " 1975-76 Neb.Rep. Atty. General, p. 82 (April 23, 1975).

We adhere thereto. Thus as we see it, there is no legal problem per se with the sales tax credit being based on the Consumer Price Index (although that could create a problem as discussed in our prior opinion which is quoted above). Rather, the legal problem is that the Tax Commissioner would be given the authority to select "any other information the Tax Commissioner deems relevant" in computing the cost of living. In other words, there are no limitations, standards, or criterion for the guidance of the Tax Commissioner in computing the cost of living index.

In School District No. 39 v. Decker, 159 Neb. 693, 68 N.W. 2d 354 (1955), the court stated:

". . . A statute which in effect reposes an absolute, unregulated, and undefined discretion in an administrative body bestows arbitrary powers and is an unlawful delgation of legislative powers." (159 Neb. at 700.)

It would therefore appear, and it is our opinion, that the propsed amendment to LB 44 would violate Article II, Section 1, Article III, Section 1, and Article XVII, Section 6, of the Constitution of Nebraska.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 106
May 7, 1979

Dear Senator Reutzel:

You have requested the opinion of this office concerning LB 99, a proposal for a constitutional amendment to create a Compensation Review Commission. As amended, LB 99 provides for the

appointment of Commission members by the Governor, subject to the approval of the Legislature. The bill authorizes the Commission to review salaries and expenses of members of the Legislature, members of the judiciary, and certain executive officers. The Commission would make compensation recommendations to the Legislature before the beginning of each regular legislative session held in an odd-numbered year, such recommendations, if approved by the Legislature, would become effective at the beginning of the next regular session of the Legislature.

Section 3 of LB 99 provides that if the proposed amendment is adopted, it shall be in force and take effect immediately upon the completion of the canvass of the votes. Bases on the standards articulated by the Nebraska Supreme Court, the proposed amendment, if adopted, would be self-executing. State ex rel. Walker v. Board of Educational Lands and Funds, 141 Neb. 172, 3 N.W.2d 196, 200 (1942), quoting 16 C.J.S., Constitutional Law, section 48, p. 142; State v. Odd Fellows Hall, 123 Neb. 440, 243 N.W. 616, 620-621 (1932).

Your request for an opinion dated May 1, 1979, specifically poses the following inquiry:

> "If the constitutional amendment proposed by LB 99 is adopted at either the primary or general election of 1980, may the Governor make temporary appointments to the commission so that it may meet prior to the start of the 1981 legislative session? In other words, would the positions in the commission be 'vacated' as contemplated by Article IV, section 12 of the Nebraska Constitution?"

Article IV, Section 12, of the Nebraska Constitution provides in pertinent part:

> "If any nonelective state office, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment. If the Legislature is in session, such appointment shall be subject to the approval of a majority of the members of the Legislature. If the Legislature is not in session, the Governor shall make a temporary appointment until the next session of the Legislature, at which time a majority of the members of the Legislature shall have the right to approve or disapprove the appointment. . . ."

A vacancy in office occurs whenever it is unoccupied by a legally qualified incumbent. An existing office without an incumbent is considered vacant whether it is a newly created or an old office. 67 C.J.S., Officers, section 74, p. 386; Garrotto v. McManus, 185 Neb. 644, 648, 177 N.W.2d 570 (1970).

In our opinion, if LB 99 is adopted by the voters in 1980 when the Legislature is not in session, the provisions of Article IV, Section 12, would be applicable and the Governor could make temporary appointments until the next session of the Legislature.

Your request for an opinion dated May 2, 1979, additionally poses the following inquiry:

> "1. Assuming that the commission will be able to meet prior to the beginning of 1981 regular legislative session, could the Legislature act upon its recommendations during a special session so that the new compensation rates would go into effect when the Legislature convenes in January 1981?"

LB 99, as amended, provides in pertinent part:

> ". . .Compensation recommended by the commission shall not become effective until approved by the Legislature and when so approved shall become effective at the beginning of the next regular session of the Legislature following the session in which such compensation was approved."(Emphasis added.)

A special session of the Legislature is deemed to be a "session" of the legislative assembly. 81A C.J.S., States, section 49, p. 395. We note, in the above-quoted language of LB 99, that the phrase, "regular session," is employed in the context of the effective date of the compensation, while the word, "session," is used in the context of the Legislature's act of approval. In our opinion, the specific omission of the adjective, "regular," in the latter instance indicates that legislative action on the Commission's recommendations may occur during a special session, assuming compliance with the constitutional and statutory requirements regarding such sessions. If the Legislature approved the Commission's recommendations at a special session convened for that purpose in 1980, the approved compensation would become effective at the beginning of the regular legislative session in 1981.

You have further inquired whether the Legislature could act upon the Commission's recommendations by resolution or whether a legislative bill would be required.

Article III, Section 25, of the Nebraska Constitution provides in pertinent part:

> ". . .No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution." (Emphasis added).

In State v. Weston, 6 Neb. 16 (1877), the court, in considering the constitutional prohibition similar to that quoted above, stated:

"It will be observed that this provision does not require the appropriation to be made by act of the legislature, but merely that it be 'made by law,' so that it may be done either by direction of the constitution itself, that being the supreme law in the state, or by the legislature through the forms prescribed for drawing money from the public treasury. . . ."

The language was quoted with approval in Weston v. Herdman, 64 Neb. 24, 89 N.W. 384 (1902), wherein the Clerk of the Supreme Court was allowed to collect his salary as fixed by the Constitution, despite the failure of the Legislature to appropriate sufficient funds. See also, Att'y Gen Op., 1957-58, No. 57, p. 88.

LB 99 would establish a constitutional procedure to fix the salaries for certain state officers. Such salaries would be appropriated through the operation of the Constitution, itself. In our opinion the legislative action on the Commission's recommendation required pursuant to LB 99 is not limited by the provisions of Article III, Section 25, of the Nebraska Constitution. Therefore, in our opinion, the Legislature could act on such recommendation by resolution.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LF:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Reconsider Action on LB 234

Mr. Warner moved to reconsider action on LB 234 on Final Reading.

Motion pending.

MOTION - Place LB 121 on General File

Mr. Schmit moved to place LB 121 on General File pursuant to Rule 3, Sec. 10.

Motion pending.

VISITORS

Visitors to the Chamber were 36 third and fourth grade students, teachers, and parents from St. Wenceslaus, Wahoo; 18 fourth grade

students, teachers, and parents from Trinity Lutheran Elementary School; Lincoln; 21 seventh grade students and teachers from Waterloo; 21 sixth grade students and teachers from Shelton; Gertrude Chase from Lincoln; 23 sixth grade students, teacher, and parents from Cardinal Spellman Elementary, Offutt Air Force Base, Omaha; Eva Johnson from Bellevue; 29 first through third grade students, teachers, and parents from Norris Elementary, Firth; 22 eleventh grade students and teachers from Greeley; Senator Hefner's son Douglas Hefner, wife Sharon, and children Jeff and Jason; and relatives of Senator Labedz: Stan Labedz, Lucille Koziol Novotny, Dorothy Koziol Brukner, Mary Koziol Brzezinski, Loretta Koziol Rynaski, Rose Koziol Parks, Virginia Koziol Sczewczyk, Joe Koziol, Pauline Koziol, Frank Koziol, Jeanne Koziol, Lew Koziol, Olga Koziol, Helen Sczepaniak Cieslik, Rita Hearty Brennan, Dick Brennan, Fran Prospical, Ceal Swatek Jankowski, and Marie Swatek Foral.

RECESS

At 12:09 p.m., on a motion by Speaker Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:39 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Johnson and Koch who were excused; and Messrs. Goodrich and Vickers who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 120 in the Journal. No objections. So ordered.

(Amendments are to the White Copy Req. 2887)

1. On page 6, lines 12, 20, and 27 strike "tax" and insert "fee"; and in lines 18 and 19 strike "there is hereby levied and".

2. On page 7, lines 1 and 24 strike "tax" and insert "fee"; in line 2 after "on" insert "or before January 15, 1980, based upon the gross proceeds of products manufactured or sales consummated within the state for the period from October 1, 1979 to December 31, 1979, on or before August 1, 1980, for products

manufactured or sales consummated for the period from January 1, 1980, to June 30, 1980, and on or before October 1, 1981, and on or before October 1, each year thereafter, based upon the gross proceeds for the immediately preceding July 1 to June 30 period."; and strike beginning with "the" in line 2 through the underscored period in line 18.

3. On page 8, line 1 strike "subject to taxation"; in lines 2 and 6 strike "permit" and insert "license"; in lines 5 and 10 strike "tax" and insert "fee"; and strike beginning with "There" in line 8 through line 9; and in line 20 strike "snythetic" and insert "synthetic".

SELECT FILE

LEGISLATIVE BILL 382. E & R amendments found in the Journal on page 1790 for the Seventy-Sixth Day were adopted.

Mr. DeCamp renewed his pending amendments referred to in the Journal on page 1690 (Req. #2915).

Mr. Venditte requested a ruling of the Chair on whether the DeCamp amendment is germane to the bill.

The Chair ruled the amendment in order.

Mr. Venditte challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 4 ayes, 20 nays, and 25 not voting.

The Chair was sustained.

Mr. Kelly 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. DeCamp moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, 30 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Brennan	Clark	Dworak	Hoagland	Marsh
Burrows	Cullan	Fowler	Kennedy	Murphy
Chambers	DeCamp	George	Landis	Newell

Simon	Vickers	Warner	Wesely	

Voting in the negative, 24:

Beutler	Hasebroock	Kremer	Marvel	Schmit
Carsten	Hefner	Labedz	Nichol	Stoney
Cope	Kahle	Lamb	Pirsch	Venditte
Duis	Kelly	Lewis	Reutzel	Wagner
Fitzgerald	Keyes	Maresh	Rumery	

Present and not voting, 3:

Haberman	Merz	Sieck

Excused and not voting, 3:

Goodrich	Johnson	Koch

The DeCamp amendment lost with 19 ayes, 24 nays, 3 present and not voting, and 3 excused and not voting.

Laid over.

UNANIMOUS CONSENT - Members Excused

Messrs. DeCamp, Haberman, Lewis, and Murphy asked unanimous consent to be excused at 2:30 p.m. until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Stoney asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

By striking Sec. 6 and inserting the following language:

No hospital, clinic, nursing home, or other health care facility in this state or any employee or agent thereof shall be criminally or civilly liable or subject to any disciplinary action solely on the grounds that such facility or employee or agent thereof has allowed the introduction of laetrile by a physician onto the premises, or has dispensed laetrile to a physician for administration to a patient who has given his or her informed consent in accordance with the provisions of Sec. 5 of this act.

Mr. Haberman asked unanimous consent to print the following amendment to LB 587 in the Journal. No objections. So ordered.

page 17 line 15 strike 19,194,721 add 19,134,721
line 16 strike 19,194,721 add 19,134,721

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 158. Placed on Select File as amended.
E & R amendment to LB 158:

1. On page 5, line 20, strike "(f)" and insert "(e)"; and in line 25 strike "(g)" and insert "(f)".

2. On page 15, line 2, insert an underscored period after "plan"; in line 4 strike the period and show stricken; and in line 17 strike "19-2124" and insert "18-2124".

3. On page 20, line 19, strike the second and third commas.

4. On page 21, lines 2 and 7, strike the commas.

5. On page 28, lines 14 and 15, strike "used or performed" and insert "performed or used"; in line 16 strike "that they"; and in line 24 insert an underscored comma after "act".

6. In committee amendments, page 4, line 10, strike "herein made"; and strike line 16 and insert "to sections 18-2101 to 18-2144, Reissue Revised Statutes of Nebraska, 1943, and this act.".

7. In the title, line 2, insert "18-2101.01," after "sections"; and in line 10 insert "to provide for construction; to provide severability;" after the semicolon.

Correctly Engrossed

The following bills were correctly engrossed: 565, 582, and 583.

(Signed) Don Wesely, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 85.

Introduced by Chambers, 11th District.

WHEREAS, law enforcement officers commonly use radar devices for clocking the speed of automobiles; and

WHEREAS, such radar clockings by law enforcement officers are often used as evidence in court proceedings against drivers charged with speeding offenses; and

WHEREAS, information which calls into question the accuracy and consistency of such radar clockings has recently been brought to the attention of the general population; and

WHEREAS, the public has an interest in being protected against possible inconvenience and expense resulting from charges based on inaccurate evidence; and

WHEREAS, the courts and public should have an opportunity to have information available to them regarding the accuracy and consistency of radar clockings which could be used as possible evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Judiciary Committee perform an interim study on the use of radar in clocking speeds of automobiles and the use of such radar clockings as evidence against defendants. Such study shall include the following elements:

a. The Committee shall investigate contingencies which could contribute to inaccurate readings of radar clocking devices.

b. The Committee shall investigate devices which could be used by law enforcement officers to alter the speed registered by radar devices.

c. The Committee shall consider and evaluate techniques followed by law enforcement officers in preparing and setting of radar machine for operation.

d. The Committee shall consider and investigate alternative methods which could be used by law enforcement officers in detecting speed violations.

e. The Committee shall consider and evaluate whether the accuracy of such radar devices is valid enough to allow the readings of such devices to be offered as evidence against defendants.

2. That the Committee research the laws of other states to determine whether such states have, by legislation, prohibited the admission of radar readings into evidence to be used against a defendant.

3. That the Committee make a report of its findings together with any drafts of possible legislation it may develop to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 357. E & R amendment found in the Journal on page 1791 for the Seventy-Sixth Day was adopted.

Mr. Schmit reoffered his amendments found in the Journal on page 1403.

The amendments were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maresh withdrew his pending amendment found in the Journal on page 1688.

Mr. Maresh offered the following amendment:

1. On page 2, line 8 after the period insert "When a majority of the states listed in this section have entered into such agreement they may allow any other state or states to join in such agreement.".

The amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland renewed his pending amendment found in the Journal on page 1778.

The amendment lost with 6 ayes, 17 nays, 17 present and not voting, and 9 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 1805.

Mr. Newell offered the following amendment to the Vickers amendment:

Amend the Vickers amendment to include the Universities of Kansas State, University of Minnesota and University of Missouri

Mr. Lamb 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 Newell amendment lost with 7 ayes, 20 nays, 13 present and not voting, and 9 excused and not voting.

The Vickers amendment lost with 16 ayes, 16 nays, 8 present and not voting, and 9 excused and not voting.

Laid over.

LEGISLATIVE BILL 444. E & R amendments found in the Journal on page 1842 for the Seventy-Eighth Day were adopted.

Mr. Goodrich withdrew his pending amendment found in the Journal on page 1767.

Mr. Landis renewed his pending amendment found in the Journal on page 1796.

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Wesely renewed his pending amendment found in the Journal on page 1879.

Mr. Kelly moved for a Call of the House. The motion prevailed with 10 ayes, 9 nays, and 30 not voting.

Mr. Kelly requested a roll call vote on the Wesely amendment.

Voting in the affirmative, 19:

Clark	Kahle	Lamb	Nichol	Wagner
Cullan	Kelly	Maresh	Pirsch	Warner
Dworak	Kennedy	Marvel	Sieck	Wesely
Hasebroock	Kremer	Merz	Stoney	

Voting in the negative, 17:

Beutler	Chambers	Hoagland	Marsh	Simon
Brennan	Fitzgerald	Keyes	Newell	
Burrows	Fowler	Labedz	Reutzel	
Carsten	Hefner	Landis	Rumery	

Present and not voting, 5:

Cope	Duis	George	Schmit	Vickers

Excused and not voting, 8:

DeCamp	Haberman	Koch	Murphy
Goodrich	Johnson	Lewis	Venditte

The Wesely amendment lost with 19 ayes, 17 nays, 5 present and not voting, and 8 excused and not voting.

Mr. Wesely moved the adoption of the following Murphy amendment:

1. Insert a new section as follows:
"Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".
2. Renumber remaining sections accordingly.
3. In the title, line 11 after the semicolon insert "to provide for severability;".

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 with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 444A. Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 387. Replaced on Select File as amended.
E & R amendments to LB 387:
1. Renumber section 12 added by the Carsten amendments as section 13.
2. In the Final Reading title, line 4, as amended, strike "cities and villages" and insert "vacancies in office".

(Signed) Don Wesely, Chairman

EXPLANATION OF VOTE

Had I been present 4/26/79 I would have voted aye on LB 394, LB 65, and LB 560.

Had I been present on 5/1/79 I would have voted aye on LB 179, 273, 381, 416, 421, 427, 181, 212, and 568.

Had I been present I would have voted aye on LB 581, 234, 250, 331, 395, 546, 584, 547, and 492.

(Signed) Donald N. Dworak

SELECT FILE

LEGISLATIVE BILL 11. E & R amendments found in the Journal on page 1851 for the Seventy-Eighth Day were adopted.

Mr. Schmit renewed his pending amendment found in the Journal on page 1808.

Mr. Reutzel requested a ruling of the Chair on whether the Schmit amendment is germane.

The Chair ruled the Schmit amendment in order.

Mr. Reutzel offered the following amendment to the Schmit amendment:

1. Insert a new section as follows:
"Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".
2. Renumber remaining sections accordingly.
3. In the title, line 8, after the semicolon insert "to provide for severability;".

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Schmit amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Schmit withdrew his pending amendment found in the Journal on page 1848.

Mr. Schmit renewed his pending amendment found in the Journal on page 1878.

Mr. Kahle offered the following amendment to the Schmit amendment:

On line 6, after "law" insert:"Before funds collected under this act may be used for the introduction, reintroduction, or repopulation of any endangered or threatened species in Nebraska, specific studies, data and research when available or applicable must be provided on the habitat and biological needs of the species to be preserved or reintroduced. This data shall be provided to the Legislature as compiled for their approval."

Mr. Kahle moved for a Call of the House. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

MR. CLARK PRESIDING

Mr. Kahle requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Clark	Kelly	Lamb	Schmit
Cope	Kennedy	Maresh	Sieck
Hefner	Keyes	Nichol	Vickers
Kahle	Kremer	Rumery	Wagner

Voting in the negative, 17:

Beutler	Dworak	Hoagland	Merz	Warner
Brennan	Fowler	Labedz	Reutzel	
Carsten	George	Landis	Simon	
Cullan	Hasebroock	Marsh	Stoney	

Present and not voting, 8:

Burrows	Duis	Marvel	Pirsch
Chambers	Fitzgerald	Newell	Wesely

Excused and not voting, 8:

DeCamp	Haberman	Koch	Murphy
Goodrich	Johnson	Lewis	Venditte

The Kahle amendment lost with 16 ayes, 17 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

The Schmit amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 593. Replaced on Select File as amended.
E & R amendments to LB 593:

1. On page 2, line 7, insert "Sec. 4." before "Program".
2. On page 3, line 19, insert "Sec. 5." before "Program".
3. On page 4, line 21, insert "Sec. 33." before "Program".
4. On page 5, line 11, insert "Sec. 35." before "Program".
5. On page 8, line 1, insert "Sec. 42." before "Program".
6. On page 10, line 14, strike "Sec. 6." and insert "81-1414.06.".
7. On page 15, line 6, strike the first "and"; and in lines 7 and 8 strike "and also Laws 1978, LB 956, section 6,".
8. In the title, lines 11 and 12, strike ", and also Laws 1978, LB 956, section 6".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 42.

Correctly Engrossed

The following bills were correctly engrossed: 586 and 588.

(Signed) Don Wesely, Chairman

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 594. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 591. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 596. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 593. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

Messrs. Kelly, Merz, and Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 495. Readvanced to Final Reading.

Mr. Dworak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 467. Mr. Newell offered the following amendment:

1. Insert the following new section:

"Section 2. That section 48-221, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-221. (1) It shall be unlawful for any employer, as defined in section 48-820, to require any applicant for employment, to pay the cost of a medical examination required by the employer as a condition of employment, except as provided in subsection (2) of this section. When the employer requests an applicant for a position to submit to a medical examination, the employer shall assume the cost thereof, except as provided in subsection (2) of this section.

(2) If an applicant is hired by an employer and voluntarily quits within thirty days of the time he or she begins work, the employer may deduct the cost of any required medical examination from the employee's final paycheck."

2. On page 3, line 1, after "section" insert "48-221, Reissue Revised Statutes of Nebraska, 1943, and section"; On line 2, strike "is" and insert "are".

3. Renumber remaining sections accordingly.

Mr. Newell moved for a Call of the House. The motion prevailed with 10 ayes, 2 nays, and 37 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Cope	Hasebroock	Lamb	Pirsch	Simon
Cullan	Hefner	Maresh	Reutzel	Stoney
Fowler	Kennedy	Marsh	Rumery	Vickers
George	Kremer	Newell	Sieck	

Voting in the negative, 9:

Beutler	Burrows	Clark	Keyes	Schmit
Brennan	Carsten	Fitzgerald	Marvel	

Present and not voting, 9:

Chambers	Hoagland	Landis	Wagner	Wesely
Duis	Kahle	Nichol	Warner	

Excused and not voting, 12:

DeCamp	Haberman	Koch	Merz
Dworak	Johnson	Labedz	Murphy
Goodrich	Kelly	Lewis	Venditte

The Newell amendment lost with 19 ayes, 9 nays, 9 present and not voting, and 12 excused and not voting.

Mr. Brennan offered the following amendment:

1. On page 2, in line 25, strike the language beginning with "Public" through "Article 6," in line 26, and insert "The State and its political subdivisions";

2. On page 2, line 27, strike the period and insert ", and subject to federal safety regulations."

Mr. Brennan moved for a Call of the House. The motion lost with 11 ayes, 13 nays, and 25 not voting.

The Brennan amendment lost with 11 ayes, 12 nays, 14 present and not voting, and 12 excused and not voting.

Mr. Clark requested a machine vote to advance LB 467.

Mr. Brennan moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Brennan requested a roll call vote to advance LB 467.

Voting in the affirmative, 22:

Beutler	Fitzgerald	Kremer	Reutzel	Warner
Brennan	Fowler	Maresh	Rumery	Wesely
Burrows	George	Marsh	Schmit	
Carsten	Hoagland	Newell	Simon	
Chambers	Keyes	Pirsch	Stoney	

Voting in the negative, 10:

Cope	Hasebroock	Kahle	Lamb	Vickers
Cullan	Hefner	Kennedy	Sieck	Wagner

Present and not voting, 5:

Clark	Duis	Landis	Marvel	Nichol

Excused and not voting, 12:

DeCamp	Haberman	Koch	Merz
Dworak	Johnson	Labedz	Murphy
Goodrich	Kelly	Lewis	Venditte

Failed to advance to E & R for Engrossment with 22 ayes, 10 nays, 5 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 589. E & R amendments found in the Journal on page 1807 for the Seventy-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 99. E & R amendments found in the Journal on page 1842 for the Seventy-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 136. E & R amendments found in the Journal on page 1842 for the Seventy-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 152. E & R amendments found in the Journal on page 1857 for the Seventy-Ninth Day were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 593.

(Signed) Don Wesely, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 86.

Introduced by Newell, 13th District; DeCamp, 40th District; Wagner, 41st District.

WHEREAS, members of the Armed Forces of the United States who served in Southeast Asia during the Vietnam conflict were exemplary citizen soldiers who served their country at the request of its National Leadership, and
WHEREAS, the battle field performance of America's soldiers, sailors, marines, and airmen during the Vietnam conflict was at least equal to the performance of their forebearers in previous American conflicts, and
WHEREAS, the Vietnam conflict has an adverse image due to its questionable strategic importance and the lack of domestic support, and
WHEREAS, the Vietnam conflict ended in disaster, America's military pride has been tarnished, it should in no way reflect adversely on those brave men who served their nation at its request, and
WHEREAS, Nebraska's Vietnam Veterans have not received the appropriate attention, gratitude and awareness, and
WHEREAS, the state has never fully expressed its gratitude to those unsung heros who gave so much of themselves and a substantial portion of their lives in the name of the people of the United States while serving during the Vietnam conflict
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
That the Governor be hereby urged and requested
(1) to issue a proclamation designating the seven-day period beginning May 28 as "Vietnam Veterans' Week" and calling upon the people of the State of Nebraska and interested groups and organizations to observe such period with appropriate ceremonies and activities, and

(2) to initiate and coordinate appropriate ceremonies and activities within the Executive Branch for the observance of such period.

Laid over.

LEGISLATIVE RESOLUTION 87.

Introduced by Cullan, 49th District.

WHEREAS services in nursing homes are consuming ever increasing public and private funds and,

WHEREAS approximately 13,000 citizens of the State of Nebraska over 65 reside in nursing homes and,

WHEREAS such increased costs have caused hardships on individuals who are paying for such services from their own resources and such increased costs have placed ever increasing demands on the resources of the State of Nebraska for Medicaid and,

WHEREAS concerns have been raised regarding the costs of nursing home care and the quality of nursing home services and the general supervision, regulation, and inspection of nursing homes in Nebraska, and the protection of patient rights,

THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health & Welfare Committee conduct an interim study regarding (a) the current regulation of nursing homes in Nebraska; (b) the current Medicaid reimbursement system for nursing home services; and (c) the possible alternatives regarding Medicaid reimbursement for nursing home services.

2. That the Public Health & Welfare Committee make a report of its findings and recommendations to the next session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. George asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 2, line 27, after the period insert "This prohibition shall not apply in a public place or at a public meeting if the proprietor or other person in charge uses an electronic air cleaner or any similar device which removes smoke from the air.".

Mr. Warner asked unanimous consent to print the following amendment to LB 538 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. On page 2, line 1 strike "This" and insert "Sections 1 to 11 of this"; in line 20 after "of" insert "sections 1 to 11 of".

2. On page 3, line 12 after "of" insert "sections 1 to 11 of".

3. On page 4, line 9 after "out" insert "sections 1 to 11 of"; in lines 13, 16, and 18 after "of" insert "sections 1 to 11 of"; and in line 22 strike "This" and insert "Sections 1 to 11 of this".

4. On page 5, lines 1 and 6 strike "This" and insert "Sections 1 to 11 of this"; in line 11 after "under" insert "sections 1 to 11 of"; and in line 14 after "of" insert "sections 1 to 11 of".

5. Insert the following new sections:

"Sec. 11. The department shall on or before January 1, 1980, and on or before such date each year thereafter, submit to the Clerk of the Legislature and Governor a detailed report of all receipts, disbursements, transactions, and activities taken during the preceding fiscal year to carry out sections 1 to 11 of this act. Such report shall include copies of each contract and agreement negotiated or entered into to carry out the purposes of sections 1 to 11 of this act and an analysis of the effectiveness and accomplishments of such contracts and agreements.

Sec. 12. For the purposes of legislative budget analysis, review, and approval, the budget forms, procedures, and instructions required pursuant to section 81-1113, Reissue Revised Statutes of Nebraska, 1943, shall provide that the Department of Agriculture, when submitting its budget request, list the proposed use of all checkoff or similar funds requested to be appropriated by the Legislature which are derived from a fee or assessment on agricultural products and list each contract and agreement that will be entered into during the upcoming fiscal year which would utilize such funds.".

6. Renumber original section 11 as section 13.

7. In the title line 3 after "Act" insert "; to provide for a report and submission of budget information as prescribed; and to declare an emergency".

VISITORS

Visitors to the Chamber were Wolfgang Muller, Rhinehild Muller from Erlangen, Germany; Ted Boessenroth, Lincoln; 40 members from the Meadowlark Travel Club from Newton and Clay Center, Kansas; 13 eighth grade students, teacher, and parent from Bishop Neumann, Clarkson; 28 sixth grade students and teachers from Essex, Iowa Elementary School; 15 third and fourth grade students, teacher and parents from Avoca Elementary School; Jay Kruse, Mark McKercher, Mike Compton, and teacher Mrs. June Jensen from Blair Central School.

ADJOURNMENT

At 4:48 p.m., on a motion by Mr. Fitzgerald, the Legislature adjourned until 9:00 a.m., Tuesday, May 8, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIRST DAY - MAY 8, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 8, 1979

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, at the beginning of a new and busy day we close our eyes, not to shut out the world but to look beyond it to Thy boundless horizon, so we may be more relevant in the things we do and say. Give to this strategic body poise and a right sense of timing. There is that tide in life which, when taken, leads to victory. Guide these leaders of our State that they may discern the signs of the times and lead us in the paths of fullness and peace. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly and Koch who were excused; and Messrs. Beutler, Goodrich, Lewis, Venditte, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eightieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 39, 227, 252, 298, 332, 354, 425, 576, and 576A.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 39, 227, 252, 298, 332, 354, 425, 576, and 576A.

GENERAL FILE

LEGISLATIVE BILL 595. Title read. Considered.

Mr. Kremer renewed his pending amendment found in the Journal on page 1748.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

SPEAKER MARVEL PRESIDING

Mr. Kremer moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Kremer requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Carsten	Hasebroock	Labedz	Nichol	Warner
Clark	Hefner	Lamb	Schmit	
Cope	Kahle	Maresh	Sieck	
DeCamp	Kennedy	Marsh	Vickers	
Duis	Kremer	Murphy	Wagner	

Voting in the negative, 22:

Beutler	Fitzgerald	Keyes	Newell	Stoney
Brennan	Fowler	Landis	Pirsch	Wesely
Burrows	George	Lewis	Reutzel	
Cullan	Hoagland	Marvel	Rumery	
Dworak	Johnson	Merz	Simon	

Present and not voting, 3:

Chambers Haberman Venditte

Excused and not voting, 3:

Goodrich Kelly Koch

The Kremer amendment lost with 21 ayes, 22 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

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.

Advanced to E & R for Review with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 172A. Placed on Select File.
LEGISLATIVE BILL 216A. Placed on Select File.
LEGISLATIVE BILL 382A. Placed on Select File.
LEGISLATIVE BILL 380A. Placed on Select File.
LEGISLATIVE BILL 120A. Placed on Select File.

(Signed) Don Wesely, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 88.

Introduced by Simon, 31st District; Vickers, 38th District; Fowler, 27th District; Hoagland, 6th District.

WHEREAS, the Bill of Rights of both the Federal Constitution and our Constitution of Nebraska declared freedom of speech as a right to every person; and

WHEREAS, it is the right of public employees to freely speak, write, and publish; and

WHEREAS, public employees may be witnesses to the violation or apparent violation of a law, rule, or regulation by administrators or other personnel in nonministerial positions; and

WHEREAS, public employees are in a position to view mismanagement, gross waste of funds, or an abuse of authority; and

WHEREAS, public employees should be protected against arbitrary actions, personal favoritism, or coercion for partisan political purposes when speaking as guaranteed in the Bill of Rights; and

WHEREAS, public employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences malfeasance or misfeasance in office.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military, and Veterans Affairs Committee of the Legislature conduct an interim study relative to the lawful disclosure of information by public employees.

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 89.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Lamb, 43rd District; Maresh, 32nd District; Burrows, 30th District; Nichol, 48th District; Kahle, 37th District; Haberman, 44th District.

WHEREAS, the challenge of energy shortages must be met with innovative creativity; and

WHEREAS, failure to meet the challenge could have disastrous consequences for all who rely on exhaustable energy sources to power their vehicles, homes and businesses; and

WHEREAS, the combination of two or more energy producing techniques in one operation could be one means of heightening energy availability while stabling costs; and

WHEREAS, the use of steam remaining as a by-product of electricity generation might be reusable in the processes of producing gasohol; and

WHEREAS, the combination of steam generating facilities and gasohol plants would require careful planning and development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Legislature's Agriculture Committee conduct an interim study of the feasibility of combining steam generating facilities with gasohol production plants.

2. That the committee make a report of its findings to the next regular session of the Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 8, 1979, at 9:43 a.m., were the following bills: 576A, 576, 425, 298, 332, 252, 39, 354, and 227.

(Signed) Peggy Prey, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

(Final Reading Copy)

Req. #2924

1. On page 2, line 1, strike "13" and insert "14"; in line 27 after "areas" insert "or in an establishment displaying the notice provided by section 10 of this act".

2. On page 3, line 21 strike "If" and insert "Except as otherwise provided in section 10 of this act, if"; in line 23 strike "No" and insert "Except as provided in section 10 of this act, no".

3. Insert a new section as follows:

"Sec. 10. Any proprietor or other person in charge of a public place may, in lieu of designating smoking and nonsmoking areas, post a notice on all entrances normally used by the public as follows:

NOTICE

This establishment does not comply with the separate smoking and nonsmoking area provisions of the Nebraska Clean Indoor Air Act.

Such notice shall be printed on a card with a minimum height of twenty inches and a width of fourteen inches with each letter to be a minimum of one half inch in height.".

4. Renumber remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 595 in the Journal. No objections. So ordered.

Page 3 line 16 and page 4 line 19 and 20 strike "Governor" and insert "Natural Resources Commission"

MOTION - Return LB 585 to Select File

Mr. Vickers moved to return LB 585 to Select File for the following specific amendment:

1. On page 3, line 13 strike "42,198,000" and insert "52,198,000"; in lines 18, 20, and 25 strike "55,000,000" and insert "65,000,000"; and in line 24 after the period insert "The distribution of state aid shall be made in a manner which insures that each school district shall receive no less than an amount equal to one hundred ten per cent of the receipts it received for the previous fiscal year.".

2. On page 4, line 26 strike "64,571,968" and insert "74,571,968".

3. In the committee amendment on page 1699 of the Journal, line 5 strike "70,798,000" and insert "80,798,000"; and in line 7 strike "129,390,163" and insert "139,390,163".

Mr. Vickers moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Vickers requested a roll call vote on his motion.

Voting in the affirmative, 24:

Beutler	Fitzgerald	Kahle	Maresh	Simon
Clark	Fowler	Kennedy	Merz	Vickers
Cullan	Haberman	Keyes	Newell	Wagner
DeCamp	Hefner	Lamb	Reutzel	Wesely
Duis	Hoagland	Lewis	Sieck	

Voting in the negative, 21:

Brennan	Dworak	Landis	Pirsch	Warner
Burrows	Hasebroock	Marsh	Rumery	
Carsten	Johnson	Marvel	Schmit	
Chambers	Kremer	Murphy	Stoney	
Cope	Labedz	Nichol	Venditte	

Present and not voting, 1:

George

Excused and not voting, 3:

Goodrich Kelly Koch

The Vickers motion lost with 24 ayes, 21 nays, 1 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 587

Mr. Haberman asked unanimous consent to withdraw his pending amendment found in the Journal on page 1920 to LB 587. No objections. So ordered.

MOTION - Return LB 589 to Select File

Mr. Warner moved to return LB 589 to Select File for the following specific amendment:

On page 76, insert a new section 59 and renumber original sections 60 to 62 as sections 60 to 62.

"Sec. 59. There is hereby appropriated one hundred eighteen thousand seven hundred forty-four dollars from the General Fund and one hundred eighteen thousand seven hundred forty-four dollars from the State Game Cash Fund for the period July 1, 1978 to June 30, 1979 to the State Claims Board, for Program 538 for the lump sum payment of the workmen's compensation claims of the dependents of Jack A. Sinn, Deceased, and Randall W. Schilling, Deceased.".

The motion prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 589. The Warner 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 Engrossment.

MOTION - Return LB 594 to Select File

Mr. Lewis moved to return LB 594 to Select File for the following specific amendment:

1. On page 19 in line 2, strike "121,000" and insert "471,000."
2. On page 18 in line 27, after the word "restore", add "and renovate."

The purpose of this amendment is to allow renovation of unoccupied space in the State Capitol Building for the purpose of converting such space to offices.

The motion prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 594. The Lewis 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 Engrossment.

MOTION - Return LB 594 to Select File

Mr. Warner moved to return LB 594 to Select File for the following specific amendment:

1. Strike original Section 27.

2. Strike original Sections 35, 36 and 37 and insert the following sections:

"Sec. 34. Program 999. The Board of Regents of the University of Nebraska is hereby authorized to install a chiller at the Lincoln east campus with a total project cost not to exceed $1,645,000. There is hereby appropriated $1,100,000 from the State Building Fund for the fiscal year ending June 30, 1980, to initiate the installation. There is hereby appropriated $455,000 from the State Building Fund for the fiscal year ending June 30, 1981, to complete the installation of the chiller.

Sec. 35. Program 910. The Board of Regents of the University of Nebraska is hereby authorized to install an emergency generator at the University of Nebraska Medical Center with a total project cost not to exceed $300,000. There is hereby appropriated $300,000 from the State Building Fund for the fiscal year ending June 30, 1980, to install an emergency generator.

Sec. 36. Program 901. The Board of Regents of the University of Nebraska is hereby authorized to make miscellaneous renovations at all campuses. There is hereby appropriated $200,000 from the State Building Fund for the fiscal year ending June 30, 1980, for miscellaneous renovations."

3. On page 17, in line 26, after "acquire" insert "and renovate"; on page 18, in line 2, after "Fund" insert "and any private donations", in line 4 strike the period and insert "and to initiate renovation."

4. Renumber original sections 28 to 34 as sections 27 to 33; renumber original sections 38 to 56 as sections 37 to 55.

The Chair declared the Call raised.

Mr. Newell 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 Warner motion prevailed with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 594. The Warner specific amendment found in this day's Journal was renewed.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Warner specific amendment was adopted with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Wesely requested a machine vote to advance LB 594.

Advanced to E & R for Engrossment with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

MOTION - Return LB 596 to Select File

Mr. Lewis moved to return LB 596 to Select File for the Koch specific amendment found in the Journal on page 1885.

The motion prevailed with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 596. The Koch specific amendment found in the Journal on page 1885 was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 594 to Select File

Mr. DeCamp moved to return LB 594 to Select File for the following specific amendment:

1. Reinstate original Sections 27, 35, 36 and 37 and strike the following sections:

"Program 999. The Board of Regents of the University of Nebraska is hereby authorized to install a chiller at the Lincoln east campus with a total project cost not to exceed $1,645,000. There is hereby appropriated $1,100,000 from the State Building Fund for the fiscal year ending June 30, 1980, to initiate the installation. There is hereby appropriated $455,000 from the State Building Fund for the fiscal year ending June 30, 1981, to complete the installation of the chiller.".

Motion pending.

VISITORS

Visitors to the Chamber were 25 eighth grade students, teachers, and parent from Scribner; Bud and Ethel Hansen from West Point; 46 fourth through sixth grade students, teachers, and parents from Maxwell; 86 fourth grade students, teachers, and parents from Parkview Height Elementary School, Papillion; 14 sixth through ninth grade students and teachers from Goodrich Junior High, Lincoln; 11 third and fourth grade students and teacher from District 163, Western; 18 sixth grade students, teachers, and parents from Oxford; and Kent Popken.

RECESS

At 11:56 a.m., on a motion by Mr. Lewis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:41 p.m., President Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. Koch who was excused; and Messrs. Beutler, Chambers, Clark, Hoagland, Kelly, and Venditte who were excused until they arrive.

ANNOUNCEMENT

Mr. Kremer announced that today is the 62nd Wedding Anniversary of Mr. and Mrs. Ray Wilson.

MOTION - Return LB 594 to Select File

Mr. DeCamp renewed his pending motion found in this day's Journal to return LB 594 to Select File for a specific amendment.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 18 ayes, 11 nays, and 20 not voting.

The DeCamp motion prevailed with 25 ayes, 20 nays, 3 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 594. The DeCamp specific amendment found in this day's Journal was renewed.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Beutler	DeCamp	Hasebroock	Landis	Rumery
Brennan	Dworak	Hoagland	Lewis	Sieck
Chambers	Fitzgerald	Kahle	Marsh	Simon
Cope	Fowler	Kelly	Marvel	Wagner
Cullan	Goodrich	Keyes	Reutzel	Wesely

Voting in the negative, 19:

Carsten	Haberman	Kremer	Murphy	Stoney
Clark	Hefner	Labedz	Newell	Venditte
Duis	Johnson	Lamb	Pirsch	Vickers
George	Kennedy	Maresh	Schmit	

Present and not voting, 4:

Burrows	Merz	Nichol	Warner

Excused and not voting, 1:

Koch

The DeCamp specific amendment was adopted with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 17 nays, 4 present and not voting, and 1 excused and not voting.

MOTION - Return LB 594 to Select File

Mr. Landis moved to return LB 594 to Select File for the following specific amendment:

On page 16, line 15, strike "6,149,249" and insert "3,436,000" with any private donations which may be available; in line 16 strike "100,000" and insert "140,000"; in line 22, strike "2,300,000" and insert "1,500,000"; in line 26, strike "2,500,000" and insert "1,186,000"; in line 27, strike the comma after "1982" and insert a period; strike beginning with "to" on page 16, line 27, through line 5 on page 17.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Landis motion prevailed with 30 ayes, 4 nays, 14 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 594. The Landis specific amendment found in this day's Journal was adopted with 32 ayes, 4 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 585 to Select File

Mr. DeCamp moved to return LB 585 to Select File for the following specific amendment:

1. On page 3, line 13 strike "42,198,000" and insert "52,197,000"; in lines 18, 20, and 25 strike "55,000,000" and insert "65,000,000"; and in line 24 after the period insert "The distribution of state aid shall be made in a manner which insures that each school district shall receive no less than an amount equal to one hundred ten per cent of the receipts it received for the previous fiscal year.".

2. On page 4, line 26 strike "64,571,968" and insert "74,570,968".

3. In the committee amendment on page 1699

of the Journal, line 5 strike "70,798,000" and insert "80,797,000"; and in line 7 strike "129,390,163" and insert "139,389,163".

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 DeCamp motion prevailed with 25 ayes, 15 nays, 8 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 585. The DeCamp specific amendment found in this day's Journal was renewed.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The DeCamp specific amendment was adopted with 25 ayes, 18 nays, 5 present and not voting, and 1 excused and not voting.

Mrs. Labedz requested a machine vote to advance LB 585.

Mr. DeCamp requested a roll call vote on the motion to advance LB 585.

Voting in the affirmative, 25:

Beutler	Goodrich	Kremer	Newell	Sieck
Brennan	Haberman	Lamb	Nichol	Simon
DeCamp	Hasebroock	Lewis	Reutzel	Vickers
Fitzgerald	Kahle	Maresh	Rumery	Wagner
Fowler	Keyes	Merz	Schmit	Wesely

Voting in the negative, 21:

Burrows	Cullan	Johnson	Marvel	Warner
Carsten	Duis	Kelly	Murphy	
Chambers	Dworak	Labedz	Pirsch	
Clark	George	Landis	Stoney	
Cope	Hoagland	Marsh	Venditte	

Absent and not voting, 2:

Hefner Kennedy

Excused and not voting, 1:

Koch

Advanced to E & R for Engrossment with 25 ayes, 21 nays, 2 absent and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Messrs. Lamb, Wagner, Kennedy, and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 585 to Select File

Mr. Dworak moved to return LB 585 to Select File for the following specific amendment:

1. On page 3, line 13 strike "42,198,000" and insert "77,197,000"; in lines 18, 20, and 25 strike "55,000,000" and insert "90,000,000"; and in line 24 after the period insert "The distribution of state aid shall be made in a manner which insures that each school district shall receive no less than an amount equal to one hundred ten per cent of the receipts it received for the previous fiscal year.".

2. On page 4, line 26 strike "64,571,968" and insert "99,570,968".

3. In the committee amendment on page 1699 of the Journal, line 5 strike "70,798,000" and insert "105,797,000"; and in line 7 strike "129,390,163" and insert "164,389,163".

Mr. Newell moved the previous question. The question is, "Shall the debate now close?"

Mr. Newell requested a roll call vote on the motion to close debate.

Voting in the affirmative, 24:

Brennan	Duis	Kahle	Merz	Rumery
Burrows	Fitzgerald	Keyes	Murphy	Sieck
Carsten	Goodrich	Landis	Newell	Venditte
Clark	Hasebroock	Lewis	Nichol	Vickers
DeCamp	Johnson	Maresh	Reutzel	

Voting in the negative, 18:

Beutler	Fowler	Kelly	Marvel	Warner
Cope	George	Kremer	Pirsch	Wesely
Cullan	Haberman	Labedz	Schmit	
Dworak	Hoagland	Marsh	Stoney	

Present and not voting, 2:

Chambers Simon

Excused and not voting, 5:

Hefner Kennedy Koch Lamb Wagner

The motion to close debate lost with 24 ayes, 18 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Dworak requested a roll call vote on his motion.

Voting in the affirmative, 19:

Beutler	Fitzgerald	Landis	Murphy	Venditte
Cullan	Haberman	Maresh	Pirsch	Vickers
DeCamp	Kahle	Marsh	Rumery	Warner
Dworak	Labedz	Merz	Schmit	

Voting in the negative, 22:

Brennan	Duis	Johnson	Newell	Stoney
Burrows	George	Kelly	Nichol	Wesely
Carsten	Goodrich	Keyes	Reutzel	
Clark	Hasebroock	Kremer	Sieck	
Cope	Hoagland	Marvel	Simon	

Present and not voting, 3:

Chambers Fowler Lewis

Excused and not voting, 5:

Hefner Kennedy Koch Lamb Wagner

The Dworak motion lost with 19 ayes, 22 nays, 3 present and not voting, and 5 excused and not voting.

MOTION - Return LB 585 to Select File

Mr. Cullan moved to return LB 585 to Select File for the following specific amendment:

To Amend the DeCamp Amendment on line 2, strike 52,197,000 and insert 67,197,000
on line 3, strike 65,000,000 and insert 80,000,000
on line 10, strike 74,570,968 and insert 89,570,968
on line 13, strike 80,797,000 and insert 95,797,000
on line 14, strike 139,389,163 and insert 154,389,163
Adds - $25,000,000 to Committee Level
Adds - 15,000,000 to DeCamp Level

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Cullan requested a roll call vote on his motion.

Voting in the affirmative, 14:

Beutler	Fitzgerald	Labedz	Marsh	Vickers
Cullan	Haberman	Landis	Murphy	Wagner
Dworak	Kahle	Maresh	Pirsch	

Voting in the negative, 31:

Brennan	George	Kennedy	Nichol	Venditte
Burrows	Goodrich	Keyes	Reutzel	Warner
Carsten	Hasebroock	Kremer	Rumery	Wesely
Clark	Hefner	Lamb	Schmit	
Cope	Hoagland	Lewis	Sieck	
Duis	Johnson	Marvel	Simon	
Fowler	Kelly	Newell	Stoney	

Present and not voting, 3:

Chambers	DeCamp	Merz

Excused and not voting, 1:

Koch

The Cullan motion lost with 14 ayes, 31 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 398 to Select File

Mr. Reutzel moved to return LB 398 to Select File for the DeCamp-Reutzel specific amendment found in the Journal on page 1870 (Req. #2939).

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 10 nays, and 12 not voting.

The Reutzel motion prevailed with 27 ayes, 11 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 398. The DeCamp-Reutzel specific amendment found in the Journal on page 1870 was renewed.

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. DeCamp moved for a Call of the House. The motion prevailed with 18 ayes, 8 nays, and 23 not voting.

Mr. DeCamp requested a roll call vote on the amendment.

Voting in the affirmative, 25:

Beutler	Duis	Hefner	Labedz	Pirsch
Brennan	Fitzgerald	Hoagland	Landis	Reutzel
Chambers	Fowler	Johnson	Lewis	Simon
Cullan	Goodrich	Kahle	Murphy	Venditte
DeCamp	Hasebroock	Keyes	Newell	Wesely

Voting in the negative, 21:

Burrows	Haberman	Maresh	Schmit	Warner
Carsten	Kelly	Marvel	Sieck	
Clark	Kennedy	Merz	Stoney	
Cope	Kremer	Nichol	Vickers	
Dworak	Lamb	Rumery	Wagner	

Present and not voting, 2:

George Marsh

Excused and not voting, 1:

Koch

The DeCamp-Reutzel specific amendment was adopted with 25 ayes, 21 nays, 2 present and not voting, and 1 excused and not voting.

Mr. Wesely requested a machine vote to advance LB 398.

Failed to advance to E & R for Re-Engrossment with 21 ayes, 24 nays, 3 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 585. Replaced on Select File as amended.
E & R amendments to LB 585:
1. On page 2, line 10, strike "44" and insert "45".
2. In the title, line 4, insert "to provide severability;" after the semicolon.

LEGISLATIVE BILL 591. Replaced on Select File as amended.
E & R amendments to LB 591:
1. Strike line 27 on page 6 and lines 1 and 2 on page 7.
2. On page 6, line 22, strike "12" and insert "9".

LEGISLATIVE BILL 594. Replaced on Select File as amended.
E & R amendments to LB 594:
1. The identical amendment having been adopted on 5/2, strike the Warner amendment to page 17, adopted 5/8.
2. Pursuant to the DeCamp amendment, strike section 34 added by the Warner amendment 2 adopted 5/8.
3. In lieu of all amendments renumbering sections, renumber original sections 3 to 37 as sections 4 to 38, sections 35 and 36 added by the Warner amendment 2 adopted 5/8 as sections 39 and 40, original sections 38 to 52 as sections 41 to 55, section 53 added on 5/2 as section 56, and original sections 54 to 56 as sections 57 to 59.

(Signed) Don Wesely, Chairman

SELECT FILE

LEGISLATIVE BILL 585. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 591. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 594. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

May 8, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 395, 546, 581, 584 and Reengrossed Legislative Bills 492 and 547.

These bills were signed by me on May 8, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

MOTION - Rule Change

Mr. Murphy offered the following rule change:
Amend Rule 3, Section 10 (c)
(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 and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature.

Referred to the Rules Committee.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 595. Placed on Select File.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 262 in the Journal. No objections. So ordered.

Req. #2956

1. Strike original sections 1, 2, and 5.

2. On page 4, line 23 before "A" insert "(1)"; in line 24 strike "(1)" and insert "~~(1)~~ (a)"; and in line 25 strike "(2)" and insert "~~(2)~~ (b)".

3. On page 5, line 2 strike "(3)" and insert "~~(3)~~ (c)"; in line 9 strike "Any" and insert:

"(2) Except as provided in subsection (3) of this section any"; after line 17 insert:

"(3) Murder in the first degree shall, for the second and all subsequent offenses, be punished as a Class I or Class IA felony. The determination of whether such offense shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.".

ATTORNEY GENERAL'S OPINION

Opinion No. 107
May 8, 1979

Dear Senator Lamb:

You have submitted to us a proposed amendment to LB 445, and have asked our opinion as to its constitutional validity. We believe the provisions of the amendment are constitutionally suspect.

LB 445, as originally introduced, would submit to the electors a proposed amendment to Article VIII, Section 11, of the Nebraska Constitution. We need not discuss the original bill, because the

amendment you inquire about would substitute for it five new sections. Instead of a constitutional amendment, LB 445 would simply be a statutory enactment.

Summarized, the bill, under the amendment, would provide that when either parent of at least ten percent of the students or 35 students, whichever was lesser, attending school in any school district, is employed in the construction of an electric generating facility, the public power district, public power and irrigation district, municipality, electric cooperative, electric membership cooperative, or other entity constructing the facility shall make certain payments to the school district. The payments specified are, briefly, the average per pupil ad valorem tax levy for the previous year times the number of children of such employees.

The problem is that there seems to be a conflict with Article VIII, Section 11, of the Constitution, which provides that every public corporation and political subdivision organized primarily to provide electricity or irrigation and electricity shall annually make the same payment in lieu of taxes as it made in 1957. That constitutional provision also authorizes the Legislature to require such public corporations to make certain other specified payments in lieu of taxes.

The constitutional provision then says that, with certain exceptions not pertinent here, such payments in lieu of taxes shall be in lieu of all other taxes, payments in lieu of taxes, franchise taxes, occupation and excise taxes. It appears to us that the payments specified in the amendment in question fly directly in face of this latter provision, and constitute an additional payment in lieu of taxes, prohibited by the above constitutional provision.

Section 3 of the amendment would authorize the political subdivisions to make such payments to school districts for school years commencing with the 1977-78 school year which had begun or been completed prior to the effective date of the act. No guidelines are laid out to determine when the subdivision should do so. In Lincoln Dairy Company v. Finnigan, 170 Neb. 777, 104 N.W.2d 227 (1960), the court said that the Legislature could not delegate legislative authority to an administrative authority without standards prescribed in the legislative act. We find no such standards in the proposed amendment. The payment, or nonpayment of sums for past school years seems to be in the absolute, unfettered, and unguided discretion of the entity constructing the electrical facilities. We believe this may be an unconstitutional delegation of legislative power.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan

Assistant Attorney General

RHG:jjp
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 90.

Introduced by Wagner, 41st District; Haberman, 44th District; Kahle, 37th District; Duis, 39th District; Cullan, 49th District; Cope, 36th District.

WHEREAS, Monty Charles Weymouth of Chadron, Nebraska, Gary Lee Garnick of Ord, Nebraska, Michael Joseph Taft of Lexington, Nebraska, Patrick J. Malloy of Kearney, Nebraska, Timmie Dale Greene of Imperial, Nebraska, and Arlen Scott Gangwish of Shelton, Nebraska have contributed six weeks of their lives between March 13, 1979, and April 29, 1979, to travel to Japan as a part of Rotary International's Group Study Exchange program designed to:

> "further international understanding by allowing men of goodwill to meet, live, and talk with each other in a spirit of fellowship so that they may get to know each other's problems and aspirations, and to permit such personal contacts to ripen into lasting friendships; and

WHEREAS, such Nebraskans have capably and truly furthered good will and understanding between the citizens of Nebraska and the citizens of Japan; and

WHEREAS, such Nebraskans should be recognized and commended for their outstanding services and contributions as unpaid Nebraska Ambassadors of Good Will.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Monty Charles Weymouth of Chadron, Nebraska, Gary Lee Garnick of Ord, Nebraska, Michael Joseph Taft of Lexington, Nebraska, Patrick J. Malloy of Kearney, Nebraska, Timmie Dale Greene of Imperial, Nebraska, and Arlen Scott Gangwish of Shelton, Nebraska be, and they hereby are, recognized and commended for their services and contributions above and beyond the call of duty as unpaid ambassadors of international good will and understanding to the citizens of Japan.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 571 in the Journal. No objections. So ordered.

1. In the Schmit amendments commencing on page 1722 of the Journal in section 2, line 9 strike the new matter, and in line 15, after "fund" reinstate "not required for such use"

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 141, 282, 341, 514, 534, 540, 565A, 569, 573, and 587.

(Signed) Don Wesely, Chairman

VISITORS

Visitors to the Chamber were Mr. Homer Welch from Curtis; 38 fourth grade students, teacher, and parents from Gates Elementary, Grand Island; and 13 third, fourth, and fifth grade students, teacher, and parents from District #78, Otoe.

ADJOURNMENT

At 4:39 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Wednesday, May 9, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SECOND DAY - MAY 9, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 9, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God of us all, may the members of this Legislative Body keep ever before them the high responsibility which is theirs. They have an unprecedented challenge; may they make appropriate responses and continually to develop into statesmen. May their debates ever be upon issues, rather than upon human personalities. Give this body the vision to have courage for greatness. May they respond to their challenges, living neither in their vacuum of futility or the gold fish bowl of exhibitionism. Guide them to live as responsible, elected officials, with courage, integrity, vision, cool minds and compassionate hearts. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Goodrich, Lewis, Venditte, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-First Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 54. Read. Considered.

LR 54 was adopted with 30 ayes, 0 nays, and 19 not voting.

MOTION - Return LB 344 to Select File

Mr. George moved to return LB 344 to Select File for the specific amendment found in the Journal on page 1933.

Mr. George requested a roll call vote on his motion.

Voting in the affirmative, 18:

Beutler	Dworak	Hefner	Koch	Schmit
Carsten	Fitzgerald	Kelly	Lamb	Warner
Clark	George	Kennedy	Maresh	
Duis	Haberman	Keyes	Merz	

Voting in the negative, 20:

Brennan	Fowler	Kahle	Marsh	Reutzel
Chambers	Hasebroock	Kremer	Marvel	Rumery
Cope	Hoagland	Labedz	Nichol	Simon
DeCamp	Johnson	Landis	Pirsch	Stoney

Present and not voting, 8:

Burrows	Lewis	Newell	Vickers
Cullan	Murphy	Sieck	Wagner

Excused and not voting, 3:

Goodrich	Venditte	Wesely

The George motion lost with 18 ayes, 20 nays, 8 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 344

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1940 to LB 344. No objections. So ordered.

MOTION - Return LB 538 to Select File

Mr. Warner moved to return LB 538 to Select File for the specific amendment found in the Journal on page 1934.

The motion prevailed with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 538. The Warner specific amendment found in the Journal on page 1934 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 161 to Select File

Mr. Lewis moved to return LB 161 to Select File for the following specific amendment:

1. On page 4 after line 3 insert:
"No faculty member of the University of Nebraska, the Nebraska State Colleges, or the technical community colleges shall be forced to retire before age seventy without due process, nor shall any faculty member have tenure status revoked due to age.".

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Lewis motion prevailed with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 161. The Lewis 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.

LEGISLATIVE BILL 571. E & R amendments found in the Journal on page 1904 for the Eightieth Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 571 to Select File

Mr. Schmit moved to return LB 571 to Select File for the specific amendment found in the Journal on page 1844.

The motion prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 571. The Schmit specific amendment found in the Journal on page 1844 was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 571 to Select File

Mr. Schmit moved to return LB 571 to Select File for the specific amendment found in the Journal on page 1958.

The motion prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 571. The Schmit specific amendment found in the Journal on page 1958 was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw Amendments to LB 152

Mr. DeCamp asked unanimous consent to withdraw his pending amendments to LB 152 found in the Journal on page 1883. No objections. So ordered.

MOTION - Return LB 152 to Select File

Messrs. DeCamp and Fitzgerald moved to return LB 152 to Select File for a specific amendment.

Mr. Chambers requested a division of the question.

Mr. Fitzgerald moved to return LB 152 for the following specific amendment:

1. In the Fitzgerald amendment 1, line 4, after the underscored period insert "Each nonprofit organization conducting a lottery shall keep a record of all locations where its lottery tickets are sold.".

2. Insert a new section as follows: "All tickets must bear a number, and these numbers must be in sequence.

The motion prevailed with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 152. The Fitzgerald 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 152 to Select File

Mr. DeCamp moved to return LB 152 to Select File for the following specific amendment:

Req. #2949

1. In the committee amendments on page 1, strike lines 5 through 20, show the old matter as stricken, and insert:

"28-1102. (1) A person commits the offense of promoting gambling in the first degree if he or she knowingly advances or profits from unlawful gambling activity by engaging in bookmaking to the extent that he or she receives or accepts in any one day one thousand dollars or more of money played in any gambling scheme or enterprise or receives or accepts one or more bets totaling one thousand dollars or more in any one day."; in line 21, strike "a", show as stricken and insert "for the first offense, a Class I misdemeanor, for the second offense, a Class IV felony, and for the third and all subsequent offenses, a Class III felony. No person shall be charged with a second or subsequent offense under this section unless the prior offense or offenses occurred after the effective date of this act."; and strike line 22 and all amendments thereto, and show the old matter stricken.

2. In the committee amendments on page 2, line 4, strike "more than"; in line 5 strike "but less than one thousand dollars", and insert "or more".

3. In the committee amendments insert a new section as follows:

"Sec. 5. That section 28-1105, Revised Statutes Supplement, 1978, be amended to read as follows:

28-1105. (1) A person commits the offense of possession of gambling records ~~in the first degree~~ if, other than as a player, he or she knowingly possesses any

writing, paper, instrument, or article which is:
~~constitutes, reflects, or represents more than five bets totaling more than five hundred dollars, and which is:~~
(a) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise and such writing, paper, instrument, or article has been used for the purpose of recording, memorializing, or registering any bet, wager, or other gambling information; or
(b) Of a kind commonly used in the operation, promotion, or playing of a lottery or mutuel scheme or enterprise and such writing, paper, instrument, or article has been used for the purpose of recording, memorializing, or registering any bet, wager, or other gambling information.
(2) Possession of gambling records in the first degree is a Class ~~IV felony~~ II misdemeanor.".
4. In the committee amendments renumber remaining sections accordingly.
5. Strike the first E and R amendment to page 6, line 23 of the committee amendments.
6. In E and R amendment 5, line 2, strike "28-1104" and insert "28-1105".

Mr. Hoagland asked unanimous consent to hold the motion over for one day.

Mr. DeCamp objected.

Mr. Hoagland moved to hold the motion on LB 152 over one day.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. DeCamp requested a roll call vote on the Hoagland motion.

Voting in the affirmative, 26:

Beutler	Haberman	Kennedy	Murphy	Warner
Carsten	Hefner	Kremer	Pirsch	Wesely
Cope	Hoagland	Labedz	Rumery	
Cullan	Johnson	Lamb	Sieck	
Dworak	Kahle	Landis	Stoney	
George	Kelly	Maresh	Wagner	

Voting in the negative, 18:

Brennan	DeCamp	Fowler	Koch	Marvel
Burrows	Duis	Hasebroock	Lewis	Nichol
Chambers	Fitzgerald	Keyes	Marsh	Reutzel

Schmit Simon Vickers

Present and not voting, 3:

Clark Merz Newell

Excused and not voting, 2:

Goodrich Venditte

The Hoagland motion to hold the DeCamp motion on LB 152 over prevailed with 26 ayes, 18 nays, 3 present and not voting, and 2 excused and not voting.

MOTION - Return LB 569 to Select File

Mr. Landis moved to return LB 569 to Select File for the specific amendment found in the Journal on page 1885.

The motion prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 569. The Landis et al specific amendment found in the Journal on page 1885 was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 356 to Select File

Mr. Lewis renewed his pending motion found in the Journal on page 1900 to return LB 356 to Select File for a specific amendment.

Mr. Cullan 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. CLARK PRESIDING

The Lewis motion lost with 13 ayes, 17 nays, 17 present and not voting, and 2 excused and not voting.

MOTION - Return LB 356 to Select File

Mr. Kelly renewed his pending motion found in the Journal on page 1909 to return LB 356 to Select File for a specific amendment.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The Kelly motion prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 356. The Kelly specific amendment found in the Journal on page 1909 was renewed.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Kelly specific amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Lewis requested a machine vote to advance LB 356.

Mr. Kelly moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

SPEAKER MARVEL PRESIDING

Mr. Kelly requested a roll call vote to advance LB 356.

Voting in the affirmative, 26:

Beutler	Hasebroock	Kremer	Murphy	Vickers
Carsten	Johnson	Lamb	Nichol	Warner
Clark	Kahle	Landis	Pirsch	
Cope	Kelly	Maresh	Reutzel	
Fowler	Kennedy	Marsh	Sieck	
George	Keyes	Merz	Stoney	

Voting in the negative, 10:

Brennan	Duis	Labedz	Newell	Schmit
Burrows	Koch	Lewis	Rumery	Simon

Present and not voting, 11:

Chambers	Dworak	Hefner	Wagner
Cullan	Fitzgerald	Hoagland	Wesely
DeCamp	Haberman	Marvel	

Excused and not voting, 2:

Goodrich Venditte

Advanced to E & R for Re-Engrossment with 26 ayes, 10 nays, 11 present and not voting, and 2 excused and not voting.

MOTION - Place LB 121 on General File

Mr. Schmit renewed his pending motion found in the Journal on page 1917 to place LB 121 on General File pursuant to Rule 3, Sec. 10.

Mr. Maresh 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 Schmit motion prevailed with 25 ayes, 7 nays, 15 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 91.

Introduced by Brennan, 9th District.

WHEREAS, from 1972-1978, 67 employees of the State and its political subdivisions died as a result of work-related injuries, and;

WHEREAS, from 1972-1978, 10,800 employees of the State and its political subdivisions lost work days as a result of work-related injuries, and;

WHEREAS, from 1972-1978, a total of 39,974 employees of the State and its political subdivisions suffered work-related injuries, and;

WHEREAS, from 1972-1978, a total of $9,952,123.00 was paid in compensation to employees of the State and its political subdivisions for work-related injuries, and;

WHEREAS, federal health and safety laws do not provide coverage for employees of the State and its political subdivisions, and;

WHEREAS, there are approximately 29,700 state employees, and 75,500 local employees in Nebraska who are therefore not protected by health and safety legislation, and;

WHEREAS, approximately 25 states have adopted federally approved state health and safety laws for the prevention of work-related injuries and illnesses, and;

WHEREAS, federal funds are available to states which adopt federally approved state health and safety laws to fund the operation of such programs;

NOW THEREFORE BE IT RESOLVED:

That the Business and Labor Committee shall conduct an interim study to determine the feasibility of a state health and safety law to protect employees of the State of Nebraska and its political subdivisions, and shall make recommendations for the implementation of such law.

Referred to the Executive Board.

ANNOUNCEMENT

Mr. Maresh announced that the Business and Labor Committee will meet in executive session under the north balcony upon recess at noon.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 585 and 591.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Members Excused

Mr. Murphy asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused at 10:55 until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 262. Title read. Considered.

MRS. MARSH PRESIDING

Mesdames Labedz and Pirsch moved to indefinitely postpone LB 262.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 17 nays, and 7 not voting.

The motion to indefinitely postpone lost with 18 ayes, 25 nays, 2 present and not voting, and 4 excused and not voting.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 25 ayes, 17 nays, 3 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following amendment to LB 596 in the Journal. No objections. So ordered.

1. Insert a new section as follows:
"Sec. 35. It is the intent of the Legislature to increase state aid appropriations and disbursements to local subdivisions by seven per cent over such appropriations and disbursements for fiscal year 1978-79.".
2. Renumber original sections 34 to 36 as sections 37 to 39 respectively.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 596.

(Signed) Don Wesely, Chairman

VISITORS

Visitors to the Chamber were 14 fourth grade students, teacher, and parent from Diller Elementary, Diller; 24 eighth grade students, teachers, and parent from St. Marys Elementary School, Bellevue; 18 senior government students and teachers from Roseland; 30 eighth grade students, teacher, and parents from St. Michael Elementary School, South Sioux City; 65 fourth grade students, teachers, and parents from Paddock Elementary School, Omaha; 20 fourth grade

students, teacher, and parents from Southeast Consolidated School, Stella; 3 fourth, sixth, and eighth grade students, teacher, and parent from Cochran Elementary School, Auburn; and 36 seventh and eighth grade students, teachers, and parents from District #9, Columbus.

RECESS

At 12:12 p.m., on a motion by Mr. Keyes, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:43 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Murphy who was excused; and Mrs. Pirsch, Messrs. Kennedy, Lewis, and Schmit who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 262 in the Journal. No objections. So ordered.

Req. #2951

1. Strike original sections 1, 2, and 5.

2. On page 4, line 23 before "A" insert "(1)"; in line 24 strike "(1)" and insert "~~(1)~~ (a)"; and in line 25 strike "(2)" and insert "~~(2)~~ (b)".

3. On page 5, line 2 strike "(3)" and insert "~~(3)~~ (c)"; in line 9 strike "Any" and insert:

"(2) Except as provided in subsection (3) of this section any"; after line 17 insert:

"(3) Any person convicted of murder in the first degree may be guilty of either a Class I felony or a Class IA felony if he or she: (a) Kills another person in any manner described in subdivision (1) (b) of this section; (b) kills another person who is serving full-time in an elected public office or position or who is a public employee charged with the duty of protecting the public safety and welfare, who at the time of the crime was engaged in such duties; (c) kills another person while serving as an inmate in any jail or prison; or (d) kills another person for profit or compensation. The determination of whether a murder in the first degree subject to this subsection shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.".

4. Insert a new section as follows:

"Sec. 3. That original section 28-303, Revised Statutes Supplement, 1978, is repealed.".

5. Renumber original sections 3 and 4 as sections 1 and 2.

Mr. Venditte asked unanimous consent to print the following amendment to LB 262 in the Journal. No objections. So ordered.

Req. #2955

1. Strike the original sections and insert the following:

"Section 1. That at the general election in November, 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article I, by amending section 23 and adding a new section 28 thereto, and to Article IV, section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Article I. Sec. 23. In all cases of felony the defendant shall have the right of appeal to the Supreme Court. ~~; and in capital cases such appeal shall operate as a supersedeas to stay the execution of the sentence of death, until further order of the Supreme Court.~~

Article I. Sec. 28. The death penalty shall not be inflicted for any offense.

Article IV. 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 laws affecting both eligibility for release on parole and the date when an inmate's discharge from the custody of the state becomes mandatory shall not apply to reduce the sentence of a person convicted of first degree murder to less than thirty years. 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 treason and cases of impeachment. The Board of Parole may advise the Governor, Attorney General and Secretary of State on the merits of any application for remission, respite, reprieve, pardon or commutation but such advice shall not be binding on them. The Governor shall have power to suspend the execution of the sentence imposed for treason

until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, or commute the sentence or direct the execution, or grant a further reprieve."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to abolish the death penalty and provide for a minimum sentence of a person convicted of first degree murder.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.".

2. In the title, strike lines 2 through 14 and insert:

"FOR AN ACT for submission to the electors of an amendment to Article I, by amending section 23 and adding a new section 28 thereto, and to Article IV, section 13, of the Constitution of Nebraska, relating to penalties; to abolish the death penalty; to provide a minimum sentence of a person convicted of first degree murder as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.",

GENERAL FILE

LEGISLATIVE BILL 363. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1315 for the Sixtieth Day were considered.

Mr. Koch offered the following amendments to the Standing Committee amendments:

(Committee Amendments Req. 2838)

Req. #2919

1. On page 1, line 6 after "79-2662" insert "and sections 6 to 23 of this act".

2. On page 3, line 13 strike "and"; in line 17 strike the period and insert an underscored semicolon; after line 17 insert two new subsections as follows:

"(12) Council shall mean the Nebraska Technical

Community College Council created by section 6 of this act; and

(13) Executive secretary shall mean the Nebraska Technical Community College Council Executive Secretary appointed by the council pursuant to section 11 of this act.".

3. Strike sections 2 and 3.

4. Insert new sections to read as follows:

"Sec. 2. That section 79-2650, Revised Statutes Supplement, 1978, 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 79-2650.01, 79-2650.02, and 79-2650.05, 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.~~ The levy provided in subsection (1) of this section may be exceeded (a) with prior approval by a majority vote of the qualified electors of the area voting in an election called for such purpose pursuant to section 79-2650.03, Revised Statutes Supplement, 1978, or (b) by a two-thirds vote of the area board of any area having less than seven citizens per square mile except that such increase shall not exceed that amount necessary to generate the maximum amount of receipts from local tax sources permitted under the Political Subdivision Budget Limit Act of 1979.

(4) Except as provided by section 79-2650.03, Revised Statutes Supplement, 1978, and subsection (3) of this section, the combined levy provided in subsections (1) and (2) of this section shall not exceed two and one half mills.

~~(4)~~ (5) 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. There is hereby created the Nebraska Technical Community College Council. The council shall consist of twelve members, two members to be chosen by each area board from among the members of such area board. Initial members to the council shall be appointed within thirty days after the effective date of this act. Members shall serve for terms of four years, except that of the initial members appointed by the area boards one member shall be appointed for a term of four years and one member shall be appointed for a term of two years. Each area board shall determine the length of term for members initially appointed. Terms of the members shall begin with the first regular meeting succeeding their appointment. Members of the council may be reappointed.

Sec. 7. Each member of the council shall be paid a per diem of twenty-five dollars per day for each day actually and necessarily spent in attending to his or her duties as a member of such council and shall be reimbursed for reasonable and necessary expenses including mileage as provided in section 84-306.01, Revised Statutes Supplement, 1978.

Sec. 8. A vacancy on the council shall exist in the event of the death, disability, or resignation of any member. Members chosen by the area boards shall forfeit their membership on the council if their membership on the area board terminates for any reason. In the event of a vacancy from any of such causes, or otherwise, such vacancy shall be filled by appointment of a qualified person by the appropriate area board.

Sec. 9. Suitable offices and office equipment shall be provided for the council in the city of Lincoln, and the council may incur the necessary expense or make the necessary arrangements for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this act.

Sec. 10. The council shall, within sixty days after the effective date of this act, organize, adopt a seal, and adopt rules and regulations for its administration. At such organizational meeting it shall elect from among its members a chairperson and vice-chairperson, each to serve for one year, and annually thereafter shall elect such officers. The council shall meet at least quarterly at a time, date, and place to be determined by the council. Special meetings may be called by the chairperson. Such special meetings must be called by the chairperson upon receipt

of a written request signed by five or more members of the council. Written notice of the time and place of all meetings shall be mailed in advance to each member of the council by the chairperson. A majority of the members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of members present and voting.

Sec. 11. The Nebraska Technical Community College Council Executive Secretary shall be appointed by the council and shall serve at the pleasure of the council. The executive secretary shall be appointed with due regard to his or her fitness and background in education, knowledge of and recent practical experience in the field of educational administration, and proven management background.

Sec. 12. The executive secretary shall devote his or her entire time to the duties of the office and shall not be actively engaged or employed in any other business, vocation, or employment. The executive secretary shall receive a salary to be fixed by the council and shall be reimbursed for all traveling and other expenses incurred in the discharge of his or her official duties.

Sec. 13. The executive secretary shall be the executive officer of the council and serve as its secretary and under its supervision shall administer its acts and determinations, according to the provisions of this act and the rules, regulations, and orders established pursuant to this act. He or she shall attend, but not vote at, all meetings of the council. He or she shall be in charge of the offices of the council and responsible to the council for the preparation of reports and the collection and dissemination of data and other public information relating to the technical community colleges. At the discretion of the council, the executive secretary shall, together with the chairperson of the council, execute all contracts entered into by the council.

Sec. 14. The executive secretary shall, with the approval of the council, appoint and employ such field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the council and for whose services funds have been appropriated. The executive secretary and all employees of the council shall be exempt from the provisions of Chapter 81, article 13, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

Sec. 15. The council may, by written order

filed in its office, delegate to the executive secretary any of the powers and duties vested in or imposed upon it by this act. Such delegated powers and duties may be exercised by the executive secretary in the name of the council.

Sec. 16. In addition to any other powers and duties imposed upon the council by this act, the council shall be charged with the powers, duties, and responsibilities enumerated in sections 13 to 21 of this act.

Sec. 17. The council shall:

(1) Establish guidelines for the receipt and distribution of such funds as may be made available to the council for the benefit of the technical community college areas, including state fund appropriations, and to receive and distribute such funds to the technical community college areas as provided by law; and

(2) Receive federal funds made available for the assistance of technical community college areas according to the provisions of the acts of Congress making such funds available and, to the extent possible under applicable federal law, insure an equitable division of such funds among the technical community college areas based on the need of the areas.

Sec. 18. The council shall:

(1) Consolidate reports, information, budgets, and other data from the separate technical community college areas when such consolidated reports, information, budgets, or other data is either required by a private or governmental agency or institution or is necessary to properly reflect the activity of all technical community college areas in this state; and

(2) Request and receive reports from the various state agencies and institutions on matters within the jurisdiction of the council.

Sec. 19. The council shall collect data, conduct studies, prepare reports, and establish recommended guidelines for the purpose of assisting the technical community college areas in their efforts to comply with the general requirements prescribed by law in such matters as (1) Internal budgeting, accounting, auditing, and financial procedures; (2) curriculum content and other educational and training programs together with the requirements for degrees, certificates and diplomas awarded by the college; (3) admission policies, student financial aids, and counseling services; and (4) data collection and reporting including the recording and reporting of reimbursable educational units as required by this act.

Sec. 20. The council shall:

(1) Serve as the coordinating agency and advisory council for the mutual exchange of ideas and information between the technical community college areas, state and local governmental agencies, private organizations, and individuals;

(2) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof; and

(3) Provide guidelines in the formulation of needs and program development, avoiding unnecessary duplication of programs and facilities, to promote the efficiency of the technical community college areas.

Sec. 21. The council shall pay expenses for recruitment of the executive secretary and other personnel employed by the state council.

Sec. 22. For the purpose of distributing state funds to the technical community college areas under section 79-2651, the council shall prepare and maintain a list of all programs or courses offered by the technical community college areas which may be used in determining a reimbursable educational unit and shall classify each such program or course as General Academic, Class 1 Vocational-Technical, or Class 2 Vocational-Technical.

Sec. 23. The council shall transmit a report in writing to the Governor before December 1 of each year which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and all expenditures made by or on behalf of the council, and such other information as it may deem necessary or useful or as may be requested by the Governor. The fiscal year of the council shall conform to the fiscal year of the state.

Sec. 25. This act shall become operative on July 1, 1979.".

5. On page 14, line 2 strike "79-2648,"; strike beginning with "sections"; in line 3 through "and" in line 5 and insert "section"; in line 12 strike "79-2648,"; in line 17 after "funds;" insert "to create the Nebraska Technical Community College Council and the position of executive secretary as prescribed; to provide for power and duties of such council and secretary;"; in line 19 after the semicolon insert "to provide an operative date;"; and strike beginning with "sections" in line 20 through "and" in line 22 and insert "section".

6. Renumber sections 4, 5, and 6 as sections 3, 4, and 5 respectively, renumber sections 7 and 8 as sections 24 and 26 respectively, and renumber section 9 as section 27.

Mr. Cullan requested a division of the question on the Koch amendments.

The first portion of the amendment #1., 2. through line 14, and Sec. 6 through the remainder of the amendments were considered.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Koch requested a roll call vote on the first portion of his amendment.

Voting in the affirmative, 22:

Carsten	Hasebroock	Lewis	Rumery	Wagner
Chambers	Hefner	Marsh	Schmit	Warner
Fowler	Koch	Merz	Sieck	
George	Kremer	Nichol	Simon	
Goodrich	Labedz	Reutzel	Venditte	

Voting in the negative, 24:

Beutler	Cullan	Haberman	Keyes	Newell
Brennan	DeCamp	Hoagland	Lamb	Stoney
Burrows	Duis	Johnson	Landis	Vickers
Clark	Dworak	Kahle	Maresh	Wesely
Cope	Fitzgerald	Kelly	Marvel	

Excused and not voting, 3:

Kennedy	Murphy	Pirsch

The first portion of the Koch amendment lost with 22 ayes, 24 nays, and 3 excused and not voting.

The Chair declared the Call raised.

The second portion of the Koch amendment #4. through line 11 of (5) was considered.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The second portion of the Koch amendment was adopted with 25 ayes, 4 nays, 18 present and not voting, and 2 excused and not voting.

The last portion of the Koch amendment #3. was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Cullan offered the following amendment to the Standing Committee amendments:

1. On page 2, in line 12, after (3) insert "Beginning July 1, 1981,".
2. On page 2, in line 18, before the new language insert "(4) For the period July 1, 1979, to June 30, 1981,".
3. On page 3, in line 2, strike "(4)" and insert "(5)".
4. On page 3, in line 3, after "(3)" add "and (4)".
5. On page 3, in line 7, strike "(5)" and insert "(6)".

The amendment was adopted with 25 ayes, 4 nays, 18 present and not voting, and 2 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 363A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 589 and 594.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 596 in the Journal. No objections. So ordered.

PURPOSE: To state Legislative intent that all employees other than administrators and supervisors shall receive a seven per cent increase over their June 30, 1979 salary rate.

AMENDMENT:

On page 42, after line 4, insert a new section:

"It is the intent of the Legislature that on July 1, 1979, all permanent full time employees of state agencies, departments, boards, and commissions shall be granted an increase of seven per cent to the nearest dollar over their June 30, 1979 salary rate, excluding those employees defined as administrative or supervisory employees in section 81-117.02, but including all professional employees with no administrative or supervisory responsibilities.".

SELECT COMMITTEE REPORTS

Rules

The Rules Committee met Tuesday, May 8, 1979, and acted favorably on the proposed rule change submitted by Senator Hoagland et al found on page 1324 of the Legislative Journal.
VOTE: For: Fowler, Beutler, Murphy (3). Against: Kahle (1). Absent: None. Excused: Newell (1).

The rule change submitted by Senator Vickers et al found on page 1849 was indefinitely postponed.
VOTE: For: Fowler, Beutler, Kahle, Murphy (4). Against: None. Absent: None. Excused: Newell (1).

In lieu of the proposed rule change submitted by Senator Simon et al found on page 1363, the following was favorably acted on:

Amend Rule 2, Section 3 by adding a new subsection (h) as follows:

"(h) No individual other than a senator or officer of the Legislature shall be allowed to address the Legislature except from the podium."
VOTE: For: Fowler, Beutler, Kahle, Murphy, Newell (5). Against: None. Absent: None. Excused: None.

In lieu of the proposed rule change submitted by Senator Carsten found on page 427, the following was favorably acted on:

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 ten 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 16 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.
VOTE: For: Beutler, Kahle, Murphy (3). Against: Fowler (1). Absent: None. Excused: Newell (1).

Dated: May 9, 1979

(Signed) Steve Fowler, Chairman

The Rules Committee met Friday, March 16, 1979, and acted favorably on the proposed rule change (2) submitted by Senator Fowler found on page 484 of the Legislative Journal.
VOTE: For: Fowler, Beutler, Kahle, Murphy (4). Against: None. Absent: Newell. Excused: None.

Dated: May 9, 1979

(Signed) Steve Fowler, Chairman

MOTION - Rule Change

Mr. Warner offered the following rule change:

1. Amend Rule 7, section 2 as follows:

"Sec. 2. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this for, 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.~~ The voting board shall be open for votes for only thirty seconds after the statement "Record your vote" is made and thereafter no votes shall be accepted on the particular motion, except that a Senator may after the voting board is locked change his or her vote for purposes of reconsideration.
(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 to amend bills these totals shall be set forth in the Journal. ~~Voice votes shall be accepted on roll call or record votes.~~

(e) No voice roll call vote shall be allowed on any vote other than for passage on Final Reading of a bill, or a resolution if such resolution required the same consideration as a bill.".

Referred to the Rules Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 92.

Introduced by Merz, 1st District.

WHEREAS the Eagle Scout Badge is scouting's highest award; and

WHEREAS to become an Eagle Scout a Boy Scout must earn at least twenty-four merit badges; and

WHEREAS only one percent of all Boy Scouts ever receive an Eagle Scout Badge; and

WHEREAS the simultaneous attainment of the Eagle Scout Badge by eleven members of the same Boy Scout Troop is almost unheard of; and

WHEREAS Gene Hulbert, Scoutmaster of Boy Scout Troop 393, is retiring after 32 years of service as a Scoutmaster.

THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION

That the Legislature commends David Thomas Aitken, Delyn Leroy Bogle, Martin Edward Cashatt, Michael Allan Clark, Bradley Scott Gose, Ronald Edwin Hoffmann, Brian Thomas Hoy, Stephen Russell Hoy, Marc Alan Merz, Craig Lynn Smith, Randal Lee Vanderheiden of Boy Scout Troop 393, Falls City, Nebraska, for the attainment of the Eagle Scout Badge in witness of their outstanding achievements as Boy Scouts and Gene Hulbert for his 32 years of service to the

community and youth of Falls City, Nebraska, as Scoutmaster of Boy Scout Troop 393.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 176.

A BILL FOR AN ACT to amend sections 17-510 and 17-511, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to change requirements for petition for and objection to street improvements by record title owners; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Burrows	George	Kennedy	Merz	Vickers
Carsten	Goodrich	Keyes	Nichol	Warner
Clark	Haberman	Kremer	Reutzel	Wesely
Cope	Hasebroock	Lamb	Rumery	
Cullan	Hefner	Lewis	Sieck	
Duis	Kahle	Maresh	Stoney	
Dworak	Kelly	Marsh	Venditte	

Voting in the negative, 12:

Beutler	DeCamp	Johnson	Marvel
Brennan	Fitzgerald	Koch	Newell
Chambers	Hoagland	Landis	Simon

Present and not voting, 5:

Fowler	Labedz	Pirsch	Schmit	Wagner

Excused and not voting, 1:

Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 217.

A BILL FOR AN ACT to amend sections 19-2501, 19-2501.01, and 19-2503 to 19-2507, Reissue Revised Statutes of Nebraska, 1943, relating to industrial areas; to define terms; to harmonize provisions; to provide review procedures; and to repeal the original sections, and also section 19-2508, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Brennan	Fitzgerald	Kahle	Lewis	Sieck
Burrows	Fowler	Kelly	Maresh	Simon
Carsten	George	Kennedy	Marsh	Stoney
Chambers	Goodrich	Keyes	Merz	Venditte
Clark	Haberman	Koch	Newell	Wagner
Cope	Hasebroock	Kremer	Nichol	Warner
Cullan	Hefner	Labedz	Pirsch	Wesely
DeCamp	Hoagland	Lamb	Reutzel	
Dworak	Johnson	Landis	Rumery	

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Duis	Marvel	Schmit	Vickers

Excused and not voting, 1:

Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 193. With Emergency.

A BILL FOR AN ACT to amend section 50-420, Reissue Revised Statutes of Nebraska, 1943, and section 81-1117.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 414, Eighty-sixth Legislature, First Session, 1979, 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, 46:

Beutler	Dworak	Kahle	Maresh	Stoney
Brennan	Fitzgerald	Kelly	Marsh	Venditte
Burrows	Fowler	Kennedy	Merz	Vickers
Carsten	George	Keyes	Newell	Wagner
Chambers	Goodrich	Koch	Nichol	Warner
Clark	Haberman	Kremer	Pirsch	Wesely
Cope	Hasebroock	Labedz	Reutzel	
Cullan	Hefner	Lamb	Rumery	
DeCamp	Hoagland	Landis	Sieck	
Duis	Johnson	Lewis	Simon	

Voting in the negative, 0.

Present and not voting, 2:

Marvel Schmit

Excused and not voting, 1:

Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 365. Mr. Lewis asked unanimous consent to pass over LB 365.

Mr. Goodrich objected.

Mr. Lewis moved to pass over LB 365.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Kelly requested a record vote on the Lewis motion.

Mr. Lewis requested a roll call vote on his motion.

Voting in the affirmative, 24:

Beutler	Dworak	Keyes	Merz	Simon
Brennan	Fitzgerald	Koch	Newell	Venditte
Carsten	Fowler	Landis	Reutzel	Vickers
Cullan	Goodrich	Lewis	Schmit	Wesely
DeCamp	Hoagland	Marsh	Sieck	

Voting in the negative, 18:

Chambers	Hasebroock	Kennedy	Maresh	Wagner
Clark	Hefner	Kremer	Pirsch	Warner
Cope	Johnson	Labedz	Rumery	
Duis	Kelly	Lamb	Stoney	

Present and not voting, 6:

Burrows	Haberman	Marvel
George	Kahle	Nichol

Excused and not voting, 1:

Murphy

The Lewis motion lost with 24 ayes, 18 nays, 6 present and not voting, and 1 excused and not voting.

Mr. Simon moved to return LB 365 to Select File for the following specific amendment:

Indefinitely postpone LB 365.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

Mr. Fitzgerald requested a record vote on the Simon motion.

Voting in the affirmative, 14:

Beutler	Dworak	Landis	Reutzel	Vickers
Burrows	Fowler	Lewis	Schmit	Wesely
Cullan	Koch	Marsh	Simon	

Voting in the negative, 26:

Carsten	Fitzgerald	Johnson	Maresh	Wagner
Chambers	George	Kahle	Marvel	Warner
Clark	Goodrich	Kelly	Nichol	
Cope	Haberman	Kennedy	Pirsch	
DeCamp	Hasebroock	Labedz	Rumery	
Duis	Hefner	Lamb	Stoney	

Present and not voting, 8:

Brennan	Keyes	Merz	Sieck
Hoagland	Kremer	Newell	Venditte

Excused and not voting, 1:

Murphy

The Simon motion lost with 14 ayes, 26 nays, 8 present and not voting, and 1 excused and not voting.

Mr. Newell moved to bracket LB 365 until May 15th.

Mr. Venditte moved to adjourn until 9:00 a.m., May 10, 1979.

The motion lost with 5 ayes, 31 nays, and 13 not voting.

Mr. Newell withdrew his motion to bracket.

LEGISLATIVE BILL 365.

A BILL FOR AN ACT to amend section 77-27,142, Revised Statutes Supplement, 1978, relating to taxation; to extend an expiration date; to require an election and provide the results thereof; 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, 28:

Brennan	Fitzgerald	Hefner	Keyes	Nichol
Carsten	George	Hoagland	Koch	Pirsch
Clark	Goodrich	Johnson	Labedz	Reutzel
Cope	Haberman	Kahle	Merz	Rumery
DeCamp	Hasebroock	Kennedy	Newell	Sieck

Venditte	Wagner	Warner

Voting in the negative, 15:

Beutler	Cullan	Kelly	Maresh	Stoney
Burrows	Duis	Lamb	Schmit	Vickers
Chambers	Dworak	Landis	Simon	Wesely

Present and not voting, 5:

Fowler	Kremer	Lewis	Marsh	Marvel

Excused and not voting, 1:

Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 443. With Emergency.

A BILL FOR AN ACT to amend sections 21-17,135 and 21-17,139, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to provide for computation of reserve requirements; to provide powers of the board of directors 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:

Beutler	Dworak	Kahle	Lewis	Simon
Brennan	Fitzgerald	Kelly	Maresh	Stoney
Burrows	George	Kennedy	Marsh	Venditte
Carsten	Goodrich	Keyes	Newell	Vickers
Chambers	Haberman	Koch	Nichol	Wagner
Cope	Hasebroock	Kremer	Pirsch	Warner
Cullan	Hefner	Labedz	Reutzel	Wesely
DeCamp	Hoagland	Lamb	Rumery	
Duis	Johnson	Landis	Schmit	

Voting in the negative, 0.

Present and not voting, 4:

Clark Fowler Marvel Sieck

Excused and not voting, 2:

Merz Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. LEWIS PRESIDING

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 75. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Veteran's Home; to provide for the conveyance of certain lands as prescribed; to authorize sale; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Beutler	Duis	Kahle	Maresh	Sieck
Brennan	Dworak	Kelly	Marsh	Simon
Burrows	Fitzgerald	Kennedy	Marvel	Stoney
Carsten	George	Keyes	Newell	Venditte
Chambers	Goodrich	Koch	Nichol	Vickers
Clark	Haberman	Kremer	Pirsch	Wagner
Cope	Hasebroock	Lamb	Reutzel	Warner
Cullan	Hefner	Landis	Rumery	Wesely
DeCamp	Johnson	Lewis	Schmit	

Voting in the negative, 0.

Present and not voting, 2:

Fowler Hoagland

Excused and not voting, 3:

Labedz Merz Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 355.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to provide when a physical therapist assistant may render services; to provide for the certification of programs and physical therapist assistants; to set fees; to provide penalties; and to provide construction.

Whereupon the 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:

Brennan	George	Kennedy	Marsh	Stoney
Carsten	Goodrich	Keyes	Marvel	Venditte
Clark	Hasebroock	Koch	Nichol	Wagner
Cope	Hefner	Kremer	Reutzel	Warner
Cullan	Johnson	Landis	Rumery	Wesely
Duis	Kahle	Lewis	Sieck	
Fowler	Kelly	Maresh	Simon	

Voting in the negative, 9:

Beutler	Fitzgerald	Lamb	Pirsch	Vickers
Dworak	Haberman	Newell	Schmit	

Present and not voting, 4:

Burrows Chambers DeCamp Hoagland

Excused and not voting, 3:

Labedz Merz Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 355A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 355, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Brennan	Fowler	Kelly	Marsh	Venditte
Carsten	George	Kennedy	Marvel	Wagner
Clark	Goodrich	Keyes	Nichol	Warner
Cope	Hasebroock	Koch	Reutzel	Wesely
Cullan	Hefner	Kremer	Rumery	
DeCamp	Hoagland	Landis	Sieck	
Duis	Johnson	Lewis	Simon	
Fitzgerald	Kahle	Maresh	Stoney	

Voting in the negative, 9:

Beutler	Dworak	Lamb	Pirsch	Vickers
Chambers	Haberman	Newell	Schmit	

Present and not voting, 1:

Burrows

Excused and not voting, 3:

Labedz Merz Murphy

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 390.

A BILL FOR AN ACT to amend sections 45-101.03 and 45-101.04, Revised Statutes Supplement, 1978, relating to loans; to change

provisions relating to interest rates as prescribed; to correct a reference; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Beutler	Fitzgerald	Kahle	Marsh	Stoney
Carsten	George	Kelly	Newell	Venditte
Clark	Goodrich	Koch	Nichol	Vickers
Cope	Haberman	Kremer	Pirsch	Wagner
Cullan	Hasebroock	Lamb	Reutzel	Wesely
DeCamp	Hefner	Landis	Rumery	
Duis	Hoagland	Lewis	Sieck	
Dworak	Johnson	Maresh	Simon	

Voting in the negative, 8:

Brennan	Chambers	Keyes	Schmit
Burrows	Fowler	Marvel	Warner

Present and not voting, 1:

Kennedy

Excused and not voting, 3:

Labedz	Merz	Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 579. 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, 44:

Brennan	Fitzgerald	Kahle	Maresh	Sieck
Burrows	Fowler	Kelly	Marsh	Simon
Carsten	George	Kennedy	Marvel	Stoney
Chambers	Goodrich	Keyes	Newell	Venditte
Cope	Haberman	Koch	Nichol	Vickers
Cullan	Hasebroock	Kremer	Pirsch	Wagner
DeCamp	Hefner	Labedz	Reutzel	Warner
Duis	Hoagland	Lamb	Rumery	Wesely
Dworak	Johnson	Landis	Schmit	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Clark	Lewis

Excused and not voting, 2:

Merz	Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 590.

A BILL FOR AN ACT to amend section 81-161.04, Reissue Revised Statutes of Nebraska, 1943, as amended by section 17, Legislative Bill 559, Eighty-sixth Legislature, First Session, 1979, relating to the Department of Administrative Services; to credit the proceeds from the sale of certain aircraft as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Beutler	Duis	Hefner	Kremer	Newell
Brennan	Dworak	Hoagland	Labedz	Nichol
Burrows	Fitzgerald	Johnson	Lamb	Pirsch
Carsten	Fowler	Kahle	Landis	Reutzel
Chambers	George	Kelly	Lewis	Rumery
Cope	Goodrich	Kennedy	Maresh	Schmit
Cullan	Haberman	Keyes	Marsh	Sieck
DeCamp	Hasebroock	Koch	Marvel	Simon

Stoney	Vickers	Warner
Venditte	Wagner	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Clark

Excused and not voting, 2:

Merz Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Carsten moved to suspend the rules, Rule 6, Sec. 6b to read LB 285 on Final Reading today.

The motion prevailed with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

Mr. Venditte asked unanimous consent to be excused at 5:00 p.m. No objections. So ordered.

MOTION - Return LB 285 to Select File

Mr. DeCamp moved to return LB 285 to Select File for the following specific amendment:

Amend Section 13(1) to include the underlined

(1) Receipts for any fund used for retiring, refinancing, or repayment of the principal and interest on bonded indebtedness or warrants.

Mr. DeCamp withdrew his motion.

MOTION - Return LB 285 to Select File

Mr. Keyes moved to return LB 285 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 28 ayes, 2 nays, and 19 not voting.

The Keyes motion lost with 10 ayes, 24 nays, 12 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 285. With Emergency.

A BILL FOR AN ACT to adopt the Political Subdivision Budget Limit Act of 1979; to amend section 77-1356, Revised Statutes Supplement, 1978, as amended by section 2, Legislative Bill 1, Eighty-fifth Legislature, First Special Session, 1978; to provide for termination; to repeal the original section, and also section 77-1355, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 1, Eighty-fifth Legislature, First Special 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, 40:

Beutler	Fitzgerald	Johnson	Lewis	Rumery
Brennan	Fowler	Kahle	Maresh	Sieck
Carsten	George	Kelly	Marsh	Simon
Clark	Goodrich	Koch	Marvel	Stoney
Cope	Haberman	Kremer	Newell	Vickers
Cullan	Hasebroock	Labedz	Nichol	Wagner
DeCamp	Hefner	Lamb	Pirsch	Warner
Dworak	Hoagland	Landis	Reutzel	Wesely

Voting in the negative, 2:

Burrows	Keyes

Present and not voting, 4:

Chambers	Duis	Kennedy	Schmit

Excused and not voting, 3:

Merz	Murphy	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.

RESOLUTIONS

LEGISLATIVE RESOLUTION 93.

Introduced by Judiciary Committee: Nichol, 48th District, Chairman; Stoney, 4th District; Venditte, 7th District; Haberman, 44th District; Pirsch, 10th District; Reutzel, 15th District.

WHEREAS, the divorce rate in the United States has greatly increased over the last decade and it is now estimated that there is one divorce for every two marriages; and

WHEREAS, children are often the "victims" of divorces; and

WHEREAS, the courts have generally dictated that the non-custodial parents share in the financial obligations of raising minor children; and

WHEREAS, the award of such child support to the custodial parent is entirely in the court's discretion and there is no standard to follow in making such awards and the awards that are made are not based on the actual cost of raising a child or on the cost of raising a child in a manner which is possible according to the financial means of the parent; and

WHEREAS, there is no available data or computerized records which compile figures on child support awards and collection; and

WHEREAS, persons who are ordered to pay child support often are sporadic in such payments or are deficient in the amounts paid and the custodial parent is unable to plan financially for the minor children; and

WHEREAS, the Nebraska Legislative Council's Committee on the Judiciary did a study on child support collection methods in 1974, and that study should be updated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Judiciary Committee perform an interim study on the availability of statistics regarding the amount of child support awarded in divorces and the availability of similar statistics nationwide.

2. That the Committee investigate possible means of collecting data regarding child support awards, emphasizing channels which are already in existence.

3. The Committee shall determine the actual cost of raising a child from birth to the age of majority with special attention given to the information available from the Institute of Agriculture and Natural Resources.

4. That the Committee review methods for enforcing child support obligations. Such review shall include the following:

a. The Committee shall examine methods currently being used across the state to effect collection of child support and shall also examine the effectiveness of such methods.

b. The Committee shall examine methods used in other states to effect collection of child support and shall also examine the effectiveness of such methods.

c. The Committee shall examine methods available for locating absent parents who are obligated to pay child support, but who are delinquent in their obligation.

d. The Committee shall investigate available procedures for cooperating with other states in collecting child support and effectiveness of such effort.

e. The Committee shall investigate any alternative methods for collecting child support which are not currently being used or which are not presently available.

5. The Committee shall hold public hearings throughout the state on the question of the amount of child support and collection methods for enforcing child support obligation. Such public hearings shall be for the purpose of gathering citizen input on matters germane to this study.

6. The Committee shall make a report of its findings together with any recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 94.

Introduced by Judiciary Committee: Nichol, 48th District, Chairman; Stoney, 4th District; Venditte, 7th District; Haberman, 44th District; Pirsch, 10th District; Reutzel, 15th District.

WHEREAS, laws specially developed to govern the lives of juveniles in Nebraska have been developed in a piecemeal fashion over the years; and

WHEREAS, at times such laws may be found to be in conflict; and

WHEREAS, a complete rewriting of juvenile laws could lend predictability and continuity to that part of our legal system dealing with juveniles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Legislature's Judiciary Committee perform an interim study of the workability and feasibility of rewriting Nebraska juvenile laws and direct its attention to the preliminary redrafting of such laws.

2. That the Committee make a report of its findings together with its recommendations for change in the present juvenile law to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 95.

Introduced by Landis, 46th District.

WHEREAS, 1979 is the 20th anniversary of the Declaration of the Rights of the Child and has been designated by Resolution of the United Nations General Assembly as the International Year of the Child; and

WHEREAS, by declaration of the United Nations in 1959, every child has the right to special attention, protection, education, and nurture in order to obtain and reach their full potential as adults and as responsible and productive citizens of the State; and

WHEREAS, by executive order a United States National Commission has been established to plan and promote the national observance of 1979 as the International Year of the Child, to promote a better understanding of the social, health, educational and developmental needs of children in this country; and

WHEREAS, the purpose of the International Year of the Child is to heighten awareness of children's special needs unique to them as children, especially those problems and needs which deny a minumum of health, nutrition, education and affection; and to promote activities and programs that will produce major, long-lasting benefits.

NOW, THEREFORE, BE IT RESOLVED BY MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That we endorse the intent and goals of the United Nations and the National Commission on the International Year of the Child.

2. That we support Nebraska's participation in the International Year of the Child, which is to focus on the special needs of our State's children; to stimulate concern for these needs; and to utilize the opportunity to review and reaffirm our committment to the total welfare of Nebraska's children.

Laid over.

MESSAGE FROM THE GOVERNOR

May 9, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 39, 332, 576, 576A and Reengrossed Legislative Bill 425.

These bills were signed by me on May 9, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

(1)

1. Add a new section: "All manufacturing plants for laetrile shall be licensed by the Department of Health. The purpose of licensure shall be to insure that certification, labeling, packaging, storage, and purity standards as developed by the department shall be met."

2. Add a new Section: "Applicants for license shall file applications under oath with the Department of Health upon forms prescribed by the Department of Health and shall pay a license fee of $250.00. Applications shall set forth the full name and address of the plant, the name or names of the owner, the names of the persons in control thereof and such additional information as the Department of Health may require. The Department may require affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be lawfully prescribed."

3. Add a new Section: "The Department of Health shall promugate rules and regulations to provide that such manufacturing plants shall meet cleanliness and sanitiation standards as shall be developed by the Department."

4. Add a new Section: "Anyone operating a manufacturing plant without a license shall be guilty of a Class II misdemeanor. The department shall suspend or revoke the license of any manufacturing plant for violation of the rules and regulations of the department. Any denial, suspension, or revocation of a license shall be subject to review pursuant to the provisions of Chapter 84, article 9."

(2)

P.3 line 10 strike "No" insert "Any"

Mr. Stoney asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

To amend Stoney amendment on page 1920 in line 5 after the comma strike the remaining language, in line 6 strike the language through the word "Physician".

Messrs. DeCamp and Hoagland asked unanimous consent to print the following amendment to LB 152 in the Journal. No objections. So ordered.

1. In the DeCamp amendment (Req. 2949) on page 1 strike beginning with "strike" in line 2 through line 12.

VISITORS

Visitors to the Chamber were 21 fourth grade students, teacher, and parents from District #8, North Bend; 17 eighth grade students, teacher, and parents from Sterling; 43 fourth grade students, teacher, and parents from Bennington Elementary School, Bennington; Bernie Borgan from Keystone; Dwayne Hollibaugh from Marsland; Harold Martens from Rising City; 14 third and fourth grade students, teacher, and parents from Hampton; 10 fifth and sixth grade students, teacher, and parent from Staplehurst Elementary, Staplehurst; and 18 eighth grade students and teacher from Clay Center.

ADJOURNMENT

At 5:23 p.m., on a motion by Mr. George, the Legislature adjourned until 9:00 a.m., Thursday, May 10, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-THIRD DAY - MAY 10, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 10, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, who has given to all persons talents and varying capacities, Thou dost only require of us that we utilize Thy gifts to the maximum. In this Legislature to which Thou has entrusted special abilities and opportunities, may each recognize his stewardship for the people of the State. Through the perplexing problems and needed decisions give them calmness and wisdom. May heated debates always be on the issues and not develop into personal jealousies which only defeat the purpose of our representative government. May we at the beginning of a new morning say, "This is the day that the Lord hath made, let us rejoice and be glad in it." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Goodrich, Johnson, Merz, Newell, Venditte, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2000, line 26, correct spelling of "Brogan".
The Journal for the Eighty-Second Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 391. Replaced on Select File as amended.
E & R amendment to LB 391:

1. In the title, as amended, insert "to repeal the original sections;" at the end of line 7.

LEGISLATIVE BILL 161. Replaced on Select File as amended.
E & R amendments to LB 161:

1. Because of the Lewis amendment adopted 5/8, strike E and R amendments 1, 3, and 4 adopted May 4, 1979.

2. On page 2, line 16, after the second comma insert "and".

3. On page 5, line 23, after "Sections" insert "1 and".

LEGISLATIVE BILL 251. Replaced on Select File as amended.
E & R amendments to LB 251:

1. Renumber original sections 10 to 17 as sections 9 to 16, original sections 20 and 21 as sections 21 and 22, section 24 added by the George amendments as section 25, and original section 24 as section 26.

2. On page 6, line 14, strike the commas and insert "and" after "fair".

3. In lieu of the second Fowler amendment thereto, on page 7, line 15, strike "Proceedings" and insert "If a special assessment is to be used, proceedings".

4. In line 2 of the Fowler amendment to page 10, line 8, strike the comma.

5. Insert as section 24 the new section added to page 11 by the Fowler amendments.

6. In line 1 of the new section 17 added by the Fowler amendments, insert "Sec. 17." before "(1)"; and in line 1 of subsection (3) strike "the word" and the quotation marks.

7. Insert a new section to read:

"Sec. 27. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

8. In the title, line 3, strike "and"; and in line 5 insert "; and to declare an emergency" after "1943".

LEGISLATIVE BILL 348. Replaced on Select File as amended.
E & R amendments to LB 348:
NOTE: The Newell amendments and these are to the Final Reading Bill.

1. Renumber sections 5 to 12 as sections 4 to 11.

2. In the title, insert "and" at the end of line 5; in line 6 strike the semicolon and insert a period; and strike line 7.

LEGISLATIVE BILL 152. Replaced on Select File as amended.
E & R amendments to LB 152:

1. In lieu of the Fitzgerald amendment 2, adopted 5/9, in line 4 after the underscored period insert "All tickets must bear a number, which numbers must be in sequence.".

LEGISLATIVE BILL 149. Replaced on Select File as amended.
E & R amendments to LB 149:

1. On page 2, line 2, insert ", as amended by Laws 1977, LB 196, section 1" after "1943".

2. On page 3, line 10, insert "1943," after the comma.

3. In the title, line 2, insert "harmonize provisions with the Nebraska Criminal Code; to" after "to"; strike beginning with the third comma in line 4 through "Code" in line 6; and in line 7 strike "section" and insert "sections".

Correctly Engrossed

The following bill was correctly engrossed: 281.

Correctly Enrolled

The following bills were correctly enrolled: 75, 176, 193, 217, 285, 355, 355A, 365, 390, 443, 579, and 590.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 75, 176, 193, 217, 285, 355, 355A, 365, 390, 443, 579, 590, and LR 54.

RESOLUTIONS

LEGISLATIVE RESOLUTION 96.

Introduced by Nichol, 48th District.

Uniform Commercial Code

WHEREAS, the Nebraska Uniform Commercial Code was enacted in 1963; and

WHEREAS, practices and procedures under the Uniform Commercial Code, particularly Article 9, must comply with due process requirements; and

WHEREAS, Article 9 of the Uniform Commercial Code relating to secure transactions is critical to debtor-creditor relations; and

WHEREAS, an overview of the Uniform Commercial Code is desirable for the purpose of insuring that its provisions (1) meet constitutional requirements; (2) maximize safeguards for both debtors and creditors; (3) maximize safeguards for both sellers and buyers; (4) provide workable procedures and practices for commercial transactions within the scope of the code; and

WHEREAS, the Uniform Commercial Code is critical to the everyday transactions in the business world.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION.

1. That the Judiciary Committee conduct an interim study to review and examine the Uniform Commercial Code, with emphasis on Article 9, for the purpose of evaluating current law and procedures to determine whether they are workable, whether they accomplish the ends originally sought, and whether they comply with constitutional requirements.

2. That the Judiciary Committee review case laws to determine whether the Code is consistent with such decisions.

3. That the Judiciary Committee solicit input from the public to determine whether there are particular code sections which are not workable and may need revision.

4. That the Judiciary Committee hold hearings throughout the state to seek input regarding the subject matter of this resolution.

5. That the Committee make a report of its findings together with any drafts of possible legislation that may develop to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 97.

Introduced by Nichol, 48th District.

Probate Code

WHEREAS, the Nebraska Probate Code was enacted by the Nebraska Legislature in 1974, and went into effect on January 1, 1977; and

WHEREAS, the courts and lawyers have now had an opportunity to work with the provisions of the Code and, thus, become familiar with its effectiveness and any problems which may be inherent in the current provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee conduct an interim study to examine the effectiveness of current practices and procedures under the Nebraska Uniform Probate Code with the purpose of determining whether any modifications are necessary or desirable.

2. That the Judiciary Committee examine the Nebraska Uniform Probate Code giving particular attention to sections which judges and lawyers indicated are troublesome either in procedure or substance. The Committee shall solicit input from attorneys and judges statewide regarding the Nebraska Uniform Probate Code to ascertain whether there are such provisions of the Code which need revising.

3. That the Judiciary Committee hold public hearings throughout the state to solicit input from interested persons regarding this resolution.

4. That the Committee make a report of its findings together with any recommendations for comprehensive legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 98.

Introduced by DeCamp, 40th District.

WHEREAS, the State of Nebraska is in a perilous and precarious situation in that it imports ninety per cent of its energy and depends heavily on imported energy for agriculture; and

WHEREAS, an acute and undeniable shortage will and has occurred in the supplies of petroleum based fuels including but not limited to gasoline, diesel fuel, aviation fuel and home heating fuel; and

WHEREAS, these shortages shall have a grave impact upon the economy of Nebraska and life styles of all Nebraskans; and

WHEREAS, recent turmoil in Iran and the potential upheaval in other oil producing countries could lead to additional energy shortages, inflationary prices, and a general energy crisis; and

WHEREAS, there is not a dependable energy, or energy conservation or crisis plan on a national level or state level; and

WHEREAS, the current national energy plans call for 25% of all energy to be derived from nuclear energy; and

WHEREAS, following the three-mile Island nuclear reactor incident, the future of nuclear energy is questionable; and

WHEREAS, the Dunn Report has brought to the attention of the Eighty-Sixth Legislature the need to act in the area of public power and energy in a responsible manner; and

WHEREAS, the coordination of energy generation and production has posed unique and provoking questions; and

WHEREAS, the problem of energy legislation has caused opposing contentions to arise in the Eighty-Sixth Legislature; and

WHEREAS, the Legislature needs to address the energy situation in a year round manner.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a special committee appointed by the Executive Board act as the committee for the purpose of meeting the legislative needs of the energy crisis.

2. That such committee investigate current plans and projections of energy within the state in light of current proposals and anticipated needs.

3. That such committee take testimony and prepare legislation, if appropriate, in the interest of energy conservation, development of alternate energy sources available for the state, and for the coordination of existing resources so as to achieve greatest efficiency without future energy shortages.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 110
May 9, 1979

Dear Senator Haberman:

You have requested the opinion of this office concerning LB 344 which would establish the Nebraska Clean Indoor Air Act. Initially, you have inquired whether the title to LB 344 adequately expresses the subject contained in the bill within the meaning of Article III, Section 14, of the Nebraska Constitution.

Section 14 of Article III provides in pertinent part:

> ". . . No bill shall contain more than one subject, and the same shall be clearly expressed in the title. . . ."

The title of LB 344 provides:

"FOR AN ACT to adopt the Nebraska Clean Indoor Air Act; to provide for severability; to provide an operative date; and to repeal sections 28-1327 and 28-1328, Revised Statutes Supplement, 1978."

The legal standard by which the title of a legislative bill is to be evaluated under Article III, Section 14, of the Nebraska Constitution was reiterated in Duerfeldt v. State, 184 Neb. 242, 166 N.W.2d 737 (1969), wherein the court stated:

". . . Where the title of an act fairly gives expression to the general subject-matter contained in the act, such act will not be held invalid as being broader than its title. . . . The provisions of the Constitution relating to titles are to be liberally construed so as to admit the insertion in a legislative act of all provisions which, although not specifically expressed in the title, are comprehended within the objects and purposes of the act as expressed in the title, . . ."

Also in Rein v. Johnson, 149 Neb. 67, 81, 30 N.W.2d 548 (1947), the court stated:

"That provision does not require that the title to an act should be a synopsis of a law. Its purpose was to prevent surreptitious legislation by advising legislators of the nature of the measures they are called upon to support or oppose. If, by a fair and reasonable construction, the title calls their attention to the subject matter of the proposed act, it may be said that the object is clearly expressed in the title. . . ." See also, Blackledge v. Richards, 194 Neb. 188, 231 N.W.2d 391 (1975).

Your specific inquiry is whether the title of LB 344 is sufficiently clear to allow the prohibition against smoking in public places in section 7 and the criminal penalty for violation of section 7 found in section 12. The object and purpose of this act is the regulation of indoor air pollutants. In our opinion, the above mentioned sections of the act are germane to its general purpose. Based on the liberal interpretations historically given Article III, Section 14, it is our opinion that the title, "Nebraska Clean Indoor Air Act" sufficiently expresses the purpose of the act so as to withstand constitutional scrutiny.

Further, you have inquired whether the provisions of LB 344 improperly delegate legislative authority to the Department of Health in violation of Article II, Section 1, of the Nebraska Constitution.

The Nebraska Supreme Court considered this issue in Gillette Dairy, Inc. v. Nebraska Dairy Products Board, 192 Neb. 89, 219 N.W.2d 214, 221 (1974), wherein it was stated:

"It is fundamental that the Legislature may not delegate legislative authority to an administrative or executive authority. It does, however, have power to authorize an administrative or executive department to make rules and regulations to carry out an express legislative purpose or for the complete operation and enforcement of a law within designated limitations. It is fundamental, however, that in the legislative grant of power to an administrative agency, such power must be limited to the express legislative purpose and administered in accordance with standards described in the legislative act. [Citing Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960).] 'The limitations of the power granted and the standards by which the granted powers are to be administered must, however, be clearly and definitely stated. They may not rest on indefinite, obscure, or vague generalities, or upon extrinsic evidence not readily available.'"

Section 10 of LB 344 provides:

"The Department of Health shall, not later than January 1, 1980, adopt and promulgate rules and regulations necessary and reasonable to implement the provisions of this act. The Department of Health shall consult with interested persons and professional organizations before promulgating such rules and regulations." (Emphasis added.)

Section 11 of LB 344 provides:

"The Department of Health may, upon request, waive the provisions of this act if it determines there are compelling reasons to do so and a waiver will not significantly affect the health and comfort of nonsmokers." (Emphasis added.)

Section 1 expresses the legislative purpose to "protect the public health, comfort and environment."

Based on the court's pronouncement in Gillette, supra, the question to be resolved is whether sections 10 and 11 of LB 344 contain sufficiently clear and definite standards so as to guide the agency in determining how to administer the power which it is granted. In our opinion, the act does not meet this requirement. Section 11 appears to be particularly defective as it is void of any indication concerning what factors may be considered "compelling reasons." The Legislature may not vest an agency with uncontrolled discretion to determine when and on whom a law shall take effect. 73 C.J.S., Public Administrative Bodies and Procedure, section 29, p. 324.

Therefore in our opinion, LB 344 improperly delegates legislative authority and is constitutionally suspect.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LF:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Approve Report

Mrs. Marsh moved the adoption of the Committee on Committees report found in the Journal on page 1819 on the appointment of Marian Andersen.

Voting in the affirmative, 26:

Brennan	Haberman	Kremer	Murphy	Stoney
Chambers	Hasebroock	Lamb	Pirsch	Vickers
Cope	Hefner	Landis	Rumery	
DeCamp	Hoagland	Maresh	Schmit	
Fitzgerald	Kahle	Marsh	Sieck	
George	Kennedy	Marvel	Simon	

Voting in the negative, 0.

Present and not voting, 17:

Beutler	Cullan	Kelly	Lewis	Warner
Burrows	Duis	Keyes	Nichol	
Carsten	Dworak	Koch	Reutzel	
Clark	Fowler	Labedz	Wagner	

Excused and not voting, 6:

Goodrich	Merz	Venditte
Johnson	Newell	Wesely

The motion prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Chair declared the appointment confirmed.

MOTION - Reconsider Action

Mr. Warner renewed his pending motion found in the Journal on page 1917 to reconsider action on the final passage of LB 234.

Mr. Warner moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Warner motion prevailed with 30 ayes, 8 nays, 7 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 234.

A BILL FOR AN ACT to amend sections 25-1601, 25-1603, 25-1609, 25-1611, 25-1625, 25-1627.01, 25-1631.03, and 25-1637, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1627 and 25-1629, Revised Statutes Supplement, 1978, relating to juries; to provide legislative intent; to change procedures relating to the selection of jurors; to change a penalty; to provide duties; and to repeal the original sections, and also sections 25-1631.01, 25-1631.02, 25-1633.02, 25-1633.03, and 25-1638, Reissue Revised Statutes of Nebraska, 1943, and section 25-1631, Revised Statutes Supplement, 1978.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 25:

Beutler	DeCamp	Hoagland	Lewis	Rumery
Brennan	Dworak	Johnson	Marsh	Simon
Burrows	Fitzgerald	Keyes	Newell	Vickers
Chambers	Fowler	Koch	Pirsch	Warner
Cullan	Hasebroock	Landis	Reutzel	Wesely

Voting in the negative, 16:

Cope	Kahle	Labedz	Schmit
George	Kelly	Lamb	Sieck
Haberman	Kennedy	Maresh	Stoney
Hefner	Kremer	Marvel	Wagner

Present and not voting, 5:

Carsten	Clark	Duis	Murphy	Nichol

Excused and not voting, 3:

Goodrich	Merz	Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 398. Mr. Reutzel requested a machine vote to advance LB 398.

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 to advance LB 398.

Voting in the affirmative, 26:

Beutler	DeCamp	Hefner	Labedz	Schmit
Brennan	Duis	Hoagland	Landis	Simon
Carsten	Dworak	Johnson	Lewis	
Chambers	Fitzgerald	Kahle	Marsh	
Cope	Fowler	Keyes	Newell	
Cullan	Hasebroock	Koch	Rumery	

Voting in the negative, 18:

Clark	Kennedy	Murphy	Sieck	Warner
George	Lamb	Nichol	Stoney	Wesely
Haberman	Maresh	Pirsch	Vickers	
Kelly	Marvel	Reutzel	Wagner	

Present and not voting, 2:

Burrows	Kremer

Excused and not voting, 3:

Goodrich	Merz	Venditte

Advanced to E & R for Re-Engrossment with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

MOTION - Return LB 398 to Select File

Mr. Dworak moved to return LB 398 to Select File for the following specific amendment:

To reduce the salary for workmans compensation judges from $44382 to $41517.

The motion prevailed with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 398. The Dworak specific amendment found in this day's Journal was adopted with 26 ayes, 9 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Vickers asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Reutzel requested a machine vote to advance LB 398.

Advanced to E & R for Re-Engrossment with 25 ayes, 17 nays, 3 present and not voting, and 4 excused and not voting.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 398 to Select File

Mr. Nichol moved to return LB 398 to Select File for the following specific amendment:

Strike all amendments to LB 398 except the committee amendments.

Mr. Nichol requested a roll call vote on his motion.

Voting in the affirmative, 19:

Burrows	Kelly	Lamb	Pirsch	Wagner
Carsten	Kennedy	Maresh	Reutzel	Warner
Clark	Keyes	Marvel	Sieck	Wesely
Haberman	Kremer	Nichol	Stoney	

Voting in the negative, 18:

Beutler	DeCamp	Johnson	Lewis	Schmit
Brennan	Hasebroock	Koch	Marsh	Simon
Cope	Hefner	Labedz	Newell	
Cullan	Hoagland	Landis	Rumery	

Present and not voting, 7:

Chambers	Dworak	George	Murphy
Duis	Fitzgerald	Kahle	

Excused and not voting, 5:

Fowler	Goodrich	Merz	Venditte	Vickers

The Nichol motion lost with 19 ayes, 18 nays, 7 present and not voting, and 5 excused and not voting.

MR. CLARK PRESIDING

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 152. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw Motion on LB 152

Mr. DeCamp asked unanimous consent to withdraw his pending motion found in the Journal on page 1963 to return LB 152 to Select File. No objections. So ordered.

SPEAKER MARVEL PRESIDING

MOTION - Return LB 152 to Select File

Mr. DeCamp moved to return LB 152 to Select File for the specific amendment of Messrs. DeCamp and Hoagland found in the Journal on pages 1963 and 2000.

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The DeCamp motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 152. The DeCamp-Hoagland specific amendment found in the Journal on pages 1963 and 2000 was considered.

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.

MR. CLARK PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 53. Read. Considered.

SPEAKER MARVEL PRESIDING

LR 53 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 65. Read. Considered.

LR 65 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 82. Read. Considered.

LR 82 was adopted with 27 ayes, 0 nays, and 22 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Hasebroock asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Keyes asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

1. On page 20, after line 24, insert a new section as follows:

"Sec. 45. Agency No. 60 - Agricultural Products Industrial Utilization Committee

Program No. 593 - Alcohol Plant Grants	
GENERAL FUND	1,000,000
PROGRAM TOTAL	1,000,000"

2. Renumber original sections 45 to 50 as sections 46 to 51.

RESOLUTION

LEGISLATIVE RESOLUTION 99.

Introduced by George, 16th District.

WHEREAS, the Nebraska Legislature has found and declared that high rates of interest on mortgage loans seriously restrict existing housing transfers and new housing starts and that there exists in the urban and rural areas of this state an inadequate supply of, and a pressing need for, sanitary, safe and uncrowded housing at prices which persons of low and moderate income can afford; and

WHEREAS, the Nebraska Legislature has found that such problems can be alleviated through the creation of a governmental body to encourage the investment of private capital and stimulate the construction of sanitary, safe and uncrowded housing for low and moderate income persons through the use of public financing as provided by the Nebraska Mortgage Finance Fund Act, Section 76-1601, et seq., R.S. Supp. 1978; and

WHEREAS, the Nebraska Legislature has found that alleviating such conditions and problems through such encouragement of private investment and stimulation of construction by a governmental body is a public purpose and use for which public money provided by the sale of revenue bonds may be borrowed, expended, advanced, loaned or granted, where such activities are not conducted for profit, and that such activities are proper governmental functions and can best be accomplished by the creation of a governmental body vested with the powers and duties specified in the Nebraska Mortgage Finance Fund Act; and

WHEREAS, the constitutionality of the Nebraska Mortgage Finance Fund Act has been upheld by an Order of the District Court of Lancaster County on April 30, 1979, for which a Notice of Appeal to the Nebraska Supreme Court was given on May 3, 1979; and

WHEREAS, on April 25, 1979, the Chairman of the Ways and Means Committee of the United States House of Representatives and several other Congressmen introduced H.R. 3712, which removes the tax-exempt status of bonds issued to provide financing of owner-occupied housing, except for such bonds sold prior to April 25, 1979, and general obligation bonds issued by states for veterans' housing; and

WHEREAS, the introduction of H.R. 3712 prevents the Nebraska Mortgage Finance Fund from issuing tax-exempt housing revenue bonds and thereby from carrying out the purposes of the Nebraska Mortgage Finance Fund Act; and

WHEREAS, by restricting the issuance of tax-exempt general obligation bonds of states for housing, to bonds to provide veterans' housing, H.R. 3712 raises issues of constitutional import under the Tenth Amendment of the United States Constitution as to the power of the federal government to restrict states in the pledge of their full faith and credit in the incurrence of indebtedness; and

WHEREAS, the restriction in H.R. 3712 on the issuance of general obligation housing bonds is a dangerous precedent which, if constitutional, would permit the federal government to dictate the purposes for which the states can issue general obligation bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature opposes H.R. 3712 insofar as it prevents the Nebraska Mortgage Finance Fund from issuing tax-exempt housing bonds as of April 25, 1979.

2. That the Nebraska Legislature urges that H.R. 3712 should immediately be amended to provide that its provisions shall become effective only after it is duly enacted into law.

3. That the Nebraska Legislature further urges that H.R. 3712 be amended to provide state housing finance agencies such as the Nebraska Mortgage Finance Fund be permitted to issue tax-exempt housing bonds without restriction or, in the alternative, with responsible guidelines with respect to income limits of home buyers and maximum mortgage loans.

4. That the Nebraska Legislature hereby disapproves any restriction by the federal government of the inherent power of the Nebraska Legislature, under the United States Constitution, to pledge the full faith and credit of the State as the people of the State may determine.

Laid over.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

RULING OF THE CHAIR

Mr. Dworak requested a ruling of the Chair regarding the vote on the DeCamp amendment to LB 585 that was incorrectly recorded and announced on May 8 with Dworak voting aye instead of nay.

The Chair ruled in his opinion the amendment had only 24 votes and should be revoted upon. The bill was advanced on May 8 without the amendment. The Chair stated the amendment would be voted upon Monday.

Mr. Brennan 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 582.

A BILL FOR AN ACT to amend section 81-8,266, Reissue Revised Statutes of Nebraska, 1943, relating to the Commission on Mexican-Americans; to change the number of meetings of the commission; and to repeal the 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:

Beutler	Fitzgerald	Koch	Merz	Simon
Burrows	Fowler	Kremer	Murphy	Stoney
Carsten	George	Labedz	Newell	Venditte
Clark	Haberman	Lamb	Nichol	Vickers
Cope	Hefner	Landis	Pirsch	Wagner
Cullan	Hoagland	Lewis	Reutzel	Warner
DeCamp	Kahle	Maresh	Rumery	Wesely
Duis	Kelly	Marsh	Schmit	
Dworak	Kennedy	Marvel	Sieck	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Johnson Keyes

Excused and not voting, 3:

Brennan Goodrich Hasebroock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 583.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1978, relating to motor vehicles; to change the frequency of issuing new license plates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Beutler	Dworak	Kelly	Maresh	Rumery
Burrows	Fitzgerald	Kennedy	Marsh	Schmit
Carsten	Fowler	Koch	Marvel	Sieck
Clark	George	Kremer	Murphy	Simon
Cope	Haberman	Labedz	Newell	Stoney
Cullan	Hefner	Lamb	Nichol	Wagner
DeCamp	Hoagland	Landis	Pirsch	Warner
Duis	Kahle	Lewis	Reutzel	Wesely

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Keyes	Venditte
Johnson	Merz	Vickers

Excused and not voting, 3:

Brennan	Goodrich	Hasebroock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 586 to Select File

Mr. Newell moved to return LB 586 to Select File for the following specific amendment:
On page 21 line 22 strike the word professional.

Mr. Newell withdrew his motion.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 586. 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, 1979, to June 30, 1980; 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:

Beutler	Dworak	Kelly	Marvel	Sieck
Brennan	Fitzgerald	Kennedy	Merz	Simon
Burrows	Fowler	Keyes	Murphy	Stoney
Carsten	George	Koch	Newell	Vickers
Clark	Haberman	Labedz	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Hoagland	Landis	Reutzel	Wesely
DeCamp	Johnson	Maresh	Rumery	
Duis	Kahle	Marsh	Schmit	

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Kremer	Lewis	Venditte

Excused and not voting, 2:

Goodrich	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.

LEGISLATIVE BILL 588. 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, 1979, to June 30, 1980; 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, 44:

Beutler	Dworak	Kennedy	Marvel	Sieck
Brennan	Fitzgerald	Keyes	Merz	Simon
Burrows	Fowler	Koch	Murphy	Stoney
Carsten	Haberman	Kremer	Newell	Venditte
Clark	Hefner	Labedz	Nichol	Vickers
Cope	Hoagland	Lamb	Pirsch	Wagner
Cullan	Johnson	Landis	Reutzel	Warner
DeCamp	Kahle	Maresh	Rumery	Wesely
Duis	Kelly	Marsh	Schmit	

Voting in the negative, 0.

Present and not voting, 3:

Chambers George Lewis

Excused and not voting, 2:

Goodrich 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.

LEGISLATIVE BILL 593. With Emergency.

A BILL FOR AN ACT relating to appropriations; to acknowledge and reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1978, LB 956, sections 4, 5, 6, and 35, Laws 1978, LB 956, sections 33 and 42, with items reduced or disapproved by line-item veto, Laws 1978, LB 937, section 21, and section 81-1414.06, Revised Statutes Supplement, 1978; 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:

Brennan	DeCamp	Fowler	Johnson	Keyes
Burrows	Duis	Goodrich	Kahle	Koch
Carsten	Dworak	Hefner	Kelly	Kremer
Cope	Fitzgerald	Hoagland	Kennedy	Labedz

Lamb	Marvel	Pirsch	Sieck	Vickers
Landis	Merz	Reutzel	Simon	Wagner
Maresh	Murphy	Rumery	Stoney	Warner
Marsh	Nichol	Schmit	Venditte	Wesely

Voting in the negative, 2:

George Newell

Present and not voting, 6:

Beutler	Clark	Haberman
Chambers	Cullan	Lewis

Excused and not voting, 1:

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.

SELECT FILE

LEGISLATIVE BILL 224. E & R amendments found in the Journal on page 1709 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 224 to Select File

Mr. Newell moved to return LB 224 to Select File for the following specific amendment:
Add the Emergency Clause.

The motion prevailed with 25 ayes, 0 nays, and 23 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 224. The Newell 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 Engrossment.

LEGISLATIVE BILL 80. E & R amendments found in the Journal on page 1888 for the Eightieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 387. E & R amendments found in the Journal on page 1925 for the Eightieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 391. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 161. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 251. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 348. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 149. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 11. Replaced on Select File as amended.
E & R amendment to LB 11:

1. In the title, line 3, strike "and"; and in line 4 as amended insert ", and section 37-213, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 435, Eighty-sixth Legislature, First Session, 1979" after "1978"; and in line 8 insert "to provide an exception;" immediately after the semicolon.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 136.

Correctly Engrossed

The following bills were correctly engrossed: 99, 172, 444, and 444A.

(Signed) Don Wesely, Chairman

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 121 in the Journal. No objections. So ordered.

1. On page 2, line 21 strike "two"; in line 22 strike "million five hundred thousand" and insert "one million"; in line 25 strike "two"; and in line 26 strike "million five hundred thousand" and insert "one million".

2. Insert a new section 4 as follows:

"Sec. 4. In making the appropriations set forth in sections 2 and 3 of this act, it is the intent of the Legislature that the maximum amount of the grants provided by section 66-808, Revised Statutes Supplement, 1978, be made.".

3. Renumber the remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 108 in the Journal. No objections. So ordered.

1. Strike the original sections and insert the following:

"Section 1. That section 77-510, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-510. From any final decision of the State Board of Equalization and Assessment with respect to the valuation of any real or personal property, any person, whether or not such person is affected or made an appearance or any showing before the board, or any county or municipality ~~affected thereby~~ may prosecute an appeal to the Supreme Court. Upon demand therefor, the board shall prepare and certify a transcript of its records and proceedings involved in such decision which shall be filed with the Clerk of the Supreme Court within ten days of such demand. Notice of intention to obtain a review shall be filed within ten days from the date of the entry by the board, and when docketed said cause shall be given

absolute precedence by the Supreme Court over all civil cases. The case shall be set for argument before the court not later than five days after written briefs are submitted, and in no event shall a party to the appeal be granted any extension of time in excess of ten days, except by joint stipulation. The decision of the Supreme Court shall be issued not later than thirty days following the oral argument before the court.

Sec. 2. In any action or proceeding under section 77-510, if the final decision of the State Board of Equalization and Assessment is reversed in whole or in part by the Supreme Court, the court shall allow the appellant a reasonable attorney's fee.

Sec. 3. That original section 77-510, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Sec. 4. To declare an emergency.

2. In the title, strike lines 2 through 7 and insert:

"FOR AN ACT to amend section 77-510, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change provisions relating to appeal of a State Board of Equalization and Assessment decision; to provide for attorney fees; and to declare an emergency; and to repeal the original section.".

ATTORNEY GENERAL'S OPINION

Opinion No. 111
May 9, 1979

Dear Senator Haberman:

In your recent correspondence to this office, you advise us that you are considering a bill to change Section 2-3225, R.R.S. 1943. In that connection, you state that you need to know: "What does 'headquarters' and 'administration' mean? Are they the same or different?"

The specific sentence within section 2-3225 to which you are apparently referring states:

> "The proceeds of such tax shall be used together with any other funds which the district may receive from any source, for the operation of the district, but no funds may be used for constructing or purchasing a headquarters or administration building."

Our research indicates that the particular language which troubles you was included via LB 540 in 1972. We have searched the legislative

history of LB 540 and find but one reference to the particular terms which trouble you. That reference was made by Senator Whitney who stated:

> "If they can inherit something then they wouldn't have to construct something new or to buy it. Therefore, this would remain as is. No funds would be used for construction or purchasing a headquarters. So if they inherit it, they could still own it. But they couldn't purchase it."

As can be seen from the foregoing, only the word "headquarters" was referred to during debate. Your uncertainty as to whether the word "headquarters" and "administration" mean the same thing appears to be well-founded. It further appears, that the most certain and appropriate way of clarifying terms, would be through legislative action.

We hope the foregoing has been of some assistance.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Judy K. Hoffman
Assistant Attorney General

JKH/cmb
cc: Patrick J O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Reutzel asked unanimous consent to print the following amendment to LB 380 in the Journal. No objections. So ordered.

(Amendments are to the Committee Amendments.)

1. On page 3, line 23 after "from" insert "a central pickup point in each of".

2. On page 5, line 3 after the period insert "If the department determines that it is feasible to use a vehicle currently owned or operated by a state department or agency to carry out this act, the department shall not be required to make any payments for such vehicle except for the payment of actual maintenance and fuel expenses.".

3. Insert new sections as follows:

"Sec. 21. The department shall not provide any additional compensation to existing employees or hire any additional employees to carry out this act except as provided in sections 10, 12, and 13 of this act.

Sec. 22. The department shall apply for any

funds, federal or otherwise, which may be available to assist in the financing of the recycling program established pursuant to this act.".

4. Renumber section 21 as section 23.

RESOLUTIONS

LEGISLATIVE RESOLUTION 100.

Introduced by Reutzel, 15th District; Koch, 12th District; George, 16th District; Pirsch, 10th District; Stoney, 4th District; Carsten, 2nd District; Hefner, 19th District.

WHEREAS, the Legislature in 1929 gave its unconditional consent to the acquisition of the state's land and water resources by the federal government for the establishment of migratory bird reservations; and

WHEREAS, questions have been raised as to whether this policy continues to be in the best interests of the state; and

WHEREAS, it is the responsibility of the Legislature to insure that the state's natural resources are used wisely.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Legislature's Constitutional Revision and Recreation Committee conduct an interim study to determine whether controls need to be placed upon the federal government's acquisition of land and water in Nebraska for migratory bird reservations, wildlife refuges, national parks, and similar projects.

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 101.

Introduced by Nichol, 48th District.

WHEREAS, since 1913, Nebraska law has provided for a system of indeterminate sentencing of criminal offenders; and

WHEREAS, an essential element of fairness in criminal sentencing is certainty about the time when any given sentence has been served and the offender is entitled to release; and

WHEREAS, the combined application of Nebraska's indeterminate sentencing law along with good time laws and the powers of the Parole Board precludes a criminal offender from having knowledge concerning the date of release from detention; and

WHEREAS, indeterminate sentencing systems have recently come under attack for many reasons; and

WHEREAS, six states have recently abandoned their indeterminate sentencing system for a form of determinate sentencing; and

WHEREAS, adoption of any alternative form of sentencing should be considered with knowledge of the effects such alternative would have on Nebraska criminal law and procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Legislature's Judiciary Committee undertake a comprehensive interim study and evaluation of Nebraska law and procedure relating to criminal sentencing.

2. That the Committee examine the workability and feasibility of determinate sentencing as an alternative to the present system.

3. That the Committee examine the effect of a determinate sentencing alternative on the good time parole board laws in the state.

4. That the Committee may spend sums necessary to conduct such study with thoroughness.

5. That the Commttee make a report of its findings together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 102.

Introduced by Stoney, 4th District; Nichol, 48th District.

WHEREAS, plea bargaining has become an accepted part of the criminal justice system; and

WHEREAS, because of the prosecutors almost unlimited discretion it may be questionable whether there is uniform application of criminal laws; and

WHEREAS, there is a legitimate public interest in assuring that tools of the criminal justice system be applied with uniformity and fairness.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee perform an interim study on the plea bargaining system as used in Nebraska. Such study shall include the following elements:

a. The constitutionality of plea bargaining.

b. Standards which control plea bargaining.

c. Use or abuse of prosecutor's discretion.

d. Additional safeguards which could be implemented to secure uniform application of criminal laws.

2. That the Committee hold public hearings in communities throughout the state to get their input on matters germane to this study.

3. That the Committee make a report of its findings together with any recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 103.

Introduced by DeCamp, 40th District.

WHEREAS, Legislative Resolution 64 was introduced April 25, 1979; and

WHEREAS, Legislative Resolution 64 directed that an interim study be conducted to determine the effects that certain legislative bills will have on liability insurance rates within the state; and

WHEREAS, the legislative bills which (1) repeal the guest passenger statute, (2) adopt comparative negligence standards, and (3) permit the recovery of punitive damages in private civil actions have been introduced in this session of the Legislature; and

WHEREAS, such legislation has been killed by various legislative committees; and

WHEREAS, each of the foregoing proposals is calculated to permit more people to collect more damages from others more easily; and

WHEREAS, many studies have been made by respected individuals, groups and government agencies which have concluded that this objective can be attained more effectively, more fairly, more economically and with less litigation by the adoption of no fault automobile insurance; and

WHEREAS, some sixteen states have in fact accepted this approach and adopted no fault automobile insurance legislation in various forms in recent years; and

WHEREAS, experience has now been developed in these sixteen states and further data compiled in other more recent studies as to the cost of and the benefits derived from this innovative concept of compensating injured persons; and

WHEREAS, the Congress of the United States has had legislation under consideration for a number of years which would impose federal no fault insurance on each state which has not adopted no fault laws which meet federal standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee in cooperation with the Nebraska Department of Insurance, in connection with and as a part of any interim study conducted pursuant to Legislative Resolution 64, include in said study and any report resulting therefrom, the effect, if any, of the adoption of a no fault automobile reparations plan on liability insurance costs and the benefits, if any, which would flow therefrom.

2. That the results of said study be completed and made a part of any such study and report made pursuant to Legislative Resolution 64.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 23 sixth grade students, teachers, and parents from St. Isidore Elementary, Columbus; 41 members of Benson Womens Republican Club from Omaha; 14 sixth grade students, teacher, and parents from St. Anthony Elementary, Columbus; 46 seventh and eighth grade students and teachers from Trinity Lutheran Elementary, Fremont; 11 Newark Extension Club members, Mrs. Ron Kahle, and Mrs. Alton Kahle (Senator Kahle's daughters-in-law) from Kearney; 45 fourth and fifth grade students, teachers, and parents from Havelock Elementary, Lincoln; 28 kindergarten through eighth grade students, teachers, and parents from District 61, Cedar Bluffs, and District 75, Malmo; and 27 third and fourth grade students, teachers, and parents from Clarks.

RECESS

At 12:00 noon, on a motion by Mr. Clark, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hasebroock who was excused; and Messrs. Landis, Lewis, and Vickers who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 104.

Introduced by Nichol, 48th District; Haberman, 44th District; Venditte, 7th District; Schmit, 23rd District; Reutzel, 15th District; Wagner, 41st District; Pirsch, 10th District; Stoney, 4th District.

WHEREAS, the illegal use of controlled substances and the use of narcotic drugs in Nebraska are regulated according to drug schedules found in the Criminal Code; and

WHEREAS, extremely dangerous drugs can be found throughout the schedule regardless of the schedule into which the drug is placed; and

WHEREAS, prosecution for use of these drugs might be more effectively and efficiently facilitated by the combining of extremely dangerous drugs into a special single category.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH NEBRASKA LEGISLATURE, FIRST SESSION:

1. That the Legislature's Judiciary Committee conduct an interim study to examine the most effective and efficient use of drug schedules in the Criminal Code.

2. That this study examine the possibility of creating a special category for extremely dangerous drugs.

3. That the Committee make a report of its findings along with any drafts of possible legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 105.

Introduced by Newell, 13th District; Brennan, 9th District; Johnson, 8th District; Fowler, 27th District; Hoagland, 6th District; Fitzgerald, 14th District; Landis, 46th District; Koch, 12th District; Wesely, 26th District; Lewis, 45th District.

WHEREAS, the University of Nebraska has historically awarded permanent faculty salary merit increases on the basis of academic achievement; and

WHEREAS, the awarding of permanent salary merit increases adversely affects the ability of other faculty to meet cost-of-living increases and creates resentment and mistrust; and

WHEREAS, the Legislature recognizes that the desire for financial awards is meritorious; and

WHEREAS, the rewarding of direct cash awards could provide recognition for academic achievement without affecting the permanent individual faculty salary bases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Board of Regents of the University of Nebraska be encouraged to develop a system for financially rewarding academic achievement that will not adjust permanent individual faculty salary bases.

2. That such system include direct cash awards.

3. That the Board of Regents begin the development of such system immediately.

4. That for the fiscal year 1979-1980, the Board of Regents provide a seven per cent cost-of-living increase for all permanent faculty.

Laid over.

ANNOUNCEMENT

Mr. Fowler announced that all proposed rule changes should be submitted by Friday, May 11, to be considered by the Rules Committee this session.

SELECT FILE

LEGISLATIVE BILL 382. Mr. Venditte moved to overrule the Speaker's agenda and stay on LB 382 until a vote is taken on advancement to E & R for Engrossment.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Venditte motion lost with 12 ayes, 21 nays, and 16 not voting.

Mr. Hoagland renewed his pending amendment (1) found in the Journal on page 1779.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Brennan	Dworak	Kennedy	Newell	Warner
Burrows	Fowler	Keyes	Rumery	Wesely
Chambers	George	Koch	Sieck	
Cullan	Haberman	Landis	Simon	
DeCamp	Hoagland	Marsh	Vickers	

Voting in the negative, 19:

Beutler	Hefner	Labedz	Murphy	Stoney
Carsten	Johnson	Lamb	Pirsch	Venditte
Cope	Kahle	Maresh	Reutzel	Wagner
Goodrich	Kelly	Merz	Schmit	

Present and not voting, 6:

Clark	Fitzgerald	Marvel
Duis	Kremer	Nichol

Excused and not voting, 2:

Hasebroock Lewis

The Hoagland amendment (1) lost with 22 ayes, 19 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Hoagland renewed his pending amendment (2) found in the Journal on page 1779.

Mr. DeCamp offered the following amendment to the Hoagland amendment (2):

Req. #2954

1. Strike the original sections and insert new sections as follows:

"Section 1. Sections 1 to 15 of this act shall be known and may be cited as the Therapeutic Research Act.

Sec. 2. The Legislature finds that recent research has shown the use of marijuana may alleviate the nausea and ill effects of cancer chemotherapy and may alleviate the ill effects of glaucoma.

It is the intent of the Legislature that passage of this act shall not constitute an endorsement of the efficacy of laetrile in the treatment of cancer, but represents only the Legislature's endorsement of a patient's freedom of choice.

The health of the people is a major goal of

legislation. The Legislature finds that there is a need for further investigation of a therapeutic nature regarding marijuana's and laetrile's effects on such illnesses. The Legislature further finds that such investigation should be carefully regulated. It is for this purpose that the Therapeutic Research Act is hereby enacted.

Sec. 3. For purposes of this act, unless the context otherwise requires:

(1) Committee shall mean the Patient Qualification Review Committee created by this act;

(2) Department shall mean the Department of Health;

(3) Director shall mean the Director of Health;

(4) Laetrile shall mean amygdalin, a substance derived from the pits of apricots and other fruits; and

(5) Program shall mean the Therapeutic Research Program created by this act.

Sec. 4. (1) There is hereby established within the Department of Health, the Therapeutic Research Program. The program shall be administered by the director or his or her designee. The department shall adopt and promulgate rules and regulations necessary for proper administration of this act.

(2) The program shall be limited to cancer patients and glaucoma patients who are certified to the committee by a physician as being involved in a life-threatening situation and patients on whom conventional therapies have proven effective but expose the patient to intolerable side effects.

(3) The director is authorized to protect the privacy of individuals who are participants in the program by withholding from all persons not directly connected with the conduct of the program the names and other identifying characteristics of such participants. Persons who are given this authorization shall not be compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are participants in the program, except to the extent necessary to permit the director to determine whether the program is being conducted in accordance with the authorization.

Sec. 5. (1) The director, upon the recommendation of the State Board of Health, shall appoint a committee to serve at his or her pleasure. The board shall consist of four members including:

(a) A physician licensed to practice medicine in the state and certified by the American Board of Opthamology;

(b) A physician licensed to practice medicine in

the state and certified by the American Board of Internal Medicine and also certified in the subspecialty of medical oncology;

(c) A physician licensed to practice medicine in the state and certified by the American Board of Psychiatry; and

(d) A pharmacist licensed by the state and certified by the American Board of Pharmacy.

Members of the committee shall be reimbursed for their attendance at meetings at the rate of thirty dollars per day.

(2) Only three members of the committee shall vote on certification of any one patient. The physician certified in psychiatry and the pharmacist shall have a vote on each patient. The physician certified in opthamology shall have a vote only in those cases involving a patient to be treated for glaucoma and the physician certified in oncology shall have a vote in all cases not involving a patient to be treated for glaucoma.

(3) The committee shall review the medical records of all applicants for the program and their licensed physicians and shall certify those patients for participation in the program who meet the requirements of subsection (2) of section 4 of this act. At the time of such certification the committee shall also authorize the patient's physician of record to prescribe either marijuana or laetrile, or both, to the certified patient. Licensed pharmacies may apply for and be approved to participate in the distribution of marijuana or laetrile pursuant to this act. The committee shall approve a sufficient number of pharmacies for participation in the program to provide reasonable access for certified patients.

Sec. 6. (1) The committee shall review the medical records of all applicants and shall certify those patients who meet the requirements of subsection (2) of section 4 of this act for participation in the program. At the time of such certification the committee shall also authorize the patient's physician of record to prescribe either marijuana or laetrile, or both, to the certified patient.

(2) The committee shall prepare a list of all certified patients and their authorized physicians. Such list shall be updated on a regular basis and shall be distributed to all approved pharmacies within the state.

Sec. 7. The production and use of marijuana and laetrile should be carefully regulated. While the need to prevent diversion of marijuana supplies and the abuse of laetrile is clear and in keeping with present statutes, such regulation should not prevent access for

health purposes as outlined in this act. The director is authorized to use the following methods to acquire marijuana and laetrile for the program:

(1) The director shall authorize the committee to contract with the National Institute on Drug Abuse for receipt of marijuana pursuant to regulations promulgated by the National Institute on Drug Abuse, the Food and Drug Administration, and the Drug Enforcement Administration, and pursuant to this act. The manufacture and distribution of laetrile within the state shall be carried out pursuant to the rules and regulations of the Food and Drug Administration and this act;

(2) The director shall authorize the manufacture of marijuana and laetrile within the state, prescribe rules and regulations and charge reasonable fees relating to the registration and regulation of marijuana and laetrile production. The department may inspect the records and establishment of a registrant or applicant for registration to enforce compliance with this section. All registrants shall keep and maintain such records as may be deemed necessary by the department to enforce this section. Registrants shall also comply with regulations promulgated by the department to prevent diversion and misuse of the drugs; and

(3) The director shall cause marijuana, under subdivisions (1) and (2) of this section, and laetrile, under subdivision (2) of this section, to be transferred to those pharmacies which require such drugs for distribution to certified patients upon the written prescription of an authorized physician, pursuant to this act.

Sec. 8. Any person or corporation approved by the committee may sell laetrile in this state for prescription or administration by licensed physicians.

Sec. 9. The Department of Health shall adopt and promulgate rules and regulations to provide for (1) the certification as to the identity and quality of marijuana and laetrile, (2) the certification as to the distribution of marijuana and laetrile, and (3) limitations of the use of marijuana and laetrile under section 4 of this act.

Sec. 10. Any authorized physician licensed to practice in this state may prescribe or administer laetrile or marijuana in the treatment of cancer or glaucoma subject to section 11 of this act.

Sec. 11. Any physician before prescribing or administering laetrile or marijuana shall inform the patient that such drug has not been approved as a treatment or cure by the Food and Drug Administration of

the United States Department of Health, Education and Welfare and the patient shall sign a statement that he or she has received and understands the information set out in this section.

Sec. 12. No physician may be subject to disciplinary action for prescribing or administering laetrile to a patient when the patient has given his or her informed consent and the physician has complied with the limitations established by sections 4 and 9 of this act. Nothing in this section shall limit disciplinary action for the malpractice of a physician.

Sec. 13. The director, in conjunction with the committee, shall report his or her findings and recommendations regarding the effectiveness of the program to the Governor and the Legislature on an annual basis.

Sec. 14. Marijuana, when used in accordance with the provisions of this act, shall, for the purposes of recordkeeping and prescriptions, be treated in the same manner as Schedule II controlled substances are treated pursuant to Chapter 28, article 4.

Sec. 15. Any person violating the provisions of this act shall be guilty of a Class II misdemeanor.

Sec. 16. That section 28-416, Revised Statutes Supplement, 1978, be amended to read as follows:

28-416. (1) Except as authorized by this article and this act, 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 or her 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 more than one ounce, but not more than one pound shall be guilty of a Class IIIA 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 knowingly or intentionally possessing marijuana weighing one ounce or less shall:

(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 29-433 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, be fined three hundred dollars, and be imprisoned not to exceed seven days.

(7) If a person is placed on probation, as a condition of probation he or she 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.

(8) Any person who knowingly or intentionally delivers, distributes, or dispenses a substance that he or she 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 injury is bodily guilty of a Class IV felony.

Sec. 17. 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. 18. Sections 1 to 15 of this act are repealed as of January 1, 1983 unless reenacted by the Legislature.

Sec. 19. That original section 28-416, Revised Statutes Supplement, 1978, is repealed.".

2. In the title, strike lines 2 through 6 and insert:

"FOR AN ACT to adopt the Therapeutic Research Act; to provide a penalty; to amend section 28-416, Revised Statutes Supplement, 1978; to provide

for repeal of this act; to provide for severability; and to repeal the original section.''.

The Chair ruled the amendment not germane to the Hoagland amendment.

Mr. Hoagland requested a roll call vote on his amendment (2).

Voting in the affirmative, 20:

Burrows	Fowler	Keyes	Marvel	Simon
Chambers	Haberman	Koch	Newell	Vickers
Cullan	Hoagland	Landis	Rumery	Warner
DeCamp	Kennedy	Marsh	Schmit	Wesely

Voting in the negative, 20:

Beutler	George	Kelly	Merz	Reutzel
Carsten	Hefner	Labedz	Murphy	Sieck
Cope	Johnson	Lamb	Nichol	Venditte
Dworak	Kahle	Maresh	Pirsch	Wagner

Present and not voting, 7:

Brennan	Duis	Goodrich	Stoney
Clark	Fitzgerald	Kremer	

Excused and not voting, 2:

Hasebroock Lewis

The Hoagland amendment (2) lost with 20 ayes, 20 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Cullan moved to indefinitely postpone LB 382.

Mr. Venditte moved to suspend the rules, Rule 7, Sec. 3 to take up the Cullan motion to indefinitely postpone today.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Kelly 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. Cullan requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 16:

Chambers	Haberman	Koch	Nichol
Cullan	Hoagland	Landis	Rumery
Dworak	Johnson	Marsh	Simon
Fowler	Kennedy	Marvel	Vickers

Voting in the negative, 21:

Beutler	George	Kremer	Murphy	Warner
Carsten	Hefner	Labedz	Pirsch	
Clark	Kahle	Lamb	Sieck	
Cope	Kelly	Maresh	Venditte	
Duis	Keyes	Merz	Wagner	

Present and not voting, 11:

Brennan	Fitzgerald	Newell	Stoney
Burrows	Goodrich	Reutzel	Wesely
DeCamp	Lewis	Schmit	

Excused and not voting, 1:

Hasebroock

The motion to indefinitely postpone lost with 16 ayes, 21 nays, 11 present and not voting, and 1 excused and not voting.

Mr. DeCamp reoffered his amendment (Req. 2954) found in this day's Journal.

Amendment pending.

The Chair declared the Call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 10, 1979, at 1:55 p.m., were the following bills: 285, 590, 579, 390, 355A, 355, 75, 443, 365, 193, 217, and 176.

(Signed) Janet M. Loder, Enrolling Clerk

MOTION - Rule Changes

Mr. Kelly offered the following rule change:
Amend Rule 6, Section 2 (e) to read 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. If a bill is bracketed to a day certain, it shall take preference on the Speaker's order for that day prior to other bills on the various stages of consideration. The bill shall be considered at that time unless the Speaker's order is changed by a three-fifths vote of the members or by unanimous consent.

Referred to the Rules Committee.

Mr. Reutzel offered the following rule change:

1. Amend Rule 5, Section 6, subsection (k) as follows:
"(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, except that such information shall be made available to the principal introducer upon request. The completed fiscal note shall be delivered to the principal introducer at least one full legislative day before the committee hearing.".

Referred to the Rules Committee.

NOTICE OF COMMITTEE HEARING
Rules

Tuesday, May 15, 1979 12:00 p.m.
All pending rule changes.

(Signed) Steve Fowler, Chairman

SELECT FILE

LEGISLATIVE BILL 329. E & R amendments found in the Journal on page 1888 for the Eightieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 107. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 172A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 216A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 11. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 357. Mr. Beutler offered the following amendment:

1. On page 3 line 9 after "costs" insert "and at least that amount necessary to pay all of Nebraska share of the capital construction costs in excess of $3.2 million dollars been received from private donations for such purpose"; and in line 12 strike "three" and insert "two".

Mr. Beutler moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Beutler	Hoagland	Marsh	Pirsch	Vickers
Brennan	Johnson	Murphy	Simon	Warner
Clark	Landis	Newell	Stoney	Wesely

Voting in the negative, 25:

Burrows	Fowler	Kahle	Lamb	Reutzel
Carsten	George	Kennedy	Maresh	Rumery
Cope	Goodrich	Keyes	Marvel	Schmit
Cullan	Haberman	Kremer	Merz	Sieck
DeCamp	Hefner	Labedz	Nichol	Wagner

Present and not voting, 8:

Chambers	Dworak	Kelly	Lewis
Duis	Fitzgerald	Koch	Venditte

Excused and not voting, 1:

Hasebroock

The Beutler amendment lost with 15 ayes, 25 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

Advanced to E & R for Engrossment with 26 ayes, 9 nays, 13 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 479. Placed on General File as amended.
Standing Committee amendments to LB 479:

1. Strike the original sections and insert the following:

"Section 1. That section 13, Legislative Bill 285, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

Sec. 13. For the purposes of this act, anticipated receipts from local tax sources shall not include: (1) Receipts for any fund used for retiring, refinancing, or repayment of the principal and interest on bonded indebtedness (a) approved prior to the effective date of this act, ~~or~~ (b) approved by the voters of any political subdivision after the effective date of this act, or (c) on bonded indebtedness or warrants relating to or resulting from (i) paving and other street improvements or sewer and water system improvements, or (ii) any public improvements authorized by law to be constructed by districts organized under Chapter 31, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; (2) funds used to pay for the first year's implementation of any new program established by state law and specifically designated as a new program for the purposes of this act, but such funds shall be included in computing the combined receipts budget base for each year following the first year; (3) receipts from the increased tax levied or caused to be levied pursuant to the authority granted under section 17 of this act; (4) receipts from any tax levied pursuant to section 79-506.01, Reissue Revised Statutes of Nebraska, 1943;

and (5) funds used for payment of employer contributions for the provisions of the Federal Insurance Contributions Act, fuel for any purpose, and electricity which are in excess of one hundred seven per cent of the amount budgeted in the immediately preceding fiscal year for such items.

Sec. 2. That original section 13, Legislative Bill 285, Eighty-sixth Legislature, First Session, 1979, 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 15 and insert:

"FOR AN ACT to amend section 13, Legislative Bill 285, Eighty-sixth Legislature, First Session, 1979, relating to the Political Subdivision Budget Limit Act of 1979; to provide that certain funds not be included as anticipated receipts; to repeal the original section; and to declare an emergency.".

(Signed) Calvin F. Carsten, Chairman

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 1, Section 16; Rule 6, Section 2 (c, d, e, g, h); and Rule 7, Section 3 (d, e, f), to allow for the consideration and advancement of LB 479 to E & R initial today.

The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 479. Title read. Considered.

Standing Committee amendments found in this day's Journal were considered.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

1. On page 1, strike beginning with "refinancing" in line 10 through "thereto" in line 20, show the old matter as stricken, and insert "refunding, or servicing bonded indebtedness".

Mr. Dworak 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 DeCamp amendment was adopted with 23 ayes, 1 nay, 24 present and not voting, and 1 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

Mr. Brennan asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Keyes offered the following amendment:

Add a new section to LB 479.

No subdivision of government can increase the property tax by more than 7% without a vote of the people.

Mr. Keyes moved for a Call of the House. The motion prevailed with 18 ayes, 15 nays, and 16 not voting.

Mr. Keyes requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Burrows	Kahle	Lamb	Murphy	Wesely
Duis	Kennedy	Lewis	Nichol	
Fitzgerald	Keyes	Maresh	Pirsch	
George	Kremer	Marvel	Rumery	
Johnson	Labedz	Merz	Schmit	

Voting in the negative, 20:

Beutler	Cullan	Goodrich	Landis	Stoney
Carsten	DeCamp	Hefner	Marsh	Vickers
Clark	Dworak	Kelly	Newell	Wagner
Cope	Fowler	Koch	Simon	Warner

Present and not voting, 6:

Chambers	Hoagland	Sieck
Haberman	Reutzel	Venditte

Excused and not voting, 2:

Brennan	Hasebroock

The Keyes amendment lost with 21 ayes, 20 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

Messrs. Kelly and Schmit asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 120. E & R amendments found in the Journal on page 1707 for the Seventy-Fourth Day were adopted.

Mr. Koch renewed his pending amendment found in the Journal on page 1716.

MR. NICHOL PRESIDING

Mr. Koch moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

SPEAKER MARVEL PRESIDING

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler	DeCamp	Hoagland	Lewis	Nichol
Chambers	Dworak	Keyes	Marsh	Rumery
Cope	Fowler	Koch	Marvel	Vickers
Cullan	Goodrich	Labedz	Newell	Warner

Voting in the negative, 15:

Carsten	Johnson	Lamb	Merz	Reutzel
Clark	Kahle	Landis	Murphy	Sieck
George	Kennedy	Maresh	Pirsch	Stoney

Present and not voting, 9:

Burrows	Fitzgerald	Hefner	Venditte	Wesely
Duis	Haberman	Simon	Wagner	

Excused and not voting, 5:

Brennan Hasebroock Kelly Kremer Schmit

The Koch amendment lost with 20 ayes, 15 nays, 9 present and not voting, and 5 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1918.

Mr. Merz 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 DeCamp amendment was adopted with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Cullan moved to indefinitely postpone.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3a, to take up the indefinitely postpone motion today.

The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

The Cullan motion to indefinitely postpone lost with 17 ayes, 24 nays, 5 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved to suspend the rules, Rule 6, Section 4, and Rule 7, Section 3, immediately vote to advance LB 129 to E & R Final without further amendment.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The motion to suspend the rules lost with 20 ayes, 18 nays, and 11 not voting.

ANNOUNCEMENT

Mr. Lewis asked that all members have their study Resolutions in by May 15.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 398. Replaced on Select File as amended.
E & R amendment to LB 398:

1. Pursuant to the Dworak amendment, in the DeCamp-Reutzel amendments, page 2, strike line 19 and insert "thirty-six thousand nine hundred fifty dollars by six per".

LEGISLATIVE BILL 262. Placed on Select File as amended.
E & R amendments to LB 262:

1. On page 2, line 14, strike the semicolon, show stricken, and insert an underscored comma; and in lines 14 and 17, strike "where" and insert "~~where~~ when".

2. In the title, line 13, strike the first "29-2524.02" and insert "29-2524.01".

LEGISLATIVE BILL 363. Placed on Select File as amended.
E & R amendments to LB 363:

Note: The Cullan amendments refer to page and line numbers in the Koch amendments.

1. In the Koch amendments, pursuant to the Cullan amendment to page 2, line 12, on page 2 reinstate the stricken matter in lines 12 to 18; in line 12 strike the reinstated "The combined" and insert "the ~~The combined~~" and strike the reinstated "subsections" and insert "~~sub sections~~ subsection"; and in line 13 strike the reinstated "and (2)" and "and one half" showing both as stricken.

2. In lieu of the Cullan amendment thereto, in the Koch amendments, page 3, line 3, strike "(3)" and insert "(4)".

3. In committee amendments, renumber original sections 4 to 9 as sections 3 to 8.

4. In committee amendments, page 10, line 23, strike "this act" and insert "section 79-2637".

5. In committee amendments, page 14, line 2 and lines 12 and 13, strike "79-2648, 79-2650,"; and in line 16 strike "levies and".

LEGISLATIVE BILL 363A. Placed on Select File.

(Signed) Don Wesely, Chairman

MESSAGE FROM THE GOVERNOR

May 10, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

We have received Reengrossed Legislative Bill 298.
This bill was signed by me on May 10, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Mr. Murphy asked unanimous consent to print the following amendment to LB 80 in the Journal. No objections. So ordered.

Req. #2964

1. Insert a new section to read:

"Sec. 106. That section 48-1118, Revised Statutes Supplement, 1978, be amended to read as follows:

48-1118. (1) Any person claiming to be aggrieved by an alleged unlawful employment practice of any employer, employment agency, or labor organization shall, within ten days after the incident believed to constitute such practice, furnish written notice to the party alleged to be responsible therefor stating the date, place, and circumstances of the alleged unlawful employment practice.

~~(1)~~ (2) Whenever it is charged in writing under oath by or on behalf of a person claiming to be aggrieved, and such charge sets forth the facts upon which it is based, that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the commission shall furnish such employer, employment agency, or labor organization with a copy of such charge within ten days, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, and shall make an investigation of such charge, but such charge shall not be made public by the commission. If the commission

shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the commission, who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a Class III misdemeanor.

~~(2)~~ (3) A written charge of violation of sections 48-1101 to 48-1125 shall be filed within one hundred eighty days after the occurrence of the alleged unlawful employment practice and notice of the charge, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, shall be served upon the person against whom such charge is made within ten days ~~thereafter~~ after the date of the filing of the charge.

~~(3)~~ (4) In connection with any investigation of a charge filed under this section, the commission or its authorized agents shall have at all reasonable times access to, for the purposes of examination, and the right to copy, any evidence or records of any person being investigated or proceeded against that relates to unlawful employment practices covered by sections 48-1101 to 48-1125 and is relevant to the charge under investigation.

(5) When notice is received by employer and a response or reply is required within a specific number of days, the commission, after it receives such a reply or response, shall have the same number of days to act or make a determination or charges shall be dismissed or dropped.".

2. Renumber present sections 106 to 117 as sections 107 to 118.

3. On page 84, line 4, insert "48-1118," after the first comma.

4. In the title, insert "48-1118," at the end of line 16.

Mr. Newell asked unanimous consent to print the following amendment to LB 262 in the Journal. No objections. So ordered.

Req. #2963

1. Strike original sections 1, 2, and 5.

2. On page 4, line 23 before "A" insert "(1)"; in line 24 strike "(1)" and insert "~~(1)~~ (a)"; and in line

25 strike "(2)" and insert "~~(2)~~ (b)".

3. On page 5, line 2 strike "(3)" and insert "~~(3)~~ (c)"; in line 9 strike "Any" and insert:

"(2) Except as provided in subsection (3) of this section any"; after line 17 insert:

"(3) Any person convicted of murder in the first degree may be guilty of either a Class I felony or a Class IA felony if he or she: (a) Kills another person in any manner described in subdivision (1) (b) of this section; (b) kills another person who is serving as an elected national, state, or local official or who is a judge, firefighter, police officer, or other public employee charged with the duty of protecting the public safety, who at the time of the crime was engaged in such duties; (c) kills another person while serving as an inmate in any jail or prison; or (d) kills another person for profit or compensation. The determination of whether a murder in the first degree subject to this subsection shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.".

4. Insert a new section as follows:

"Sec. 3. That original section 28-303, Revised Statutes Supplement, 1978, is repealed.".

5. Renumber original sections 3 and 4 as sections 1 and 2.

RESOLUTION

LEGISLATIVE RESOLUTION 106.

Introduced by Judiciary Committee: Nichol, 48th District, Chairman; Reutzel, 15th District; Venditte, 7th District; Stoney, 4th District; Haberman, 44th District; Wagner, 41st District.

Defense of Insanity

WHEREAS, the plea of "not guilty by insanity" has been used to defend the actions of defendants who admit commission of a crime, but deny the requisite state of mind; and

WHEREAS, the use of such a defense may be contrary to the public's interest in protecting itself from dangerous offenders; and

WHEREAS, it is desirable that a study be undertaken which examines the use of such a plea in the defense of a criminal action.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Judiciary Committee conduct an interim study on the use of insanity as a defense in a criminal action. Such study shall include the following elements.

a. An examination of the constitutional issues surrounding the plea of "not guilty by reason of insanity".

b. Public policy behind insuring that a dangerous offender is not "excused" for his or her actions and returned to the streets.

c. Alternatives to the use of insanity as a defense in criminal actions.

2. That the Committee shall hold public hearings throughout the state to solicit citizen's input on matters germane to this study.

3. That the Committee shall consider in its process of study and evaluation legislation proposed or enacted in other states specifically dealing with the use of insanity as a defense in criminal actions.

4. That the Committee shall make a report of its findings together with any recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 20 fourth grade students, teacher, and parents from District #23, Johnson-Brock; Leo and Betty Zadina, Superior; 60 fourth grade students, teachers, and parents from Wakerobin Elementary School, Bellevue; 32 seventh and eighth grade students, teacher, and parents from Lewiston Junior High, Lewiston; 18 seventh and eighth grade students and teachers from Milligan; and 18 eighth grade students, teacher, and parents from District #1R, Grand Island.

ADJOURNMENT

At 5:11 p.m., on a motion by Mr. Newell, the Legislature adjourned until 9:00 a.m., Friday, May 11, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FOURTH DAY - MAY 11, 1979

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 11, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God, we say today "TGIF" "Thank God it's Friday!" And we do thank You that it's Friday, we thank You that Friday signifies the culmination of another week of service in the cause of the people of this State. We thank You for what has been accomplished and pray for guidance in the future. We also thank You because it signifies the coming of a weekend, the opportunity to relax and recreate our minds and bodies with our families and friends, to worship and play together. We also thank You because "This is the day that You have made, and we are glad in it." Help us so to use this day that we will neither look to the past with regret nor to the future with apprehension, but take Friday, today, as a gift from You and use it in such a way that we may grow in it, the State may be served by it, and the Legislature be innobled by its actions this day. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz, Messrs. Fitzgerald, and Lewis who were excused; and Messrs. Brennan, Burrows, Goodrich, and Johnson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2046, line 22, delete "LB 129" and insert "LB 120".

The Journal for the Eighty-Third Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 356, 538, and 569.

Correctly Enrolled

The following bills were correctly enrolled: 234, 582, 583, 586, 588, and 593.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 234, 582, 583, 586, 588, and 593.

RESOLUTIONS

LEGISLATIVE RESOLUTION 107.

Introduced by Newell, 13th District; Fitzgerald, 14th District; Simon, 31st District; Hoagland, 6th District; Venditte, 7th District; Labedz, 5th District; Stoney, 4th District; Johnson, 8th District; Koch, 12th District; Pirsch, 10th District; Brennan, 9th District, Lewis, 45th District; Chambers, 11th District; Goodrich, 20th District.

WHEREAS, the University of Nebraska at Omaha's Athletic Department has, since 1974, been inspired and directed by Don Leahy, and
WHEREAS, their football team participated in the NCAA II playoff in 1978, ranked sixth in the NCAA II, and set new all-time attendance records in 1978, and
WHEREAS, their women's softball program won the National Women's College World Series in 1975 and has been ranked among the top ten teams in three out of the past four seasons
WHEREAS, their basketball team has played in four of the past five NCAA II playoffs, ranked eleventh in the NCAA II for the 1978-79 season, and
WHEREAS, their Athletic Department, since 1974, has developed women's athletic programs in basketball and volleyball which have competed in several regional tournaments, and

WHEREAS, their wrestling program has been continually ranked among the top fifteen teams in the NCAA II and had four All-Americans on its 1978-79 team, and

WHEREAS, their indoor and outdoor track program and cross country team have received numerous North Central Conference championships, and

WHEREAS, their baseball program has participated in three out of the past four NCAA II playoffs, and

WHEREAS, their athletic program during his tenure has substantially enriched that campus's environment and has inspired pride among UNO students, faculty, staff, alumni, and the people of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the UNO Athletic Department, especially Athletic Director Don Leahy, the coaches and staff of UNO's men and women's athletic programs.

2. That the members of the Legislature extend their best wishes to the UNO baseball teams in their quest for the 1979 NCAA II championship.

3. That the Clerk of the Legislature send a copy of this resolution to Athletic Director Don Leahy and his staff.

Laid over.

LEGISLATIVE RESOLUTION 108.

Introduced by Cullan, 49th District.

WHEREAS, there has been considerable controversy with regard to the methods of funding railroad underpasses, overpasses, and safety devices; and

WHEREAS, railroad underpasses, overpasses, and safety devices are essential to the health, safety, and well being of the citizens of this great state; and

WHEREAS, the existence of underpasses, overpasses, and safety devices has met with overwhelming public approval; and

WHEREAS, it is generally felt to be in the best interest of the populace to continue having underpasses, overpasses, and safety devices; and

WHEREAS, the railroads have not opposed taking greater responsibility for meeting and solving the transportation problems and needs of Nebraska and the nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Works Committee of the Nebraska Legislature conduct an interim study regarding:

a) The present funding method for the Grade Crossing Protection Fund.

b) Various alternative methods for the financing of the Grade Crossing Protection Fund.

c) The constitutionality of alternative methods of financing overpasses, underpasses, and crossing devices, including a ton mile tax on products shipped by rail.

d) The efficiency and effectiveness of this fund, now and for the future.

2. That the Public Works Committee develop numerous alternatives to improve the state's total traffic system and report such alternatives to the Legislature by December 15, 1979.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 109.

Introduced by Kennedy, 21st District.

WHEREAS, Executive Order No. 11647 purported to divide the States of the United States into ten "regions", and

WHEREAS, Executive Order No. 11647 was void because it was legislative in nature and thus invalid under Article 1 of the Constitution of the United States, and

WHEREAS, neither the States nor the Congress has granted authority to any branch or agency of the Federal government to exercise "regional" control over the States, and

WHEREAS, other States have introduced bills and particularly our neighboring States and the concern has been expressed over the expanding control of the States action of regional governing bodies.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a standing committee of the Legislature conduct an interim study of the influence of Federal regional governing bodies upon the policies and activities of the State of Nebraska.

2. If needed, hold three public hearings possibly in Kearney, Norfolk and Lincoln.

3. That the Executive Board of the Legislature refer this Resolution to the appropriate standing committee.

4. That the standing committee submit a report of its finding together with any recommendations to the Eighty-Sixth Legislature, Second Session.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Simon asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

1. All laetrile prescribed in Nebraska shall include on the label "This substance has not been approved by the Food and Drug Administration of the United States Department of Health, Education, & Welfare" and the label shall further state "The State of Nebraska has not approved laetrile."

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 May 10, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bauer, Cindy K. - Omaha, (Withdrawn 5/5/79), Western Capital Corporation
Herbener, Lloyd W. - Lincoln, (Withdrawn 4/20/79), Nebraska Republican Party

RESOLUTIONS

LEGISLATIVE RESOLUTION 62. Read. Considered.

LR 62 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 52. Read. Considered.

LR 52 was adopted with 27 ayes, 1 nay, and 21 not voting.

LEGISLATIVE RESOLUTION 57. Read. Considered.

LR 57 was adopted with 30 ayes, 0 nays, and 19 not voting.

Mr. Simon asked unanimous consent to add his name to LR 57. No objections. So ordered.

LEGISLATIVE RESOLUTION 67. Read. Considered.

LR 67 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 69. Read. Considered.

LR 69 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 86. Read. Considered.

LR 86 was adopted with 31 ayes, 1 nay, and 17 not voting.

MR. CLARK PRESIDING

LEGISLATIVE RESOLUTION 90. Read. Considered.

LR 90 was adopted with 36 ayes, 0 nays, and 13 not voting.

SPEAKER MARVEL PRESIDING

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

1. Page 13, Line 11 strike "56,500" and insert "128,786".
2. Page 13, Line 13 strike "7,932,977" and insert "8,005,263"
3. Page 13, Line 16 strike "56,500" and insert "128,786"
4. Page 13, Line 19 strike "7,970,359" and insert "8,042,645"
5. Page 13, after line 13 insert, "There is included in the appropriation for this program $72,286 for continuation of senior community service employment programs currently provided by the Eastern Nebraska Human Services Agency and the Lincoln Area Agency on Aging."

RESOLUTIONS

LEGISLATIVE RESOLUTION 110.

Introduced by Koch, 12th District.

WHEREAS, present energy costs and the need for conservation has created a need for added emphasis on mass transportation of school pupils; and

WHEREAS, transportation requirements among various classes of school districts have not been equitable; and

WHEREAS, payment to parents in lieu of transportation has not been equitable for all pupils; and

WHEREAS, present distance factors and state support of school transportation has not been reviewed for a period of time and may be outmoded; and

WHEREAS, the school pupil transportation statutes are scattered throughout the Nebraska laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee conduct an interim study of mass transportation needs of Nebraska school pupils.

2. That the inequities of pupil transportation in Nebraska be analyzed.

3. That state support and alternative funding formulae of pupil transportation be analyzed.

4. That present statutes be consolidated and/or recodified to the extent possible.

5. That the Education Committee report the results of the study, together with recommendations for legislative action, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 111.

Introduced by Koch, 12th District.

WHEREAS, Nebraska law has provided technical community colleges with the means to raise needed funds for capital construction projects; and

WHEREAS, this funding mechanism will terminate by operation of law in 1980; and

WHEREAS, capital construction needs after 1980 for the technical community colleges are uncertain; and

WHEREAS, members of the Legislature should have at their disposal as much information as possible relating to continued capital construction needs before taking further action effecting technical community college capital construction funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Education Committee conduct an interim study of future capital construction needs of technical community colleges beyond 1980.

2. That the Committee make a report of its findings, together with its recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 112.

Introduced by Kelly, 35th District.

WHEREAS, peer pressure may have more impact on drinking habits of Nebraska youth than do state alcohol drinking laws; and

WHEREAS, school administrators and teachers are experiencing class disruption and student disciplinary and motivational problems due to alcohol consumption within the school; and

WHEREAS, alcohol abuse among Nebraska's youth is the root of many family problems and disruptions; and

WHEREAS, law enforcement officials are unable to repress the flow of illegal alcoholic beverages in that it is easy for a minor to purchase or secure alcoholic beverages; and

WHEREAS, the liquor industry is unable or unwilling to control the illegal distribution of alcoholic beverages to minors; and

WHEREAS, the Liquor Control Commission may be negligent in its enforcement of the Nebraska Liquor Control Act in regard to minors; and

WHEREAS, private control of the liquor industry may be contributing to the lack of enforcement of liquor laws concerning minors; and

WHEREAS, our bordering states of Iowa and Wyoming have state owned liquor distribution systems as do sixteen other states; and

WHEREAS, those illegally supplying alcoholic beverages to minors are not now held civilly accountable for death and destruction occurring as a result of such minors' actions; and

WHEREAS, the Nebraska court system does not impose penalties sufficient to act as a deterrant to the illegal purchase and consumption of alcoholic beverages by minors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Miscellaneous Subjects Committee of the Legislature be directed to conduct a special interim study of the enforcement of Nebraska liquor laws concerning minors.

2. That the Committee determine the scope and the extent of the problems of enforcement of liquor laws regarding teenagers.

3. That the Committee be directed to study states operating under a state owned distribution system of alcoholic beverages to determine how such an operation would affect Nebraska with emphasis on:

a) How this might be relative to the safety of Nebraska citizens.

b) Additional income this would provide to the State of Nebraska.

c) Tax reduction measures that could be available.

d) Salutary effect of prevention of illegal drinking on Nebraska's youth.

4. That the Committee in its study shall seek the input of appropriate state agencies and the citizenry through at least six public hearings across the state and solicit public testimony.

5. That the Committee compile a report of its findings and report them at the next regular Legislative session.

6. That the Committee recommend legislation appropriate to its findings at the next regular Legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 113.

Introduced by Kelly, 35th District.

WHEREAS, the physiological make up of a young person has not yet developed to its full extent, so that alcohol causes adverse affects on the body of a teenager; and

WHEREAS, psychological and social problems faced by teenagers today result in an abuse of alcohol; and

WHEREAS, there has been an increase of Nebraska teenage youth who have been involved in dangerous, even fatal, situations where alcohol has played a role; and

WHEREAS, alcohol treatment centers in Nebraska have experienced a significant increase in the number of adolescents being treated for alcohol problems; and

WHEREAS, the first step in rehabilitation of alcohol abuse is prevention through education of our youth concerning the dangers of alcohol; and

WHEREAS, the teenage alcoholic has particular needs requiring special treatment through rehabilitation centers specifically designed and operating to meet those needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee be directed to conduct a special interim study of alcohol as it affects the youth of Nebraska physically, psychologically, and socially.

2. That the Committee make an inquiry as to what type of alcohol treatment is presently available to youth in Nebraska.

3. That the Committee determine what measures Nebraska needs to take in order to prevent alcohol abuse among teenagers and to meet the needs of those teenagers needing treatment for alcohol problems.

4. That the Committee in its study shall seek the input of appropriate state agencies and the citizenry through at least six public hearings across the state and solicit public testimony.

5. That the Committee compile a report of its findings and report them at the next regular Legislative session.

6. That the Committee recommend legislation appropriate to its findings at the next regular Legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 114.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Nichol, 48th District; Maresh, 32nd District; Kahle, 37th District; Burrows, 30th District; DeCamp, 40th District.

WHEREAS, agriculture is a major industry in the State of Nebraska; and

WHEREAS, the economy of this state is vitally dependent upon agriculture; and

WHEREAS, the future of agriculture is dependent upon the efficient use of the land, the water, and the natural resources of the state; and

WHEREAS, many modes and methods have been and are being developed to aid Nebraska farmers in the production of their crops, and the conservation of their soil and water; and

WHEREAS, some of these methods include minimum tillage of the soil in order to conserve water, various crop spacings, and the development of crops designed to prosper during drought or semidrought conditions; and

WHEREAS, the University of Nebraska, as well as other educational and research oriented organizations, has been and is now researching these farming practices and methods; and

WHEREAS, the success or failure of these various farming practices and methods is not generally known.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee conduct an interim study on the methods and practices currently being used and researched to aid agricultural production in the state.

2. That the committee hold hearings and make investigations on the success of these methods and practices.

3. That the committee investigate other alternatives designed to conserve our water and soil and report its recommendations to the next session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 115.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Lamb, 43rd District; Maresh, 32nd District; Kahle, 37th District; Nichol, 48th District; Burrows, 30th District.

WHEREAS, there is much current concern about the availability of fuel, especially for agricultural purposes; and

WHEREAS, the Nebraska economy would greatly suffer if insufficient fuel were not made available for farm and agricultural purposes; and

WHEREAS, the Nebraska Legislature has passed laws encouraging the production of alcohol to extend the fuel resources; and

WHEREAS, the Legislature should assist the Governor in his efforts to maintain the levels of fuel allocations to the state for agricultural purposes; and

WHEREAS, the availability of fuel for agricultural purposes has become a continuing problem for Nebraskans; and

WHEREAS, the price of fuel is increasing the unit cost of agricultural production.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee gather information and hold hearings about problems associated with maintaining Nebraska's level of fuel allocations.

2. That the committee be informed about any shortages of fuel which will affect Nebraska's agricultural production.

3. That the committee make recommendations and observations to the next session of the Legislature.

4. That the committee determine whether minimum tillage practices are being used to the fullest extent possible in fuel conservation.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 116.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District; Lamb, 43rd District; Maresh, 32nd District; Kahle, 37th District; Nichol, 48th District; Burrows, 30th District; DeCamp, 40th District.

WHEREAS, the conservation of Nebraska's resources is a vital concern and important consideration to Nebraskans; and

WHEREAS, Nebraska farmers and ranchers have practiced conservation methods to preserve the natural resources of the state; and

WHEREAS, the Nebraska Legislature created Natural Resource Districts to assist agriculture producers in conservation practices; and

WHEREAS, the Legislature has not recently examined the impact of the practices of conservation; and

WHEREAS, the Legislature has appropriated millions of tax dollars to assist in implementing practices of conservation; and

WHEREAS, the Natural Resource Districts have received tax dollars from the property tax, sales tax, and the income tax to assist in implementing conservation practices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee examine the current practices of conservation being used in the state.

2. That the Agriculture and Environment Committee examine the impact which the Natural Resource Districts have had on the preservation of Nebraska's natural resources.

3. That the Agriculture and Environment Committee report its findings and any recommendations to the next session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 117.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Maresh, 32nd District; Kahle, 37th District; Nichol, 48th District; Burrows, 30th District; DeCamp, 40th District.

WHEREAS, the Environmental Protection Agency has banned the use of certain pesticides, such as DDT, 2-4-5-T, Chlordane, and Heptachlor; and

WHEREAS, the Environmental Protection Agency has exercised control over restricted use and banned chemicals in the State of Nebraska; and

WHEREAS, there are a number of persons in Nebraska who have in their possession these banned pesticides; and

WHEREAS, because of the nature of the chemicals they cannot be used or disposed of; and

WHEREAS, the Environmental Protection Agency has not given those persons with these banned chemicals any direction upon proper disposal of these pesticides; and

WHEREAS, these chemicals are in containers which are subject to disintegration over time which may cause the chemicals to spill in a manner which could be dangerous to the people and the environment; and

WHEREAS, it is imperative that these chemicals be disposed of in an acceptable manner; and

WHEREAS, these chemicals were acquired at a time when they were neither restricted nor banned at great cost to these persons; and

WHEREAS, if these chemicals are to be disposed of, it is uncertain who must bear the costs of both the chemicals and the disposal of them.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee conduct an interim study to investigate the proper methods of disposal of these pesticides, who is to be responsible for said disposal, who is to bear the costs of those chemicals which are disposed of or destroyed, and who is to bear the cost of the disposal.

2. That the Agriculture and Environment Committee report its findings to the Environmental Protection Agency and to the next session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 118.

Introduced by Hasebroock, 18th District; Lewis, 45th District.

WHEREAS, much attention and discussion has recently focused on the subject of mandatory retirement ages; and

WHEREAS, federal legislation increasing the age of mandatory retirement has raised many issues relative to retirement contributions and benefits for members of the Nebraska School Retirement System and the retirement systems of faculty of the postsecondary education institutions in Nebraska; and

WHEREAS, legislation introduced in the First Session, Eighty-Sixth Legislature of Nebraska, dealing with mandatory age of retirement has not adequately resolved questions relating to contributions, benefits and other pertinent matters associated with the Nebraska School Retirement System and the retirement systems for University of Nebraska, Nebraska state college and technical community college faculty.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Nebraska Legislature conduct an interim study of the Nebraska School Retirement System and the retirement systems covering University of Nebraska, Nebraska state college and technical community college faculty.

2. That such study be comprehensive in nature and should include, among other considerations, evaluation of:

(a) The adequacy of existing benefit programs;

(b) Whether fixed retirement benefits are most appropriate for retired persons in a period of economic inflation;

(c) The obligation of employers relative to the age of the employee to which the employer must continue to contribute;

(d) Whether the requirement that a member of the subject retirement systems must work to age 65 in order to qualify for full retirement benefits is competitive with requirements of other states and of other types of state retirement systems in Nebraska; and

(e) What age employees and employers are bound to contribute under existing statute and proposed legislation.

3. That the committee draft such legislation as it deems appropriate, based upon the study, for introduction in the Second Session, Eighty-Sixth Legislature of Nebraska.

Referred to the Executive Board.

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 26 ayes, 0 nays, and 23 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 282.

A BILL FOR AN ACT to amend section 46-154, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation districts; to provide compensation and expenses 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:

Beutler	Fowler	Kennedy	Marvel	Simon
Burrows	George	Keyes	Newell	Stoney
Carsten	Hasebroock	Koch	Nichol	Venditte
Clark	Hefner	Kremer	Pirsch	Vickers
Cope	Hoagland	Lamb	Reutzel	Wagner
Cullan	Johnson	Landis	Rumery	Warner
DeCamp	Kahle	Maresh	Schmit	Wesely
Duis	Kelly	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Dworak	Haberman	Merz	Murphy

Excused and not voting, 5:

Brennan	Fitzgerald	Goodrich	Labedz	Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 341.

A BILL FOR AN ACT to amend section 21-1326.01, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to change bonding requirements as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Beutler	Dworak	Kennedy	Marvel	Sieck
Burrows	Fowler	Keyes	Murphy	Simon
Carsten	George	Koch	Newell	Stoney
Clark	Hasebroock	Kremer	Nichol	Venditte
Cope	Hefner	Lamb	Pirsch	Vickers
Cullan	Johnson	Landis	Reutzel	Wagner
DeCamp	Kahle	Maresh	Rumery	Wesely
Duis	Kelly	Marsh	Schmit	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Haberman	Hoagland	Merz	Warner

Excused and not voting, 5:

Brennan	Fitzgerald	Goodrich	Labedz	Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 514.

A BILL FOR AN ACT to amend section 53-179, Revised Statutes Supplement, 1978, relating to liquors; to change provisions relating to the sale of alcoholic liquors on Sunday; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 25:

Beutler	Dworak	Kahle	Marsh	Rumery
Carsten	Fowler	Keyes	Murphy	Schmit
Clark	George	Koch	Newell	Sieck
Cullan	Hefner	Landis	Nichol	Simon
DeCamp	Johnson	Maresh	Reutzel	Warner

Voting in the negative, 11:

Cope	Kennedy	Pirsch	Vickers
Hasebroock	Lamb	Stoney	Wesely
Kelly	Marvel	Venditte	

Present and not voting, 8:

Burrows	Duis	Hoagland	Merz
Chambers	Haberman	Kremer	Wagner

Excused and not voting, 5:

Brennan	Fitzgerald	Goodrich	Labedz	Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 534.

A BILL FOR AN ACT relating to infractions; to change a definition; to provide penalties; to provide for a nonjury trial; to amend section 24-536, Reissue Revised Statutes of Nebraska, 1943, and section 29-431, Revised Statutes Supplement, 1978; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Beutler	Fowler	Keyes	Merz	Simon
Burrows	George	Koch	Newell	Vickers
Cope	Hasebroock	Kremer	Nichol	Wagner
Cullan	Hefner	Lamb	Reutzel	Warner
DeCamp	Johnson	Landis	Rumery	Wesely
Duis	Kahle	Maresh	Schmit	
Dworak	Kennedy	Marsh	Sieck	

Voting in the negative, 6:

Clark	Marvel	Stoney
Kelly	Pirsch	Venditte

Present and not voting, 5:

Carsten	Chambers	Haberman	Hoagland	Murphy

Excused and not voting, 5:

Brennan	Fitzgerald	Goodrich	Labedz	Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 540. With Emergency.

A BILL FOR AN ACT to amend section 89-187, Reissue Revised Statutes of Nebraska, 1943, relating to weights and measures; to provide a penalty for late payment of fees as prescribed; to provide for notification; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Burrows	Dworak	Koch	Nichol	Stoney
Carsten	Fowler	Kremer	Pirsch	Venditte
Clark	George	Lamb	Reutzel	Vickers
Cope	Hasebroock	Landis	Rumery	Wagner
Cullan	Kahle	Maresh	Schmit	Warner
DeCamp	Kelly	Marsh	Sieck	Wesely
Duis	Kennedy	Newell	Simon	

Voting in the negative, 2:

Hefner	Johnson

Present and not voting, 8:

Beutler	Haberman	Keyes	Merz
Chambers	Hoagland	Marvel	Murphy

Excused and not voting, 5:

Brennan	Fitzgerald	Goodrich	Labedz	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 573.

A BILL FOR AN ACT relating to pretrial diversion; to authorize the establishment of a pretrial diversion program as prescribed; to amend section 23-1201, 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:

Beutler	Dworak	Keyes	Merz	Stoney
Burrows	George	Koch	Newell	Venditte
Carsten	Hasebroock	Kremer	Nichol	Vickers
Clark	Hefner	Lamb	Pirsch	Wagner
Cope	Johnson	Landis	Reutzel	Warner
Cullan	Kahle	Maresh	Rumery	Wesely
DeCamp	Kelly	Marsh	Schmit	
Duis	Kennedy	Marvel	Simon	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Haberman	Murphy
Fowler	Hoagland	Sieck

Excused and not voting, 5:

Brennan	Fitzgerald	Goodrich	Labedz	Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Merz asked unanimous consent to be excused at 11:15 a.m. No objections. So ordered.

MOTION - Return LB 587 to Select File

Mr. Newell moved to return LB 587 to Select File for the following specific amendment:

On page 26 Line 6 strike the word "professional".

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.

Mr. Kennedy asked unanimous consent to be excused at 10:55 a.m. until he returns. No objections. So ordered.

Mr. Newell requested a roll call vote on his motion.

Voting in the affirmative, 15:

Beutler	Hoagland	Landis	Pirsch	Simon
Burrows	Johnson	Merz	Reutzel	Venditte
Chambers	Kelly	Newell	Schmit	Vickers

Voting in the negative, 22:

Carsten	George	Kremer	Murphy	Wagner
Clark	Hasebroock	Lamb	Nichol	Warner
Cope	Hefner	Maresh	Rumery	
DeCamp	Kahle	Marsh	Sieck	
Dworak	Koch	Marvel	Stoney	

Present and not voting, 6:

Cullan	Fowler	Keyes
Duis	Haberman	Wesely

Excused and not voting, 6:

Brennan	Goodrich	Labedz
Fitzgerald	Kennedy	Lewis

The Newell motion lost with 15 ayes, 22 nays, 6 present and not voting, and 6 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 587. With Emergency.

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1979, to June 30, 1980; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Beutler	George	Keyes	Merz	Simon
Burrows	Haberman	Koch	Murphy	Stoney
Carsten	Hasebroock	Kremer	Newell	Venditte
Chambers	Hefner	Lamb	Nichol	Vickers
Cope	Hoagland	Landis	Pirsch	Wagner
Cullan	Johnson	Maresh	Reutzel	Warner
DeCamp	Kahle	Marsh	Rumery	Wesely
Fowler	Kelly	Marvel	Sieck	

Voting in the negative, 0.

Present and not voting, 4:

Clark	Duis	Dworak	Schmit

Excused and not voting, 6:

Brennan	Goodrich	Labedz
Fitzgerald	Kennedy	Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 6b to take up LB 589 on Final Reading.

The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Messrs. Clark, Duis, Rumery, Venditte, and Mrs. Pirsch asked unanimous consent to be excused this afternoon. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 589. 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, 1979, to June 30, 1980; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Beutler	Dworak	Kelly	Marsh	Schmit
Burrows	Fowler	Kennedy	Marvel	Sieck
Carsten	Haberman	Keyes	Murphy	Simon
Chambers	Hasebroock	Koch	Newell	Stoney
Clark	Hefner	Kremer	Nichol	Wagner
Cope	Hoagland	Lamb	Pirsch	Warner
Cullan	Johnson	Landis	Reutzel	Wesely
DeCamp	Kahle	Maresh	Rumery	

Voting in the negative, 2:

George Vickers

Present and not voting, 1:

Duis

Excused and not voting, 7:

Brennan	Goodrich	Lewis	Venditte
Fitzgerald	Labedz	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.

EXPLANATION OF VOTE

Had I been present I would have voted yes on: 282, 341, 514, 534, and 540e.

(Signed) Rex Haberman

MR. CLARK PRESIDING

SELECT FILE

LEGISLATIVE BILL 378. Mr. Hoagland withdrew his pending amendments found in the Journal on page 1824 (Req. #2937).

Messrs. Nichol and Hoagland offered the following amendment:

(Amendments 1 to 4 are to Committee Amendment Req. 2672)
Req. #2953

1. On page 1, line 17 after the second "a" insert "felony"; and after the underscored period in line 21 insert "If the underlying offense is a misdemeanor the procedures under this act shall be discretionary with the court.".

2. On page 3, line 13 after "shall" insert an underscored comma; strike lines 14 through 18 and amendments thereto and insert "after first sentencing the defendant as provided by law for the offense for which he or she has been convicted, commit the defendant for treatment to one of the regional centers until such time as the court determines based on the report filed by the Sentencing Review Committee established under section 6 of this act that the defendant is no longer mentally disordered or until the defendant has received the maximum benefit of treatment, except that no sentence to treatment shall exceed the maximum length of such offender's sentence. If the defendant is discharged from the regional center prior to the maximum length of such offender's sentence further disposition shall be consistent with sections 9 and 10 of this act. The laws affecting both eligibility for release on parole and the date when an inmate's discharge from custody of the state becomes mandatory pursuant to sections 83-1,107 and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, shall not apply to reduce the sentence of a person sentenced to the regional center for treatment during the time such person is at the regional center but shall otherwise be applicable."; and in line 19 before the underscored "The" insert "The entire proceeding to determine whether the defendant is a mentally disordered sex offender and treatable shall be deemed a critical stage of a criminal prosecution at which the defendant shall be accorded all the rights a defendant has in sentencing proceedings.".

3. Insert the following new section:

"Sec. 11. All persons now committed under Chapter 29, article 29, as either a sexual psychopath or a sexual sociopath, shall forthwith be returned to the

district court which committed them for review and disposition consistent with the terms of this act. No person now committed, voluntarily or involuntarily, shall be released until the requirements of section 10 of this act have been met.".

4. On page 5, after the underscored period in line 3 insert "The court shall, upon motion of either party, conduct a hearing on defendant's status upon receiving such written report from the Sentencing Review Committee. The court shall conduct such a hearing upon its own motion at least every four years."; and strike beginning with the underscored period in line 8 through "treatment" in line 10 and insert ", which could include sending the defendant to the Nebraska Penal and Correctional Complex for the remainder of his or her sentence, or releasing the defendant on probation for the remainder of his or her sentence. Credit shall be given for the time spent in treatment".

5. In the Nichol amendment on page 1437 of the Journal, on page 1, line 2, strike "10" and insert "11".

6. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 3 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 378A. Advanced to E & R for Engrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 53, LR 65, and LR 82.

RESOLUTION

LEGISLATIVE RESOLUTION 119.

Introduced by Vickers, 38th District; Chambers, 11th District; Kennedy, 21st District; Beutler, 28th District; Lewis, 45th District; Wesely, 26th District; Marvel, 33rd District; Cullan, 49th District; Schmit, 23rd District; Kremer, 34th District; Landis, 46th District; Hoagland, 6th District; Clark, 47th District; Haberman, 44th District; Fowler, 27th District; Warner, 25th District; Lamb, 43rd District; DeCamp, 40th District.

Whereas, the Nebraska Legislature has historically accepted responsibility for oversight of the public power industry, and
Whereas, public power districts and other Nebraska public power entities are governed by statutes enacted by the legislature, and
Whereas, recommendations for improvement of these statutes are often proposed to the legislature by public power industry employees,
Whereas, questions concerning power plant construction projects, and contracts awarded for those projects, have been brought to the attention of the legislature and the public by public power industry employees,
Whereas, these questions involve the awarding and management of power plant construction contracts by public power districts, and the oversight of such contracts by the elected board members and the public, and
Whereas, the Nebraska Power Industry Task Force, in agenda Item No. 10 of its final report to the legislature identified some state statutes governing public power bidding and awarding of construction contracts which need review.
Now, therefore be it resolved by the members of the Eighty-Sixth Legislature, First Session:
1. That the Legislature's Executive Board appoint a special interim study committee to examine these questions, such committee to consist of four members of the Executive Board, four members of the Public Works Committee and the Speaker of the Legislature.
2. That the committee conduct such hearings and hire such staff as are necessary to thoroughly conduct such study, and that the committee is hereby given the authority to obtain information by subpoena and administration of oath if deemed necessary by the committee.
3. That during the 1979 interim such committee study the following topics:
A. The right of public power employees to contact any elected official and the policies of the public power industry regarding those rights.
B. The state statutes governing construction contracts, awarding of bids and selection of contractors, particularly those statutes which define the powers and responsibilities of elected public power officials.
C. Determination of any need for increased oversight of the public power industry by state agencies or local elected boards.
D. Other related issues which the committee determines deserve consideration as a result of their inquiry into the previously mentioned allegations and questions.
4. That such committee report its findings to the full legislature upon convening of the next regular session of this body.

Referred to the Executive Board.

Mr. George asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 312. E & R amendments found in the Journal on page 1674 for the Seventy-Third Day were adopted.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1716.

The amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 162. E & R amendments found in the Journal on page 1675 for the Seventy-Third Day were adopted.

Mr. Newell offered the following amendment:
To add the Emergency Clause to L.B. 162.

The amendment was adopted with 25 ayes, 2 nays, 11 present and not voting, and 11 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.

Mr. Newell moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for Engrossment with 26 ayes, 7 nays, 5 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 86. Mr. Murphy withdrew his pending amendment found in the Journal on page 1728.

Mr. Murphy renewed his pending amendment found in the Journal on page 1908.

The amendment was adopted with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 398. E & R amendment found in the Journal on page 2047 for the Eighty-Third Day was considered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The E & R amendment was adopted with 27 ayes, 7 nays, 4 present and not voting, and 11 excused and not voting.

Mr. DeCamp moved to adjourn until 9:00 a.m., Monday, May 14.

Mr. DeCamp withdrew his motion.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Advanced to E & R for Re-Engrossment with 25 ayes, 6 nays, 7 present and not voting, and 11 excused and not voting.

Messrs. Nichol and Maresh asked unanimous consent to be excused for 20 minutes. No objections. So ordered.

LEGISLATIVE BILL 398A. Mr. Nichol moved to indefinitely postpone LB 398A.

Motion pending.

LEGISLATIVE BILL 467. Advanced to E & R for Engrossment.

Mr. Kelly asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 380. E & R amendments found in the Journal on page 1762 for the Seventy-Sixth Day were adopted.

Mr. Reutzel withdrew his pending amendment found in the Journal on page 1182.

Mr. Reutzel renewed his pending amendment found in the Journal on page 2025.

The amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 380A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 262 in the Journal. No objections. So ordered.

Supplemental E & R Amendments

1. On page 3, line 13, strike "six" and insert "~~six~~ five".

2. On page 5, line 23, strike "29-2446" and insert "29-2546".

SELECT COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 491. Placed on General File.

(Signed) John W. DeCamp, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 120.

Introduced by Koch, 12th District; Vickers, 38th District.

WHEREAS, substantial input and public reaction has been generated by the issue of establishing a veterinary school to provide services to a multi-state area; and

WHEREAS, present proposed legislation includes only the members of the Old West Regional Commission concerning the development of a multi-state veterinary school; and

WHEREAS, Wisconsin is considering the establishment of a veterinary school and has shown interest in a multi-state concept; and

WHEREAS, adjoining states, namely Iowa, Kansas, Missouri, and Minnesota, have veterinary schools; and

WHEREAS, interest has been shown by Iowa to discuss the possibilities of regional programs with other states, especially Nebraska; and

WHEREAS, additional specific information would be of value in determining the establishment of a veterinary school serving a multi-state area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee continue to study and gather information relating to the establishment of a multi-state veterinary school.

2. That members of the Education Committee be directed to study the possibility of entering into a regional agreement with Wisconsin or with existing veterinary schools such as Iowa State, Kansas State, Missouri and Minnesota with members of the state legislatures of the respective states.

3. That the entire Nebraska Legislature be involved in the accumulation of the information upon which a future session will need to consider the establishment of a veterinary college.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 121.

Introduced by Wesely, 26th District.

WHEREAS, exposure to materials containing asbestos have been identified by medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis; and

WHEREAS, medical evidence indicates that children are particularly susceptible to environmentally induced cancers; and

WHEREAS, the National Institute of Occupational Safety and Health, the Occupational Safety and Health Administration and the International Agency for Research on Cancer have established that no safe level of exposure to asbestos exists as a threshold for determining the likelihood for developing illness; and

WHEREAS, substantial amounts of asbestos, particularly in sprayed form, may have been used in public schools and state public buildings, especially during the period of 1946 to 1973; and

WHEREAS, asbestos materials may become damaged and friable causing asbestos fibers to be dislodged into the air; and

WHEREAS, hazardous concentrations of asbestos fibers in public schools and state public buildings should be identified and to the extent possible removed or contained.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee conduct an interim study of all aspects of asbestos hazards, identification and abatement.

2. That such study shall include but not be limited to the following areas of study:

(a) Conducting a survey of public schools and state public buildings built, renovated or expanded between 1946 and 1973;

(b) Identification of those public buildings in which asbestos materials posing a danger to students, teachers and the general public are present;

(c) Examination of safety standards for workers engaged in the removal or containment of asbestos materials;

(d) Review of methods for proper disposal of asbestos materials;

(e) Development of a program to ensure the removal or containment of hazardous asbestos materials from public schools and state public buildings; and

(f) Review of procedures for ongoing surveillance of public buildings containing asbestos materials.

3. That the committee report the findings of its study together with its recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 122.

Introduced by Cullan, 49th District.

WHEREAS, water in Nebraska is a very precious resource; and

WHEREAS, during the last five years controversy has existed over use of Nebraska's water, and water from this region, for transportation of coal by means of coal slurry pipelines; and

WHEREAS, adequate information about the effect of a coal slurry pipeline on water in the state, and neighboring states, does not exist; and

WHEREAS, such information is very important to enable members of the Legislature to make a knowledgeable decision about the issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Works Committee perform an interim study of the impact that a coal slurry pipeline would have on water in the State of Nebraska.

2. That the committee consider the long-range effects of interstate transbasin diversion of the water resources of the region.

3. That the committee develop alternatives to protect Nebraska's water resources when and if interstate transbasin diversion occurs.

4. That the committee consider the constitutionality of restrictions on interstate transbasin diversions, and develop any legal mechanisms to protect Nebraska's and the Region's water resources.

5. That the University of Nebraska provide technical and legal expertise to assist in this study.

6. That the committee determine through the interim study the present and future economic effects on agriculture and related industries which would be related to the use of water for a coal slurry pipeline.

7. 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.

ANNOUNCEMENT

Mr. Cullan announced that there will be an executive session of the Public Health and Welfare Committee on Monday, May 14, 1979 under the south balcony at 9:15 a.m. for the purpose of discussing the interim study resolutions.

MOTION - Final Reading Bills

Mr. Warner moved that effective May 15 and for the balance of the 1979 session that no bills be passed over on Final Reading because of the absence of a member who has filed a motion to return a bill to Select File for a specific amendment.

Motion pending.

VISITORS

Visitors to the Chamber were Mrs. Peggy Rauch and daughter Kerry from Grand Island; 28 eighth grade students, teachers, and parents from Holy Name Elementary, Omaha; 88 fourth grade students, teachers, and parents from Carriage-Hill Elementary, Papillion; 33 third and fourth grade students, teacher, and parents from Nemaha Valley Elementary, Talmage and Cook; 33 seventh and eighth grade students and teachers from Silver Creek; 18 first through sixth grade students, teachers, and parent from District #27, Elkhorn; 25 fourth grade students, teacher, and parents from Willard Elementary, York; 47 fourth grade students, teachers, and parents from St. Bonaventure

Elementary, Columbus; 30 third and fourth grade students from Murdock; 32 third through sixth grade students, teacher, and parents from Guide Rock Elementary; 16 fourth grade students, teacher, and parents from Beaver City; Kennis McClelland, Furnas County Clerk; 70 fourth grade students, teachers, and parents from LaVista West Elementary; John T. Anderson, DVM from Oakland, California; and 38 fourth grade students, teachers, and parents from Karen-Western, Omaha.

ADJOURNMENT

At 1:41 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Monday, May 14, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 14, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> The most consoling assurance that any of us could possibly have, Lord, is Your promise that we can come to You any hour of the day or night with any kind of problem at all, and know that You are willing, even anxious to help us. What a shame it is, then that often we give You really serious thought only when we are in some kind of desperate scrape. Actually, there isn't a moment in our lives when we don't need You. It's like our need for food. . .we don't usually think much about it until we're hungry. In view of how much we depend on You, and how very much you have so willingly done for us all our lives, Lord, please give us the wisdom and determination to raise our minds and hearts to You daily. Continue to guide our actions always, so that everything we do may give You glory and bring us eternal salvation. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kelly who was excused; and Messrs. Haberman, Hoagland, Johnson, Lewis, Newell, Schmit, Venditte, Wagner, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 152. Replaced on Select File as amended.
E & R amendments to LB 152:

1. In the DeCamp-Hoagland amendments adopted 5/10, page 1, line 13, insert an underscored comma before "for".

2. In line 2 of E & R 1 adopted 5/10, insert "of the Fitzgerald amendments" after "4".

3. In committee amendments, page 6, strike line 23 as amended and insert "28-1105, 28-1107 to 28-1109, and 28-1115, Revised Statutes".

4. In the title, strike lines 2 and 3 as amended and insert:
"FOR AN ACT to amend sections 28-1101 to 28-1105, 28-1107 to 28-1109, and".

LEGISLATIVE BILL 479. Placed on Select File.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 11, 1979, at 2:10 p.m., were the following bills: 234, 582, 583, 586, 588, and 593.

(Signed) Judy West, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 282, 341, 514, 534, 540, 573, 587, and 589.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 282, 341, 514, 534, 540, 573, 587, and 589.

MESSAGE FROM THE GOVERNOR

May 11, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 354 and Reengrossed Legislative Bills 227 and 252.

These bills were signed by me on May 11, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 405. Placed on General File as amended.
Standing Committee amendments to LB 405:
Req. #2707

1. On page 15, strike beginning with "Savings" in line 22 through line 26.
2. On page 21, line 21 after "days" insert "but not more than forty-five days".
3. On page 25, line 22 strike "80" and insert "77"; and in line 27 strike "101" and insert "98".
4. On page 26, line 4 after "pledged" insert "savings"; strike beginning with the colon in line 4 through line 24 and insert "shall be evidenced by a mortgage on real estate or deed of trust. For the purpose of this section, the terms real property and real estate shall include a leasehold or subleasehold estate in real property under a lease or sublease the term of which does not expire, or which is automatically renewable, or is renewable at the option of the holder or of the association so as not to expire for at least five years beyond the maturity of the debt. Loans made upon improved real estate shall not exceed ninety-five per cent of the reasonable normal cash value thereof, and all loans made on any other real estate shall not exceed three-fourths of the reasonable normal cash value

thereof.".

5. Strike original sections 73, 74, 79, and 80.

6. On page 30, line 12 strike "81 to 85" and insert "78 to 82"; in line 15 strike "made" and insert "make"; in line 19 strike "licensed", and after "association" insert "when so licensed"; and in lines 24 and 25 strike "89 to 99" and insert "86 to 96".

7. On page 31, line 5 strike "89 to 99" and insert "86 to 96".

8. On page 32 strike beginning with "With" in line 25 through "subject" in line 26 and insert "Subject"; and in line 26 strike "89 to 99" and insert "86 to 96".

9. On page 33, strike beginning with "The" in line 20 through line 2 on page 34.

10. On page 34, line 3 strike "95" and insert "92".

11. On page 36, line 14 strike "fifty-one" and insert "sixty-six and two-thirds".

12. On page 37, line 6 strike "fifty-one" and insert "sixty-six and two-thirds".

13. On page 39, line 24 strike "105" and insert "102".

14. Renumber original sections 75 to 78 as 73 to 76 and original sections 81 to 133 as 77 to 129 respectively.

(Signed) John DeCamp, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 92. Read. Considered.

LR 92 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 99. Read. Considered.

LR 99 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 105. Read. Considered.

Laid over at the request of Mr. Johnson.

LEGISLATIVE RESOLUTION 107. Read. Considered.

LR 107 was adopted with 28 ayes, 0 nays, and 21 not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 80

Mr. Murphy asked unanimous consent to withdraw his pending amendment found in the Journal on page 2048 to LB 80. No objections. So ordered.

MOTION - Return LB 86 to Select File

Mr. Landis moved to return LB 86 to Select File for the following specific amendment:

To strike from the Murphy amendments printed on pg 1908 of Journal, beginning on line 6, starting with the underlined "and", strike lines 7, 8 and 9, through the word "communications."

The motion prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 86. The Landis 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.

MOTION - Final Reading Motions

Mr. Warner renewed his pending motion found in the Journal on page 2082 regarding Final Reading motions for the balance of the 1979 session.

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 123.

Introduced by Koch, 12th District.

WHEREAS, in the past year the Omaha Housing Authority has been asked to approve 20 sites for low and moderate income housing in various parts of the city; and

WHEREAS, the designation of areas for such housing projects has created confusion and concern in the neighborhoods of each proposed location; and

WHEREAS, at this time no construction has been initiated upon any of the selected project locations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee perform an interim study of scattered site housing projects in Omaha.

2. That the Committee study shall include, but not be limited to, the circumstances surrounding the selection of a project site and the current problems associated with unit construction.

3. That the Committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Co-Introducer to LR 109

Mr. Hefner asked unanimous consent to add his name to LR 109. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 112
May 10, 1979

Re: LB 262

Dear Senator Pirsch:

You have requested our opinion on whether section 3 of LB 262, currently before the Legislature, poses any constitutional problems due to the fact that section would limit the application of sections 83-1,107 and 83-1,107.01 to persons convicted of first degree murder. In our opinion, the provisions of section 3 of LB 262 here called into question would not violate a citizen's constitutionally protected rights.

Article IV, Section 13, of the Constitution of the State of Nebraska states in part:

> "The Legislature shall provide by law for the establishment of a Board of Parole and the qualification 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. . . ." (Emphasis added.)

Thus, our Constitution grants the Legislature the right to establish criteria by which a person incarcerated in this state may become entitled to parole.

Section 3 of LB 262 would amend section 28-303 of our statutes which defines the offense of "murder in the first degree" and provides a penalty. The portion of section 3 of LB 262 relevant here states:

> ". . . 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, Reissue Revised Statutes of Nebraska, 1943, 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."

The creation of penalties for criminal offenses is properly a part of the legislative function and the Legislature may, by specific language, exempt certain classes of individuals from the application of more general statutes.

Sections 83-1,107 and 83-1,107.01 are applicable to all offenders committed to the Department of Correctional Services. Section 3 of LB 262 simply limits the applicability of those statutes in the instance of a particular class of offender. That class consists of offenders convicted of murder in the first degree.

The Legislature may properly distinguish between the treatment of particular classes of persons so long as the basis for the distinction is reasonable. In this instance, the basis for limiting the applicability of sections 83-1,107 and 83-1,107.01 is the fact that the persons in question have been convicted of the offense of murder in the first degree. We do not believe that classification to be objectionable from a constitutional standpoint.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) J. Kirk Brown
Assistant Attorney General

JKB:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 363 in the Journal. No objections. So ordered.

1. Add a new section to read as follows:
"Sec. 7. This act shall become operative on July 1, 1979.".
2. In the committee amendments on page 14, line 2 strike "79-2648,"; strike beginning with "sections" in line 3 through "and" in line 5 and insert "section"; in line 12 strike "79-2648,"; in line 19 after the semicolon insert "to provide an operative date;" and strike beginning with "sections" in line 20 through "and" in line 22 and insert "section".
3. Renumber sections renumbered as sections 7 and 8 as sections 8 and 9.

MOTION - Return LB 141 to Select File

Mr. Goodrich moved to return LB 141 to Select File for the specific amendment found in the Journal on page 1563.

The motion lost with 17 ayes, 25 nays, 3 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 141.

A BILL 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, 1978; 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, 33:

Beutler	DeCamp	Keyes	Merz	Simon
Brennan	Duis	Koch	Murphy	Vickers
Burrows	Fitzgerald	Kremer	Nichol	Wagner
Carsten	Fowler	Landis	Pirsch	Warner
Chambers	George	Lewis	Reutzel	Wesely
Clark	Hasebroock	Marsh	Rumery	
Cope	Hoagland	Marvel	Sieck	

Voting in the negative, 11:

Cullan	Haberman	Kahle	Maresh
Dworak	Hefner	Kennedy	Stoney
Goodrich	Johnson	Lamb	

Present and not voting, 1:

Labedz

Excused and not voting, 4:

Kelly	Newell	Schmit	Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 585. Laid over until after LB 594 at the request of Mr. Keyes.

MOTION - Return LB 591 to Select File

Mr. Warner moved to return LB 591 to Select File for the following specific amendment:

1. On page 4, in lines 7 and 8, strike "300,000" and insert "100,000".
2. On page 4, in lines 18 and 19, strike "493,915" and insert "418,915".
3. On page 4, in lines 23 and 24, strike "275,000" and insert "200,000".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Warner motion prevailed with 29 ayes, 5 nays, 11 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 591. The Warner specific amendment found in this day's Journal was adopted with 27 ayes, 9 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 594 to Select File

Mr. Warner moved to return LB 594 to Select File for the following specific amendment:

1. On page 17, in line 20, after "campuses", insert "and to continue planning and design for renovation of the Agricultural Engineering Building"; in line 23, strike "miscellaneous renovations" and insert "such purposes".

2. Strike section 36 and insert the following new section:

"Sec. 36. Program 999. The Board of Regents of the University of Nebraska is hereby authorized to install a chiller at the Lincoln east campus with a project cost not to exceed $1,645,000. There is hereby appropriated $463,180 from the State Building Fund for the fiscal year ending June 30, 1980, to initiate the installation. There is hereby appropriated $1,091,820 from the State Building Fund for the fiscal year ending June 30, 1981, to complete the installation.".

3. On page 16, in line 25, after "3,436,000", insert "plus any private donations which may be available"; on page 17, in lines 1, 5, and 9 after "Fund", insert "and any private donations"; on page 17, in line 7, strike "complete" and insert "continue"; and after line 10, insert:

"Of the unexpended and unencumbered balance existing on June 30, 1979, in Program 916, an amount not to exceed one hundred thousand dollars from the State Building Fund is hereby reappropriated to Program 924 for the period July 1, 1979, to June 30, 1980, for planning and design for the restoration of the Temple Building and construction of a theatre facility.".

4. Insert new sections as follows:

"Sec. 54. Program 906. The Legislature hereby acknowledges and reaffirms the appropriation made by Laws 1978, LB 937, section 7, which is to construct a health and physical education facility contiguous to Majors Hall at Peru State College. There is hereby appropriated $700,000 from the State Building Fund for the fiscal year ending June 30, 1980, to complete the project.

Sec. 55. There is hereby appropriated for the period of July 1, 1979, to June 30, 1980, from the unexpended and unencumbered balances existing on June 30, 1979, 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 906 and 919

(3) Agency No. 25 - Department of Public Institutions
(Programs 903, 905, 908, 910, 922, 952, 962, 964, 981, 982, 987, 988, 989, 990, and 991.
(4) Agency No. 27 - Department of Roads
Program 901 and 902
(5) Agency No. 33 - Game and Parks Commission
Programs 919, 924, 928, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 980, and 981. Receipts in Program 928 for the period July 1, 1979, to June 30, 1980, together with any amounts held in the Niobrara State Park account by the State Treasurer on June 30, 1979, are hereby appropriated and reappropriated to the appropriate Niobrara State Park funds. Program 919 and 952 are hereby merged into Program 919. Of the unexpended and unencumbered balance existing on June 30, 1979, in Program 938, $50,000 is hereby reappropriated to Program 919 for the purpose of providing aid to political subdivisions. Any federal reimbursement received due to the reappropriation of State Building Funds in Program 967 and 969, shall be credited to the State Park Cash Revolving Fund.
(6) Agency No. 46 - Department of Correctional Services
Programs 905, 906, 908, 909, 912, 913, 920, and 925
(7) Agency No. 49 - Board of Trustees - State Colleges
Program 901
(8) Agency No. 50 - State Colleges
Programs 902, 904, 905, 906, 909, 910, 913, 914, 915, 923, and 930
(9) Agency No. 51 - University of Nebraska
Programs 904, 908, 909, 913, 914, 928, 932, 937, 972, 973, and 998
(10) Agency No. 52 - State Board of Agriculture
Program 913
(11) Agency No. 54 - Nebraska State Historical Society Programs 901, 907, 909, and 910
(12) Agency No. 65 - Department of Administrative Services Programs 900, 902, 903, 904, 907, 919, 920, 940, and 950.
Program numbers pertaining to LB 309 funding shall be combined under Program 940.
(13) Agency No. 72 - Department of Economic Development Programs 900 and 904.
Sec. 62. That sections 15 and 20, Legislative Bill 593, Eighty-sixth Legislature, First Session, 1979, are repealed.".
5. Renumber sections 53 to 58 as sections 56 to 61 and section 59 as section 63.
6. In the title, line 3, insert "to acknolwedge and reaffirm an appropriation; to make reappropriations;" after the semicolon; and in line 4 insert "to repeal sections 15 and 20, Legislative Bill 593, Eighty-sixth Legislature, First Session, 1979;" after the semicolon.

Insert a new section as follows:

"Sec. 53. Program 900. The State Board of Agriculture is hereby authorized to demolish the existing beef barn and construct a new beef barn and livestock show ring with a total project cost not to exceed $556,600. There is hereby appropriated $295,000 from the State Building Fund for the fiscal year ending June 30, 1980, to complete the project.".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

The motion prevailed with 28 ayes, 5 nays, 12 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 594. The Warner specific amendment found in this day's Journal was adopted with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Merz asked unanimous consent to be excused for 20 minutes. No objections. So ordered.

MOTION - Return LB 594 to Select File

Mr. Koch moved to return LB 594 to Select File for the following specific amendment:

Strike Sec 37 Program 906

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The motion lost with 15 ayes, 24 nays, 5 present and not voting, and 5 excused and not voting.

MOTION - Return LB 594 to Select File

Mr. Koch moved to return LB 594 to Select File for the following specific amendment:

Strike Sec 38 Program 924.

Mr. Koch requested a roll call vote on his motion.

Voting in the affirmative, 20:

Clark	Hefner	Koch	Murphy	Simon
Cullan	Johnson	Kremer	Nichol	Stoney
George	Kahle	Lamb	Pirsch	Vickers
Haberman	Kennedy	Maresh	Sieck	Wagner

Voting in the negative, 24:

Beutler	Cope	Fowler	Labedz	Reutzel
Brennan	DeCamp	Goodrich	Landis	Rumery
Burrows	Duis	Hasebroock	Lewis	Warner
Carsten	Dworak	Hoagland	Marsh	Wesely
Chambers	Fitzgerald	Keyes	Marvel	

Excused and not voting, 5:

Kelly	Merz	Newell	Schmit	Venditte

The Koch motion lost with 20 ayes, 24 nays, and 5 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 14, 1979, at 10:30 a.m., were the following bills: 589, 587, 573, 540, 534, 514, 341, and 282.

(Signed) Hazel Kaltenberger, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 124.

Introduced by Koch, 12th District.

WHEREAS, the education of students is a major responsibility of the people of the State of Nebraska; and

WHEREAS, the people of Nebraska desire to maintain a quality system of education; and

WHEREAS, concern has been raised about the quality and effectiveness of educational programs in the state; and

WHEREAS, the Legislature has been presented with Legislative Bill 104, aimed at establishing a system of testing as a prerequisite to graduation from high school; and

WHEREAS, more than 30 states have established accountability systems for educational programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Education Committee of the Legislature, together with other interested Senators, and the introducer of Legislative Bill 104, conduct a study in the interim period relating to the kinds of evaluations and programs that can and should be provided at the local level to assure that all public and private school pupils are able to learn and perform basic academic and life skills.

2. That the study examine the purpose, operation, and effect of such systems in other states to determine if it would be beneficial to enact similar legislation in Nebraska.

3. The study shall include a review of the "N-ABELS" program in Nebraska, as this program relates to improving the quality of education in conjunction with or in lieu of a system of minimum competency testing.

4. That the Committee report the findings of the study to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125.

Introduced by Johnson, 8th District.

WHEREAS, even though Nebraska enjoys a favorable employment rate, certain Nebraskans desirous or capable of work remain unemployed and other Nebraskans are underemployed in light of their education, skills, and ability; and

WHEREAS, significant numbers of the unemployed or underemployed Nebraskans are members of minority groups, are disabled or handicapped, are teenagers and other young adults, are single female parents, or are older women whose husbands have died or left them; and

WHEREAS, the State has established and funded numerous agencies and programs to provide training, vocational rehabilitation, educational, referral, and job development services for the underemployed and the unemployed, and yet, despite the existence and activities of these agencies and programs, too many individuals in the above described groups continue to be unemployed or underemployed; and

WHEREAS, it is desirable that an examination be conducted into the work of the several State job and employment programs to

determine their coordination among themselves and with federal and local job and employment programs, their functioning, effectiveness or lack thereof with respect to their amelioration of unemployment or underemployment of the members of the above described groups.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Government, Military and Veterans' Affairs Committee conduct an interim study of the following State agencies and programs:

(a) State Employment Service of the Department of Labor;

(b) Vocational Rehabilitation Service in the Department of Education;

(c) Work Incentive Program in the Department of Public Welfare and the Department of Labor;

(d) Displaced Homemakers Program in the Department of Public Welfare; and

(e) Such other State agencies and programs concerned with jobs and employment.

2. Such study shall only address the work of the above listed agencies and programs as applies to unemployed and underemployed individuals in the groups described in the Preambles hereto.

3. The study shall address:

(a) The coordination of the work of the State agencies and programs among themselves and with federal and local job and employment programs;

(b) Possible duplication of services by such State agencies and programs;

(c) Outreach efforts in locating the unemployed or underemployed members of the above described groups;

(d) Job development and creation efforts;

(e) Training and rehabilitation services with respect to the unemployed and underemployed members of the above described groups;

(f) Teaching of unemployed and underemployed members of the above described groups through the training, rehabilitation, referral, job assignment, and employment efforts;

(g) The success or lack thereof in finding employment for members of the above described groups;

(h) Existing incentives to private employers to train, hire, and retain members of the above described groups and the effectiveness of such incentives; and

(i) Such other matters as the Committee deems pertinent to a determination as to how jobs and employment can be developed and found for the unemployed and underemployed.

4. That the Committee shall make a report of its findings together with any recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 126.

Introduced by Hasebroock, 18th District.

WHEREAS, the State of Nebraska needs to employ competent and efficient individuals for the various state agencies; and

WHEREAS, in order to compete for such individuals, it is necessary to have fringe benefits which are competitive with alternative sources of employment; and

WHEREAS, state employees in surrounding states appear to be receiving greater retirement benefits; and

WHEREAS, there has been discontent expressed by current members of the Nebraska State Employees' Retirement System over the current level of retirement benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Retirement Committee conduct an interim study of retirement systems and pension plans for state and local employees of surrounding states.

2. That the interim study analyze the feasibility of raising the retirement benefits and lowering the eligibility requirements.

3. That the interim study analyze the feasibility and cost of changing to a defined benefit plan for retirement benefits.

4. 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 127.

Introduced by Hasebroock, 18th District.

WHEREAS, peace officers face higher risks than other public employees; and

WHEREAS, upon retirement, many peace officers do not receive adequate benefits; and

WHEREAS, many peace officers are not covered by any retirement system; and

WHEREAS, a retirement system which would cover all city and county peace officers not now covered would provide for efficiency and consistency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Retirement Committee conduct an interim study of a retirement system which could cover all peace officers not now covered by any systems.

2. That the interim study analyze the effects of such a retirement system, particularly as it relates to systems presently in place.

3. That the interim study analyze the present County Employees' Retirement System to determine the feasibility of including the peace officers in that system and to determine necessary changes to that system.

4. 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 128.

Introduced by Chambers, 11th District; Fowler, 27th District.

WHEREAS LR 43 proposes to eliminate from the approved list for stock purchase by the Nebraska Investment Council those corporations which do business in South Africa; and

WHEREAS the implementation of LR 43 could create a need for sound investment guidelines in addition to those stated in current law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking Committee shall review the policies and practices of investment of public funds by other public bodies and states.

2. That the Banking Committee consider in public hearings what additional guidelines, if any, the Legislature might constructively provide to the Investment Council.

3. That the Committee make a report of its findings together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 129.

Introduced by DeCamp, 40th District.

WHEREAS, the State of Nebraska ceded jurisdiction over certain lands in Nebraska to the United States; and

WHEREAS, such action has resulted in a tax exempt status for certain properties acquired by the United States; and

WHEREAS, such tax exempt status was not intended to exempt properties of private individuals and corporations and may be the cause of a loss in millions of dollars to local government entities because such property has escaped taxation; and

WHEREAS, there is a question as to whether individuals and corporations have avoided the payment of personal property taxes because such property is located within lands ceded to the United States under Laws 1883, c.90.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, OF NEBRASKA, FIRST SESSION:

1. That the Legislature select a committee to perform an interim study to determine what property situated in the State of Nebraska has not been assessed or has escaped taxation in any former year or years and the resulting loss of revenue to the taxing authority.

2. The committee shall work in cooperation with the federal and county officials directly concerned with the subject matter of this study and shall be authorized to spend no more than twenty thousand dollars in necessary expenses for legal counsel, research, and investigation.

3. That such committee be given the authority to obtain information by administration oath and subpoena if deemed necessary by the committee.

4. That such committee report the results of such study, and prepare legislation, if appropriate, for the establishment of a workable system to recover revenue unduly lost in the past and assure collection of revenue in the future, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 130.

Introduced by Maresh, 32nd District.

WHEREAS, lack of job opportunities and resulting unemployment is a serious social and economic problem; and

WHEREAS, even though the State of Nebraska has a low rate of unemployment statewide, there are certain areas within the state which experience a disproportionately high rate of unemployment; and

WHEREAS, the burdens of unemployment are particularly experienced by Blacks, Hispanics, Native Americans, young persons, and similar groups which have the least resources to cope with the effects of unemployment due to lack of job opportunities; and

WHEREAS, the State of Nebraska has a responsibility toward the welfare of its citizens to seek remedies and solutions to the problem of unemployment.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee conduct an interim study of the distribution of unemployment in Nebraska.

2. That the committee examine proposals which might help to alleviate high rates of unemployment in particular areas of the state.

a. That these proposals shall include the feasibility of the state providing transportation and other assistance to persons who reside in areas of high unemployment so that they are more accessible to areas with greater job opportunities.

b. The committee shall also examine the availability of federal funding, as well as the needs of industries contemplating locations in Nebraska.

3. That the committee submit a report of its activities together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Co-Introducer to LR 108

Mr. DeCamp asked unanimous consent to add his name to LR 108. No objections. So ordered.

MOTION - Return LB 585 to Select File

Mr. Keyes moved to return LB 585 to Select File for the specific amendment found in the Journal on page 2014.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 16 nays, and 26 not voting.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Lewis asked unanimous consent to be excused. No objections. So ordered.

Mr. Keyes moved for a Call of the House. The motion prevailed with 15 ayes, 5 nays, and 29 not voting.

Mr. Keyes requested a roll call vote on his motion to return LB 585 to Select File.

Voting in the affirmative, 21:

Brennan	Haberman	Keyes	Murphy	Wagner
Burrows	Hefner	Kremer	Nichol	
DeCamp	Johnson	Lamb	Reutzel	
Fitzgerald	Kahle	Maresh	Sieck	
Goodrich	Kennedy	Merz	Simon	

Voting in the negative, 22:

Carsten	Duis	Hoagland	Marvel	Warner
Chambers	Dworak	Koch	Pirsch	Wesely
Clark	Fowler	Labedz	Rumery	
Cope	George	Landis	Stoney	
Cullan	Hasebroock	Marsh	Vickers	

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Kelly	Lewis	Newell	Schmit	Venditte

The Keyes motion lost with 21 ayes, 22 nays, 1 present and not voting, and 5 excused and not voting.

MOTION - Return LB 585 to Select File

Mr. Wesely moved to return LB 585 to Select File for the specific amendment found in the Journal on page 2057.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Wesely motion lost with 17 ayes, 22 nays, 5 present and not voting, and 5 excused and not voting.

MOTION - Return LB 585 to Select File

Mr. DeCamp moved to return LB 585 to Select File for the following specific amendment:

Strike the DeCamp amendment printed on page 1947 of the Journal.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

The DeCamp motion prevailed with 27 ayes, 8 nays, 9 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 585. The DeCamp specific amendment found in this day's Journal was adopted with 28 ayes, 12 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment with 27 ayes, 11 nays, 6 present and not voting, and 5 excused and not voting.

MOTION - Final Reading

Mr. Warner moved the balance of the "A" bills now on the agenda be read this afternoon.

The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 131.

Introduced by the Education Committee: Koch, 12th District, Chairman; Beutler, 28th District; Kahle, 37th District; Vickers, 38th District; Lamb, 43rd District; Kremer, 34th District; George, 16th District.

WHEREAS, the Department of Education is involved in the lives of nearly every Nebraska citizen; and

WHEREAS, the Department of Education is one of the largest departments of state government employing seven hundred people and using an operational and administrative budget of over fourteen million dollars; and

WHEREAS, the Legislature has a duty to the people of the State of Nebraska to watch over the growth and spending of the departments of state government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee conduct an interim study regarding the funding, services, personnel, programs, organization, and structure of the Department of Education.

2. That the committee make a report of its findings and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

ANNOUNCEMENT

Mr. Brennan announced the Executive Board will meet at 1:15 p.m. today.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 224. Replaced on Select File as amended.
E & R amendments to LB 224:

1. In lines 1 and 2 of new section 2 added by the Newell amendment adopted 4/25, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1978".

2. Strike E & R 5 and 6 adopted 5/10.

3. In committee amendments, page 3, line 15, insert ", 53-133," after "53-125".

4. In line 2 of E & R 1 adopted 4/25, insert ", 53-133," after "53-125".

(Signed) Don Wesely, Chairman

VISITORS

Visitors to the Chamber were 27 sixth grade students and teacher from Weeping Water; 26 fourth grade students and teacher from Raymond

Central; Senator William L. Grams from Sturgis, South Dakota; Dr. Robert Wood from Lincoln; 17 kindergarten through sixth grade students and teacher from District #88, Fremont; Marty Lyons from Chicago, Illinois; 50 fifth grade students and teacher from Ralston; and 16 third, fourth, and fifth grade students and sponsor from Valley.

RECESS

At 12:31 p.m., on a motion by Mr. Brennan, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:09 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Venditte who was excused until he arrives.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 585, 591, and 594.

(Signed) Don Wesely, Chairman

MESSAGE FROM THE GOVERNOR

May 14, 1979

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Nebraska Natural Resources Commission requiring legislative confirmation:

Reappointment:

Robert W. Bell, 1723 Harney Street, Omaha 68102 - to serve at the pleasure of the Governor

Appointments:

Richard Hahn, 2611 Apache Road, Grand Island 68801 - succeeds Louis Knoflicek to serve at the pleasure of the Governor

Don Thompson, 410 No. Cherokee, McCook 69001 - succeeds Dempsey McNeil to serve at the pleasure of the Governor

I respectfully submit these appointments for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Committee on Committees
Natural Resources Commission

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 596 to Select File

Mr. Keyes moved to return LB 596 to Select File for the specific amendment found in Journal on page 1969.

Mr. Keyes withdrew the motion.

MOTION - Return LB 596 to Select File

Mr. Newell moved to return LB 596 to Select File for the specific amendment found in the Journal on page 1979.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Newell motion lost with 16 ayes, 21 nays, 10 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 596. With Emergency.

A BILL FOR AN ACT to provide legislative intent for appropriations; to provide an operative date; to provide for repeal; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Beutler	Dworak	Kahle	Maresh	Schmit
Brennan	Fitzgerald	Kelly	Marsh	Sieck
Burrows	Fowler	Kennedy	Marvel	Simon
Carsten	George	Keyes	Merz	Stoney
Chambers	Goodrich	Koch	Murphy	Vickers
Clark	Haberman	Kremer	Newell	Wagner
Cope	Hasebroock	Labedz	Nichol	Warner
Cullan	Hefner	Lamb	Pirsch	Wesely
DeCamp	Hoagland	Landis	Reutzel	
Duis	Johnson	Lewis	Rumery	

Voting in the negative, 0.

Excused and not voting, 1:

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 14. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Dry Bean Resources Act; to make an appropriation; to provide penalties; to provide when the act shall become operative; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Beutler	Goodrich	Kremer	Merz	Simon
Brennan	Haberman	Labedz	Newell	Stoney
Cope	Hasebroock	Lamb	Nichol	Wagner
DeCamp	Hefner	Landis	Pirsch	Warner
Duis	Kahle	Lewis	Reutzel	
Fitzgerald	Kelly	Maresh	Rumery	
Fowler	Keyes	Marsh	Schmit	
George	Koch	Marvel	Sieck	

Voting in the negative, 10:

Burrows	Clark	Dworak	Johnson	Vickers
Chambers	Cullan	Hoagland	Kennedy	Wesely

Present and not voting, 2:

Carsten Murphy

Excused and not voting, 1:

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 14A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 14, Eighty-sixth Legislature, First Session, 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, 35:

Beutler	George	Keyes	Maresh	Rumery
Brennan	Goodrich	Koch	Marsh	Schmit
Cope	Haberman	Kremer	Marvel	Sieck
DeCamp	Hasebroock	Labedz	Newell	Simon
Duis	Hefner	Lamb	Nichol	Stoney
Fitzgerald	Kahle	Landis	Pirsch	Wagner
Fowler	Kelly	Lewis	Reutzel	Warner

Voting in the negative, 11:

Burrows	Cullan	Johnson	Vickers
Chambers	Dworak	Kennedy	Wesely
Clark	Hoagland	Merz	

Present and not voting, 2:

Carsten Murphy

Excused and not voting, 1:

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 17.

A BILL FOR AN ACT to adopt the Tax Expenditure Reporting Act of 1979; to amend section 77-202.03, 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, 30:

Beutler	Cullan	Johnson	Maresh	Rumery
Brennan	DeCamp	Kahle	Marsh	Sieck
Burrows	Fitzgerald	Keyes	Newell	Simon
Carsten	Fowler	Koch	Nichol	Vickers
Chambers	Hasebroock	Landis	Pirsch	Warner
Cope	Hoagland	Lewis	Reutzel	Wesely

Voting in the negative, 16:

Clark	Goodrich	Kennedy	Marvel
Duis	Haberman	Kremer	Murphy
Dworak	Hefner	Labedz	Schmit
George	Kelly	Lamb	Stoney

Present and not voting, 2:

Merz Wagner

Excused and not voting, 1:

Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 17A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 17, Eighty-sixth Legislature, First 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:

Beutler	Cullan	Johnson	Maresh	Rumery
Brennan	DeCamp	Kelly	Marsh	Sieck
Burrows	Fitzgerald	Keyes	Newell	Simon
Carsten	Fowler	Koch	Nichol	Vickers
Chambers	Hasebroock	Landis	Pirsch	Warner
Cope	Hoagland	Lewis	Reutzel	Wesely

Voting in the negative, 15:

Clark	Goodrich	Kahle	Labedz	Murphy
Dworak	Haberman	Kennedy	Lamb	Schmit
George	Hefner	Kremer	Marvel	Stoney

Present and not voting, 3:

Duis Merz Wagner

Excused and not voting, 1:

Venditte

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 54. With Emergency.

A BILL FOR AN ACT to amend sections 49-14,105, 49-14,106, 49-14,109 to 49-14,112, Revised Statutes Supplement, 1978, relating to the Nebraska Accountability and Disclosure Commission; to change membership; to harmonize provisions; to change vacancy provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Beutler	Dworak	Kahle	Maresh	Sieck
Brennan	Fitzgerald	Kelly	Marsh	Simon
Burrows	Fowler	Kennedy	Marvel	Stoney
Carsten	George	Keyes	Merz	Vickers
Chambers	Goodrich	Koch	Newell	Wagner
Clark	Haberman	Kremer	Nichol	Warner
Cope	Hasebroock	Labedz	Pirsch	Wesely
Cullan	Hefner	Lamb	Reutzel	
DeCamp	Hoagland	Landis	Rumery	
Duis	Johnson	Lewis	Schmit	

Voting in the negative, 0.

Present and not voting, 1:

Murphy

Excused and not voting, 1:

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 54A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 54, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Beutler	Dworak	Kahle	Maresh	Schmit
Brennan	Fitzgerald	Kelly	Marsh	Sieck
Burrows	Fowler	Kennedy	Marvel	Simon
Carsten	George	Keyes	Merz	Stoney
Chambers	Goodrich	Koch	Murphy	Vickers
Clark	Haberman	Kremer	Newell	Wagner
Cope	Hasebroock	Labedz	Nichol	Warner
Cullan	Hefner	Lamb	Pirsch	Wesely
DeCamp	Hoagland	Landis	Reutzel	
Duis	Johnson	Lewis	Rumery	

Voting in the negative, 0.

Excused and not voting, 1:

Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 101.

A BILL FOR AN ACT to create the Commission for the Hearing Impaired; to provide membership; to provide powers and duties; and to create a fund.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Brennan	Fowler	Koch	Merz	Sieck
Burrows	George	Kremer	Murphy	Simon
Carsten	Goodrich	Labedz	Newell	Wagner
Chambers	Hasebroock	Landis	Nichol	Warner
Cope	Johnson	Lewis	Pirsch	
DeCamp	Kahle	Maresh	Reutzel	
Duis	Kelly	Marsh	Rumery	
Fitzgerald	Keyes	Marvel	Schmit	

Voting in the negative, 11:

Beutler	Dworak	Kennedy	Vickers
Clark	Haberman	Lamb	Wesely
Cullan	Hefner	Stoney	

Present and not voting, 1:

Hoagland

Excused and not voting, 1:

Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 101A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 101, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Brennan	Fowler	Keyes	Marvel	Sieck
Burrows	George	Koch	Merz	Simon
Carsten	Goodrich	Kremer	Newell	Wagner
Chambers	Hasebroock	Labedz	Nichol	Warner
Cope	Hefner	Landis	Pirsch	
DeCamp	Hoagland	Lewis	Reutzel	
Duis	Johnson	Maresh	Rumery	
Fitzgerald	Kelly	Marsh	Schmit	

Voting in the negative, 11:

Beutler	Dworak	Kennedy	Vickers
Clark	Haberman	Lamb	Wesely
Cullan	Kahle	Stoney	

Present and not voting, 1:

Murphy

Excused and not voting, 1:

Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 114.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1978, relating to workmen's compensation; to increase weekly benefits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Beutler	Fowler	Kahle	Lewis	Reutzel
Brennan	George	Kelly	Maresh	Rumery
Burrows	Goodrich	Keyes	Marsh	Sieck
Chambers	Haberman	Koch	Merz	Simon
DeCamp	Hoagland	Labedz	Newell	Warner
Fitzgerald	Johnson	Landis	Nichol	Wesely

Voting in the negative, 16:

Carsten	Dworak	Kremer	Pirsch
Clark	Hasebroock	Lamb	Stoney
Cope	Hefner	Marvel	Vickers
Cullan	Kennedy	Murphy	Wagner

Present and not voting, 2:

Duis Schmit

Excused and not voting, 1:

Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 114A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 114, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Beutler	George	Keyes	Merz	Simon
Brennan	Goodrich	Koch	Newell	Warner
Burrows	Haberman	Labedz	Nichol	Wesely
Chambers	Hoagland	Landis	Reutzel	
DeCamp	Johnson	Lewis	Rumery	
Fitzgerald	Kahle	Maresh	Schmit	
Fowler	Kelly	Marsh	Sieck	

Voting in the negative, 15:

Clark	Dworak	Kennedy	Marvel	Stoney
Cope	Hasebroock	Kremer	Murphy	Vickers
Cullan	Hefner	Lamb	Pirsch	Wagner

Present and not voting, 2:

Carsten Duis

Excused and not voting, 1:

Venditte

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 124. With Emergency.

A BILL FOR AN ACT to amend section 83-210.02, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Public Institutions; to allow contracting for additional services for blind and physically handicapped persons 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:

Beutler	Duis	Johnson	Lewis	Reutzel
Brennan	Dworak	Kelly	Maresh	Rumery
Burrows	Fitzgerald	Keyes	Marsh	Sieck
Carsten	Fowler	Koch	Marvel	Simon
Chambers	George	Kremer	Merz	Stoney
Cope	Goodrich	Labedz	Newell	Warner
DeCamp	Hoagland	Landis	Nichol	Wesely

Voting in the negative, 13:

Clark	Hasebroock	Kennedy	Pirsch	Wagner
Cullan	Hefner	Lamb	Schmit	
Haberman	Kahle	Murphy	Vickers	

Excused and not voting, 1:

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 124A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 124, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Beutler	DeCamp	Hoagland	Landis	Nichol
Brennan	Duis	Johnson	Lewis	Reutzel
Burrows	Dworak	Kelly	Maresh	Rumery
Carsten	Fitzgerald	Keyes	Marsh	Sieck
Chambers	Fowler	Koch	Marvel	Simon
Cope	George	Kremer	Merz	Stoney
Cullan	Goodrich	Labedz	Newell	Warner

Wesely

Voting in the negative, 11:

Clark	Hefner	Lamb	Vickers
Haberman	Kahle	Murphy	Wagner
Hasebroock	Kennedy	Pirsch	

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 138 to Select File

Mr. Carsten moved to return LB 138 to Select File for the following specific amendment:

On page 2, in line 10, strike "seventeen and one half" and insert "eighteen".

On page 2, in line 11, beginning with the semicolon strike all matter through "1981" in line 13.

On page 2, in line 13, strike "1982" and insert "1980".

On page 2, in line 14, strike "ten" and insert "sixteen".

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

The Carsten motion prevailed with 26 ayes, 11 nays, 11 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 138. The Carsten specific amendment found in this day's Journal was considered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Mr. Kahle requested a record vote on the Carsten specific amendment.

Voting in the affirmative, 25:

Beutler	Dworak	Hefner	Lewis	Sieck
Carsten	Fowler	Hoagland	Maresh	Simon
Cope	George	Kelly	Marsh	Vickers
DeCamp	Haberman	Labedz	Marvel	Wagner
Duis	Hasebroock	Landis	Rumery	Warner

Voting in the negative, 17:

Burrows	Fitzgerald	Kennedy	Nichol	Wesely
Chambers	Goodrich	Keyes	Pirsch	
Clark	Johnson	Kremer	Schmit	
Cullan	Kahle	Lamb	Stoney	

Present and not voting, 6:

Brennan	Merz	Newell
Koch	Murphy	Reutzel

Excused and not voting, 1:

Venditte

The Carsten specific amendment was adopted with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 138A to Select File

Mr. Carsten moved to return LB 138A to Select File for the following specific amendment:

On page 2, in lines 2 and 3, strike "seven hundred thirty thousand one hundred sixty-four" and insert "one hundred eighty-four thousand one hundred thirty-one".

On page 2, in line 8, strike "six" and insert "five".

On page 2, in lines 9 and 10, strike "five hundred twenty-seven thousand one hundred seventy-five" and insert "two hundred twenty-one thousand seven hundred forty".

The motion prevailed with with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 138A. The Carsten specific amendment found in this day's Journal was adopted with 28 ayes, 8 nays, 12 present and not voting, and 1 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 180.

A BILL FOR AN ACT relating to business; to provide controls for the selling of seller-assisted marketing plans; to prescribe duties; to define terms; to provide a penalty; 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:

Beutler	Dworak	Koch	Merz	Simon
Brennan	Fitzgerald	Kremer	Newell	Stoney
Burrows	Fowler	Landis	Nichol	Vickers
Carsten	George	Lewis	Pirsch	Warner
Chambers	Hoagland	Maresh	Reutzel	Wesely
Cope	Johnson	Marsh	Rumery	
DeCamp	Keyes	Marvel	Schmit	

Voting in the negative, 11:

Cullan	Hefner	Kennedy	Sieck
Haberman	Kahle	Labedz	Wagner
Hasebroock	Kelly	Lamb	

Present and not voting, 4:

Clark	Duis	Goodrich	Murphy

Excused and not voting, 1:

Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 180A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 180, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler	Fitzgerald	Koch	Merz	Simon
Brennan	Fowler	Kremer	Newell	Stoney
Burrows	George	Labedz	Nichol	Vickers
Carsten	Goodrich	Landis	Pirsch	Warner
Chambers	Hoagland	Lewis	Reutzel	Wesely
Cope	Johnson	Maresh	Rumery	
DeCamp	Kelly	Marsh	Schmit	
Dworak	Keyes	Marvel	Sieck	

Voting in the negative, 8:

Clark	Haberman	Hefner	Lamb
Cullan	Hasebroock	Kennedy	Wagner

Present and not voting, 3:

Duis	Kahle	Murphy

Excused and not voting, 1:

Venditte

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 80. Replaced on Select File as amended.
E & R amendments to LB 80:

1. On page 23, line 26, strike the new and reinstate the stricken matter.

2. On page 65, line 13, strike "a" and insert "~~a~~ an".

3. On page 67, line 15, strike "60-542.02" and insert "60-452.02".

LEGISLATIVE BILL 86. Replaced on Select File as amended.
E & R amendments to LB 86:
(Amendments are to the Murphy amendments.)

1. On page 2, line 24, strike "may".

2. On page 3, line 13, strike "said" and insert "the"; and in line 21 strike the second comma.

3. On page 4, line 25, insert an underscored comma after "records".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 387.

Correctly Engrossed

The following bills were correctly engrossed: 161, 391, and 571.

(Signed) Don Wesely, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 132.

Introduced by Newell, 13th District.

WHEREAS, the laws of this state currently prohibit the opening of records of adoptions decreed by the courts of this state, except for "good cause," and
WHEREAS, the laws of this state currently prohibit the Bureau of Vital Statistics, Department of Health, from releasing or allowing the inspection of original birth certificates of persons who have been adopted; and
WHEREAS, many adopted persons have a psychological need to learn their biological heritage; and
WHEREAS, other states have adopted legislation allowing adopted persons, upon reaching the age of majority, access to their original birth records; and
WHEREAS, some court decisions have recognized a right of adopted persons, upon reaching the age of majority, to have access to their original birth records; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee conduct an interim study on the advisability of legislation allowing adopted persons and/or their biological relatives access to their original birth records and/or the court records of their adoptions. Such study shall include consideration of the following:

a. What persons should be allowed access to such records;

b. To which records should access be allowed; and

c. Under what circumstances and by what procedures such access should be allowed.

2. That in conducting the study the Judiciary Committee seek the ideas, suggestions, and recommendations of the Bureau of Vital Statistics, Department of Health; the Department of Public Welfare; private adoption agencies; adopted persons; biological and adoptive parents of adopted persons; county judges; and any other persons known to the Committee to have an interest in the matter of opening adoption or birth records;

3. That the Committee make a report of its findings together with any recommendations for legislative action (including amendments, if any, to LB483 pending on General File) to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 133.

Introduced by Keyes, 3rd District.

WHEREAS, the legislature of the State of Nebraska has been directly involved in the administration of the city of Omaha by virtue of our involvement in authorizing a special tax levy for the city, and

WHEREAS, the special taxing authority extended to Omaha infringes on the tax base of the State of Nebraska, and

WHEREAS, the "Omaha Sales Tax Extension" has occurred twice, and

WHEREAS, information necessary for the legislature to make a responsible determination as to the need for the special levy was provided by the city of Omaha, and

WHEREAS, the legislature should have independently obtained information when making such decisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That a standing committee of the legislature conduct an interim study relative to Omaha finances,

That the Committee make a thorough analysis of Omaha's financial needs,

That the Committee study the use of public funds by the city of Omaha, and

That the Committee prepare a report for submission to the legislature with recommendations as to how the city of Omaha might possibly adjust its budget so that the special sales tax can be eliminated without unduly raising property taxes.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 134.

Introduced by Keyes, 3rd District.

WHEREAS, knowledge of the amount of public funds that the State of Nebraska is responsible for collecting and expending is complicated by "extra funds," general funds, etc., and

WHEREAS, the public is mislead as to the cost of government by reference in the popular press only to the State General Fund, and

WHEREAS, all funds collected by the state are in fact taxes whether called "taxes, or by other names such as "fees, etc." and

WHEREAS, public knowledge as to the exact amount of State imposed taxes would result in greater accountability over such funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee study possible methods of revamping our present system of depositing different taxes, fees, etc., into different funds,

2. That the committee study the feasibility of depositing all funds received by the State in the General Fund, providing exceptions only for funds required to be segregated by federal statute, and

3. That the Committee report its findings and suggestions to the Unicameral at its next regular session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 135.

Introduced by Keyes, 3rd District.

WHEREAS, one of the primary objectives of the Nebraska Legislature is to provide leadership and guidance to the citizens of the state so they can achieve the best possible local government; and,

WHEREAS, only informed and enlightened citizens are able to determine what would be the best possible local government; and,

WHEREAS, a merger of Douglas County and the City of Omaha could result in more efficient local government, provide more services, eliminate duplication, and guarantee better benefits for each tax dollar expended, all in the best interest of the citizens affected thereby; and,

WHEREAS, the ramifications and benefits of such a merger are not known or understood by the public; and,

WHEREAS, a study of City-County mergers has not been previously undertaken by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1) That the Executive Board of the Legislative Council appoint a special interim study committee to study the effects, ramifications and benefits of a merger of the City of Omaha and Douglas County, Nebraska.

2) That the committee determine and identify:

a) Specific problems of such a merger; and,

b) Which of those problems can be solved by legislation.

3) That the committee is also directed to study the current forms of local government in both the City of Omaha and Douglas County.

4) That the committee in its study shall seek the input of appropriate local agencies and the citizens of both the City and County through public hearings and solicited public testimony.

5) That the committee compile a report of its findings and report them at the next regular session of the Legislature.

6) That the committee recommend legislation appropriate to its findings at the next regular Legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 136.

Introduced by Keyes, 3rd District.

WHEREAS, public transportation is accepted as a viable alternative to our urban and rural needs;

WHEREAS, the effects of rising energy costs is causing many urban and rural citizens, governmental subdivisions, and community organizations to consider using and acquiring public transportation vehicles;

WHEREAS, in urban and rural areas, public transportation benefits many elderly Nebraskans who are without, or cannot afford, private transportation;

WHEREAS, the processes necessary to acquire urban or rural vehicles are complicated by many Federal and State regulations;

WHEREAS, the Federal Government, the State Department of Roads, the Department of Public Welfare, Counties, Area Agencies on Aging, and various Community Action Agencies are involved in the application, administration, and funding of urban and rural vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee be directed to conduct an interim study of all phases and agencies involved in the acquisition, funding and continuance of public transportation in urban and rural areas;

2. This study shall include the following:

(a) A review of the urban and rural transportation programs of surrounding states and their funding levels;

(b) A review of the amount of federal funds available for use in Nebraska; and

(c) A review of the policies of the various state and local agencies towards the acquisition of public transportation.

3. That the Committee recommend legislation, if necessary, to streamline the delivery, maintenance and improvement of Nebraska's rural transportation system to the next regular Legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 137.

Introduced by Wesely, 26th District.

WHEREAS, there are over 40,000 physically, mentally and/or multiple handicapped persons in the State of Nebraska; and

WHEREAS, there exists an imbalance between the needs of the physically, mentally and/or multiple handicapped and the services and financial assistance available to them; and

WHEREAS, some parents and/or guardians are unable to obtain sufficient in-home and community services and financial support to care for their physically, mentally and/or multiple handicapped children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee conduct an interim study of all aspects of services and financial support available to physically, mentally and/or multiple handicapped persons.

2. That such study shall include but not be limited to the following areas of study:

(a) A survey of all in-home, foster home, community, and institutional services and the financial assistance for each, made available to physically, mentally and/or multiple handicapped persons or the parents and/or guardians of such persons; and

(b) Development of legislation to ensure that proper and adequate services and financial support be made available to all physically, mentally and/or multiple handicapped persons or their parents and/or guardians whether the person resides in an institutional, community-based, foster home, or in-home setting.

3. That the Committee shall 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 138.

Introduced by Schmit, 23rd District; Brennan, 9th District; DeCamp, 40th District; Fitzgerald, 14th District; Lewis, 45th District.

WHEREAS, the concept of multibank holding companies and branch banking have often been considered by the Nebraska Legislature; and

WHEREAS, the concepts of multibank holding companies and branch banking by commercial banking institutions are currently limited by law in Nebraska; and

WHEREAS, savings and loan associations, credit unions, and other financial groups with fewer restrictions on branch facilities seem to have an unusual advantage in their competition with commercial banks; and

WHEREAS, LB 69 and LB 491 are currently on general file and are scheduled for further consideration in the next regular session of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Legislature's Banking, Commerce and Insurance Committee conduct an interim study of the banking structure in Nebraska.

2. That the Committee's study shall include, but not be limited to, examining concepts relating to multibank holding companies and branch banking.

3. That the Committee report its findings and recommendations, if any, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139.

Introduced by Koch, 12th District.

WHEREAS, determinations relating to the issue of state aid to education may have a far reaching effect on the quality of education available to Nebraskans; and

WHEREAS, current trends in our economy suggest that the function of local school districts may require additional funding to assure a high level of teaching performance; and

WHEREAS, any legislative action effecting state aid to education and the revenues available to school districts should be taken in the light of the best current available information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Education Committee conduct an interim study of methods to extend financial aid to education in Nebraska.

2. That such study shall include, but not be limited to, the following:

a. methods used previously in Nebraska to extend state aid to education;

b. inequities existing in the current aid scheme;

c. availability of information about income data from local school districts; and

d. the effect of considering non-resident tuition as an accountable receipt on the state aid formula.

3. That the Committee report its findings, together with its recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 140.

Introduced by Johnson, 8th District.

WHEREAS, Nebraska law for the past century has required each county to provide for all poor persons within the county; and

WHEREAS, Nebraska law for the past century has also required each county to provide for the medical needs of the sick poor within the county; and

WHEREAS, Nebraska during the past forty years has established several welfare programs to meet some of the needs of the poor and the sick poor, such programs being commonly known as Aid to Families with Dependent Children, Aid to the Aged, Blind, and Disabled, and Medical Assistance; and

WHEREAS, notwithstanding such Nebraska welfare programs and their benefits, county poor relief continues to be used to meet needs of the poor and the sick poor; and

WHEREAS, most Nebraska counties have not established rules to guide the public and the counties themselves for determining who is poor or sick poor and for determining the amount or kind of relief to be provided to the poor and the sick poor; and

WHEREAS, the lack of rules may permit unfair treatment of the poor and the sick poor within a county and may allow differential treatment among the diverse counties in Nebraska of the poor and the sick poor.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Public Health and Welfare Committee conduct an interim study of county poor relief in this state. Such study shall include the following elements:

(a) Relationship of county poor relief to state welfare programs;

(b) Determination of the amounts and kinds of poor relief presently provided by the counties to the poor and the sick poor;

(c) County methods for administering county poor relief;

(d) Presence and absence of rules and the differences therein among the counties for determining eligibility for poor relief and amounts and kind of poor relief;

(e) Determination whether county poor relief is administered unfairly within and among counties for want of adequate rules;

(f) Determination whether the state should establish specific statutory criteria for the administration and granting of county poor relief, and if so, recommendation of such criteria; and

(g) Determination whether the state should condition state relief to counties for Medicaid reimbursement on county development of rules for the administration and granting of poor relief.

2. That the Public Health and Welfare Committee shall hold public hearings throughout this state to gather public comment on the issues under study.

3. That the Public Health and Welfare Committee shall make a report of its findings together with any recommendations for legislative action to the next session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 141.

Introduced by Marsh, 29th District; Landis, 46th District; DeCamp, 40th District; Fowler, 27th District; Wesely, 26th District; Merz, 1st District; Simon, 31st District.

WHEREAS, the Legislature is concerned with the health and welfare of the people of Nebraska; and

WHEREAS, the subject of marijuana needs to be viewed in an objective and unemotional manner; and

WHEREAS, scientific research and federal studies have demonstrated the therapeutic qualities of marijuana for treatment with cancer chemotherapy patients and those afflicted with glaucoma; and

WHEREAS, the problem of alcohol and drug intoxication while driving presents multiple road hazards; and

WHEREAS, marijuana intoxication has been shown to have adverse affects on driving; and

WHEREAS, there have been developed testing procedures to detect the presence of the active ingredient in marijuana (T.H.C.) in the blood, but there lies a difference between the presence of a drug and intoxication by that drug; and

WHEREAS, this test might prove feasible in detecting marijuana intoxication in drivers, and result in prosecution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, OF NEBRASKA, FIRST SESSION:

1. That the Legislature conduct an interim study on the medical value of marijuana as a therapeutic agent, and include in such study the feasibility of a road side test to detect marijuana intoxication.

2. That such study consider all available data, including recent legislation in other states.

3. That the committee report to the Legislature the result of such study, including proposed legislation, if appropriate, in the area of marijuana as a therapeutic drug, and in the area of marijuana and drug intoxication while driving.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 142.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Vickers, 38th District; Wesely, 26th District; Kennedy,

21st District; Beutler, 28th District; Clark, 47th District; Cullan, 49th District; Goodrich, 20th District.

WHEREAS, water is a vital resource and issues concerning its use will continue to confront the Nebraska Legislature, and

WHEREAS, the Natural Resources Commission, with the assistance of other state agencies and the Institute of Agriculture and Natural Resources, has developed and will be implementing a redirected and accelerated state water planning and review process as described in the November 15, 1978, report to the Governor and the Legislature, and

WHEREAS, the process includes analysis of water policy issues which the Legislature must address, and

WHEREAS, the ability of the process to produce information which will be useful to the Legislature depends in part on continuing communication between the Legislature and the agencies involved, and

WHEREAS, disputes between irrigators and domestic well owners have received recent attention in the courts and in the Legislature, and methods for resolving these disputes should be considered,

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Public Works Committee conduct a continued study of Nebraska's laws relating to water resources.

2. That the Committee hold such hearings as may be necessary and appropriate to assist in the state water planning and review process and to gather information concerning water policy issues.

3. That the Committee investigate methods for resolving disputes between domestic well owners and irrigators, with emphasis on the conditions under which an irrigator should be held liable for interferring with the use of a domestic well.

4. That the Committee report its findings, along with any proposed legislation, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Wesely, 26th District; Beutler, 28th District; Vickers, 38th District; Kennedy, 21st District; Clark, 47th District; Cullan, 49th District; Goodrich, 20th District.

WHEREAS, the printing of motor vehicle license plates is an expensive process, and

WHEREAS, Nebraska presently issues two plates for certain types of vehicles when one plate may be sufficient, and
WHEREAS, Nebraska has extended the life of the present plates by one year for two years in a row, and
WHEREAS, consideration should be given to the design of the plates which will replace the Bicentennial plates,
NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:
1. That the Public Works Committee conduct an interim study on motor vehicle license plates, which should include consideration of:
a. the number of plates issued per vehicle,
b. the period of time for which plates should be valid,
c. the quality of the materials used in the plates,
d. the design of the plates and the information printed on them, and
e. any other matters which the Committee feels need to be addressed.
2. That the Committee report its findings along with any proposed legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 144.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Wesely, 26th District; Beutler, 28th District; Clark, 47th District; Kennedy, 21st District; Vickers, 38th District; Cullan, 49th District; Goodrich, 20th District.

WHEREAS, the Public Works Committee has heard and held for further study LBs 243, 266, 458, 461, and 502 relating to public power, and
WHEREAS, the "Preliminary Evaluation of Public Power Pursuant to Legislative Resolution No. 34" prepared by John Dunn identified a number of problem areas in the public power industry, including fragmentation, lack of control, territorial conflicts, inadequate planning, and wholesale rates, and
WHEREAS, some of these subject areas deserve further consideration by the Legislature,
NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:
1. That the Public Works Committee work with the Nebraska Electric Utility Council to study aspects of the public power industry, including:
a. Methods for the industry to finance new lines and facilities such as joint financing mechanisms and not-for-profit corporations,

b. Prohibitions on retail sales by a supplier which also sells at wholesale,

c. Prohibitions on the use of revenues for certain types of advertising.

d. Criteria for the Power Review Board to consider when acting on applications for generation and transmission facilities,

e. Consolidation of the industry in order to create geographic areas to be served by just one entity, considering the economic impact on the industry,

f. Representation of the consumer on the boards of directors,

g. Methods for financing the Power Review Board,

h. Mechanisms to accomplish joint power supply planning by the industry.

2. That the Committee study such other aspects of the public power industry as it deems need to be addressed.

3. That the Committee report its findings, along with any proposed legislation, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145.

Introduced by DeCamp, 40th District.

WHEREAS, the integrity of the entire property tax system in Nebraska is predicated upon a fair and efficient equalization system in which property of the same class is valued and equalized in a like manner; and

WHEREAS, many different issues, including, but not limited to, state aid to schools and reimbursements to local governments from the Personal Property Tax Relief Fund, depend upon a fair, efficient, and legal equalization system; and

WHEREAS, it is clear that the equalization system is not functioning in a fair, efficient, and legal manner; and

WHEREAS, the Legislature's mandate in LB 131 in 1977 that counties complete revaluations on or before January 1, 1978, and each year thereafter, has not been followed; and

WHEREAS, the Nebraska Constitution's requirement that property of the same class be valued uniformly and proportionately has not been followed; and

WHEREAS, the requirement of section 77-201, Reissue Revised Statutes of Nebraska, 1943, that all tangible and real property be valued at actual value has not been followed; and

WHEREAS, despite these clear mandates in the law, public officials in both executive and judicial capacities have in the past ignored or avoided following and enforcing these requirements.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted to determine what additional measures are necessary to provide a fair, efficient, and legal system of equalization for the citizens and taxpayers of Nebraska.

2. That the study shall include, but not be limited to, the following specific issues:

a. Why public officials have not complied with the requirements of the present law pertaining to equalization;

b. What additional requirements in the law and sanctions against public officials may be necessary to insure compliance with the law and to achieve equalization;

c. Why the clear intent of the Legislature has not been followed in regards to the utilization of the sales assessment ratio data as a tool to aid in equalization;

d. Whether there is adequate opportunity for judicial review of orders of the State Board of Equalization and Assessment and why the procedures followed by the Nebraska Supreme Court do not give priority on the civil docket, as required by section 77-510, Reissue Revised Statutes of Nebraska, 1943, to appeals from the State Board's orders.

3. That the Executive Board shall provide whatever funds, legal staff, and legislative authority that is reasonably necessary to assist in the objectives of this study.

4. That consideration shall be given to the initiation of whatever action at law or appeals of decisions may be necessary and desirable in order to test the adequacy of the present law and to effectuate the purpose of this study.

5. That the committee shall submit a report of its findings and a summary of its activities to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 146.

Introduced by Landis, 46th District; Brennan, 9th District; Fitzgerald, 14th District; Simon, 31st District; DeCamp, 40th District.

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 labor disputes between public employers and public employees; and

WHEREAS, a system for resolving unfair labor practices is essential to the overall effectiveness of public sector labor relations law; and

WHEREAS, the Nebraska Supreme Court has recently held that the State of Nebraska and its political subdivisions do not have a mechanism for the resolution and remedying of unfair labor practices committed by public employers and public employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee conduct an interim study of the laws governing public sector unfair labor practices in Nebraska as compared with other states.

2. That the committee consider alternative approaches for strengthening the Nebraska system for resolving unfair labor practices.

3. That the committee submit a report of its activities together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147.

Introduced by Rumery, 42nd District; Marsh, 29th District; Fowler, 27th District; Dworak, 22nd District; Labedz, 5th District; Warner, 25th District; Hoagland, 6th District; Hasebroock, 18th District; Cope, 36th District.

WHEREAS, computer services for the State of Nebraska are provided by various state agencies, to include the Department of Administrative Services' Central Data Processing Division, the University of Nebraska Computer Network, and other agencies; and

WHEREAS, there should be cooperation and compatability between the computer networks of the State of Nebraska and political subdivisions; and

WHEREAS, the Legislature requires an understanding of computer technology including expenses, uses, programming packages, and equipment; and

WHEREAS, the Appropriations Committee is required to make numerous decisions involving both current and future computer funding, purchases and usage; and

WHEREAS, there should be maximum utilization of funds for computer equipment with minimum costs and duplication.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study shall be conducted by the Appropriations Committee regarding computer usage by state agencies and political subdivisions.

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 148.

Introduced by Simon, 31st District.

WHEREAS, states are continually seeking new ways to generate additional sources of revenue; and

WHEREAS, a number of states currently have lotteries and additional states are in the process of setting up lotteries; and

WHEREAS, the lottery revenues of many states have risen substantially in recent years; and

WHEREAS, lotteries could provide painless and meaningful assistance in meeting the state's total budgetary requirements; and

WHEREAS, because of instant games and other innovations many states are optimistic about the popularity of lotteries as important fund raisers; and

WHEREAS, as the pressures for revenue increase new sources of revenue may need to be tapped.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature conduct an interim study to analyze and explore the feasibility of operating a State Lottery.

2. That such commttee study legal, social, and other issues relative to conducting such a lottery.

3. That at the conclusion of such study, the Revenue Committee shall report its findings and conclusions as well as any recommendations for legislation to the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

(FINAL READING COPY)

1. Insert a new section as follows:

"Sec. 46. Agency No. 60 - Agricultural Products Industrial Utilization Committee

(1) Program No. 593 - Alcohol Plant Grants	
GENERAL FUND	1,000,000
PROGRAM TOTAL	1,000,000
(2) Program No. 516 - Membership	
GENERAL FUND	10,000
PROGRAM TOTAL	10,000
For Informational Purposes Only: Total Appropriations to Agency No. 60 and Fund Source	
GENERAL FUND	1,010,000
AGENCY TOTAL	1,010,000".

2. On page 2, line 9 strike "45" and insert "46".

3. Renumber sections accordingly.

ANNOUNCEMENT

Mr. Simon announced that Mr. and Mrs. Dave Newell are the parents of a new baby girl.

SELECT FILE

LEGISLATIVE BILL 398A. Mr. Nichol renewed his pending motion found in the Journal on page 2078 to indefintely postpone LB 398A.

The motion prevailed with 27 ayes, 3 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 152. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 224. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 80. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 86. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 345. Mrs. Labedz requested a machine vote to advance LB 345.

Mr. Newell moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Newell requested a roll call vote to advance LB 345.

Voting in the affirmative, 25:

Beutler	DeCamp	Hoagland	Lewis	Reutzel
Brennan	Dworak	Johnson	Marsh	Sieck
Burrows	Fitzgerald	Kahle	Marvel	Simon
Chambers	Fowler	Kremer	Merz	Vickers
Cullan	Haberman	Landis	Newell	Wesely

Voting in the negative, 20:

Carsten	George	Kennedy	Maresh	Rumery
Clark	Hasebroock	Koch	Murphy	Stoney
Cope	Hefner	Labedz	Nichol	Wagner
Duis	Kelly	Lamb	Pirsch	Warner

Present and not voting, 3:

Goodrich Keyes Schmit

Excused and not voting, 1:

Venditte

Advanced to E & R Engrossment with 25 ayes, 20 nays, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 321. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 120. Mr. Stoney offered the following amendment:

In the Committee amendments in Sec. 27, Page 8, Line 17, Strike the word "excluding".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?'" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Stoney moved for a Call of the House. The motion prevailed with 11 ayes, 4 nays, and 34 not voting.

Mr. Stoney requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beutler	Haberman	Keyes	Maresh	Pirsch
Cullan	Hoagland	Koch	Murphy	Reutzel
Fowler	Johnson	Kremer	Newell	Stoney
George	Kelly	Lamb	Nichol	

Voting in the negative, 28:

Brennan	DeCamp	Hefner	Marsh	Vickers
Burrows	Duis	Kahle	Marvel	Wagner
Carsten	Dworak	Kennedy	Merz	Warner
Chambers	Fitzgerald	Labedz	Rumery	Wesely
Clark	Goodrich	Landis	Sieck	
Cope	Hasebroock	Lewis	Simon	

Excused and not voting, 2:

Schmit Venditte

The Stoney amendment lost with 19 ayes, 28 nays, and 2 excused and not voting.

Mr. Dworak offered the following amendment:
Strike in the DeCamp amendment, on pg 8, line 18 the words "returnable glass containers."; strike all references to aluminum containers

The amendment lost with 18 ayes, 24 nays, 5 present and not voting, 2 excused and not voting.

Mr. Cullan requested a machine vote to advance LB 120.

Advanced to E & R for Engrossment with 26 ayes, 19 nays, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 120A. Mr. DeCamp offered the following amendment:

On page 2, in lines 1 and 2, strike "one hundred thirty-three thousand seven hundred fifty" and insert "one hundred thousand".

On page 2, in lines 8 and 9, strike "one hundred fifty-five thousand" and insert "forty-five thousand".

The amendment was adopted with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 20 nays, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 158. E & R amendments found in the Journal on page 1921 for the Eighteenth Day were adopted.

Mr. Murphy moved to indefinitely postpone.

Mr. Koch moved to suspend the rules, Rule 7, Sec. 3, to consider the indefinitely postpone motion today.

The motion prevailed with 35 ayes, 2 nays, and 12 not voting.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

The Murphy motion to indefinitely postpone lost with 21 ayes, 26 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Beutler offered the following amendment:

1. On page 27, line 15 after "indebtedness" insert ", except that no such bonds, notes, loans, or advances shall be issued or made until the question of issuing or making the same shall have been submitted to the electors in the area subject to the authority at a general election therein, or at a special election called for such purposes, and a majority of electors voting at such election shall have voted in favor of issuing the bonds. Notice of such election shall be given by publication once each week for three successive weeks prior thereto in a legal newspaper published in or of general circulation in such area".

Amendment pending.

Mr. Koch moved to adjourn until 9:00 a.m.
The motion prevailed.

ADJOURNMENT

At 5:15 p.m., on a motion by Mr. Koch, the Legislature adjourned until 9:00 a.m., Tuesday, May 15, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 15, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

Father in Heaven, our minds and our souls are turned to the question of energy. You have blessed this world with minerals and other sources which we, sad to say, sometimes have squandered.

Help us to find a way to preserve our resources, find new sources and to use them wisely.

Bless this Assembly today and inspire our leaders to provide leadership and courage in our search for solutions.

We ask this through Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Johnson, Lewis, Newell, Schmit, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 348.

Correctly Engrossed

The following bills were correctly engrossed: 107 and 149.

Correctly Enrolled

The following bill was correctly enrolled: 141.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 141.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 369. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

EXPLANATION OF VOTE

Had I been present I would have voted yes on LB 573, LB 540, LB 534, LB 514, LB 341, and LB 282.

(Signed) Rex Haberman

MESSAGE FROM THE GOVERNOR

May 14, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 365.

This bill was signed by me on May 14, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

RESOLUTIONS

LEGISLATIVE RESOLUTION 149.

Introduced by Government, Military and Veterans Affairs Committee: Keyes, 3rd District, Chairman; Wagner, 41st District; Kelly, 35th District; Merz, 1st District.

WHEREAS, the health, safety, and welfare of Nebraskans is a vital concern to the Legislature in times of natural disaster, and

WHEREAS, the State has experienced many natural disasters, and

WHEREAS, natural disaster preparedness is often responsible for reducing the loss of life and injury to the public, and

WHEREAS, the Nebraska Civil Defense Agency is the responsible state agency for natural disaster planning, and

WHEREAS, Nebraskas natural disaster plan was adopted in 1978. NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veteran's Affairs Committee be directed to conduct an interim study to determine the publics response to the 1978 natural disaster plan.

2. The Committee shall hold public hearings and correspond with the various state agencies which participated in the plan.

3. That the Committee shall compile all comments and report them to the next regular session of the Legislature. Copies of this report shall be sent to the Nebraska Civil Defense Agency.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 150.

Introduced by Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Koch, 12th District; Carsten, 2nd District; Stoney, 4th District; Pirsch, 10th District; George, 16th District; Hefner, 19th District.

WHEREAS, a comprehensive act pertaining to game and fish, known as the "Game Law", was passed by the Legislature a half-century ago; and

WHEREAS, portions of the Game Law may be obsolete or inconsistent with modern wildlife management practices; and

WHEREAS, numerous amendments which have been made to the Game Law over the years have made it cumbersome and difficult to construe; and

WHEREAS, there is a need for an overall review of the statutes pertaining to game and fish.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Legislature's Constitutional Revision and Recreation Committee conduct an interim study to review the provisions of Chapter 37, articles 1 to 9, of the Nebraska Revised Statutes.

2. That the committee develop recommendations for updating these statutes and placing the language in concise and understandable form.

3. That the committee make a report of its findings and recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION - Return LB 260 to Select File

Mr. Murphy moved to return LB 260 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Murphy motion lost with 10 ayes, 26 nays, 9 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 260.

A BILL FOR AN ACT relating to alcohol; to increase the taxes on alcoholic liquors; to provide when no local matching shall be required

for alcoholism programs; to amend sections 53-160 and 71-5027, Revised Statutes Supplement, 1978; 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:

Brennan	Duis	Kahle	Marvel	Sieck
Burrows	Dworak	Kelly	Merz	Simon
Carsten	Fitzgerald	Kennedy	Newell	Stoney
Chambers	Fowler	Keyes	Nichol	Venditte
Clark	George	Kremer	Pirsch	Vickers
Cope	Hasebroock	Labedz	Reutzel	Wagner
Cullan	Hoagland	Landis	Rumery	Warner
DeCamp	Johnson	Marsh	Schmit	Wesely

Voting in the negative, 7:

Beutler	Haberman	Lamb	Murphy
Goodrich	Hefner	Maresh	

Present and not voting, 1:

Koch

Excused and not voting, 1:

Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 260A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 260, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Brennan	Duis	Kahle	Marsh	Rumery
Burrows	Fitzgerald	Kelly	Marvel	Sieck
Carsten	Fowler	Kennedy	Merz	Simon
Chambers	George	Koch	Newell	Stoney
Cope	Hasebroock	Labedz	Nichol	Wagner
Cullan	Hoagland	Landis	Pirsch	Wesely
DeCamp	Johnson	Lewis	Reutzel	

Voting in the negative, 14:

Beutler	Haberman	Kremer	Murphy	Vickers
Clark	Hefner	Lamb	Schmit	Warner
Dworak	Keyes	Maresh	Venditte	

Present and not voting, 1:

Goodrich

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 251 and 321.

Correctly Engrossed

The following bills were correctly engrossed: 216A and 345.

Correctly Enrolled

The following bills were correctly enrolled: 14, 14A, 17, 17A, 54, 54A, 101, 101A, 114, 114A, 124, 124A, 180, 180A, and 596.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 14, 14A, 17, 17A, 54, 54A, 101, 101A, 114, 114A, 124, 124A, 180, 180A, and 596.

RESOLUTIONS

LEGISLATIVE RESOLUTION 151.

Introduced by DeCamp, 40th District.

WHEREAS, the United States Congress has passed Public Law 95-538 revising the Federal bankruptcy laws; and

WHEREAS, knowledge and analysis of such laws is necessary to determine the impact of such revision on Nebraska statutes; and

WHEREAS, the impact of the revision is also important to all aspects of business within the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce, and Insurance Committee conduct an interim study of the revision of Federal bankruptcy laws to determine the effect of such revision on the state.

2. That the committee report its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 152.

Introduced by DeCamp, 40th District.

WHEREAS, control of gambling in the state is a controversial issue; and

WHEREAS, in attempting to reduce such controversy to a minimum, knowledge is needed regarding existing gambling laws and enforcement procedures within the state; and

WHEREAS, such knowledge is necessary in order to provide new legislation that is workable; and

WHEREAS, previous new legislation has been adopted without the benefit of such knowledge.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee conduct an interim study of the gambling laws and enforcement procedures of the state.

2. That the committee report its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 153.

Introduced by DeCamp, 40th District.

WHEREAS, industrial loan and investment companies provide certain important financial services to the state; and

WHEREAS, the operation of such companies is controlled by statute; and

WHEREAS, additional knowledge of such companies is needed in order to keep regulatory statutes current.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce, and Insurance Committee conduct an interim study of the industrial loan and investment industry within the state.

2. That the committee report its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 302.

A BILL FOR AN ACT to amend section 77-27,119, Reissue Revised Statutes of Nebraska, 1943, relating to income tax; to mandate completion of certain information on the tax return; to require that certain information be compiled; and to repeal the 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:

Beutler	Cullan	Goodrich	Kennedy	Lewis
Brennan	DeCamp	Haberman	Keyes	Maresh
Burrows	Duis	Hasebroock	Koch	Marsh
Carsten	Dworak	Hefner	Kremer	Marvel
Chambers	Fitzgerald	Hoagland	Labedz	Merz
Clark	Fowler	Kahle	Lamb	Murphy
Cope	George	Kelly	Landis	Newell

Nichol	Rumery	Simon	Vickers	Wesely
Pirsch	Schmit	Stoney	Wagner	
Reutzel	Sieck	Venditte	Warner	

Voting in the negative, 1.

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 302A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 302, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Beutler	Dworak	Kelly	Marsh	Simon
Brennan	Fitzgerald	Kennedy	Marvel	Stoney
Burrows	Fowler	Keyes	Merz	Venditte
Carsten	George	Koch	Murphy	Vickers
Chambers	Goodrich	Kremer	Newell	Wagner
Clark	Haberman	Labedz	Nichol	Warner
Cope	Hasebroock	Lamb	Pirsch	Wesely
Cullan	Hefner	Landis	Reutzel	
DeCamp	Hoagland	Lewis	Rumery	
Duis	Kahle	Maresh	Sieck	

Voting in the negative, 1:

Johnson

Present and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 344.

A BILL FOR AN ACT to adopt the Nebraska Clean Indoor Air Act; to provide for severability; to provide an operative date; and to repeal sections 28-1327 and 28-1328, Revised Statutes Supplement, 1978.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Beutler	Fowler	Kremer	Murphy	Sieck
Carsten	Hasebroock	Lamb	Newell	Simon
Chambers	Hoagland	Landis	Nichol	Stoney
Cope	Johnson	Maresh	Pirsch	Venditte
Cullan	Kelly	Marsh	Reutzel	Warner
Fitzgerald	Koch	Marvel	Rumery	Wesely

Voting in the negative, 18:

Brennan	Duis	Hefner	Labedz	Vickers
Burrows	Dworak	Kahle	Lewis	Wagner
Clark	Goodrich	Kennedy	Merz	
DeCamp	Haberman	Keyes	Schmit	

Present 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 344A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 344, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Beutler	Goodrich	Kremer	Murphy	Sieck
Carsten	Hasebroock	Lamb	Newell	Simon
Chambers	Hoagland	Landis	Nichol	Stoney
Cope	Johnson	Maresh	Pirsch	Venditte
Cullan	Kahle	Marsh	Reutzel	Warner
Fowler	Kelly	Marvel	Rumery	Wesely

Voting in the negative, 16:

Brennan	Dworak	Kennedy	Merz
Burrows	Fitzgerald	Keyes	Schmit
Clark	Haberman	Labedz	Vickers
DeCamp	Hefner	Lewis	Wagner

Present and not voting, 3:

Duis	George	Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 412. With Emergency.

A BILL FOR AN ACT to amend sections 2-1581, 2-3268, 23-343.97, 43-658, 81-1133, 81-1134, 84-132 to 84-135, 84-136, 84-137, 84-139 to 84-141, 84-151, 84-153, 84-154, and 84-157 to 84-160, Reissue Revised Statutes of Nebraska, 1943, sections 2-3277, 76-1607, 76-1621, 81-1423, 84-152, and 84-161, Revised Statutes Supplement, 1978, section 84-156, Reissue Revised Statutes of Nebraska, 1943, as amended by section 71, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979, and section 81-194, Revised Statutes Supplement, 1978, as amended by sections 2, 3, and 3, respectively, Legislative Bills 96, 97, and 98, Eighty-sixth Legislature, First Session, 1979, relating to state agencies; to create the Policy Research Office and the position of Director of Policy Research; to provide that functions of the State Office of Planning and Programming be transferred to such research office; to provide powers and duties of the Policy Research Office; to transfer certain records as prescribed; to repeal the original sections, and also sections 23-343.82, 23-343.96, 84-135.01, and 84-138, 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:

Beutler	Fitzgerald	Kennedy	Marvel	Stoney
Brennan	Fowler	Keyes	Merz	Venditte
Burrows	George	Koch	Murphy	Wagner
Carsten	Goodrich	Kremer	Newell	Warner
Chambers	Hasebroock	Labedz	Nichol	Wesely
Clark	Hefner	Lamb	Pirsch	
Cope	Johnson	Landis	Reutzel	
DeCamp	Kahle	Maresh	Rumery	
Duis	Kelly	Marsh	Sieck	

Voting in the negative, 6:

Cullan	Haberman	Simon
Dworak	Schmit	Vickers

Present and not voting, 2:

Hoagland 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 412A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 412, Eighty-sixth Legislature, First Session, 1979; to repeal section 26, Legislative Bill 585, Eighty-sixth Legislature, First Session, 1979, and section 43, Legislative Bill 589, Eighty-sixth Legislature, First Session, 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, 35:

Brennan	Dworak	Johnson	Marsh	Sieck
Burrows	Fitzgerald	Kelly	Marvel	Stoney
Carsten	Fowler	Keyes	Merz	Venditte
Chambers	George	Koch	Newell	Vickers
Clark	Hasebroock	Kremer	Nichol	Wagner
Cope	Hefner	Landis	Reutzel	Warner
Duis	Hoagland	Lewis	Rumery	Wesely

Voting in the negative, 11:

Cullan	Haberman	Lamb	Schmit
DeCamp	Kahle	Maresh	Simon
Goodrich	Kennedy	Pirsch	

Present and not voting, 3:

Beutler	Labedz	Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 505. With Emergency.

A BILL FOR AN ACT to amend sections 28-710 to 28-713 and 28-715, Revised Statutes Supplement, 1978, relating to abuse or neglect of children or others; to provide for central reporting; to require maintenance of a registry; to provide for confidentiality except as prescribed; to provide a penalty; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Beutler	Fitzgerald	Kahle	Lewis	Rumery
Brennan	Fowler	Kelly	Maresh	Schmit
Carsten	George	Kennedy	Marsh	Sieck
Chambers	Goodrich	Keyes	Marvel	Simon
Cope	Haberman	Koch	Merz	Stoney
Cullan	Hasebroock	Kremer	Newell	Vickers
DeCamp	Hefner	Labedz	Nichol	Wagner
Duis	Hoagland	Lamb	Pirsch	Warner
Dworak	Johnson	Landis	Reutzel	Wesely

Voting in the negative, 1:

Venditte

Present and not voting, 3:

Burrows Clark Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 505A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Beutler	Dworak	Kelly	Marsh	Simon
Brennan	Fitzgerald	Kennedy	Marvel	Stoney
Burrows	George	Keyes	Merz	Vickers
Carsten	Haberman	Koch	Newell	Wagner
Chambers	Hasebroock	Kremer	Nichol	Warner
Cope	Hefner	Labedz	Pirsch	Wesely
Cullan	Hoagland	Landis	Reutzel	
DeCamp	Johnson	Lewis	Rumery	
Duis	Kahle	Maresh	Sieck	

Voting in the negative, 1:

Venditte

Present and not voting, 6:

Clark	Goodrich	Murphy
Fowler	Lamb	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 444. With Emergency.

A BILL FOR AN ACT to amend sections 48-803, 48-812, 48-816, and 48-817, Reissue Revised Statutes of Nebraska, 1943, and sections 48-804 and 48-806, Revised Statutes Supplement, 1978, relating to the Court of Industrial Relations; to rename the court as the Commission

of Industrial Relations; to increase the per diem; to clarify the provision for expenses; to provide when an appeal may not be taken; to provide for hearing officers; to provide when information may not be considered; to provide authority for the court to order good faith bargaining, mediation, or fact-finding; to provide duties; to provide for severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Beutler	Fitzgerald	Kelly	Marvel	Stoney
Brennan	Fowler	Keyes	Merz	Venditte
Burrows	George	Koch	Newell	Vickers
Carsten	Goodrich	Kremer	Nichol	Wagner
Chambers	Haberman	Labedz	Pirsch	Warner
Cope	Hasebroock	Lamb	Reutzel	Wesely
Cullan	Hefner	Landis	Rumery	
DeCamp	Hoagland	Lewis	Schmit	
Duis	Johnson	Maresh	Sieck	
Dworak	Kahle	Marsh	Simon	

Voting in the negative, 0.

Present and not voting, 3:

Clark	Kennedy	Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 444A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 444, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Beutler	Fitzgerald	Kahle	Maresh	Sieck
Brennan	Fowler	Kelly	Marsh	Simon
Burrows	George	Keyes	Marvel	Stoney
Chambers	Goodrich	Koch	Merz	Venditte
Cope	Haberman	Kremer	Newell	Vickers
Cullan	Hasebroock	Labedz	Nichol	Wagner
DeCamp	Hefner	Lamb	Pirsch	Warner
Duis	Hoagland	Landis	Reutzel	Wesely
Dworak	Johnson	Lewis	Rumery	

Voting in the negative, 1:

Murphy

Present and not voting, 4:

Carsten	Clark	Kennedy	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.

Mr. Simon asked unanimous consent to be excused at 10:15 a.m. until 11:00 a.m. No objections. So ordered.

LEGISLATIVE BILL 500.

A BILL FOR AN ACT relating to state employees; to provide for equal employment opportunities; to create an office; to define terms; to provide penalties; to provide reporting procedures; 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:

Beutler	Fitzgerald	Koch	Newell	Warner
Brennan	Fowler	Labedz	Reutzel	Wesely
Burrows	Hefner	Landis	Simon	
Chambers	Hoagland	Maresh	Stoney	
Duis	Johnson	Marsh	Vickers	
Dworak	Keyes	Merz	Wagner	

Voting in the negative, 19:

Carsten	George	Kahle	Lamb	Schmit
Clark	Goodrich	Kelly	Murphy	Sieck
Cope	Haberman	Kennedy	Pirsch	Venditte
Cullan	Hasebroock	Kremer	Rumery	

Present and not voting, 4:

DeCamp	Lewis	Marvel	Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 500A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Beutler	Duis	Johnson	Marsh	Simon
Brennan	Dworak	Keyes	Marvel	Stoney
Burrows	Fitzgerald	Koch	Merz	Vickers
Chambers	Fowler	Kremer	Newell	Wagner
Cope	Hefner	Landis	Reutzel	Warner
DeCamp	Hoagland	Maresh	Sieck	Wesely

Voting in the negative, 17:

Carsten	Goodrich	Kelly	Nichol	Venditte
Clark	Haberman	Kennedy	Pirsch	
Cullan	Hasebroock	Lamb	Rumery	
George	Kahle	Murphy	Schmit	

Present and not voting, 2:

Labedz	Lewis

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 506. With Emergency.

A BILL FOR AN ACT to amend sections 71-5613, 71-5615, 71-5621, 71-5625, 71-5627, 71-5628, 71-5630, 71-5631, 71-5633, 71-5634, 71-5640, 71-5642, and 71-5643, Revised Statutes Supplement, 1978, relating to the Nebraska Medical Student Assistance Act; to change provisions relating to medical student loans as prescribed; to provide for loan repayment; to provide for interest rates; to change criteria for receiving a loan; to provide for severability; to repeal the original sections, and also sections 71-5624, 71-5632, 71-5637, and 71-5638, Revised Statutes Supplement, 1978; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Beutler	Dworak	Kelly	Marvel	Stoney
Brennan	Fitzgerald	Kennedy	Merz	Venditte
Burrows	Fowler	Keyes	Murphy	Vickers
Carsten	George	Koch	Newell	Wagner
Chambers	Goodrich	Kremer	Nichol	Warner
Clark	Haberman	Labedz	Pirsch	Wesely
Cope	Hasebroock	Lamb	Reutzel	
Cullan	Hefner	Landis	Rumery	
DeCamp	Hoagland	Maresh	Schmit	
Duis	Kahle	Marsh	Sieck	

Voting in the negative, 1:

Johnson

Present and not voting, 1:

Lewis

Excused and not voting, 1:

Simon

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 506A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 506, Eighty-sixth Legislature, First Session, 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, 45:

Beutler	Duis	Hoagland	Landis	Reutzel
Brennan	Dworak	Kahle	Maresh	Rumery
Burrows	Fitzgerald	Kelly	Marsh	Schmit
Carsten	Fowler	Kennedy	Marvel	Sieck
Chambers	George	Keyes	Merz	Stoney
Clark	Goodrich	Koch	Murphy	Vickers
Cope	Haberman	Kremer	Newell	Wagner
Cullan	Hasebroock	Labedz	Nichol	Warner
DeCamp	Hefner	Lamb	Pirsch	Wesely

Voting in the negative, 1:

Johnson

Present and not voting, 2:

Lewis Venditte

Excused and not voting, 1:

Simon

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 559. With Emergency.

A BILL FOR AN ACT to amend sections 81-161.04, 84-1202, 84-1204, 84-1207, 84-1211, 84-1212, 84-1213, and 84-1216 to 84-1220, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1203, 84-1222, 84-1223, 84-1225, and 84-1226, Revised Statutes Supplement, 1978, relating to the Records Management Act; to redefine terms; to clarify provisions; to provide charges and user fees

for micrographic equipment; to provide provisions relating to surplus property; to provide for credits and disbursements from the Records Management Micrographic Services Revolving Fund; 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:

Brennan	Fitzgerald	Kelly	Merz	Stoney
Burrows	Fowler	Kennedy	Murphy	Venditte
Carsten	George	Keyes	Newell	Vickers
Chambers	Goodrich	Koch	Nichol	Wagner
Clark	Haberman	Kremer	Pirsch	Warner
Cope	Hasebroock	Labedz	Reutzel	Wesely
Cullan	Hefner	Lamb	Rumery	
DeCamp	Hoagland	Landis	Schmit	
Duis	Johnson	Maresh	Sieck	
Dworak	Kahle	Marsh	Simon	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	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 559A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 559, Eighty-sixth Legislature, First Session, 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, 45:

Burrows	Clark	DeCamp	Fitzgerald	Goodrich
Carsten	Cope	Duis	Fowler	Haberman
Chambers	Cullan	Dworak	George	Hasebroock

Hefner	Keyes	Maresh	Pirsch	Stoney
Hoagland	Koch	Marsh	Reutzel	Venditte
Johnson	Kremer	Marvel	Rumery	Vickers
Kahle	Labedz	Merz	Schmit	Wagner
Kelly	Lamb	Newell	Sieck	Warner
Kennedy	Landis	Nichol	Simon	Wesely

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Brennan	Lewis	Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 565.

A BILL FOR AN ACT to amend section 81-1401, Reissue Revised Statutes of Nebraska, 1943, relating to law enforcement; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler	Dworak	Johnson	Maresh	Schmit
Brennan	Fitzgerald	Kahle	Marsh	Sieck
Burrows	Fowler	Kelly	Marvel	Simon
Carsten	George	Kennedy	Murphy	Stoney
Chambers	Goodrich	Keyes	Newell	Vickers
Clark	Haberman	Koch	Nichol	Wagner
Cope	Hasebroock	Kremer	Pirsch	Wesely
Cullan	Hefner	Labedz	Reutzel	
DeCamp	Hoagland	Landis	Rumery	

Voting in the negative, 3:

Lamb	Venditte	Warner

Present and not voting, 3:

Duis	Lewis	Merz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 565A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 565, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Beutler	DeCamp	Keyes	Nichol	Stoney
Brennan	Fitzgerald	Koch	Pirsch	Wagner
Burrows	George	Kremer	Reutzel	Wesely
Carsten	Hefner	Labedz	Rumery	
Chambers	Hoagland	Landis	Schmit	
Cope	Johnson	Marsh	Sieck	
Cullan	Kelly	Merz	Simon	

Voting in the negative, 15:

Clark	Haberman	Kennedy	Marvel	Venditte
Dworak	Hasebroock	Lamb	Murphy	Vickers
Goodrich	Kahle	Maresh	Newell	Warner

Present and not voting, 3:

Duis	Fowler	Lewis

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw amendments to LB 321

Mr. Venditte asked unanimous consent to withdraw his pending amendments to LB 321 found in the Journal on page 1614. No objections. So ordered.

EXPLANATION OF VOTE

If I had been present I would have voted for LB 344.

(Signed) Ron Cope

RESOLUTIONS

LEGISLATIVE RESOLUTION 154.

Introduced by Fowler, 27th District; DeCamp, 40th District; Chambers, 11th District, Reutzel, 15th District.

WHEREAS, a special legislative committee created by Legislative Resolution 141 in 1977 and reauthorized by Legislative Resolution 158 in 1978 has researched several aspects of Nebraska's law enforcement system; and

WHEREAS, this research has resulted in the development of Legislation which is pending; and

WHEREAS, the proposed legislation and the system of law enforcement need further review.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby reaffirms the studies previously authorized and further authorizes the Executive Board to appoint a committee of eight Senators to further research these topics.

2. That such committee report its findings to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 155.

Introduced by Chambers, 11th District.

WHEREAS, state statutes regarding county sheriffs are in need of review; and

WHEREAS, such statutes are involved with the roles, duties, expense reimbursement, and salaries of the sheriffs; and

WHEREAS, the county sheriffs are important to law enforcement in the state; and

WHEREAS, such law enforcement activities need to be based upon adequate statutory authority.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee conduct an interim study of county sheriffs including but not limited to:

(a) Roles in correction;

(b) Salary levels; and

(c) Manner of reimbursement for feeding and boarding prisoners.

2. That the committee report its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 156.

Introduced by Reutzel, 15th District; Haberman, 44th District; DeCamp, 40th District; Kahle, 37th District; Burrows, 30th District; Maresh, 32nd District.

WHEREAS, citizens of the state of New York, and Kentucky because of the Love Canal and Valley of the Drums fiasco, have been exposed to death and serious mental and physical anguish and have been burdened with excessive financial hardships; and

WHEREAS, there lies the potential of causing acute or chronic effects on humans and the environment with the improper disposal of toxic chemicals and wastes; and

WHEREAS, the proper disposal of these chemicals and wastes in an acceptable and prudent manner is imperative to the citizens of the community in which the chemicals are discarded; and

WHEREAS, these chemicals and wastes may be in containers which are subject to disintegration over time which may cause the chemicals or wastes to spill in a manner which could be dangerous to the people and the environment and the monitoring of these sites could prove to be a protection against a chemical disaster; and

WHEREAS, the threat posed by these chemicals and wastes must be resolved in an acceptable manner; and

WHEREAS, technology to dispose of these toxic and hazardous wastes is well developed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature authorize or conduct a study on hazardous waste generation and disposal including on site storage and disposal within the state boundaries of Nebraska.

2. That such study include the preparation of a data log system consisting of all E.P.A. designated hazardous waste generated, used, or sold within the state.

3. That such study also include the feasibility of including within the abstract of the deed of any parcel of land the designation of toxic wastes that have been disposed of on the property which is or has been a public or private landfill, waste disposal site or dumping area.

4. The study shall include the investigation of any above stated sites that have or allegedly contains toxic waste in the light of possible contamination of the community, that such investigation include the monitoring of such site.

5. The study shall also contain review of current legal sanction against a violator of federal or state statutes regarding the disposal of hazardous waste.

6. That the committee take testimony, review other state statutes, and prepare legislation, if appropriate, for comprehensive regulation of hazardous waste generation, transportation and disposal.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 157.

Introduced by Fowler, 27th District.

WHEREAS the legal problems of the several thousand migrant laborers who pass through Nebraska each year are different from those of any other group in the population; and

WHEREAS Nebraska does not qualify for special federal funds from the Legal Services Corporation for legal aid services for migrant workers; and

WHEREAS many of the special needs of migrant laborers may be unmet at the present time.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee conduct an interim study to survey and analyze the needs of migrant workers for legal services during their time in the state.

2. That the Judiciary Committee examine the practices of other states who have a relatively small number of migrant workers and therefore do not qualify for special federal funding for legal aid.

3. That the Judiciary Committee hold public hearings to solicit proposals from interested agencies and organizations as to how to provide and fund legal services to migrants.

4. That the Judiciary Committee report its findings together with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 158.

Introduced by Fowler, 27th District.

WHEREAS, there exists great potential in the state for Community Antenna Television (CATV) to expand as a medium for communication and entertainment, and

WHEREAS, the recent easing of federal regulations has allowed for the rapid expansion of CATV, and

WHEREAS, there is limited control of CATV in Nebraska,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Miscellaneous Subjects Committee perform an interim study on CATV; studying existing state laws, the intent and effect of recent Federal Communications Commission (FCC) rulings, and pertinent legislation in other states.

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 159.

Introduced by Brennan, 9th District.

WHEREAS, one of the primary concerns of the State of Nebraska is the health and welfare of its children, and;

WHEREAS, improvement in programs for the prevention of infant deaths, including services for maternal health care, and services for the care of the new-born, is a continuing objective of the State of Nebraska, and;

WHEREAS, the Bureau of Vital Statistics of the Nebraska Department of Health shows that in 1977 there were 762 deaths of infants under the age of one year, including perinatal deaths, and;

WHEREAS, a recently released report by the U.S. Department of Health, Education & Welfare on "Improvement in Infant and Perinatal Mortality in the United States, 1965-1973" shows that during the reported period, Omaha ranked 49th in annual rate of decline of white infant mortality rates, and 56th in all other categories of infant mortality rates, compared to the other 55 cities in the United States with populations greater than 250,000, and;

WHEREAS, the 1977 Vital Statistics report of the U.S. Conference of City Health Officers shows that Omaha's infant mortality rate ranked in the highest third of the cities surveyed, and;

WHEREAS, the infant mortality rate for Legislative District #9 increased during the period from 1975-1977;

NOW THEREFORE BE IT RESOLVED:

1. That the Public Health & Welfare Committee shall conduct an interim study to determine the extent and causes of infant mortality, including perinatal deaths, in the State of Nebraska, to determine what programs and services presently exist to prevent and reduce infant deaths in the State of Nebraska, and to make recommendations for the improvement of existing programs and services and/or the addition of programs and services which may be required to prevent and reduce infant deaths in the State of Nebraska;

2. That the Executive Board of the Legislature shall appoint a Citizens Advisory Task Force to assist the Public Health & Welfare Committee in conducting this study, and shall employ a research assistant who shall, with the advice and consultation of the Advisory Task Force, direct the research required by this study, and prepare a written report of the data, information, conclusions and recommendations which the Public Health & Welfare Committee shall consider for further recommendation to the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mr. Cullan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Suspend Rules

Mr. Kremer moved to suspend the rules, Rule 1, Section 16; Rule 6, Section 2; Rule 7, Section 3(a); and so as to vote on the advancement of LB 221 to E & R Initial without further debate or amendment.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Kremer moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Kremer requested a roll call vote on his motion.

Voting in the affirmative, 23:

Burrows	Hefner	Labedz	Murphy	Stoney
Chambers	Kahle	Lamb	Nichol	Venditte
Cope	Kelly	Maresh	Pirsch	Wagner
Duis	Kennedy	Marvel	Rumery	
Haberman	Kremer	Merz	Sieck	

Voting in the negative, 21:

Beutler	Fitzgerald	Keyes	Newell	Wesely
Brennan	Fowler	Koch	Reutzel	
Carsten	Goodrich	Landis	Schmit	
DeCamp	Hoagland	Lewis	Simon	
Dworak	Johnson	Marsh	Vickers	

Present and not voting, 4:

Clark	George	Hasebroock	Warner

Excused and not voting, 1:

Cullan

The Kremer motion lost with 23 ayes, 21 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Brennan asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 158. Mr. Beutler withdrew his pending amendment found in the Journal on page 2140.

Mr. Warner reoffered the amendment found in the Journal on page 1275.

The amendment lost with 12 ayes, 18 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Murphy moved to recommit LB 158 to the Urban Affairs Committee.

The motion lost with 16 ayes, 22 nays, and 11 not voting.

Mr. Murphy offered the following amendment:
Strike beginning with the word "in" on line 15, page 27, through line 3, on page 28.

The amendment lost with 18 ayes, 19 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 160.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Haberman, 44th District; Hefner, 19th District; Kahle, 37th District; DeCamp, 40th District; Maresh, 32nd District; Burrows, 30th District.

WHEREAS, the banking and lending industry is currently protected by the Uniform Commercial Code as a means of maintaining security in funds made in loans; and

WHEREAS, Nebraska law provides various liens as protection for businesses which carry outstanding accounts in large sums of money; and

WHEREAS, the question continues to arise in the Nebraska Legislature each year as to the status of Uniform Commercial Code liens and other statutory liens; and

WHEREAS, the feed and livestock industries currently remain totally unprotected in any way for the large sums of money and collateral they finance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Agriculture and Environment Committee conduct hearings during the 1979 interim for the purpose of studying the financial impact to the feed and livestock industry and financial burden placed on such industry.

2. That the committee report its findings, together with any recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 161.

Introduced by Reutzel, 15th District; Fowler, 27th District.

WHEREAS, several rivers which flow through this State possess outstanding scenic and recreational values; and

WHEREAS, ever-increasing demands which have been placed upon the State's waterways and surrounding land areas threaten to destroy these values; and

WHEREAS, the people of this State have a right to the enjoyment of natural, unspoiled, and undeveloped river areas; and

WHEREAS, the Legislature should commit itself to a policy of preserving and reclaiming for the benefit of the people selected parts of the State's diminishing resources of free-flowing rivers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Legislature's Committee on Constitutional Revision and Recreation conduct an interim study to determine whether the Legislature should provide for the establishment of a system of scenic rivers within the State.

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 162.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Simon, 31st District; Kahle, 37th District; Landis, 46th District; Brennan, 9th District; Fitzgerald, 14th District; DeCamp, 40th District.

WHEREAS, there is a continuing need for alternatives to litigation in dispute resolution, and;

WHEREAS, arbitration is an alternative to litigation which may offer advantages in small dispute resolution, including speed in achieving a final answer, economy over litigation expenses, simplicity in procedures, privacy as to the dispute, choice of the parties as to the dispute resolution mechanism and selection of arbitrators, possibility of experience and expertise in the person of the arbitrator, retention of good will between parties to disputes, and reduction of caseloads and backlogs in local court systems, and;

WHEREAS, arbitration is an alternative to litigation which may be suitable to the resolution of a wide variety of categories of disputes, including labor disputes and commercial disputes, and;

WHEREAS, there is growing national interest in re-examining the possibilities for implementing mechanisms for arbitration, including federal legislation and experimental programs in various states and cities, and;

WHEREAS, a recent study in the State of Nebraska has pointed to the potential for small business of the use of arbitration as an alternative to litigation in dispute resolution, and;

WHEREAS, Nebraska's laws providing for arbitration of disputes have not been reviewed since their introduction in 1913;

NOW THEREFORE BE IT RESOLVED:

1. That the Business and Labor Committee shall conduct an interim study to review Nebraska's arbitration laws, and shall make such recommendations as it shall find warranted to provide a viable mechanism for arbitration as an alternative to litigation in the resolution of disputes, including labor and commercial disputes.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 163.

Introduced by Constitutional Revision and Recreation Committee: Reutzel, 15th District, Chairman; Stoney, 4th District; Carsten, 2nd District; Hefner, 19th District; George, 16th District; Koch, 12th District; Pirsch, 10th District.

WHEREAS, the State's fish and wildlife resources constitute an essential part of the quality of the State's environment and contribute significantly to the well-being of the people of this State; and

WHEREAS, it is the declared policy of this State to conserve species of fish and wildlife for human enjoyment, for scientific purposes, and to insure their perpetuation as viable components of their ecosystems; and

WHEREAS, in furtherance of this policy, fish and wildlife conservation must be given adequate consideration throughout the planning stage of any development affecting the State's natural resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Legislature's Committee on Constitutional Revision and Recreation conduct an interim study to determine the need for the adoption of a fish and wildlife coordination act to insure that state agencies involved in land and water development projects will give due consideration to the preservation and enhancement of the State's fish and wildlife resources.

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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 1979, at 11:05 a.m., were the following bills: 141, 180A, 180, 124A, 124, 114A, 114, 101A, 101, 54, 54A, 17A, 17, 14A, 14, and 596.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 80, 172A, 312, 329, and 467.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 69, LR 86, and LR 92.

VISITORS

Visitors to the Chamber were 43 fourth grade students and sponsor from Westmont School, Springfield; 22 eighth grade students and sponsors from Axtell; John, Carol, Jill, Linda, Jean Ellis, Mrs. Edith Johnson, and Wanda Feldt; 22 sixth grade students and teacher from Malcolm; 8 eighth grade students, teacher, and parents from St. Stephen School, Lawrence; Mr. and Mrs. Paul Koesh (father-in-law and mother-in-law of Senator Dworak); 106 fourth grade students and teachers from Neihart School, Millard; and 34 fourth grade students, teachers, and parents from Bennet.

RECESS

At 12:00 noon, on a motion by Mr. Hefner, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:42 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan and Cullan who were excused; and Messrs. Kelly, Lewis, Reutzel, Schmit, and Wesely who were excused until they arrive.

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 May 15, 1979. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ryan, James E. - Lincoln, Tom L. Larsen

ATTORNEY GENERAL'S OPINION

Opinion No. 114
May 15, 1979

Dear Senator Clark:

You have called our attention to amendments to LB 363 found on page 1973 of the Legislative Journal, and have asked our opinion as to their constitutional validity. The amendment you are concerned with would amend section 79-2650, R.S.Supp., 1978. This section now permits the board of a technical community college to certify to the County Board of Equalization of each county in the area a mill levy of not to exceed 2 mills for operating expenditures and 1 mill for capital improvements, the operating levy being authorized by subsection (1) and the capital improvements levy by subsection (2).

The amendment in question would add this language:

> "The levy provided in subsection (1) of this section may be exceeded (a) with prior approval by a majority vote of the qualified electors of the area voting in an election called for such purpose pursuant to section 79-2650.03, Revised Statutes Supplement, 1978, or (b) by a two-thirds vote of the area board of any area having less than seven citizens per square mile except

that such increase shall not exceed that amount necessary to generate the maximum amount of receipts from local tax sources permitted under the Political Subdivision Budget Limit Act of 1979."

You have asked whether this violates the Equal Protection Clauses of the federal and state Constitutions. We prefer to discuss this matter in terms of whether it creates unreasonable classification, in violation of Article III, section 18 of the Nebraska Constitution, although frequently a violation of that section is also a violation of the Equal Protection Clause.

The amendment would create a separate classification consisting of those technical community college areas having a population of less than seven persons per square mile. The citizens of such an area would not have a right to vote on the question of whether the levy in question would exceed 2 mills, although citizens in other areas would have that right.

The Supreme Court of Nebraska has frequently said that while it is competent for the Legislature to classify for purposes of legislation, such classification must rest on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. See Taylor v. Karrer, 196 Neb. 581, 244 N.W.2d 201 (1976).

There must be some rational relationship between the basis of classification and the difference in treatment. Difference in population, or even density of population, could, of course, be a valid basis for classification for certain purposes. We have considerable difficulty in perceiving what relationship density of population bears to the question of whether or not the electors will be permitted to vote on the issue of exceeding the mill levy limitation fixed by section 79-2650(1). There may be some justification for the classification, but it is not readily apparent, and has not been disclosed in the amendment. We therefore believe the amendment to be constitutionally suspect in this regard.

You also ask whether the provision in question conflicts with the uniformity clause of Article VIII, section 1 of the Nebraska Constitution. We conclude that it does not. So far as a provision of this sort is concerned, uniformity is achieved if the taxation is uniform within the district in which the tax is imposed. There is no requirement that all technical community college areas be taxed uniformly, but only that all property within each area be taxed uniformly. We therefore conclude that the provision in question poses no problems in that respect.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 595. Mr. Warner withdrew his pending amendment found in the Journal on page 1940.

Mr. Warner offered the following amendment:
Page 4 line 19 and 20 strike "Governor" and insert "Natural Resource Commission"

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Warner amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Messrs. Kremer and Dworak offered the following amendments:
Req. #2975

1. On page 2, line 23 strike "Personal" and insert "Expenditures for personal".

2. On page 3, line 18 strike "commission" and insert "committee"; in lines 18 and 19 strike "all studies and"; in line 22 strike "and studies"; strike beginning with "The" in line 26 through "then" in line 27 and insert "Final reports shall".

4. On page 4, line 1, strike "along with the comments" and insert "in such form and with such content as shall be approved by the commission. Such report shall also be accompanied by the comments, if any,"; in line 5 after "commission" insert "unless otherwise noted"; in line 19 strike "1" and insert "15"; and in line 20 after "board" insert "from the names submitted by the executive board".

5. On page 5, line 27 after "end" insert "of each study".

6. On page 6, strike beginning with "As" in line 4 through "all" in line 5 and insert "All"; in line 6 strike "task forces"; in line 7 after "request" insert ", except that the commission or other agency providing such

material may make a charge therefor which does not exceed fifteen cents per page. Members of the Public Advisory Board shall not be charged for materials provided to them as part of their role in the planning and review process"; in line 20 after "that" insert "the information in reports on the policy issues is of such a nature that the Legislature can use it to make decisions and so that"; strike beginning with "or" in line 23 through "date" in line 24.

7. On page 8, line 4, strike the colon; in line 5, remove paragraphing, strike "(1) Determination" and insert "consideration"; strike beginning with "two" in line 6 through the semicolon in line 7 and insert "the instream values of municipal uses and subirrigation."; strike lines 8 through 14 and insert:

"To assist the Legislature in addressing the impacts of alternative approaches to the instream flow issue, the final report on the instream flow study shall include:

(1) A rating of representative streams reflecting their importance in maintaining the values identified on page 4, Chapter 4, of the report; and

(2) Flexible flow regimes for each such stream demonstrating flow variations, seasonal and otherwise, necessary to maintain the values for which such stream has received high ratings."; in line 18 strike "Determination" and insert "Consideration"; in line 19 strike "of" and insert "on"; and in line 23 after "include" insert ", in addition to the items listed on page 8, Chapter 4, of the report,".

8. On page 9, after line 21, insert:

"As part of its report due on or before September 15, 1979, the commission shall address the initial preparation and periodic updating of a streamflow inventory for the state. Such report shall identify alternative levels of detail possible in preparing such an inventory, shall estimate costs for preparing and updating each such alternative, and shall identify possible uses for such an inventory if one were to be prepared.".

The amendments were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 262. E & R amendments found in the Journal on page 2047 for the Eighty-Third Day were adopted.

The supplemental E & R amendments found in the Journal on page 2079 for the Eighty-Fourth Day were adopted.

Mr. Goodrich withdrew his pending amendment found in the Journal on page 1955.

Mr. Newell withdrew his pending amendment found in the Journal on page 1970 (Req. #2951).

Mr. Newell withdrew his pending amendment found in the Journal on page 2049 (Req. #2963).

Mr. Venditte renewed his pending amendment found in the Journal on page 1971 (Req. #2955).

Mr. Fowler 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 Venditte amendment lost with 12 ayes, 23 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment:
(Req. #2965)

1. Strike original sections 1, 2, and 5.

2. On page 4, line 23 before "A" insert "(1)"; in line 24 strike "(1)" and insert "~~(1)~~ (a)"; and in line 25 strike "(2)" and insert "~~(2)~~ (b)".

3. On page 5, line 2 strike "(3)" and insert "~~(3)~~ (c)"; in line 9 strike "Any" and insert:

"(2) Except as provided in subsection (3) of this section any"; after line 17 insert:

"(3) Any person convicted of murder in the first degree may be guilty of either a Class I felony or a Class IA felony if he or she: (a) Kills another person who is serving as an elected national, state, or local official or who is a judge, firefighter, police officer, or other public employee charged with the duty of protecting the public safety, who at the time of the crime was engaged in such duties; (b) kills another person while serving as an inmate in any jail or prison; or (c) kills another person for profit or compensation. The determination of whether a murder in the first degree subject to this subsection shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.".

4. Insert a new section as follows:

"Sec. 3. That original section 28-303, Revised Statutes Supplement, 1978, is repealed.".

5. Renumber original sections 3 and 4 as sections 1 and 2.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

MR. CLARK PRESIDING

Mr. George requested a record vote on the Newell amendment.

Voting in the affirmative, 6:

Burrows	George	Newell
Fitzgerald	Merz	Pirsch

Voting in the negative, 36:

Beutler	Goodrich	Kennedy	Marsh	Vickers
Carsten	Haberman	Keyes	Marvel	Wagner
Chambers	Hasebroock	Koch	Nichol	Warner
Cope	Hefner	Kremer	Reutzel	Wesely
DeCamp	Hoagland	Labedz	Rumery	
Duis	Johnson	Lamb	Sieck	
Dworak	Kahle	Landis	Simon	
Fowler	Kelly	Maresh	Stoney	

Present and not voting, 5:

Clark	Lewis	Murphy	Schmit	Venditte

Excused and not voting, 2:

Brennan	Cullan

The Newell amendment lost with 6 ayes, 36 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Venditte moved to indefinitely postpone LB 262.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3a, to take up the indefinitely postpone motion today.

Mr. Venditte requested a record vote on the motion to suspend the rules.

Voting in the affirmative, 34:

Beutler	Duis	Johnson	Maresh	Schmit
Burrows	Dworak	Kelly	Marsh	Simon
Carsten	Fowler	Kennedy	Marvel	Stoney
Chambers	George	Koch	Merz	Vickers
Clark	Goodrich	Kremer	Newell	Warner
Cope	Hasebroock	Lamb	Reutzel	Wesely
DeCamp	Hoagland	Landis	Rumery	

Voting in the negative, 7:

Haberman	Kahle	Pirsch	Wagner
Hefner	Labedz	Venditte	

Present and not voting, 6:

Fitzgerald	Lewis	Nichol
Keyes	Murphy	Sieck

Excused and not voting, 2:

Brennan Cullan

The motion to suspend the rules prevailed with 34 ayes, 7 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Venditte requested a record vote on his motion to indefinitely postpone LB 262.

Voting in the affirmative, 20:

Beutler	Goodrich	Kahle	Maresh	Sieck
Burrows	Haberman	Kennedy	Murphy	Stoney
Clark	Hasebroock	Labedz	Nichol	Venditte
Duis	Hefner	Lamb	Pirsch	Wagner

Voting in the negative, 26:

Carsten	Dworak	Johnson	Kremer	Marvel
Chambers	Fitzgerald	Kelly	Landis	Merz
Cope	Fowler	Keyes	Lewis	Newell
DeCamp	Hoagland	Koch	Marsh	Reutzel

Rumery	Simon	Warner
Schmit	Vickers	Wesely

Present and not voting, 1:

George

Excused and not voting, 2:

Brennan Cullan

The motion to indefinitely postpone lost with 20 ayes, 26 nays, 1 present and not voting, and 2 excused and not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Venditte requested a record vote to advance LB 262.

Voting in the affirmative, 25:

Carsten	Fitzgerald	Keyes	Marsh	Schmit
Chambers	Fowler	Koch	Marvel	Simon
Cope	Hoagland	Kremer	Merz	Vickers
DeCamp	Johnson	Landis	Newell	Warner
Dworak	Kelly	Lewis	Reutzel	Wesely

Voting in the negative, 21:

Beutler	Haberman	Labedz	Pirsch	Wagner
Burrows	Hasebroock	Lamb	Rumery	
Clark	Hefner	Maresh	Sieck	
Duis	Kahle	Murphy	Stoney	
Goodrich	Kennedy	Nichol	Venditte	

Present and not voting, 1:

George

Excused and not voting, 2:

Brennan Cullan

Advanced to E & R for Engrossment with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 11. Replaced on Select File as amended.
E & R amendments to LB 11:

1. On page 3, line 26, strike "4 and 5" and insert "5 and 6".

2. In section 7, line 1, strike "This" and insert "Sections 1 and 3 to 7 of this".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 398.

Correctly Engrossed

The following bills were correctly engrossed: 380 and 380A.

Correctly Enrolled

The following bills were correctly enrolled: 260, 260A, 302, 302A, 344, 344A, 412, 412A, 444, 444A, 500, 500A, 505, 505A, 506, 506A, 559, 559A, 565, and 565A.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 260, 260A, 302, 302A, 344, 344A, 412, 412A, 444, 444A, 500, 500A, 505, 505A, 506, 506A, 559, 559A, 565, and 565A.

MESSAGE FROM THE GOVERNOR

May 15, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 75, 193, 390, 443, 582, 583, and 590.

These bills were signed by me on May 15, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

RESOLUTIONS

LEGISLATIVE RESOLUTION 164.

Introduced by Koch, 12th District.

WHEREAS, public schools work with a recognized responsibility to extend special education opportunities to handicapped students; and

WHEREAS, such special education programs are costly additions to a school district budget; and

WHEREAS, a view exists among some citizens that special education programs would be of greater value if conducted on a year-around basis; and

WHEREAS, extending the school year program for a select group of students raises questions relating to budgetary considerations and legal issues which have not clearly been answered in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature conduct an interim study of special education programs for the handicapped.

2. That this study shall focus upon the need for extended special education programs, the responsibility of school districts for such programs and the techniques which might be used for funding 12 month special education programs.

3. That this study shall also include examination of the legal issues suggested by a school district extending special services to one group of students exclusive of other programs in the district.

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 165.

Introduced by Fowler, 27th District.

WHEREAS, concern regarding railroad transportation issues has been expressd by many communities and Legislators; and

WHEREAS, legislation concerning rail transportation is currently being held by the Urban Affairs Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee further study the railroad transportation legislation held by such committee.

2. That the Urban Affairs Committee also study other aspects of rail transportation including:

(a) State and local programs for funding rail crossing safety measures and rail relocation;

(b) The economic impact of increased or decreased train traffic on communities throughout the state;

(c) The role of state government in addressing such impact, including the development of a state rail plan, as well as studying programs of other states which address community rail transportation needs; and

(d) Federal legislation, proposed and enacted, which would have an impact on rail transportation on Nebraska communities.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166.

Introduced by Hoagland, 6th District; Fowler, 27th District; Wesely, 26th District.

WHEREAS health authorities agree on the advisability of limiting the public's exposure to low level radiation; and

WHEREAS half of the radiation received by the general public is from medical radiological examinations, which account for about 90% of all man-made radiation exposure; and

WHEREAS medical X-ray exposure presents the greatest opportunity for radiation exposure prevention efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee do an interim study to identify methods to reduce the Nebraska public's exposure to X-rays.

2. That the study survey Nebraska hospitals to determine whether X-rays are required as a condition of admission.

3. That the study review training of health-related radiological users.

4. That the study consider the feasibility of providing patients with a record of their X-ray exposure history.

5. That the study survey the regulatory program for inspection of radiological health X-ray equipment.

6. That the Committee hold public hearings to explore voluntary measures to reduce the public's exposure to X-rays.

7. That the Committee make a report of its findings together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167.

Introduced by Keyes, 3rd District; DeCamp, 40th District.

WHEREAS, the Legislature this day has seen fit to adopt LB 344, and

WHEREAS, LB 344 calls for the division of public places into "smoking" and "non-smoking" areas, and

WHEREAS, the State Capitol building is one of the most visible public places in the State of Nebraska, and

WHEREAS, the state should be the leader in setting an example for the people when it comes to public policy,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Executive Committee immediately begin planning for the division of

1) the Legislative Chambers

2) the Nebraska Hall of Fame

3) the Rotunda of this nationally renowned structure.

4) the hallways

5) the public restrooms

6) the cafeteria and all other public places into smoking and non-smoking areas, and

BE IT FURTHER RESOLVED THAT THE EXECUTIVE COMMITTEE devise a system by which LB 344 can be enforced within the Nebraska State Capitol Building to the fullest extent.

Laid over.

LEGISLATIVE RESOLUTION 168.

Introduced by Wesely, 26th District; Johnson, 8th District; Landis, 46th District; Beutler, 28th District; Hoagland, 6th District.

WHEREAS, Nebraska's non-partisan, Unicameral Legislature is unique and has been described as "the least complex and one of the more comprehensible legislative systems in operation"; and

WHEREAS, Nebraska's Legislature can serve as a model for other states and provide national leadership in legislative reform; and

WHEREAS, in order to provide national leadership, the Nebraska Legislature must serve the people of Nebraska in an exemplary manner; and

WHEREAS, the people of Nebraska expect the Legislature to be, to the greatest extent possible, functional, accountable, informed, independent and representative; and

WHEREAS, the people of Nebraska desire of the Legislature that all bills enacted into law serve the public interest, maintain or improve the state's quality of life, be practical and prudent, be carefully considered and clearly written, and effectively meet the needs of the State of Nebraska; and

WHEREAS, the process by which Legislative Bills are enacted into law should: be open and accountable to provide for maximum public awareness and participation; be efficient and thorough in providing the information necessary to reach thoughtful, informed decisions; and be judicious in the use of the time of both senators and staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board appoint a special committee to conduct an interim study addressing the following issues:

(a) Limitation of the number of bills per session which can be introduced by a senator or a committee;

(b) Analysis of the present method of setting the agenda and proposals for alternate methods, if needed;

(c) Revision of the session meeting schedule to maximize time-use effectiveness within established time limits and consideration of removal of constitutional time restrictions;

(d) Comprehensive review of the Rules of the Nebraska Unicameral;

(e) Development of a code of ethics for senators;

(f) Development of a model committee structure designed for uniform procedure, full presentation of pertinent data, issue isolation, analysis of public policy, and historical perspective;

(g) Review of interim study procedures and consideration of the best means by which to conduct quality, comprehensive studies of issues;

(h) Review of the legislative staffing structure and policies, with recommendations for change, if needed;

(i) Analysis of the effect of legislative salary on the legislative process;

(j) Analysis of the impact of lobbyists on the legislative process and determination of whether public financing of legislative campaigns is necessary to maintain the independence of the Legislature; and

(k) Any additional areas of concern which the study committee considers important to improve the work of the Legislature.

2. That the results of this study be reported to the Legislature at its next regular session, together with recommendations for the implementation of any restructuring or change in policy which the study shows to be desirable.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 169.

Introduced by Simon, 31st District; Newell, 13th District; Fowler, 27th District; Fitzgerald, 14th District.

WHEREAS, growth has been a constant factor in the history of Nebraska's cities of the primary and metropolitan class; and

WHEREAS, such urban growth has many obvious and not so obvious costs in human, economic, and ecological terms; and

WHEREAS, urban growth often impinges negatively on the amount of land available for agricultural use; and

WHEREAS, urban growth can place excessive demands, and costs, on the services provided by the effected municipalities; and

WHEREAS, uncontrolled and unplanned urban growth often places unnecessary and costly reliance on methods of transportation that are not highly energy efficient; and

WHEREAS, urban growth most often occurs in areas that are not covered by commonly agreed upon comprehensive plans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Executive Board of the Legislature is hereby directed and authorized to form a special interim study committee on urban growth comprised of eight senators from cities of the primary and metropolitan class; and

2. The special committee shall report its findings on the impact of growth on cities of the primary and metropolitan class to the members of the Eighty-Sixth Legislature, Second Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170.

Introduced by Newell, 13th District; Fitzgerald, 14th District.

WHEREAS, cities of the metropolitan class in the State of Nebraska face problems and difficulties not generally experienced by other municipalities of the state; and
WHEREAS, cities of the metropolitan class must rely on the Nebraska Legislature for much of their authority and ability to deal with the problems and difficulties with which they are confronted; and
WHEREAS, the vast majority of the problems and difficulties faced by cities of the metropolitan class are outside of the experience of many residents of smaller communities and rural areas; and
WHEREAS, reliance on annualized funding and authority from the Legislature makes it difficult for cities of the metropolitan class to successfully make and implement long-term plans and strategies; and
WHEREAS, many of the problems of cities of the metropolitan class require long-term, strategic planning if they are to be eliminated; and
WHEREAS, residents of cities of the metropolitan class have a right to direct the actions of municipal governments of such cities by electing officials responsive to their wants, needs, and desires.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature's Miscellaneous Subjects Committee conduct an interim study on the feasibility of complete home rule for cities of the metropolitan class; and
2. That the Miscellaneous Subjects Committee report its findings to the members of the Eighty-Sixth Legislature, Second Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 171.

Introduced by Carsten, 2nd District; Newell, 13th District; Fitzgerald, 14th District; Kremer, 34th District; Hefner, 19th District.

WHEREAS, the general welfare and economic growth of the State of Nebraska and the convenience, mobility and well being of Nebraska

citizens is best served by an adequate, safe and efficient transportation system; and

WHEREAS, it is the duty of the State of Nebraska to provide its citizens with such a transportation system in the most cost efficient manner possible; and

WHEREAS, the State of Nebraska currently provides transportation services and facilities to its citizens through a variety of departments and commissions; and

WHEREAS, the existance of these various departments and commissions may result in higher than necessary administrative costs, duplication of services, less than optimum cooperation and communication, and less efficiency in State transportation systems than what might be possible; and

WHEREAS, combining the Nebraska Department of Roads, Department of Motor Vehicles, Department of Aeronautics, and other appropriate agencies or branches of government into such a Department of Transportation may increase the efficiency and quality of transportation services in the State of Nebraska; and

WHEREAS, such a reorganization and creation of a Department of Transportation has been done in other states and achieved the deserved goals of more efficient delivery of services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Transportation Advisory Committee conduct an interim study on the feasibility of combining the Nebraska Department of Roads, Department of Motor Vehicles, Department of Aeronautics, and any other appropriate agency or department of government into a Department of Transportation; and

2. Report its findings to the members of the Eighty-Sixth Legislature, Second Session.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 363. E & R amendments found in the Journal on page 2047 for the Eighty-Third Day were adopted.

Mr. Koch renewed his pending amendment found in the Journal on page 2090.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Koch offered the following amendment:

1. In the Koch amendments on page 2 strike beginning with "having" in line 24 through "amount" in line 26 and insert "in which the maximum allowable mill levy provided in subsection (1) of this section will not generate local tax receipts equal to seven per cent above the local tax receipts from such levy for the prior fiscal year. The mill levy increase permitted under subdivision (4) (b) of this section shall be limited to that number of mills".

Mr. Nichol 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 Koch amendment was adopted with 25 ayes, 4 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 479. Mr. Koch offered the following amendment:

1. In the committee amendments insert a new section as follows:

"Sec. 2. For purposes of subdivision (2) of section 1 of this act, new program shall include education programs provided under Laws 1978, LB 889.".

2. Renumber sections 2 and 3 added by the committee amendments as sections 3 and 4.

3. In the committee amendment on page 2 line 23 after the semicolon insert "to designate a new program;".

The amendment was adopted with 25 ayes, 9 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 11. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

EASE

The Legislature was at ease from 3:54 p.m. until 3:58 p.m.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 42 in the Journal. No objections. So ordered.

(Final Reading Third Copy)

1. On page 3, line 25 after the period insert "If it is determined by the department that a railroad crossing safety project involving federal funds will result in ascertainable benefits to the railroad such railroad may be required to provide up to five per cent of the total cost of the project.".

2. On page 6, line 16 strike "In" and insert "~~In~~ Except as otherwise provided in section 6 of this act in"; in line 22 after "Fund" insert "for all such projects in which an agreement among the department, the railroad, and the political subdivision is executed on or after the effective date of this act".

3. On page 7, line 1 after "involved" insert ". For all such projects in which an agreement among the department, the railroad, and the political subdivsion was executed prior to the effective date of this act the costs shall continue to be borne in the same manner as they were prior to such date".

RESOLUTIONS

LEGISLATIVE RESOLUTION 172.

Introduced by Haberman, 44th District; DeCamp, 40th District.

WHEREAS, property tax mill levies set by local authorities at the local level are able to be significantly decreased as a result of the amount of revenue provided by state sales and income tax, personal property tax relief, state aid to education, homestead exemptions, and various non tax revenue; and

WHEREAS, in computing the budget requirements for the multitudes of local subdivisions of governments, it is necessary for purposes of accuracy to compute as amounts to be received these amounts of relief provided by the state; and

WHEREAS, in 1978 an error was apparently committed in instructions to local subdivisions of government from the State Auditors office in that there was no provision made to calculate these amounts into their budget statements; and

WHEREAS, as a result of this error it appears, from evidence turned in to a number of state senators, that these amounts to be received from the state were not calculated into the budget statements of many subdivisions of local government; and

WHEREAS, as a direct result of this error, many subdivisions of local government may have thereby caused massive over taxation on real property; and

WHEREAS, as a result of this there may develop considerable surpluses from over taxation of property; and

WHEREAS, property taxes of themselves are in many cases in the State of Nebraska an overwhelming heavy burden; and

WHEREAS, excess property taxation only creates an additional burden.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Oversight Committee of the Nebraska Legislature perform an interim study to investigate and analyze the system and methods and procedures for the reporting, application and receipt of state relief monies.

2. That such committee work with local and state officials to determine the amount of over taxation of property taxes, estimated in the amount of tens of millions or more, as have been indicated to some senators. That such committee determine what errors have occurred to cause this problem and what remedies need to be taken to correct them, and that such committee take testimony and prepare legislation, if necessary, to correct the inequities that might have occurred or may occur and advise the public on the extent to which this over taxation has occurred.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 173.

Introduced by Schmit, 23rd District; Lamb, 43rd District; Maresh, 32nd District; Kahle, 37th District; DeCamp, 40th District.

WHEREAS, the Department of Agriculture is charged with the responsibility of administering numerous statutes having a significant impact upon Nebraska agriculture and agribusiness; and

WHEREAS, many of the statutes administered by the Department of Agriculture have not been reviewed by the Legislature for many years, to determine whether or not they continue to efficiently and effectively meet the needs of the State of Nebraska; and

WHEREAS, the Department of Agriculture has initiated internal procedures aimed at evaluating the statutes and regulations administered by it; and

WHEREAS, the Department of Agriculture has asked the Agriculture and Environment Committee to conduct an interim study

of the statutes administered by the department to determine whether or not the current intent of the Legislature is being achieved through the administration of the various statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture and Environment Committee conduct an interim study of the statutes administered by the Department of Agriculture to determine whether or not they continue to efficiently and effectively meet the needs of the State of Nebraska and whether or not the current intent of the Legislature is being achieved.

2. That the Agriculture and Environment Committee solicit input from interested representatives of the agriculture and agribusiness community regarding this resolution.

3. That the committee make a report of its findings together with any legislative recommendations to the next regular session of the Legislature, and further report whether additional study is needed.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 162, 357, 378, and 378A.

(Signed) Don Wesely, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 1979, at 3:55 p.m., were the following bills: 260, 260A, 302, 302A, 344, 344A, 412, 412A, 505, 505A, 444, 444A, 500, 500A, 506, 506A, 559, 559A, 565, and 565A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 57, LR 62, and LR 90.

RESOLUTION

LEGISLATIVE RESOLUTION 174.

Introduced by Goodrich, 20th District; Beutler, 28th District; Burrows, 30th District; Carsten, 2nd District; Chambers, 11th District; Clark, 47th District; Cope, 36th District; DeCamp, 40th District; Duis, 39th District; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Haberman, 44th District; Hasebroock, 18th District; Hefner, 19th District; Hoagland, 6th District; Johnson, 8th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lewis, 45th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Merz, 1st District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Pirsch, 10th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Simon, 31st District; Stoney, 4th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, Rudolph Tesar was elected as a member of the Nebraska State Legislature in 1931 and 1933; and

WHEREAS, Judge Tesar served as a District Court Judge for District No. 4.; and

WHEREAS, Judge Tesar's devotion to his duties and faithful service in many capacities deserves recognition; and

WHEREAS, on May 15, 1979, Rudolph Tesar departed this life.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Legislature extends its sympathy to the survivors of Rudolph Tesar.

2. That the Legislature wishes to recognize the service rendered to the State of Nebraska by Judge Tesar in his long and valued tenure in public life.

3. That a copy of this resolution be presented to the family of Rudolph Tesar in tribute to his untiring intellect and contributions to Nebraska.

Laid over.

VISITORS

Visitors to the Chamber were 75 third grade students and teacher from Randolph School, Lincoln; 23 senior students and teacher from North

East School, Lincoln; 15 seventh grade students and teacher from Ewing; Mr. Dale Landcasper from Cozad; and Mr. Wayne Warner from Banner County.

ADJOURNMENT

At 4:03 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Monday, May 21, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 21, 1979

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke 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. Burrows, Hasebroock, Hoagland, Koch, Kremer, Lewis, Schmit, Wagner, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 363. Replaced on Select File as amended.
E & R amendment to LB 363:
1. Strike E & R 5 adopted 5/15.

Correctly Engrossed

The following bills were correctly engrossed: 11, 86, 120, 120A, 138, 138A, 152, 158, 224, 262, 479, and 595.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 52, LR 67, LR 99, and LR 107.

MESSAGES FROM THE GOVERNOR

May 16, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 355 and 355A.
These bills were signed by me on May 16, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 16, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 285.
This bill was signed by me on May 16, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 17, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 176 and 217.

These bills were signed by me on May 16, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 17, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 586, 588, 593 and Re-engrossed Legislative Bill 234.

These bills were signed by me on May 17, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 18, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 14, 14A, 141, 282, 341, 514, 534, 540, 573, 587, and 589.

These bills were signed by me on May 17, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 16, 1979

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 579 with my signature but with one line item reduction veto.

I have reduced the amount appropriated to pay Claim No. 078 to Major Robert J. Van Valkenburg from $10,708.00 to $5,000. This reduction is being made because I have been advised by representatives of Mr. Van Valkenburg that after negotiation with his attorneys, an attorney fee in the amount of $5,000 has been agreed to by the attorneys and Mr. Van Valkenburg. It is my understanding that the initial bill for attorney fees received by Mr. Van Valkenburg was $10,708.00.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:dsb

RESOLUTION

LEGISLATIVE RESOLUTION 175.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; DeCamp, 40th District; Fitzgerald, 14th District; Kahle, 37th District; Landis, 46th District; Brennan, 9th District.

WHEREAS, agreements have been reached on collective bargaining contracts concerning various terms and conditions of employment for fiscal year 1979-80 between the following parties:

1. Nebraska Department of Roads and the American Federation of State, County and Municipal Employees,

2. Nebraska Department of Labor and the American Federation of State, County and Municipal Employees,

3. Nebraska Game and Parks Commission and the Nebraska Association of Public Employees,

4. Nebraska Department of Correctional Services and the Nebraska Correctional Officers Union,

5. Nebraska Department of Public Institutions and the American Federation of State, County and Municipal Employees,

6. Nebraska Department of Public Institutions and the State Code Agencies Teachers Association,

7. Nebraska Department of Education and the Nebraska School for the Deaf Education Association, and

8. Nebraska Department of Public Welfare and the State Code Agencies Teachers Association; and

WHEREAS, section 48-837, Reissue Revised Statutes of Nebraska, 1943, requires Legislative approval of such contracts; and

WHEREAS, such contracts represent the product of good faith bargaining between the state agencies and labor organizations which are parties to the contracts.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION, that the Legislature hereby approves such contracts, which approval shall be effective when such contracts are signed by the parties.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 116
May 15, 1979

Dear Senator Carsten:

In your letter of May 10, 1979, you call to our attention Legislative Bill 281 which you introduced and certain amendments suggested by the Urban Affairs Committee which as you point out are found on page 801 of the Legislative Journal. You ask whether or not the enactment of Legislative Bill 281 as it is proposed to be amended would cause vacancies in the city commission from the effective date of the act until the next regular city election in Nebraska City in May, 1980.

The effect of Legislative Bill 281 as amended would be to increase the number of city commissioners in this class of cities from 3 to 5. This would be done by adding a commissioner of the department of public works and a commissioner of the department of parks and recreation. A commission form of government in cities of this size would then become identical to those in cities of the primary class.

The practical effect of Legislative Bill 281 would be to authorize the two additional commissioners in a city of this class as of the effective date of Legislative Bill 281 but at the same time, provide for the filling of those two additional commission positions in 1980. Apparently one of the reasons it is desired to wait until 1980 to fill these positions is so that all of the commissioners will not be up for election at the same time but rather will be staggered in the terms in which they serve.

Your specific question was whether or not this bill would create a vacancy. While it is true that positions which will have been authorized will not be filled, we do not believe that it would be appropriate to categorize this occurrence as the creation of a vacancy. As we stated above the Legislature in 1978, by the enactment of Legislative Bill 281 will create two additional commissioners who will not be selected until 1980. We find nothing wrong with this procedure however likewise we would see nothing wrong with the Legislature making provisions for these positions to be filled in a temporary manner until 1980 if that were the Legislature's desire.

In conclusion then specifically we find nothing legally objectionable about the Legislature creating a position in 1979 which will not be filled until 1980. We hope this adequately responds to your concern over the effect of the enactment of this legislation and we would of course be most willing to visit with you further if you have other specific questions.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 363. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Rules

The Rules Committee met Tuesday, May 15, 1979, and acted favorably on the following proposed rule changes:

1. Murphy rule change (Journal p. 1954)

VOTE: For: Fowler, Beutler, Murphy, Newell (4). Against: Kahle (1). Absent: None. Excused: None.

2. Newell and Vickers rule change (1) (Journal p. 1904)

VOTE: For: Fowler, Beutler, Murphy, Newell (4). Against: Kahle (1). Absent: None. Excused: None.

(Signed) Steve Fowler, Chairman

MOTION - Return LB 329 to Select File

Mrs. Pirsch moved to return LB 329 to Select File for the following specific amendment:

(FINAL READING BILL)

1. On page 2, line 16, and page 3, lines 1 and 3, strike "nine" and insert "seven".

2. On page 12, line 26, reinstate the stricken "two" and strike "three".

3. On page 13, line 5, strike "six" and insert "five".

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mrs. Pirsch requested a roll call vote on her motion.

Voting in the affirmative, 22:

Beutler	Haberman	Labedz	Pirsch	Wagner
Carsten	Hefner	Lamb	Reutzel	Warner
Clark	Kennedy	Murphy	Rumery	
Cope	Koch	Newell	Sieck	
Goodrich	Kremer	Nichol	Stoney	

Voting in the negative, 21:

Brennan	Duis	Kahle	Marvel	Wesely
Burrows	Dworak	Keyes	Merz	
Chambers	Fitzgerald	Landis	Simon	
Cullan	Fowler	Maresh	Venditte	
DeCamp	Johnson	Marsh	Vickers	

Present and not voting, 3:

George	Hoagland	Kelly

Excused and not voting, 3:

Hasebroock	Lewis	Schmit

The Pirsch motion lost with 22 ayes, 21 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 42 to Select File

Mr. DeCamp moved to return LB 42 to Select File for the specific amendment found in the Journal on page 2191.

The motion prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 42. The DeCamp specific amendment found in the Journal on page 2191 was adopted with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 378 to Select File

Mr. Nichol moved to return LB 378 to Select File for the following specific amendment:

(FINAL READING COPY)

1. On page 7, strike beginning with "releasing" in line 7 through "sentence" in line 9 and insert "such further disposition not inconsistent with the terms of this act".

The motion prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 378. The Nichol specific amendment found in this day's Journal was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Suspend Rules

Mr. Nichol moved to suspend all pertinent rules to allow the following amendment to LB 363A.

Mr. Nichol moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The motion to suspend the rules prevailed with 31 ayes, 0 nays, and 18 not voting.

MOTION - Return LB 363A to Select File

Mr. Nichol moved to return LB 363A to Select File for the following specific amendment:

Insert the contents of LB 597.

Mr. Nichol requested a roll call vote on his motion.

Voting in the affirmative, 24:

Carsten	Goodrich	Kelly	Labedz	Newell
Chambers	Haberman	Kennedy	Lewis	Nichol
Cullan	Hefner	Koch	Marsh	Pirsch
DeCamp	Kahle	Kremer	Marvel	Reutzel

Rumery	Simon	Stoney	Wagner	

Voting in the negative, 19:

Beutler	Cope	Johnson	Maresh	Vickers
Brennan	Dworak	Keyes	Merz	Warner
Burrows	Fowler	Lamb	Murphy	Wesely
Clark	Hoagland	Landis	Sieck	

Present and not voting, 5:

Duis	Fitzgerald	George	Schmit	Venditte

Excused and not voting, 1:

Hasebroock

The Nichol motion lost with 24 ayes, 19 nays, 5 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 585

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 2136 to LB 585. No objections. So ordered.

MOTION - Return LB 585 to Select File

Mr. Schmit moved to return LB 585 to Select File for the following specific amendment:

(FINAL READING SECOND COPY)

1. On page 19, lines 8 and 9 strike "750,000" and insert "450,000".

2. Insert a new section as follows:

"Sec. 46. Agency No. 60 - Agricultural Products Industrial Utilization Committee

(1) Program No. 593 - Alcohol Plant Grants

GENERAL FUND	300,000
PROGRAM TOTAL	300,000

(2) Program No. 516 - Membership

GENERAL FUND	10,000
PROGRAM TOTAL	10,000

For Informational Purposes Only: Total Appropriations to Agency No. 60 and Fund Source

GENERAL FUND	310,000
AGENCY TOTAL	310,000

No expenditures shall be made from appropriations under this section unless specifically approved by the Governor.".

3. On page 2, line 9 strike "45" and insert "46".

4. Renumber sections accordingly.

MR. NICHOL PRESIDING

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Mr. Maresh asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT LUEDTKE PRESIDING

Mr. Schmit requested a roll call vote on his motion to return LB 585.

Voting in the affirmative, 25:

Brennan	Duis	Kennedy	Lewis	Schmit
Burrows	Fitzgerald	Keyes	Marvel	Simon
Carsten	George	Koch	Merz	Venditte
Cope	Goodrich	Labedz	Nichol	Wagner
DeCamp	Johnson	Lamb	Rumery	Warner

Voting in the negative, 20:

Clark	Haberman	Kelly	Murphy	Sieck
Cullan	Hefner	Kremer	Newell	Stoney
Dworak	Hoagland	Landis	Pirsch	Vickers
Fowler	Kahle	Marsh	Reutzel	Wesely

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 2:

Hasebroock Maresh

The Schmit motion prevailed with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Fitzgerald asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 585. The Schmit specific amendment found in this day's Journal was considered.

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 11 nays, and 12 not voting.

Mr. DeCamp requested a roll call vote on the Schmit motion.

Voting in the affirmative, 24:

Brennan	Duis	Keyes	Marvel	Simon
Burrows	George	Koch	Merz	Venditte
Carsten	Goodrich	Labedz	Nichol	Wagner
Cope	Johnson	Lamb	Rumery	Warner
DeCamp	Kennedy	Lewis	Schmit	

Voting in the negative, 21:

Chambers	Haberman	Kremer	Newell	Vickers
Clark	Hefner	Landis	Pirsch	
Cullan	Hoagland	Maresh	Reutzel	
Dworak	Kahle	Marsh	Sieck	
Fowler	Kelly	Murphy	Stoney	

Present and not voting, 2:

Beutler Wesely

Excused and not voting, 2:

Fitzgerald Hasebroock

The Schmit specific amendment found in this day's Journal lost with 24 ayes, 21 nays, 2 present and not voting, and 2 excused and not voting.

Readvanced to Final Reading.

UNANIMOUS CONSENT - Members Excused

Mr. Lewis asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 571 to Select File

Mr. Warner moved to return LB 571 to Select File for the following specific amendment:

(FINAL READING COPY)

1. On page 3, lines 23 and 24 strike "equivalent to" and insert "not to exceed the equivalent of"; and in line 26 strike "and disbursed".

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 motion prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 571. The Warner specific amendment found in this day's Journal was adopted with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

Mr. Cullan requested a machine vote to advance LB 571.

Advanced to E & R for Re-Engrossment with 30 ayes, 4 nays, 13 present and not voting, and 2 excused and not voting.

MOTION - Return LB 378 to Select File

Mr. Hoagland moved to return LB 378 to Select File for the following specific amendment:

1. On page 4, strike beginning with "The" in line 27 through "eligibility" on line 27.
2. On page 5, strike beginning with "for" in line 1 through line 7.

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. Venditte requested a record vote on the Hoagland motion.

Voting in the affirmative, 26:

Beutler	Fowler	Landis	Rumery	Warner
Brennan	Hoagland	Marsh	Schmit	Wesely
Burrows	Johnson	Merz	Sieck	
Chambers	Keyes	Newell	Simon	
Dworak	Koch	Pirsch	Stoney	
Fitzgerald	Kremer	Reutzel	Vickers	

Voting in the negative, 14:

Cope	Duis	Kahle	Labedz	Nichol
Cullan	Haberman	Kelly	Maresh	Venditte
DeCamp	Hefner	Kennedy	Marvel	

Present and not voting, 7:

Carsten	George	Lamb	Wagner
Clark	Goodrich	Murphy	

Excused and not voting, 2:

Hasebroock Lewis

The Hoagland motion prevailed with 26 ayes, 14 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 378. The Hoagland specific amendment found in this day's Journal was considered.

Mr. Venditte requested a record vote on the Hoagland specific amendment.

Voting in the affirmative, 26:

Beutler	Fitzgerald	Kremer	Reutzel	Warner
Brennan	Fowler	Landis	Rumery	Wesely
Burrows	Hoagland	Marsh	Schmit	
Chambers	Johnson	Merz	Simon	
Cope	Keyes	Newell	Stoney	
Dworak	Koch	Pirsch	Vickers	

Voting in the negative, 14:

Clark	Duis	Kahle	Maresh	Nichol
Cullan	Haberman	Kennedy	Marvel	Venditte
DeCamp	Hefner	Labedz	Murphy	

Present and not voting, 7:

Carsten	Goodrich	Lamb	Wagner
George	Kelly	Sieck	

Excused and not voting, 2:

Hasebroock Lewis

The Hoagland specific amendment was adopted with 26 ayes, 14 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Venditte requested a machine vote to advance LB 378.

Advanced to E & R for Re-Engrossment with 27 ayes, 2 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Kremer asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

MOTION - Return LB 329 to Select File

Mr. Chambers moved to return LB 329 to Select File for the following specific amendment:

(FINAL READING BILL)

1. On page 2, line 16, and page 3, lines 1 and 3, strike "nine" and insert "seven".

2. On page 12, line 26, reinstate the stricken "two" and strike "three".

3. On page 13, line 5, strike "six" and insert "five".

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Chambers motion prevailed with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 329. The Chambers 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.

Mrs. Labedz requested a record vote to advance LB 329.

Voting in the affirmative, 25:

Beutler	Dworak	Keyes	Merz	Venditte
Brennan	Fitzgerald	Landis	Newell	Vickers
Burrows	Fowler	Maresh	Pirsch	Wagner
Chambers	Johnson	Marsh	Reutzel	Warner
Cullan	Kahle	Marvel	Simon	Wesely

Voting in the negative, 14:

Carsten	George	Hefner	Labedz	Rumery
Clark	Goodrich	Hoagland	Murphy	Stoney
Cope	Haberman	Kennedy	Nichol	

Present and not voting, 7:

DeCamp	Kelly	Lamb	Sieck
Duis	Koch	Schmit	

Excused and not voting, 3:

Hasebroock	Kremer	Lewis

Advanced to E & R for Re-Engrossment with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

MOTION - Return LB 262 to Select File

Mr. Venditte moved to return LB 262 to Select File for the specific amendment found in the Journal on page 1971 (Req. #2955).

Mr. DeCamp 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. Venditte moved for a Call of the House. The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. Venditte requested a roll call vote on his motion.

Voting in the affirmative, 21:

Carsten	Duis	Goodrich	Kahle	Lamb
Clark	Fitzgerald	Haberman	Kennedy	Maresh
Cullan	George	Hefner	Labedz	Murphy

Nichol	Rumery	Venditte
Pirsch	Sieck	Wagner

Voting in the negative, 21:

Beutler	Dworak	Koch	Reutzel	Wesely
Brennan	Fowler	Landis	Simon	
Chambers	Hoagland	Marsh	Stoney	
Cope	Johnson	Marvel	Vickers	
DeCamp	Keyes	Newell	Warner	

Present and not voting, 4:

Burrows	Kelly	Merz	Schmit

Excused and not voting, 3:

Hasebroock	Kremer	Lewis

The Venditte motion lost with 21 ayes, 21 nays, 4 present and not voting, and 3 excused and not voting.

EXPLANATION OF VOTE

If I would have been recognized I would have voted yes on LB 378.

(Signed) Rex Haberman

MOTION - LB 363A

Mr. Koch moved to indefinitely postpone LB 363A.

Motion pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 42, 329, 378, and 571.

Correctly Engrossed

The following bill was correctly engrossed: 363.

(Signed) Don Wesely, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 117
May 16, 1979

Dear Senator Wesely:

You have asked our opinion as to the applicability of certain provisions of LB 161 to the University of Nebraska. The first provision you inquire about is the amendatory language of section 3 of the bill. This section amends section 84-1317, R.R.S. 1943, by adding this language:

> "No faculty member of the University of Nebraska, the Nebraska State Colleges, or the technical community colleges shall be forced to retire before age seventy without due process, nor shall any faculty member have tenure status revoked due to age."

There are two matters we wish to call to your attention before discussing the effect of this amendment on the University. Section 84-1317 is a part of the State Employees Retirement Act. Section 84-1301, R.R.S. 1943, specifically excludes from the definition of "employee," as used in that act, employees of the University of Nebraska, employees of the state colleges, and employees of technical community colleges. While it does not, we presume, affect the validity of the legislation, we believe a provision dealing with employees of these institutions is rather inappropriately placed in an act which does not purport to cover them.

Second, we are in considerable doubt as to the meaning of the amendment. It forbids forced retirement before age 70 "without due process," but does not specifically forbid forced retirement soley because of age. Due process is a constitutional concept, far too complex to be discussed at any length in this opinion. It has two general aspects, substantive and procedural. Procedural due process usually is thought of as requiring notice and hearing. You inform us that the University has a bylaw which provides for mandatory retirement of tenured employees at the age of 65.

If the amendment we are concerned with is intended simply to require procedural due process, the employee could be given notice of a hearing to determine whether he had passed the mandatory retirement age of 65. If he had, he could be retired on that basis alone. We are confident that that was not the intention of the amendment, but the vague language of "due process" leaves that interpretation open.

We now turn to the question of whether the amendment would violate Article VII, section 10 of the Nebraska Constitution, which

provides that the general government of the University of Nebraska shall, under the direction of the Legislature, be vested in the Board of Regents. Our court construed that constitutional provision in Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977). The court said that although the Legislature could add to or subtract from the powers and duties of the Board of Regents, the general government of the University must remain vested in the Board. In elaboration of that proposition, the court said that the Legislature was without authority to direct employees of the University, and held that the Legislature could not fix and determine the manner in which raises were given to employees of the University, saying that the determination of salary schedules and the compensation to be paid employees was an integral part of the general government of the University.

We believe the court would probably reach the same conclusion with respect to mandatory retirement and loss of tenure due to age. In light of Board of Regents v. Exon, we believe it would be difficult to sustain the amendment in so far as it applies to the University.

You also ask whether the amendment contained in section 2 of LB 161 would apply to the University. Section 2 would amend section 48-1003, R.R.S. 1943, which now limits the prohibitions of sections 48-1001 to 48-1009 to the employment of persons between 40 and 65 years of age. The amendment would raise the upper limit to 70 years.

We will not discuss this amendment in terms of Article VII, section 10, because we are not confident that it applies. Despite what Board of Regents v. Exon says, the Board of Regents is probably not totally insulated from the impact of general laws passed by the Legislature. When the Legislature attempts to specifically direct or control actions of the Board, the legislation is suspect. But we do not believe the court intended to say that the Board could ignore laws of general application. It is not, after all, a separate, independent sovereignty.

However, we believe there is some doubt that sections 48-1001 to 48-1009 apply to the University, or to any other state agencies. State agencies and political subdivisions are not specifically included in the definition of "person" in section 48-1002. One might draw an inference that they might be included in the definition of "employer," since political entities acting with respect to any peace officer or firefighter are excluded. It can be argued that this shows an intention to include other political entities.

However, this is a very tenuous basis for reaching such a conclusion. We believe a provision controlling state agencies and political subdivisions should be reasonably specific in that regard. We note that 29 U.S.C. section 630, a part of the federal Age Discrimination Act, specifically includes in the definition of "employer" a state or political subdivision and any agency or

instrumentality of a state or political subdivision. The failure of section 48-1002 to include them makes it doubtful that the act was intended to apply to state agencies, including the University. If it does not, of course the amendment of that act by LB 161 would have no effect on the University.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

MESSAGES FROM THE GOVERNOR

May 21, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 344 and 344A.
These bills were signed by me on May 21, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 21, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 101, 114, 114A, 559 and 559A.

These bills were signed by me on May 18, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 21, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 17, 17A, 54, 54A, 101A, 124, 124A, 302 and 302A.

These bills were signed by me on May 17, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 21, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 180, 180A, 412, 412A, 444, 444A, 565 and 565A.

These bills were signed by me on May 21, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 21, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 506 and 506A.

These bills were signed by me on May 17, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 21, 1979

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

Legislative Bill 596 will neither be signed or vetoed. As you know, LB 596 provides Legislative "intent" regarding the use of appropriations provided in other bills.

It is my understanding that a bill such as this does not have the force of law in any event. It is primarily for that reason that I find it inappropriate to act favorably or disfavorably concerning LB 596.

Let me add, however, that there are several items therein that are of concern. I will briefly point out but two examples.

Section 23 expresses intent of committing future Legislatures to future increased funding of $1,000,000 for fiscal year 1980-81 and an additional $2,000,000 for fiscal year 1981-82 for soil and water conservation projects. This amounts to an unfunded appropriation by giving the Natural Resources Commission a clear signal to, in effect, obligate the State beyond the current appropriation year. As vitally important and necessary as our land and water resources are, given the uncertain economic conditions, it seems unwise to encourage such commitments at this point in time without measuring these against other future needs.

Section 13 provides that the Department of Welfare utilize federal welfare guidelines. There was a bill in the Legislature this Session, LB 35, addressing such a concept and that bill was not passed. In my opinion it is not now appropriate to address this issue positively in a document such as LB 596.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:dsm

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:10 p.m. Wednesday, May 23, 1979, in Room 1520, for the purpose of hearing appointments or reappointments by Governor Charles Thone as follows:

Nebraska Natural Resources Commission
Robert W. Bell
Richard Hahn
Don Thompson

(Signed) Shirley Marsh, Chairperson

VISITORS

Visitors to the Chamber were 20 eighth grade students and teachers from St. Stanislaus Elementary, Omaha; 75 eighth grade students and teachers from Mary Our Queen Elementary, Omaha; and Rachael McMeekin from Glasglow, Scotland, Martha Allan from Council Bluffs, and Karen Stille from Lincoln.

RECESS

At 12:35 p.m., on a motion by Mr. Merz, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:15 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten and Hasebroock who were excused; and Messrs. Chambers, Kahle, Schmit, and Sieck who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 70. Read. Considered.

Mr. Warner offered the following amendment:

4. That the Legislature invites the Governor of the State of Nebraska to appoint a representative of the Governor's office to participate in such study committee.

The amendment was adopted with 30 ayes, 0 nays, and 19 not voting.

LR 70 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 95. Read. Considered.

LR 95 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 105. Read. Considered.

Mr. Newell asked unanimous consent to withdraw LR 105. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 358.

A BILL FOR AN ACT to amend section 48-121, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 114, Eighty-sixth Legislature, First Session, 1979, relating to workmen's compensation; to change provisions for total loss of hearing in both ears; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Beutler	Fitzgerald	Landis	Nichol	Stoney
Brennan	Fowler	Lewis	Pirsch	Venditte
Burrows	George	Maresh	Reutzel	Vickers
DeCamp	Goodrich	Marsh	Rumery	Wagner
Duis	Johnson	Merz	Sieck	Warner
Dworak	Lamb	Newell	Simon	Wesely

Voting in the negative, 10:

Clark	Cullan	Hefner	Kennedy	Marvel
Cope	Haberman	Kelly	Kremer	Murphy

Present and not voting, 4:

Hoagland	Keyes	Koch	Labedz

Excused and not voting, 5:

Carsten	Chambers	Hasebroock	Kahle	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 484. Mr. Lewis moved to return LB 484 to Select File for the following specific amendment:
To remove the Hoagland amendment.

The motion prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 495. With Emergency.

A BILL FOR AN ACT to amend sections 18-2201 and 18-2202, Reissue Revised Statutes of Nebraska, 1943, relating to community antenna television service; to require regulations of rate increases as prescribed; to permit the grant of a franchise without an election; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 34:

Beutler	Cullan	Dworak	George	Johnson
Brennan	DeCamp	Fitzgerald	Goodrich	Kahle
Burrows	Duis	Fowler	Hoagland	Keyes

Koch	Marvel	Pirsch	Sieck	Vickers
Kremer	Merz	Reutzel	Simon	Warner
Landis	Newell	Rumery	Stoney	Wesely
Maresh	Nichol	Schmit	Venditte	

Voting in the negative, 10:

Clark	Haberman	Kelly	Lamb	Murphy
Cope	Hefner	Kennedy	Marsh	Wagner

Present and not voting, 2:

Labedz Lewis

Excused and not voting, 3:

Carsten Chambers 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.

LEGISLATIVE BILL 99.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 7 and 19, of the Constitution of Nebraska, and the further amendment to Article XV of the Constitution of Nebraska, by adding a new section 19 thereto, relating to the Legislature; to create a Compensation Review Commission; to provide duties; to provide that compensation for certain executive officers, the judiciary, and the Legislature shall be adjusted as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the primary election in May, 1980, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 7 and 19, of the Constitution of Nebraska, and the further amendment to Article XV of the Constitution of Nebraska, by adding a new section 19 thereto, which is hereby proposed by the Legislature:

"Article III 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 compensation to be established in the manner provided by Article XV, section 19.

Article III 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. Except as provided in Article XV, section 19, the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his term of office; Provided, when there are members elected or appointed to a 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 such 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.

Article XV Sec. 19. There is hereby created a commission to be known as the Compensation Review Commission. The members of the commission shall be appointed by the Governor and shall be subject to the approval of the Legislature. There shall be two members appointed from each congressional district and one member shall be appointed from the citizenry at large. Members shall serve for terms of four years, except that of the members first appointed, one member from each congressional district shall be appointed for a term of two years. If the number of congressional districts changes the Governor

shall, within sixty days after such change, appoint two members from each congressional district for staggered terms and one member from the citizenry at large. The terms of all existing members shall terminate on the date the new mmembers are appointed, but existing members may be reappointed. The members of such commission shall receive no compensation for the performance of their duties, but may be reimbursed for their actual and necessary expenses. The commission shall review salaries and expenses for members of the Legislature, members of the judiciary, the Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and Treasurer and before the beginning of each regular session of the Legislature held in an odd-numbered year recommend to the Legislature any adjustments in compensation it deems appropriate. The Legislature may approve, reject, or reduce any recommendation of the commission. Compensation recommended by the commission shall not become effective until approved by the Legislature and when so approved shall become effective at the beginning of the next regular session of the Legislature following the session in which such compensation was approved.

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 create a Compensation Review Commission which shall have the authority to recommend changes in salaries and allowable expenses for members of the Legislature, certain officers of the executive branch, and members of the judicial branch, and to provide when such recommendations become effective.
> For
> Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Beutler	Fitzgerald	Keyes	Merz	Venditte
Brennan	Fowler	Koch	Murphy	Vickers
Burrows	George	Kremer	Newell	Wagner
Chambers	Goodrich	Labedz	Pirsch	Warner
Cope	Haberman	Landis	Reutzel	Wesely
Cullan	Hoagland	Lewis	Rumery	
DeCamp	Johnson	Maresh	Schmit	
Duis	Kahle	Marsh	Sieck	
Dworak	Kelly	Marvel	Simon	

Voting in the negative, 6:

Clark	Kennedy	Nichol
Hefner	Lamb	Stoney

Excused and not voting, 2:

Carsten Hasebroock

A constitutional four-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 136. With Emergency.

A BILL FOR AN ACT to amend sections 16-617, 17-149, and 17-509, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide for certain improvements beyond the corporate limits; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Beutler	Fitzgerald	Kelly	Maresh	Schmit
Brennan	Fowler	Kennedy	Marsh	Sieck
Chambers	George	Keyes	Marvel	Simon
Clark	Goodrich	Koch	Murphy	Stoney
Cope	Haberman	Kremer	Newell	Venditte
Cullan	Hefner	Labedz	Nichol	Vickers
DeCamp	Hoagland	Lamb	Pirsch	Wagner
Duis	Johnson	Landis	Reutzel	Warner
Dworak	Kahle	Lewis	Rumery	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Burrows Merz

Excused and not voting, 2:

Carsten 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.

LEGISLATIVE BILL 281.

A BILL FOR AN ACT to amend sections 19-404, 19-408, 19-414, and 19-415, Reissue Revised Statutes of Nebraska, 1943, relating to cities having the commission form of government; to increase the number of commissioners; to provide terms as prescribed; to provide additional departments; 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, 47:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Brennan	Fowler	Keyes	Merz	Stoney
Burrows	George	Koch	Murphy	Venditte
Chambers	Goodrich	Kremer	Newell	Vickers
Clark	Haberman	Labedz	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Hoagland	Landis	Reutzel	Wesely
DeCamp	Johnson	Lewis	Rumery	
Duis	Kahle	Maresh	Schmit	
Dworak	Kelly	Marsh	Sieck	

Voting in the negative, 0.

Excused and not voting, 2:

Carsten Hasebroock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 356.

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 increase certain contract limits requiring council approval, an engineer's cost estimate, and advertising for bids; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Beutler	Hefner	Labedz	Nichol	Vickers
Cope	Hoagland	Lamb	Reutzel	Warner
Cullan	Johnson	Landis	Rumery	Wesely
DeCamp	Kahle	Maresh	Sieck	
Fitzgerald	Kelly	Marsh	Simon	
George	Keyes	Murphy	Stoney	
Haberman	Kremer	Newell	Venditte	

Voting in the negative, 13:

Burrows	Duis	Kennedy	Marvel	Wagner
Chambers	Dworak	Koch	Pirsch	
Clark	Fowler	Lewis	Schmit	

Present and not voting, 3:

Brennan	Goodrich	Merz

Excused and not voting, 2:

Carsten	Hasebroock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 538. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Agricultural Products Marketing Act; to provide for a report and submission of budget information as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Beutler	Dworak	Kahle	Maresh	Schmit
Brennan	Fitzgerald	Kelly	Marsh	Sieck
Burrows	Fowler	Kennedy	Marvel	Simon
Chambers	George	Keyes	Murphy	Stoney
Clark	Goodrich	Koch	Newell	Venditte
Cope	Haberman	Kremer	Nichol	Wagner
Cullan	Hefner	Labedz	Pirsch	Warner
DeCamp	Hoagland	Lamb	Reutzel	Wesely
Duis	Johnson	Lewis	Rumery	

Voting in the negative, 2:

Landis Vickers

Present and not voting, 1:

Merz

Excused and not voting, 2:

Carsten 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.

LEGISLATIVE BILL 569.

A BILL FOR AN ACT to amend section 32-511, Reissue Revised Statutes of Nebraska, 1943, and section 32-542, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 421, Eighty-sixth Legislature, First Session, 1979, relating to elections; to provide an option in the presidential primary; to provide an additional method to elect delegates to national conventions as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Beutler	Fitzgerald	Keyes	Marvel	Stoney
Brennan	Fowler	Koch	Murphy	Venditte
Burrows	George	Kremer	Newell	Wagner
Chambers	Goodrich	Labedz	Pirsch	Warner
Cope	Hefner	Lamb	Reutzel	Wesely
Cullan	Hoagland	Landis	Rumery	
DeCamp	Johnson	Lewis	Schmit	
Duis	Kahle	Maresh	Sieck	
Dworak	Kennedy	Marsh	Simon	

Voting in the negative, 5:

Clark	Haberman	Kelly	Nichol	Vickers

Present and not voting, 1:

Merz

Excused and not voting, 2:

Carsten Hasebroock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 6b, to take up LB 161, 387, 391, 585, 591, and 594 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 161.

A BILL FOR AN ACT relating to older Nebraskans; to adopt the Older Nebraskans Act; to create the Administrative Advisory Committee for Older Nebraskans; to provide for membership; to provide duties; to amend sections 48-1003 and 84-1317, Reissue Revised Statutes of Nebraska, 1943; to change the retirement age; 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:

Beutler	Fitzgerald	Kennedy	Marvel	Stoney
Brennan	Fowler	Keyes	Merz	Venditte
Burrows	George	Koch	Newell	Vickers
Chambers	Goodrich	Kremer	Nichol	Wagner
Clark	Haberman	Labedz	Pirsch	Warner
Cope	Hefner	Lamb	Reutzel	Wesely
Cullan	Hoagland	Landis	Rumery	
DeCamp	Johnson	Lewis	Schmit	
Duis	Kahle	Maresh	Sieck	
Dworak	Kelly	Marsh	Simon	

Voting in the negative, 0.

Present and not voting, 1:

Murphy

Excused and not voting, 2:

Carsten Hasebroock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 387. With Emergency.

A BILL FOR AN ACT to amend section 32-4,152, Reissue Revised Statutes of Nebraska, 1943, relating to cities; to provide recall procedures for councilmen and mayors of certain vacancies in office; to provide for a special municipal election as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Beutler	Chambers	Cullan	Dworak	George
Brennan	Clark	DeCamp	Fitzgerald	Goodrich
Burrows	Cope	Duis	Fowler	Haberman

Hefner	Koch	Maresh	Pirsch	Stoney
Hoagland	Kremer	Marsh	Reutzel	Venditte
Johnson	Labedz	Marvel	Rumery	Vickers
Kelly	Lamb	Merz	Schmit	Wagner
Kennedy	Landis	Murphy	Sieck	Warner
Keyes	Lewis	Nichol	Simon	Wesely

Voting in the negative, 1:

Newell

Present and not voting, 1:

Kahle

Excused and not voting, 2:

Carsten 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.

LEGISLATIVE BILL 391. With Emergency.

A BILL FOR AN ACT relating to retirement; to change mandatory retirement age as prescribed; to extend certain benefits; to amend sections 23-2315, 79-1041, 79-1057, 79-1521, and 84-1317, Reissue Revised Statutes of Nebraska, 1943, and sections 44-1627 and 79-1509, Revised Statutes Supplement, 1978; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Beutler	Dworak	Kahle	Lewis	Reutzel
Brennan	Fitzgerald	Kelly	Maresh	Rumery
Burrows	Fowler	Kennedy	Marsh	Schmit
Chambers	George	Keyes	Marvel	Sieck
Clark	Goodrich	Koch	Merz	Simon
Cope	Haberman	Kremer	Murphy	Stoney
Cullan	Hefner	Labedz	Newell	Venditte
DeCamp	Hoagland	Lamb	Nichol	Vickers
Duis	Johnson	Landis	Pirsch	Wagner

Warner Wesely

Voting in the negative, 0.

Excused and not voting, 2:

Carsten 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. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 585. With Emergency.

A BILL FOR AN ACT to make appropriations for state aid programs for the period of July 1, 1979, to June 30, 1980; 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:

Beutler	Dworak	Kelly	Marsh	Simon
Brennan	Fitzgerald	Kennedy	Marvel	Stoney
Burrows	Fowler	Keyes	Murphy	Venditte
Chambers	George	Koch	Newell	Vickers
Clark	Goodrich	Kremer	Nichol	Wagner
Cope	Haberman	Labedz	Pirsch	Warner
Cullan	Hoagland	Lamb	Reutzel	Wesely
DeCamp	Johnson	Landis	Rumery	
Duis	Kahle	Maresh	Sieck	

Voting in the negative, 1:

Schmit

Present and not voting, 2:

Lewis Merz

Excused and not voting, 3:

Carsten Hasebroock Hefner

A constitutional 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. With Emergency.

A BILL FOR AN ACT to make appropriations to certain agencies of state government for the period of July 1, 1979, to June 30, 1980; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Beutler	Fowler	Koch	Murphy	Stoney
Brennan	Goodrich	Kremer	Newell	Venditte
Burrows	Haberman	Labedz	Nichol	Vickers
Clark	Hoagland	Lamb	Pirsch	Wagner
Cope	Johnson	Landis	Reutzel	Warner
Cullan	Kahle	Maresh	Rumery	Wesely
DeCamp	Kelly	Marsh	Schmit	
Dworak	Kennedy	Marvel	Sieck	
Fitzgerald	Keyes	Merz	Simon	

Voting in the negative, 1:

George

Present and not voting 3:

Chambers Duis Lewis

Excused and not voting, 3:

Carsten Hasebroock Hefner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 594. With Emergency.

A BILL FOR AN ACT to make appropriations for capital construction projects; to acknowledge and reaffirm an appropriation; to make reappropriations; to provide severability; to repeal sections 15 and 20, Legislative Bill 593, Eighty-sixth Legislature, First Session, 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, 34:

Beutler	DeCamp	Kahle	Maresh	Schmit
Brennan	Duis	Kelly	Marsh	Sieck
Burrows	Dworak	Keyes	Marvel	Simon
Chambers	Fitzgerald	Kremer	Merz	Wagner
Clark	Fowler	Labedz	Nichol	Warner
Cope	Goodrich	Landis	Reutzel	Wesely
Cullan	Hoagland	Lewis	Rumery	

Voting in the negative, 12:

George	Kennedy	Murphy	Stoney
Haberman	Koch	Newell	Venditte
Johnson	Lamb	Pirsch	Vickers

Excused and not voting, 3:

Carsten	Hasebroock	Hefner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 174. Read. Considered.

LR 174 was adopted with 44 ayes, 0 nays, and 5 not voting.

Messrs. Brennan, Cullan, and Venditte asked unanimous consent to add their names to LR 174. No objections. So ordered.

Mr. Maresh asked unanimous consent to be excused. No objections. So ordered.

MOTION - Adopt Report

Mr. Newell moved the adoption of the LR 1 Committee report found in the Journal on page 1461.

The report was adopted with 26 ayes, 6 nays, and 17 not voting.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

EASE

The Legislature was at ease from 4:09 p.m. until 4:15 p.m.

Mr. Sieck asked unanimous consent be excused. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 30. Read. Considered.

Mr. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell moved to refer LR 30 to the Government, Military and Veterans Affairs Committee for a public hearing.

The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 99, 136, 161, 281, 356, 358, 387, 391, 495, 538, 569, 585, 591, and 594.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 99, 136, 161, 281, 356, 358, 387, 391, 495, 538, 569, 585, 591, and 594.

MESSAGES FROM THE GOVERNOR

May 21, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 260, 260A and 505A and Reengrossed Legislative Bill 505.

These bills were signed by me on May 21, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 21, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 500 and 500A.

These bills were signed by me on May 21, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ANNOUNCEMENT

Speaker Marvel announced that Senator Hasebroock is in Room 612 at Bryan Memorial Hospital.

VISITORS

Visitors to the Chamber were 36 seventh grade students, teachers, and parents from St. Peter-Paul Elementary, Seneca, Kansas.

ADJOURNMENT

At 4:59 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m, Tuesday, May 22, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-EIGHTH DAY - MAY 22, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 22, 1979

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke 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 Mr. Hasebroock who was excused; and Messrs. Newell, Schmit, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for Eighty-Seventh Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 1979, at 5:10 p.m., were the following bills: 358, 495, 99, 136, 281, 356, 538, 569, 161, 387, 391, 585, 591, and 594.

(Signed) Emory P. Burnett,
E & R Attorney

REPORT OF EXECUTIVE BOARD

May 21, 1979

Report to the Legislature from the Executive Board:

The Legislative Council Executive Board hereby submits the attached reports on the referral of interim study resolutions the approval of the Nebraska State Legislature.

It is the intent of the Reference Committee, in making these reference recommendations, that those committees to which interim studies are assigned shall be the only legislative committee authorized to conduct studies on the particular topic of the legislative resolution. Should workloads become such during the interim or should a study committee feel the need to involve another study committee in their efforts, adjustments can be made by the Executive Board relative to study committee membership.

(Signed) Frank Lewis, Chairman
Executive Board

Reference of Study Resolutions

LR 14 - Study to determine the need and feasibility of establishing a state prohibition against knowingly hiring an undocumented worker. (Simon, Johnson) Business & Labor

LR 23 - Study of the provisions, administration, and enforcement of the Uniform Disposition of Unclaimed Property Act. (Newell) Revenue

LR 26 - Study of the problems affecting the office of county surveyors, including examination of all provisions of law, rules, and regulations applicable thereto. (Keyes et al) Govt., Mil. & Vets. Affrs.

LR 29 - Special investigation involving claim of Joseph James Soukop. (Business & Labor) Business & Labor

LR 31 - Study of matters related to floods and flood control. (Simon) Public Works

LR 37 - Study all aspects of the various county weed district boards in the state. (Agric. & Env.) Agric. & Env.

LR 38 - Study to determine the feasibility of extending coverage of the workmen's compensation system to volunteer workers. (Business & Labor) Business & Labor

LR 41 - Study relating to nuclear power plants' plans for notification and evacuation of local residents and safety procedures. (Wesely, Fowler) Public Works

LR 46 - Study relating to food coupons. (Keyes, Wesely) Business & Labor

LR 47 - Study relating to arrest records. (Johnson) Judiciary

LR 48 - Study on the consequences of studded snow tire use. (Newell) Misc. Subjects

LR 60 - Study to determine the feasibility of increasing the use of barges in Nebraska for the shipment of grain. (Maresh, George, Carsten, Schmit) Agric. & Env.

LR 73 - Study of perpetual care and perpetual special care trust funds. (Maresh, DeCamp) Banking, Comm. & Ins.

LR 76 - Study of a constitutional amendment to provide for statewide coordination of higher education system, and to provide for the creation of a board of regents appointed by Governor & confirmed by Legislature. (Newell) Const. Rev. & Rec.

LR 77 - Study of special education funding. (Sieck) Education

LR 78 - Review of the Uniform Trustees' Powers Act and the Uniform Principal and Income Act. (Banking, Comm. & Ins.) Banking, Comm. & Ins.

LR 80 - Study of Mental Health Commitment Act. (Cullan) Pub. Health & Welfare

LR 83 - Review of the Nebraska Records Management Act. (Wesely) Misc. Subjects

LR 85 - Study on the use of radar in clocking speeds of automobiles and its use as evidence against defendants. (Chambers) Judiciary

LR 87 - Study regarding Nursing Homes in Nebraska; current Medicaid reimbursement system for nursing home services; the possible alternatives regarding Medicaid reimbursement for nursing home services. (Cullan) Pub. Health & Welfare

LR 88 - Study relative to the lawful disclosure of information by public employees. (Simon, Vickers, Fowler, Hoagland) Govt., Mil. & Vets. Affrs.

LR 89 - Study of feasibility of combining steam generating facilities with gasohol production plants. (Agric. & Env.) Agric. & Env.

LR 91 - Study to determine the feasibility of a state health & safety law to protect employees of Nebraska and its political subdivisions. (Brennan) Business & Labor

LR 93 - Study re: child support. (Judiciary) Judiciary

LR 94 - Study of the workability and feasibility of rewriting Nebraska juvenile laws. (Judiciary) Judiciary

LR 96 - Study to review and examine the Uniform Commercial Code. (Nichol) Judiciary

LR 97 - Study of Uniform Probate Code. (Nichol) Judiciary

LR 100 - Study to determine whether controls need to be placed upon the federal government's acquisition of land and water in Nebraska for migratory bird reservations, refuges & parks. (Reutzel et al) Const. Rev. & Rec.

LR 101 - Study and evaluation of Nebraska law and procedure relating to criminal sentencing. (Nichol) Judiciary

LR 102 (as amended) - Study on the plea bargaining system, (Stoney, Nichol) amended to include a study on use of jury trial procedures. (Chambers) Judiciary

LR 104 - Study to examine the most effective and efficient use of drug schedules in the Criminal Code. (Nichol et al) Judiciary

LR 106 - Study on the use of insanity as a defense in a criminal action. (Judiciary) Judiciary

LR 109 - Study of the influence of Federal regional governing bodies upon the policies and activities of the State of Nebraska. (Kennedy, Hefner) Intergov. Cooperation

LR 110 - Study of mass transportation needs of Nebraska school pupils. (Koch) Education

LR 111 - Study of future capital construction needs of technical community colleges beyond 1980. (Koch) Education

LR 114 - Study on the methods and practices currently being used and researched to aid agricultural production in the state. (Agric. & Env.) Agric. & Env.

LR 116 - Examination of the current practices of conservation being used in the state. (Agric. & Env.) Agric. & Env.

LR 118 - Study of the Nebraska School Retirement System. (Lewis, Hasebroock) Nebr. Ret. Systems

LR 120 - Study to gather information relating to the establishment of a multi-state veterinary school. (Koch, Vickers) Education

LR 121 - Study on all aspects of asbestos, hazards, identification and abatement. (Wesely) Pub. Health & Welfare

LR 123 - Study of scattered site housing projects in Omaha. (Koch) Urban Affairs

LR 124 - Study relating to the kinds of evaluations and programs that can and should be provided at the local level to assure that all public and private school pupils are able to learn and perform basic academic and life skills. (Koch) Education

LR 126 - Study of retirement systems and pension plans for state and local employees of surrounding states. (Hasebroock) Nebr. Ret. Systems

LR 127 - Study of a retirement system which could cover all peace officers not now covered by any systems. (Hasebroock) Neb. Ret. Systems

LR 128 - Review of the policies and practices of investment of public funds by other public bodies and states. (Chambers, Fowler) Banking, Comm. & Ins.

LR 131 - Study regarding the funding, services, personnel, programs, organization, and structure of the Department of Education. (Education) Education

LR 132 - Study on the advisability of legislation allowing adopted persons and/or their biological relatives access to their original birth records and/or the court records of their adoptions. (Newell) Judiciary

LR 134 - Study possible methods of revamping our present system of depositing different taxes, fees, etc., into different funds. (Keyes) Revenue

LR 136 - Study of all phases and agencies involved in the acquisition, funding and continuance of public transportation in urban and rural areas. (Keyes) Govt., Mil. & Vets. Affrs.

LR 138 - Study of the banking structure in Nebraska. (Schmit et al) Banking, Comm. & Ins.

LR 139 - Study of methods to extend financial aid to education. (Koch) Education

LR 140 - Study of county poor relief. (Johnson) Pub. Health & Welfare

LR 146 - Study of the laws governing public sector unfair labor practices in Nebraska as compared with other states. (Landis et al) Business & Labor

LR 147 - Study regarding computer usage by state agencies and political subdivisions. (Rumery et al) Appropriations

LR 148 - Study to analyze and explore the feasibility of operating a State Lottery. (Simon) Revenue

LR 149 - Study to determine the public's response to the 1978 natural disaster plan. (Govt., Mil. & Vets Affrs.) Govt.,Mil. & Vets. Affrs.

LR 150 - Study of the Nebraska "Game Law." (Const. Rev. & Rec.) Const. Rev. & Rec.

LR 151 - Study of the revision of Federal bankruptcy laws. (DeCamp) Banking, Comm. & Ins.

LR 152 - Study of the gambling laws and enforcement procedures. (DeCamp) Judiciary

LR 153 - Study of the industrial loan and investment industry. (DeCamp) Banking, Comm. & Ins.

LR 155 - Study of county sheriffs. (Chambers) Judiciary

LR 157 - Study to survey and analyze the needs of migrant workers for legal services during their time in the state. (Fowler) Judiciary

LR 158 - Study of Community Antenna Television (CATV). (Fowler) Misc. Subjects

LR 159 - Study regarding infant mortality. (Brennan) Pub. Health & Welfare

LR 160 - Study of the financial impact to the feed and livestock industry and financial burden placed on such industry. (Agric. & Env.) Agric. & Env.

LR 161 - Study to determine whether the Legislature should provide for the establishment of a system of scenic rivers within the state. (Reutzel, Fowler) Const. Rev. & Rec.

LR 162 - Study to review Nebraska's arbitration laws. (Business & Labor) Business & Labor

LR 163 - Study to determine the need for the adoption of a fish and wildlife coordination act to insure that state agencies involved in land and water development projects will give due consideration to the preservation and enhancement of the State's fish and wildlife resources. (Const. Rev. & Rec.) Const. Rev. & Rec.

LR 164 - Study of special education programs for the handicapped. (Koch) Education

LR 166 - Study to identify methods to reduce the Nebraska public's exposure to X-rays. (Hoagland et al) Pub. Health & Welfare

LR 170 - Study on the feasibility of complete home rule for cities of the metropolitan class. (Newell, Fitzgerald) Misc. Subjects

LR 171 - Study on the feasibility of combining the Nebraska Department of Roads, Department of Motor Vehicles, Dept. of Aeronautics and any other appropriate agency or department of government into a Department of Transportation. (Carsten et al) Trans. Adv.

LR 172 - Study to investigate and analyze the system and methods and procedures for the reporting, application and receipt of state relief monies. (Haberman, DeCamp) Revenue

LR 173 - Study of the statutes administered by the Dept. of Agriculture to determine whether or not they continue to efficiently and effectively meet the needs of the State. (Schmit et al) Agric. & Env.

Special Committees to be Appointed
by Executive Board

LR 58 - That the Exec. Board appoint a special interim study committee to study the process that will be utilized for the 1981 reapportionment. (Marsh) Executive Board

LR 63 - That a special committee be formed for the purpose of conducting an interim study into feasibility of purchasing existing

structures in Lincoln, to be used as State office and storage space. *At least 3 members of Appropriations. (Merz) Executive Board

LR 75 - That a special committee be appointed by the Exec. Board to study, in-depth, the fiscal and budgetary aspects of the University of Nebraska. (Lewis) Executive Board

LR 133 - That a standing committee of the legislature conduct an interim study relative to Omaha finances. (Keyes) Executive Board

LR 135 - That the Exec. Board appoint a special interim study committee to study the effects, ramifications and benefits of a merger of the City of Omaha and Douglas County. (Keyes) Executive Board

LR 141 - That the Legislature conduct an interim study on the medical value of marijuana as a therapeutic agent, and include in such study the feasibility of a road side test to detect marijuana intoxication. (Marsh et al) Executive Board

LR 145 - That an interim study be conducted to determine what additional measures are necessary to provide a fair, efficient, and legal system of equalization for the citizens and taxpayers of Nebraska. (DeCamp) Executive Board

LR 154 - That the Exec. Board appoint a committee of eight Senators to research the topic of Nebraska's law enforcement system. (Continuation of study of LR 141 in 1977 and LR 158 in 1978.) (Fowler, DeCamp, Chambers, Reutzel) Executive Board

LR 168 - That the Executive Board appoint a special committee to conduct an interim study addressing practices and procedures of the Nebraska Legislature. (Wesely et al) Executive Board

LR 169 - That the Exec. Board form a special interim study committee on urban growth comprised of eight senators from cities of the primary and metropolitan class. (Simon et al) Executive Board

LR 119 - *Study of public power districts. (Calls for four members of the Exec. Board, four members of the Public Works Comm. and the Speaker of the Legislature.)

LR 18 - *Review of certain public power districts' financial reserves and rates for service and determine the need for a financial audit of these districts. (Keyes)

LR 144 - *Study of aspects of the public power industry. (Public Works) *EXECUTIVE BOARD

LR 137 (as amended) - Study of all aspects of services and financial support available to physically, mentally and/or multiple handicapped persons, (Wesely) amended to include issues involving behavior modification program at Lincoln Regional Center. Executive Board

LR 98 - Executive Board appoint special committee on the topic of energy that will deal with such topic in a comprehensive manner. (DeCamp) Executive Board

It is the intent of the Reference Committee that the following resolutions be studied as one package by the suggested committee.

LR 6 - *Study of the tax incidence of the federal, state and local tax structure upon the citizens of the State of Nebraska. (Koch)

LR 42 - *Study of the financial relationship between the state and its political subdivisions including a detailed analysis of the levels and relative burdens imposed by property, sales and income taxation; alternative methods of financing local government and for distributing receipts from state tax sources to political subdivisions, etc. (Newell et al)

LR 129 - *Study to determine what property situated in the State of Nebraska has not been assessed or has escaped taxation in any former year or years and the resulting loss of revenue to the taxing authority. (DeCamp) *REVENUE

LR 7 - *Study the need for aged, disabled, and incompetent adults to be protected from abuse, neglect, exploitation, or physical danger. (Marsh)

LR 39 - *Study of the procedures for reporting, investigating, adjudicating, and treating both children and incompetent individuals. (Simon) *JUDICIARY

LR 8 - *Study of the feasibility of consolidating the Dept. of Health, the Dept. of Public Welfare, and certain functions of the Dept. of Public Institutions into a new agency. (Newell)

LR 81 - *Study regarding the funding, services, programs, organization, and structure of the Dept. of Health. (Cullan) *PUB. HEALTH & WELFARE

LR 20 - *Study to examine the election process of natural resource districts. (Govt., Mil. & Vets. Affrs.)

LR 44 - *Study the manner of electing county commissioners in counties having more than three hundred thousand inhabitants. (Kelly et al)

LR 55 - *Study to examine the election processes of Technical Community Colleges, ESU's, Public Power Districts, and those other special use districts as may be deemed necessary. (Wesely) *GOVT., MIL. & VETS. AFFRS.

LR 25 - *Investigate the revenue impacts of energy imported into Nebraska; study the feasibility, method, and costs of enacting a tax incentive provision for the installation of inexhaustible alternative energy equipment. (Wesely & Schmit ex-officio members) (Newell et al)

LR 115 - *Study problems associated with maintaining Nebraska's level of fuel allocations. (Agric. & Env.) *REVENUE/AGRIC. & ENV.

LR 59 - *Study of coal slurry pipeline issues. (DeCamp)

LR 122 - *Study of the impact that a coal slurry pipeline would have on water in Nebraska. (Cullan) *PUBLIC WORKS

LR 64 - *Study to determine the effect, if any, upon liability insurance rates resulting from: Repeal of the guest passenger statute; Adoption of a comparative negligence standard as contained in LB 511; and allowance for punitive damages in private civil suits. (Johnson, Hoagland, Landis)

LR 103 - *Study of effect of the adoption of a no fault automobile reparations plan on liability insurance costs and the benefits, if any, which would flow therefrom. (DeCamp) *BANKING, COMM. & INS.

LR 68 - *Study of the nine major water storage reservoir projects in Nebraska. (Public Works)

LR 142 - *Study of Nebraska's laws relating to water resources. (Public Works) *PUBLIC WORKS

LR 71 - *Study of the delivery, cost, and funding of services to alcoholics. (Murphy, Cullan)

LR 74 - *Study of the problem of alcohol abuse among the young people of Nebraska and examination of the effect adjustment of existing penalties would have on the teenage alcohol. The Committee shall also investigate the possibility of improving alcohol education programs for Nebraska's youth. (Newell, Simon)

LR 112 - *Study of the enforcement of Nebraska liquor laws concerning minors. (Kelly)

LR 113 - *Study of alcohol as it affects the youth of Nebraska physically, psychologically, and socially; and what type of alcohol treatment is presently available to youth in Nebraska. (Kelly) *MISC. SUBJECTS

LR 84 - *Study appropriate and necessary measures to incorporate the county name on Nebraska license plates replacing the primary number. (Pirsch)

LR 143 - *Study on motor vehicle license plates. (Public Works) *PUBLIC WORKS

LR 108 - *Study regarding Grade Crossing Protection Fund. (Cullan, DeCamp)

LR 165 - *That the Urban Affairs Committee further study the railroad transportation legislation held by such committee and also study other aspects of rail transporation. (Fowler) *URBAN AFFAIRS

LR 117 - *Study to investigate the proper methods of disposal of pesticides, who is to be responsible for said disposal, who is to bear the costs of those chemicals which are disposed of or destroyed, and who is to bear the cost of the disposal. (Agric. & Env.)

LR 156 - *Study on hazardous waste generation and disposal including on site storage and disposal within the state boundaries. (Reutzel et al) *AGRIC. & ENV.

LR 125 - *Study of state agencies and programs concerned with jobs & employment. (Johnson)

LR 130 - *Study of the distribution of unemployment in Nebr. (Maresh) *BUSINESS & LABOR

APPENDAGE TO REPORT

Amendment to LR 102

By Chambers, 11th District.

WHEREAS, individuals charged with violating certain criminal laws may be prosecuted either under city ordinance or state statute; and

WHEREAS, depending upon whether a violation of a city ordinance or state statute is involved might determine if the trial is by jury; and

WHEREAS, it is within the power of the Legislature to provide that the trial of petty offenses in violation of a city or village ordinance shall be triable without a jury when Article I, section 6, of the Constitution of Nebraska, is not violated; and

WHEREAS, the prosecutor has the right to determine whether a violation of a city ordinance or state statute is filed and thereby preclude certain individuals from their right to a trial by jury.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature conduct an interim study relative (a) to the situations in which a jury trial may be denied; (b) the frequency prosecutors choose to prosecute under city ordinance instead of state statute; and (c) any other matter that may have an affect on the defendant's right to a trial by jury.

2. That at the conclusion of its study, such committee submit a report of its findings and conclusions, together with any recommendations for legislation, to the Legislature.

Amendment to LR 137

By Lewis, 45th District.

WHEREAS, the Lincoln Regional Center is responsible for providing psychiatric rehabilitation to those persons it serves; and

WHEREAS, the use of appropriate behavior management techniques is a central part of the rehabilitative program; and

WHEREAS, the Comprehensive Care Unit was recently surveyed by the Joint Commission on Accreditation of Hospitals, Accreditation Council for Services for Mentally Retarded and Other Developmentally Disabled Persons; and

WHEREAS, the accreditation team found Comprehensive Care Unit staff "to be using behavior management techniques which not only grossly violate the intent of the Standards, but also may violate the civil rights of the clients" and which the team described as "inhuman and abusive restraints"; and

WHEREAS, the use of such inhumane and abusive behavior management techniques resulted in the denial of reaccreditation to the Comprehensive Care Unit

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That a special committee be appointed by the Executive Board of the Legislative Council to study the use of behavior management techniques at the Lincoln Regional Center.

2. That such study shall include but not be limited to;

(a) A complete analysis of the incidents which the Joint Commission cited;

(b) An inquiry into whether such or similar practices have been utilized with other clients; and

(c) An analysis of those responsible for the use of such practices.

3. That such committee hold hearings and call such witnesses as are necessary to provide for full disclosure of information.

4. That the committee report its findings, conclusions, and recommendations to the next regular session of the Legislature.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 6b, to take up LB 80, 107, 149, 162, 172, 172A, 216, 216A, 251, 312, 321, 345, 348, 357, 380, 380A, 398, and 467 on Final Reading today.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Hoagland asked unanimous consent to be excused at 9:30 a.m. until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 80.

A BILL FOR AN ACT relating to sex discrimination; to amend sections 14-201, 14-203 to 14-209, 14-216, 14-217, 14-222, 14-223, 14-224, 14-230, 15-1003 to 15-1009, 16-304, 16-306, 16-307, 16-323, 16-327, 16-330 to 16-336, 16-336.01, 16-337, 19-404 to 19-407, 19-409 to 19-412, 19-415, 19-418, 19-419, 19-424 to 19-426, 19-431 to 19-433, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-624, 19-628, 19-636, 19-1824, 20-107 to 20-110, 23-408, 23-1801, 23-1802, 23-1804, 23-1806, 23-1808, 23-1809, 23-1811, 23-1812, 23-1815 to 23-1817, 23-1819, 23-1820, 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, 55-134, 71-1536, 77-1201, 77-1605, 80-301, 80-403, 80-411, and 83-482, Reissue Revised Statutes of Nebraska, 1943, sections 35-201, 35-203, 35-203.01, 35-206, 35-211, 35-212, 48-512, 60-452.01, and 60-452.02, Revised Statutes Supplement, 1978, section 16-302.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 421, Eighty-sixth Legislature, First Session, 1979, and section 19-623, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 253, Eighty-sixth Legislature, First Session, 1979; to change terms; to make certain acts unlawful; to eliminate a preference based on sex for listing personal property; to provide duties; to change unlawful employment practice findings as prescribed; to repeal the original sections, and also sections 23-123, 77-1604, and 83-301 to 83-304.01, 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, 39:

Beutler	Duis	Kelly	Marsh	Sieck
Brennan	Dworak	Kennedy	Marvel	Simon
Burrows	Fitzgerald	Keyes	Merz	Stoney
Carsten	Fowler	Koch	Murphy	Venditte
Chambers	George	Kremer	Newell	Wagner
Clark	Goodrich	Labedz	Pirsch	Warner
Cope	Johnson	Landis	Reutzel	Wesely
DeCamp	Kahle	Maresh	Rumery	

Voting in the negative, 5:

Cullan	Haberman	Hefner	Lamb	Vickers

Present and not voting, 2:

Lewis Nichol

Excused and not voting, 3:

Hasebroock Hoagland Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 107. With Emergency.

A BILL FOR AN ACT to amend section 29-813, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to place limitations on the issuance of a search warrant as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 28:

Beutler	Chambers	Duis	George	Landis
Brennan	Clark	Dworak	Goodrich	Lewis
Burrows	Cullan	Fitzgerald	Keyes	Marsh
Carsten	DeCamp	Fowler	Koch	Marvel

Merz	Reutzel	Simon	Warner
Newell	Rumery	Vickers	Wesely

Voting in the negative, 17:

Cope	Kahle	Labedz	Nichol	Wagner
Haberman	Kelly	Lamb	Pirsch	
Hefner	Kennedy	Maresh	Stoney	
Johnson	Kremer	Murphy	Venditte	

Present and not voting, 1:

Sieck

Excused and not voting, 3:

Hasebroock Hoagland 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, 27:

Beutler	DeCamp	Goodrich	Marvel	Vickers
Brennan	Duis	Keyes	Merz	Warner
Burrows	Dworak	Koch	Newell	Wesely
Carsten	Fitzgerald	Landis	Reutzel	
Chambers	Fowler	Lewis	Rumery	
Cullan	George	Marsh	Simon	

Voting in the negative, 17:

Cope	Kahle	Labedz	Nichol	Wagner
Haberman	Kelly	Lamb	Pirsch	
Hefner	Kennedy	Maresh	Stoney	
Johnson	Kremer	Murphy	Venditte	

Present and not voting, 2:

Clark Sieck

Excused and not voting, 3:

Hasebroock Hoagland Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 149. With Emergency.

A BILL FOR AN ACT to harmonize provisions with the Nebraska Criminal Code; to amend sections 60-430.01 and 60-2021, Revised Statutes Supplement, 1978, and section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 196, section 1; to repeal the original sections, and also section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 39, section 82, and section 69-1324, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1977, LB 305, section 8; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Beutler	Dworak	Kennedy	Marvel	Stoney
Brennan	Fitzgerald	Keyes	Merz	Venditte
Burrows	Fowler	Koch	Murphy	Vickers
Carsten	George	Kremer	Newell	Wagner
Chambers	Goodrich	Labedz	Nichol	Warner
Clark	Haberman	Lamb	Pirsch	Wesely
Cope	Hefner	Landis	Reutzel	
Cullan	Johnson	Lewis	Rumery	
DeCamp	Kahle	Maresh	Sieck	
Duis	Kelly	Marsh	Simon	

Voting in the negative, 0.

Excused and not voting, 3:

Hasebroock Hoagland 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.

Mr. George asked unanimous consent to be excused at 10:00 a.m. until he returns. No objections. So ordered.

LEGISLATIVE BILL 162. With Emergency.

A BILL FOR AN ACT to amend sections 49-1419, 49-1434, 49-1480, 49-1483, 49-1490, and 49-1491, Revised Statutes Supplement, 1978, relating to the Nebraska Political Accountability and Disclosure Act; to redefine terms; to change filing requirements as prescribed; to change gift provisions; to repeal the original sections, and also section 49-1487, Revised Statutes Supplement, 1978; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Beutler	Duis	Kennedy	Marsh	Simon
Brennan	Dworak	Keyes	Marvel	Stoney
Burrows	Fitzgerald	Koch	Merz	Venditte
Carsten	Fowler	Kremer	Murphy	Vickers
Chambers	Goodrich	Labedz	Newell	Wagner
Clark	Haberman	Lamb	Pirsch	Wesely
Cope	Hefner	Landis	Reutzel	
Cullan	Johnson	Lewis	Rumery	
DeCamp	Kelly	Maresh	Sieck	

Voting in the negative, 2:

Nichol Warner

Present and not voting, 1:

Kahle

Excused and not voting, 4:

George Hasebroock Hoagland 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 172. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Health Care Certificate of Need Act; to provide penalties; to provide severability; 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, 44:

Beutler	Duis	Kelly	Maresh	Sieck
Brennan	Dworak	Kennedy	Marvel	Simon
Burrows	Fitzgerald	Keyes	Merz	Stoney
Carsten	Fowler	Koch	Murphy	Venditte
Chambers	Goodrich	Kremer	Newell	Vickers
Clark	Haberman	Labedz	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Johnson	Landis	Reutzel	Wesely
DeCamp	Kahle	Lewis	Rumery	

Voting in the negative, 0.

Present and not voting, 1:

Marsh

Excused and not voting, 4:

George Hasebroock Hoagland 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 172A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 172, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Beutler	Clark	Dworak	Hefner	Koch
Brennan	Cope	Fitzgerald	Johnson	Kremer
Burrows	Cullan	Fowler	Kahle	Labedz
Carsten	DeCamp	George	Kelly	Lamb
Chambers	Duis	Haberman	Kennedy	Landis

Lewis	Merz	Pirsch	Simon	Warner
Maresh	Murphy	Reutzel	Stoney	Wesely
Marsh	Newell	Rumery	Venditte	
Marvel	Nichol	Sieck	Vickers	

Voting in the negative, 1:

Goodrich

Present and not voting, 2:

Keyes Wagner

Excused and not voting, 3:

Hasebroock Hoagland Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 216. With Emergency.

A BILL FOR AN ACT to amend section 8-1401, Reissue Revised Statutes of Nebraska, 1943, relating to disclosure of confidential information; to provide for the payment of costs of disclosing certain information; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Beutler	Dworak	Keyes	Merz	Simon
Brennan	Fitzgerald	Koch	Murphy	Stoney
Carsten	Fowler	Labedz	Newell	Venditte
Clark	George	Landis	Nichol	Warner
Cope	Goodrich	Lewis	Pirsch	Wesely
Cullan	Haberman	Maresh	Reutzel	
DeCamp	Kelly	Marsh	Rumery	
Duis	Kennedy	Marvel	Sieck	

Voting in the negative, 6:

Hefner	Kahle	Lamb
Johnson	Kremer	Vickers

Present and not voting, 3:

Burrows	Chambers	Wagner

Excused and not voting, 3:

Hasebroock	Hoagland	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 216A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 216, Eighty-sixth Legislature, First Session, 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, 35:

Beutler	DeCamp	Kennedy	Marsh	Rumery
Brennan	Duis	Keyes	Marvel	Sieck
Burrows	Dworak	Koch	Merz	Simon
Carsten	Fitzgerald	Labedz	Murphy	Stoney
Clark	Fowler	Landis	Newell	Venditte
Cope	George	Lewis	Nichol	Warner
Cullan	Kelly	Maresh	Reutzel	Wesely

Voting in the negative, 9:

Goodrich	Hefner	Kahle	Lamb	Vickers
Haberman	Johnson	Kremer	Pirsch	

Present and not voting, 2:

Chambers	Wagner

Excused and not voting, 3:

Hasebroock Hoagland 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 251. With Emergency.

A BILL FOR AN ACT to adopt the Business Improvement District Act; to provide severability; to repeal sections 19-3401 to 19-3420 and 19-4001 to 19-4014, 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:

Brennan	Fowler	Keyes	Marsh	Sieck
Carsten	George	Koch	Marvel	Simon
Chambers	Goodrich	Kremer	Merz	Stoney
Cope	Hefner	Labedz	Newell	Venditte
Cullan	Johnson	Lamb	Nichol	Vickers
DeCamp	Kahle	Landis	Pirsch	Wagner
Dworak	Kelly	Lewis	Reutzel	Warner
Fitzgerald	Kennedy	Maresh	Rumery	Wesely

Voting in the negative, 2:

Clark Haberman

Present and not voting, 4:

Beutler Burrows Duis Murphy

Excused and not voting, 3:

Hasebroock Hoagland 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.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 312. With Emergency.

A BILL FOR AN ACT relating to insurance; to provide for regulation of persons who sell service contracts covering residential dwellings or consumer products; to define terms; to provide for licensure; to provide duties; to provide procedures; 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, 41:

Beutler	Dworak	Kennedy	Marvel	Venditte
Brennan	Fitzgerald	Keyes	Newell	Vickers
Burrows	George	Koch	Nichol	Wagner
Carsten	Goodrich	Kremer	Pirsch	Warner
Clark	Haberman	Lamb	Reutzel	Wesely
Cope	Hefner	Landis	Rumery	
Cullan	Johnson	Lewis	Sieck	
DeCamp	Kahle	Maresh	Simon	
Duis	Kelly	Marsh	Stoney	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Fowler	Labedz	Merz	Murphy

Excused and not voting, 3:

Hasebroock	Hoagland	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 321. With Emergency.

A BILL FOR AN ACT to amend sections 19-2107, 81-1503, 81-1509, and 81-1518, Reissue Revised Statutes of Nebraska, 1943, and section 81-1533, Reissue Revised Statutes of Nebraska, 1943, as amended by section 58, Legislative Bill 322, Eighty-sixth Legislature, First Session, 1979, relating to disposal of waste; to change notice, hearing, and licensing requirements pertaining to solid waste disposal systems; to

delete a requirement for reconfirmation; to change appeal procedures as prescribed; to provide for state allocations concurrent with federal grants as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Beutler	Duis	Kahle	Lewis	Reutzel
Brennan	Dworak	Kelly	Maresh	Sieck
Burrows	Fitzgerald	Kennedy	Marsh	Simon
Carsten	Fowler	Keyes	Marvel	Stoney
Chambers	George	Koch	Merz	Venditte
Clark	Goodrich	Kremer	Murphy	Vickers
Cope	Haberman	Labedz	Newell	Wagner
Cullan	Hefner	Lamb	Nichol	Warner
DeCamp	Johnson	Landis	Pirsch	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Rumery

Excused and not voting, 3:

Hasebroock Hoagland 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 345.

A BILL FOR AN ACT to amend section 23-151, Revised Statutes Supplement, 1978, relating to county government; to provide for district nomination of county commissioners 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?'"

Mr. Johnson requested a roll call vote.

Voting in the affirmative, 23:

Beutler	DeCamp	Kahle	Merz	Venditte
Brennan	Dworak	Landis	Newell	Vickers
Burrows	Fitzgerald	Lewis	Reutzel	Wesely
Chambers	Fowler	Maresh	Sieck	
Cullan	Johnson	Marsh	Simon	

Voting in the negative, 22:

Carsten	Goodrich	Koch	Murphy	Wagner
Clark	Haberman	Kremer	Nichol	Warner
Cope	Hefner	Labedz	Pirsch	
Duis	Kelly	Lamb	Rumery	
George	Kennedy	Marvel	Stoney	

Present and not voting, 1:

Keyes

Excused and not voting, 3:

Hasebroock Hoagland Schmit

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 348.

A BILL FOR AN ACT relating to parking lots; to provide for the towing of certain vehicles; to provide for posting of signs; to provide for notice to a law enforcement agency; to provide for a lien; and to regulate the relationship of the parties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Beutler	Cope	Goodrich	Keyes	Lewis
Brennan	DeCamp	Haberman	Kremer	Maresh
Burrows	Fitzgerald	Johnson	Labedz	Marsh
Carsten	Fowler	Kahle	Lamb	Merz
Clark	George	Kelly	Landis	Newell

Pirsch	Rumery	Simon	Venditte	Warner
Reutzel	Sieck	Stoney	Wagner	Wesely

Voting in the negative, 11:

Chambers	Dworak	Koch	Nichol
Cullan	Hefner	Marvel	Vickers
Duis	Kennedy	Murphy	

Excused and not voting, 3:

Hasebroock	Hoagland	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 357 to Select File

Mr. Koch moved to return LB 357 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 22 ayes, 18 nays, and 9 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

Mr. Simon requested a record vote on the Koch motion.

Voting in the affirmative, 14:

Beutler	Johnson	Marsh	Simon	Warner
Dworak	Koch	Murphy	Stoney	Wesely
Fowler	Landis	Newell	Vickers	

Voting in the negative, 24:

Brennan	Cullan	Hefner	Lamb	Reutzel
Burrows	Duis	Kahle	Maresh	Rumery
Carsten	George	Keyes	Marvel	Sieck
Chambers	Goodrich	Kremer	Merz	Wagner
Cope	Haberman	Labedz	Nichol	

Present and not voting, 8:

Clark	Fitzgerald	Kennedy	Pirsch
DeCamp	Kelly	Lewis	Venditte

Excused and not voting, 3:

Hasebroock	Hoagland	Schmit

The Koch motion lost with 14 ayes, 24 nays, 8 present and not voting, and 3 excused and not voting.

MOTION - Return LB 357 to Select File

Mr. Beutler moved to return LB 357 to Select File for the following specific amendment:

(FINAL READING COPY)

1. On page 3, line 21 after "costs"
insert "and at least three million dollars have
been received from private donations for such purpose".

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Simon requested a record vote on the Beutler motion.

Voting in the affirmative, 20:

Beutler	Fowler	Koch	Murphy	Stoney
Clark	Johnson	Landis	Newell	Vickers
DeCamp	Kelly	Lewis	Pirsch	Warner
Dworak	Keyes	Marsh	Simon	Wesely

Voting in the negative, 21:

Burrows	Duis	Kahle	Marvel	Wagner
Carsten	George	Kennedy	Merz	
Chambers	Goodrich	Kremer	Nichol	
Cope	Haberman	Lamb	Reutzel	
Cullan	Hefner	Maresh	Rumery	

Present and not voting, 5:

Brennan	Fitzgerald	Labedz	Sieck	Venditte

Excused and not voting, 3:

Hasebroock Hoagland Schmit

The Beutler motion lost with 20 ayes, 21 nays, 5 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 357.

A BILL FOR AN ACT relating to the University of Nebraska; to provide for a regional veterinary school; and to provide for 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	Cullan	Haberman	Labedz	Pirsch
Burrows	DeCamp	Hefner	Lamb	Reutzel
Carsten	Duis	Kahle	Maresh	Rumery
Chambers	Fitzgerald	Kennedy	Marvel	Venditte
Clark	George	Keyes	Merz	Wagner
Cope	Goodrich	Kremer	Nichol	

Voting in the negative, 16:

Beutler	Kelly	Marsh	Stoney
Dworak	Koch	Murphy	Vickers
Fowler	Landis	Newell	Warner
Johnson	Lewis	Simon	Wesely

Present and not voting, 1:

Sieck

Excused and not voting, 3:

Hasebroock Hoagland Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. DeCamp, Newell, and Wagner asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

LEGISLATIVE BILL 380. With Emergency.

A BILL FOR AN ACT To adopt the Nebraska Resource Conservation and Recovery Act; to create a fund; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 33:

Brennan	Dworak	Kelly	Maresh	Sieck
Burrows	Fowler	Keyes	Marsh	Simon
Carsten	George	Koch	Merz	Venditte
Chambers	Goodrich	Kremer	Newell	Vickers
Cope	Hefner	Labedz	Nichol	Wesely
Cullan	Johnson	Landis	Reutzel	
DeCamp	Kahle	Lewis	Rumery	

Voting in the negative, 10:

Clark	Fitzgerald	Kennedy	Murphy	Stoney
Duis	Haberman	Lamb	Pirsch	Warner

Present and not voting, 2:

Beutler Marvel

Excused and not voting, 4:

Hasebroock Hoagland Schmit Wagner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 380A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 380, Eighty-sixth Legislature, First Session, 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, 33:

Beutler	Dworak	Kelly	Maresh	Sieck
Brennan	Fitzgerald	Keyes	Marsh	Simon
Burrows	Fowler	Koch	Marvel	Venditte
Carsten	George	Kremer	Merz	Vickers
Chambers	Hefner	Labedz	Nichol	Wesely
Cope	Johnson	Landis	Reutzel	
Cullan	Kahle	Lewis	Rumery	

Voting in the negative, 10:

Clark	Goodrich	Kennedy	Murphy	Stoney
Duis	Haberman	Lamb	Pirsch	Warner

Excused and not voting, 6:

DeCamp	Hoagland	Schmit
Hasebroock	Newell	Wagner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 398.

A BILL FOR AN ACT to amend sections 24-201.01, 24-301.01, 24-513, 26-106, and 48-159, Revised Statutes Supplement, 1978, relating to salaries; to provide for an increase in salaries as prescribed; to eliminate supplementary salaries; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mr. Kelly requested a roll call vote.

Voting in the affirmative, 30:

Beutler	DeCamp	Hefner	Kremer	Newell
Brennan	Duis	Johnson	Labedz	Pirsch
Carsten	Dworak	Kahle	Landis	Rumery
Chambers	Fitzgerald	Kelly	Lewis	Simon
Cope	Fowler	Keyes	Marsh	Venditte
Cullan	Goodrich	Koch	Merz	Vickers

Voting in the negative, 15:

Clark	Kennedy	Marvel	Reutzel	Wagner
George	Lamb	Murphy	Sieck	Warner
Haberman	Maresh	Nichol	Stoney	Wesely

Present and not voting, 1:

Burrows

Excused and not voting, 3:

Hasebroock Hoagland Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 467. With Emergency.

A BILL FOR AN ACT to amend section 48-414, Revised Statutes Supplement, 1978, relating to labor; to make certain statutes applicable to public power and irrigation districts 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, 27:

Beutler	Dworak	Keyes	Merz	Stoney
Brennan	Fitzgerald	Koch	Newell	Venditte
Burrows	Fowler	Landis	Pirsch	Wesely
Chambers	George	Lewis	Reutzel	
Cullan	Goodrich	Maresh	Rumery	
DeCamp	Johnson	Marsh	Simon	

Voting in the negative, 19:

Carsten	Haberman	Kennedy	Marvel	Vickers
Clark	Hefner	Kremer	Murphy	Wagner
Cope	Kahle	Labedz	Nichol	Warner
Duis	Kelly	Lamb	Sieck	

Excused and not voting, 3:

Hasebroock Hoagland Schmit

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. Brennan requested a roll call vote.

Voting in the affirmative, 25:

Beutler	Dworak	Johnson	Lewis	Pirsch
Brennan	Fitzgerald	Keyes	Maresh	Reutzel
Burrows	Fowler	Koch	Marsh	Rumery
Chambers	George	Labedz	Merz	Simon
DeCamp	Goodrich	Landis	Newell	Wesely

Voting in the negative, 21:

Carsten	Haberman	Kremer	Sieck	Warner
Clark	Hefner	Lamb	Stoney	
Cope	Kahle	Marvel	Venditte	
Cullan	Kelly	Murphy	Vickers	
Duis	Kennedy	Nichol	Wagner	

Excused and not voting, 3:

Hasebroock Hoagland Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

EXPLANATIONS OF VOTE

I would have voted aye on LB 357.

(Signed) Harold Sieck

I wish to indicate my support for LB 172.

(Signed) Shirley Marsh

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 80, 107, 149, 162, 172, 172A, 216, 216A, 251, 312, 321, and 348.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 80, 107, 149, 162, 172, 172A, 216, 216A, 251, 312, 321, 348, and LR 70, LR 95, and LR 174.

RESOLUTION

LEGISLATIVE RESOLUTION 176.

Introduced by Performance Review and Audit Committee: Warner, 25th District, Chairman; Cope, 36th District; Dworak, 22nd District; Marsh, 29th District; Rumery, 42nd District.

WHEREAS, the 1978 Legislature deemed it necessary to establish in LB 756 a procedure for monitoring postsecondary education institution's compliance with the role and mission assignments set out in LB 756 (1978); and

WHEREAS, the 1978 Legislature directed the Performance Review and Audit Committee to establish a procedure for monitoring role and mission compliance; and

WHEREAS, the 1978 Legislature established in LB 897 a postsecondary education data base to meet the various needs of the Legislature; and

WHEREAS, the 1978 Legislature directed the Performance Review and Audit Committee to supervise development of such data base; and

WHEREAS, the Performance Review and Audit Committee is currently developing such data base.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE, FIRST SESSION:

1. That the Performance Review and Audit Committee continue the development of the postsecondary education data base.

2. That the Performance Review and Audit Committee report annually to the Legislature by July 1 documenting progress made in the development and implementation of the data base until such data base has been fully implemented.

Laid over.

VISITORS

Visitors to the Chamber were 90 fourth, fifth, and sixth grade students and teacher from Starr School, Grand Island; and 21 fourth grade students, teacher, and parents from Christ Lutheran Elementary, Norfolk.

RECESS

At 12:00 noon, on a motion by Mrs. Pirsch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hasebroock who was excused; and Messrs. Hoagland, Lewis, and Schmit who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 175. Read. Considered.

LR 175 was adopted with 27 ayes, 1 nay, and 21 not voting.

MOTION - Rule Changes

Mr. Fowler moved the adoption of the Fowler rule change to Rule 3 found in the Journal on page 484 as recommended by the Rules Committee on page 1981.

The rule change was adopted with 34 ayes, 0 nays, and 15 not voting.

Mr. Fowler moved the adoption of the Simon et al rule change to Rule 2, Sec. 3 found in the Journal on page 1363 as amended by the Rules Committee on page 1980.

The amendment was adopted with 33 ayes, 0 nays, and 16 not voting.

The Simon rule change, as amended, was adopted with 32 ayes, 1 nay, and 16 not voting.

Mr. Newell moved the adoption of the Newell-Vickers rule change to Rule 3, Sec. 10c found in the Journal on page 1904 as recommended by the Rules Committee on page 2202.

Mr. Merz offered the following amendment to the Newell-Vickers rule change:

To amend Rule change #5 by striking "a majority vote of the members elected" and insert "a majority of those present"

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Merz amendment lost with 16 ayes, 22 nays, and 11 not voting.

Mr. Fitzgerald offered the following amendment to the Newell-Vickers rule change:

To amend Rule Change 5 by adding the following:

When a motion to take a bill from committee is under consideration, the debate shall be limited as follows: ten minutes by the member who made the motion; five minutes by an opposing member of the committee to which the bill has been referred; no other member shall be allowed to speak on the issue.

The Fitzgerald amendment lost with 13 ayes, 15 nays, and 21 not voting.

The Newell-Vickers rule change was adopted with 30 ayes, 5 nays, and 14 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 357, 380, 380A, 398, and 467.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 357, 380, 380A, 398, and 467.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 1979, at 1:44 p.m., were the following bills: 80, 216, 216A, 172, 172A, 162, 149, 107, 321, 312, 251, and 348.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MOTION - Rule Changes

Mr. Murphy moved the adoption of his rule change to Rule 3, Sec. 10c found in the Journal on page 1954 as recommended by the Rules Committee on page 2202.

The Murphy rule change was adopted with 30 ayes, 4 nays, and 15 not voting.

Mr. Merz asked unanimous consent to be excused at 3:00 p.m. until he returns. No objections. So ordered.

Mr. Beutler moved the adoption of the Hoagland, Murphy, and Dworak rule change to Rule 7, Sec. 1a found in the Journal on page 1324 as recommended by the Rules Committee on page 1980.

Mr. Koch offered the following amendment to the Hoagland et al rule change:

Amend rule change 2 strike period, and after week insert "After all public hearings have been concluded"

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

The Koch amendment to the Hoagland et al rule change was adopted with 25 ayes, 15 nays, and 9 not voting.

Mr. Nichol offered the following amendment to the Hoagland et al rule change:

To amend Rule Change 2 delete "not more than four"
Insert "at least 6"

Mr. Wesely 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 Nichol rule change to the Hoagland et al rule change lost with 15 ayes, 17 nays, and 17 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

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 Hoagland et al rule change.

Voting in the affirmative, 27:

Beutler	DeCamp	Hoagland	Marsh	Simon
Brennan	Dworak	Johnson	Merz	Warner
Burrows	Fowler	Kelly	Murphy	Wesely
Chambers	George	Koch	Newell	
Cope	Goodrich	Labedz	Reutzel	
Cullan	Haberman	Landis	Sieck	

Voting in the negative, 15:

Carsten	Kahle	Kremer	Marvel	Stoney
Clark	Kennedy	Lamb	Nichol	Vickers
Hefner	Keyes	Maresh	Rumery	Wagner

Present and not voting, 4:

Duis	Fitzgerald	Pirsch	Venditte

Excused and not voting, 3:

Hasebroock	Lewis	Schmit

The Hoagland, Murphy, and Dworak rule change, as amended, lost with 27 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

Messrs. Rumery and Cope asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

Mr. Kahle moved the adoption of the Carsten rule change to Rule 5, Sec. 5d found in the Journal on page 427 as amended by the Rules Committee on page 1980.

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. Beutler moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Beutler requested a roll call vote on the Rules Committee amendment to the Carsten amendment.

Voting in the affirmative, 16:

Beutler	George	Lamb	Murphy
Chambers	Haberman	Landis	Nichol
Cullan	Kremer	Maresh	Pirsch
Fitzgerald	Labedz	Marsh	Vickers

Voting in the negative, 17:

Carsten	Johnson	Keyes	Simon	Wesely
Clark	Kahle	Koch	Stoney	
Dworak	Kelly	Marvel	Wagner	
Hefner	Kennedy	Newell	Warner	

Present and not voting, 11:

Brennan	Duis	Hoagland	Sieck
Burrows	Fowler	Merz	Venditte
DeCamp	Goodrich	Reutzel	

Excused and not voting, 5:

Cope	Hasebroock	Lewis	Rumery	Schmit

The Rules Committee amendment to the Carsten rule change lost with 16 ayes, 17 nays, 11 present and not voting, and 5 excused and not voting.

Carsten rule change pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 1979, at 3:45 p.m., were the following bills: 357, 380, 380A, 398, and 467.

(Signed) Janet M. Loder, Enrolling Clerk

ANNOUNCEMENT

Mr. Carsten announced an executive session of the Revenue Committee immediately after we adjourn today in 1520.

MESSAGE FROM THE SECRETARY OF STATE

May 22, 1979

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol Bldg.
Room 2018
Lincoln, NE 68509

Dear Clerk:

This letter with the attached certification does hereby certify that:

> "Legislative Bill 596 passed by the Eighty-Sixth Legislature having been with the Governor at least five days, Sunday excepted, and the Governor having failed to veto, and the Governor having failed to sign the Bill, and the Bill having been presented to the Secretary of State without the signature, it does hereby become law without the Governor's signature pursuant to the Constitution on this 21st day of May, 1979."

Sincerely yours,

(Signed) ALLEN J. BEERMANN
Secretary of State

ajb:dp

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 596 passed by the Eighty-Sixth Legislature having been with the Governor at least five days, Sunday excepted, and the Governor having failed to veto, and the Governor having failed to sign the Bill, and the Bill having been presented to the Secretary of State without the signature, it does hereby become law without the Governor's signature pursuant to the Constitution on this 21st day of May, 1979.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Second Day of May in the year of our Lord, one thousand nine hundred and Seventy-Nine.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

MEMORIAL

Mr. Duis announced that Senator Hasebroock passed away this afternoon.

Senator Kremer offered a prayer to the family and friends.

The members stood for a moment of silence in memory of Senator Hasebroock.

ADJOURNMENT

At 3:59 p.m., Speaker Marvel declared the Legislature adjourned until 9:00 a.m., Wednesday, May 23, 1979.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-NINTH DAY - MAY 23, 1979

LEGISLATIVE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 23, 1979

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear Lord, an honest prayer some of us might make this morning is simply, "Thank God 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.
>
> Lord, we are also grateful for these past months and for all the good that has been accomplished. May our decisions be for the benefit of the people of this State. Continue during the interim to give vision, courage, and integrity to each of the Senators. Bless them, their families and loved ones, till we meet again. Be with our Governor and Lieutenant Governor, the various officers and servants of this Legislature.
>
> May the people of this State, who often hear only the unusual things which occur in this room, appreciate the ability and dedication of this Legislature. Implant again upon our minds the truth that greatness is found in serving, and success in helpfulness. May this Legislature continue to love You, their God, and serve all the people. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Lewis and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Eighth Day was approved.

MESSAGES FROM THE GOVERNOR

May 22, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 80, 107, 149, 162, 380, 380A and Reengrossed Legislative Bills 251, 321, 348, 356 and 398.

These bills were signed by me on May 22, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 22, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 172 and 172A.

These bills were signed by me on May 22, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

MEMORIAL TO SENATOR HASEBROOCK

Speaker Marvel and Chaplain Palmer offered memorial words and prayer in memory of Senator Hasebroock.

Respects may be paid to Senator Hasebroock at the Stalp Funeral Home, West Point, Friday, May 25, 1979.

Memorial Service will be held at Grace Lutheran Church, West Point, May 26, 1979, at 11:00 a.m.

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Sec. 6b, to take up LB 11, 42, 86, 120, 120A, 138, 138A, 152, 158, 224, 262, 329, 363, 378, 378A, 479, 571, and 595 on Final Reading today.

The motion prevailed with 32 ayes, 0 nays, and 16 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 11.

A BILL FOR AN ACT relating to the protection of endangered species; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, section 37-432, Revised Statutes Supplement, 1978, and section 37-213, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 435, Eighty-sixth Legislature, First Session, 1979; to create a fund; to prescribe its name and purpose; to provide for contributions from tax refunds as prescribed; to provide an exception; to provide for termination; 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, 28:

Brennan	Fitzgerald	Johnson	Lewis	Schmit
Burrows	Fowler	Kennedy	Maresh	Simon
Carsten	George	Keyes	Marsh	Venditte
Chambers	Goodrich	Koch	Merz	Warner
DeCamp	Hefner	Labedz	Newell	
Dworak	Hoagland	Landis	Reutzel	

Voting in the negative, 20:

Beutler	Duis	Kremer	Nichol	Stoney
Clark	Haberman	Lamb	Pirsch	Vickers
Cope	Kahle	Marvel	Rumery	Wagner
Cullan	Kelly	Murphy	Sieck	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 42. Mr. Cullan asked unanimous consent to have LB 42 laid over.

Mr. Dworak objected.

Mr. Cullan moved to have LB 42 laid over.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays, and 12 not voting.

The Cullan motion to hold LB 42 lost with 16 ayes, 25 nays, and 7 present and not voting.

LEGISLATIVE BILL 42. With Emergency.

A BILL FOR AN ACT relating to railroad crossing safety; to provide duties of the Department of Roads; to provide for payment of improvements as prescribed; to provide additional duties for the Department of Roads and railroads; to levy an excise tax; to provide duties; to authorize additional uses for a fund; to provide a penalty; to amend sections 39-6,194 and 39-6,195, Revised Statutes Supplement, 1978; to provide for severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 36:

Beutler	Duis	Hefner	Labedz	Merz
Brennan	Dworak	Hoagland	Lamb	Newell
Burrows	Fitzgerald	Johnson	Landis	Nichol
Chambers	Fowler	Kahle	Lewis	Pirsch
Clark	George	Kelly	Maresh	Reutzel
DeCamp	Haberman	Keyes	Marsh	Rumery

Schmit	Simon	Wagner
Sieck	Venditte	Wesely

Voting in the negative, 12:

Carsten	Goodrich	Kremer	Stoney
Cope	Kennedy	Marvel	Vickers
Cullan	Koch	Murphy	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 86. With Emergency.

A BILL FOR AN ACT to amend sections 84-712 and 84-712.01, Reissue Revised Statutes of Nebraska, 1943, and sections 84-712.03 and 84-1413, Revised Statutes Supplement, 1978, relating to state officers; to clarify provisions; to define a term; to require notice of denial of access as prescribed; to provide for enforcement of rights as prescribed; 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, 47:

Beutler	Fitzgerald	Kennedy	Marvel	Simon
Brennan	Fowler	Keyes	Merz	Stoney
Burrows	George	Koch	Murphy	Venditte
Carsten	Goodrich	Kremer	Newell	Vickers
Chambers	Haberman	Labedz	Nichol	Wagner
Cope	Hefner	Lamb	Pirsch	Warner
Cullan	Hoagland	Landis	Reutzel	Wesely
DeCamp	Johnson	Lewis	Rumery	
Duis	Kahle	Maresh	Schmit	
Dworak	Kelly	Marsh	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Clark

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 120.

A BILL FOR AN ACT to adopt the Nebraska Litter Reduction and Recycling Act; to define terms; to provide duties; to provide for the expiration of the act; to create a fund; to amend section 28-523, Revised Statutes Supplement, 1978; to redefine the offense of littering; to change a penalty; to provide an operative date; 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, 28:

Brennan	George	Keyes	Marvel	Rumery
Burrows	Goodrich	Koch	Merz	Schmit
Clark	Hefner	Labedz	Newell	Simon
Cope	Kahle	Landis	Nichol	Venditte
DeCamp	Kelly	Lewis	Pirsch	
Fitzgerald	Kennedy	Marsh	Reutzel	

Voting in the negative, 18:

Beutler	Duis	Hoagland	Maresh	Warner
Carsten	Dworak	Johnson	Sieck	Wesely
Chambers	Fowler	Kremer	Stoney	
Cullan	Haberman	Lamb	Vickers	

Present and not voting, 2:

Murphy Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 120A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 120, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Brennan	Fitzgerald	Kennedy	Marsh	Rumery
Burrows	George	Keyes	Marvel	Schmit
Clark	Goodrich	Koch	Merz	Simon
Cope	Hefner	Labedz	Newell	Stoney
DeCamp	Johnson	Landis	Nichol	Venditte
Duis	Kahle	Lewis	Reutzel	Warner

Voting in the negative, 15:

Beutler	Cullan	Haberman	Lamb	Sieck
Carsten	Dworak	Hoagland	Maresh	Vickers
Chambers	Fowler	Kremer	Pirsch	Wesely

Present and not voting, 3:

Kelly	Murphy	Wagner

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 138.

A BILL FOR AN ACT to amend section 68-1022, Reissue Revised Statutes of Nebraska, 1943, relating to medical assistance; to change provisions relating to the amount of medical assistance paid by a county 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:

Beutler	DeCamp	Hefner	Labedz	Newell
Brennan	Duis	Hoagland	Lamb	Nichol
Burrows	Dworak	Johnson	Landis	Pirsch
Carsten	Fitzgerald	Kahle	Lewis	Reutzel
Chambers	Fowler	Kennedy	Maresh	Rumery
Clark	George	Keyes	Marsh	Schmit
Cope	Goodrich	Koch	Marvel	Sieck
Cullan	Haberman	Kremer	Merz	Simon

Venditte Vickers Wagner Warner Wesely

Voting in the negative, 2:

Murphy Stoney

Present and not voting, 1:

Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 138A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 138, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Beutler	Duis	Kahle	Lewis	Rumery
Brennan	Dworak	Kelly	Maresh	Schmit
Burrows	Fitzgerald	Kennedy	Marsh	Sieck
Carsten	Fowler	Keyes	Marvel	Simon
Chambers	George	Koch	Merz	Venditte
Clark	Goodrich	Kremer	Newell	Vickers
Cope	Haberman	Labedz	Nichol	Wagner
Cullan	Hoagland	Lamb	Pirsch	Warner
DeCamp	Johnson	Landis	Reutzel	Wesely

Voting in the negative, 2:

Murphy Stoney

Present and not voting, 1:

Hefner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 152.

A BILL FOR AN ACT to amend sections 28-1101 to 28-1105, 28-1107 to 28-1109, and 28-1115, Revised Statutes Supplement, 1978, relating to crimes and punishments; to define terms; to change certain crimes and penalties as prescribed; to provide a new crime; to change provisions relating to procedures and evidence; to limit gift enterprises as prescribed; to repeal the original sections, and also section 28-1106, Revised Statutes Supplement, 1978.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Beutler	DeCamp	Johnson	Merz	Venditte
Brennan	Duis	Kahle	Newell	Vickers
Burrows	Fitzgerald	Keyes	Pirsch	Wagner
Carsten	Fowler	Koch	Reutzel	
Chambers	Goodrich	Landis	Schmit	
Clark	Haberman	Lewis	Simon	
Cope	Hoagland	Marsh	Stoney	

Voting in the negative, 16:

Cullan	Kennedy	Maresh	Rumery
Dworak	Kremer	Marvel	Sieck
George	Labedz	Murphy	Warner
Kelly	Lamb	Nichol	Wesely

Present and not voting, 1:

Hefner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 71. Placed on General File as amended.
Standing Committee amendments to LB 71:

1. Strike original section 1.
2. Insert new sections as follows:

"Section 1. This act shall be known and may be cited as the Property Tax Levy Limitation Adjustment Act of 1979.

Section 2. The legislature hereby finds and declares that statutory property tax levy limitations expressed as tax levies do not adequately limit the tax revenues available to the various taxing districts for which they were created. While property tax levy limitations imposed a limit at the time of their enactment, increases in the value of property over time distort the intent and effect of the limitation. It is the intent of the Legislature that statutory property tax levy limitations be adjusted to reflect increases in the value of the property which is subject to taxation.

Section 3. The county assessor shall, for each taxing district within the county, annually determine the change in assessed valuations for real property, other than centrally assessed property, from the previous year's assessed valuations for such district and which are not due to improvements made during the preceding calendar year. At the time that the county assessor certifies new valuations, he or she shall report changes in assessed valuations to the Department of Revenue by class and type of taxing authority subject to a statutory property tax levy limitation as identified by the Department of Revenue.

Section 4. The Department of Revenue shall compile the changes in assessed valuations by class and type of taxing district subject to a statutory property tax limitation on a statewide basis and shall report the average percentage increase or decrease for each class and type of taxing district subject to a statutory property tax limitation to the State Board of Equalization and Assessment.

Section 5. At its annual meeting, the State Board of Equalization and Assessment shall adjust the statutory tax levy limitation for each class and type of taxing district subject to a statutory property tax levy limitation proportionately to the change in assessed valuations for such class and type. The board shall notify, by mail, the county clerk, county assessor, and chairman of the county board at least five days prior to such meeting of any proposed changes in any statutory property tax levy limitation. The legal representative of any taxing district may appear and show cause why the property tax levy limitation should not be adjusted. After a full hearing but not later than August 15, the State Board of Equalization and Assessment shall certify the new levy limitations to each county assessor and county treasurer. The county assessor or county treasurer in each county shall notify each taxing district of the new tax levy limitations and shall notify such districts if its levy must be decreased to comply with such limitation.

Section 6. The State Board of Equalization and Assessment shall also file a report of the new tax levy limitations, together with any protests heard before the board, with the Clerk of the Legislature. At the next regular session of the Legislature, the Legislature may review the new property tax levy limitations. If the Legislature finds that the limitations create an undue hardship upon one or more of any class or type of taxing district, it may, by statute, adjust the levy limitation to alleviate such hardship.

Section 7. Following the certification of the new property tax levy limitation, if any taxing district in the state finds that its property tax levy exceeds the new levy limitation, it shall adjust such levy so as not to exceed the new levy limitation. In the event that any property tax is collected based upon a levy which exceeds the levy limitation as adjusted under the provisions of this act, that portion of the tax collected which exceeds the new levy limitation shall be deemed to be an illegal tax collection and shall be subject to refund under the authority of chapter 77, article 17."

(Signed) Calvin F. Carsten, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 11, 42, and 86.

(Signed) Don Wesely, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 11, 42, and 86.

SPEAKER MARVEL PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 158. Mr. Murphy moved to return LB 158 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Murphy withdrew his motion.

A BILL FOR AN ACT to amend sections 18-2101.01, 18-2103, 18-2107, 18-2118, 18-2124, 18-2125, 18-2127, 18-2138, and 18-2144, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to change provisions relating to community development; to authorize certain uses for ad valorem real property taxes; to provide duties; to authorize the Revisor of Statutes to change a term as prescribed; to provide for construction; 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, 31:

Brennan	Hefner	Labedz	Nichol	Venditte
Carsten	Hoagland	Lewis	Pirsch	Vickers
Cope	Johnson	Maresh	Reutzel	Wesely
DeCamp	Kahle	Marsh	Rumery	
Fitzgerald	Keyes	Marvel	Sieck	
George	Koch	Merz	Simon	
Goodrich	Kremer	Newell	Stoney	

Voting in the negative, 15:

Beutler	Clark	Dworak	Kennedy	Murphy
Burrows	Cullan	Fowler	Lamb	Wagner
Chambers	Duis	Haberman	Landis	Warner

Present and not voting, 2:

Kelly Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 224. With Emergency.

A BILL FOR AN ACT to amend sections 53-142, 53-164.01, and 53-176, Reissue Revised Statutes of Nebraska, 1943, and sections 53-125, 53-133, and 53-135.01, Revised Statutes Supplement, 1978,

relating to alcoholic liquors; to change a disqualification for license; to delete provisions for a license with rights of survivorship; to change provisions for objections to issuance of a license; to change requirements for certain applications; to change provisions relating to renewal of retail liquor licenses; to increase a bond; to authorize suspension of certain licenses; 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:

Brennan	Dworak	Johnson	Marsh	Simon
Burrows	Fitzgerald	Kahle	Marvel	Stoney
Carsten	Fowler	Kennedy	Merz	Venditte
Chambers	George	Keyes	Newell	Vickers
Clark	Goodrich	Koch	Nichol	Wagner
Cope	Haberman	Labedz	Pirsch	Warner
DeCamp	Hefner	Landis	Reutzel	Wesely
Duis	Hoagland	Maresh	Sieck	

Voting in the negative, 5:

Cullan	Kremer	Lamb	Murphy	Rumery

Present and not voting, 3:

Beutler	Kelly	Schmit

Excused and not voting, 1:

Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MESSAGE FROM THE GOVERNOR

May 23, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 161 and 357.
These bills were signed by me on May 22, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 120, 120A, 138, 138A, and 152.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 120, 120A, 138, 138A, and 152.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 262. Mr. Venditte moved to return LB 262 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 19 not voting.

Mr. Venditte requested a record vote on his motion.

Voting in the affirmative, 19:

Beutler	Duis	Kahle	Maresh	Stoney
Burrows	Goodrich	Kennedy	Nichol	Venditte
Clark	Haberman	Labedz	Pirsch	Wagner
Cullan	Hefner	Lamb	Sieck	

Voting in the negative, 26:

Brennan	Fowler	Kremer	Murphy	Warner
Carsten	Hoagland	Landis	Newell	Wesely
Chambers	Johnson	Lewis	Reutzel	
Cope	Kelly	Marsh	Rumery	
DeCamp	Keyes	Marvel	Simon	
Dworak	Koch	Merz	Vickers	

Present and not voting, 3:

Fitzgerald	George	Schmit

The Venditte motion lost with 19 ayes, 26 nays, and 3 present and not voting.

LEGISLATIVE BILL 262.

A BILL FOR AN ACT to amend sections 24-342, 28-105, and 28-303, Revised Statutes Supplement, 1978, relating to crimes and punishments; to eliminate the death penalty; to repeal sections relating to special procedures in cases of homicide; to provide when this act shall apply; and to repeal the original sections, and also sections 29-2521, 29-2523, and 29-2525 to 29-2546, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2519, 29-2520, 29-2521.01 to 29-2521.04, 29-2522, 29-2524, 29-2524.01, and 29-2524.02, Revised Statutes Supplement, 1978.

Whereupon the 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:

Brennan	Fitzgerald	Koch	Merz	Warner
Carsten	Fowler	Kremer	Newell	Wesely
Chambers	Hoagland	Landis	Reutzel	
Cope	Johnson	Lewis	Schmit	
DeCamp	Kelly	Marsh	Simon	
Dworak	Keyes	Marvel	Vickers	

Voting in the negative, 22:

Beutler	Duis	Hefner	Lamb	Pirsch
Burrows	George	Kahle	Maresh	Rumery
Clark	Goodrich	Kennedy	Murphy	Sieck
Cullan	Haberman	Labedz	Nichol	Stoney

Venditte Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 329. With Emergency.

A BILL FOR AN ACT to amend sections 14-201, 14-204, 14-205, 14-206, 14-207, 14-209, and 14-216, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide for district election of city council members; to declare intent; to provide duties and procedures; to provide for the election of the mayor; to repeal the original sections, and also sections 14-203, 14-217, and 14-222, Reissue Revised Statutes of Nebraska, 1943, as amended by Legislative Bill 80, Eighty-sixth Legislature, First Session, 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, 23:

Beutler	Duis	Johnson	Marsh	Venditte
Brennan	Dworak	Kahle	Marvel	Vickers
Burrows	Fowler	Landis	Newell	Wesely
Chambers	Haberman	Lewis	Reutzel	
Cullan	Hefner	Maresh	Simon	

Voting in the negative, 17:

Carsten	Goodrich	Labedz	Nichol	Warner
Clark	Kennedy	Lamb	Rumery	
Cope	Koch	Merz	Schmit	
George	Kremer	Murphy	Stoney	

Present and not voting, 8:

DeCamp	Hoagland	Keyes	Sieck
Fitzgerald	Kelly	Pirsch	Wagner

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 21:

Beutler	Dworak	Landis	Newell	Wesely
Brennan	Fowler	Lewis	Reutzel	
Burrows	Haberman	Maresh	Simon	
Chambers	Johnson	Marsh	Venditte	
Duis	Kahle	Marvel	Vickers	

Voting in the negative, 16:

Carsten	Goodrich	Labedz	Nichol
Clark	Hefner	Lamb	Rumery
Cope	Hoagland	Merz	Stoney
George	Kennedy	Murphy	Warner

Present and not voting, 11:

Cullan	Kelly	Kremer	Sieck
DeCamp	Keyes	Pirsch	Wagner
Fitzgerald	Koch	Schmit	

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass with the emergency clause stricken.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 158 and 224.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 158 and 224.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1979, at 11:05 a.m., were the following bills: 42, 86, 120, 120A, 138, 138A, and 152.

(Signed) Hazel Kaltenberger, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 363. With Emergency.

A BILL FOR AN ACT to amend sections 79-2637, 79-2644, 79-2650, 79-2650.03, and 79-2651, Revised Statutes Supplement, 1978, relating to the technical community colleges; to define terms; to change provisions relating to levies and the distributions of state funds; to change provisions relating to budget; to provide for severability; to provide an operative date; to repeal the original sections, and also section 79-2652, Revised Statutes Supplement, 1978; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Beutler	Fowler	Keyes	Newell	Venditte
Brennan	George	Koch	Nichol	Vickers
Burrows	Goodrich	Kremer	Pirsch	Wagner
Carsten	Hefner	Labedz	Reutzel	Warner
Clark	Hoagland	Landis	Rumery	Wesely
Cope	Johnson	Lewis	Schmit	
Cullan	Kahle	Maresh	Sieck	
Dworak	Kelly	Marsh	Simon	
Fitzgerald	Kennedy	Merz	Stoney	

Voting in the negative, 5:

Duis	Haberman	Lamb	Marvel	Murphy

Present and not voting, 2:

Chambers DeCamp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 363A. Mr. Koch renewed his pending motion found in the Journal on page 2212 to indefinitely postpone LB 363A.

The motion prevailed with 31 ayes, 0 nays, and 17 present and not voting.

Mr. Lewis 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 378. With Emergency.

A BILL FOR AN ACT relating to sexual offenders; to require presentence investigations; to provide for sentences or commitments and release therefrom as prescribed; to amend section 28-805, Revised Statutes Supplement, 1978; to repeal the original section, and also Chapter 29, article 29, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 35:

Beutler	Duis	Hefner	Merz	Sieck
Brennan	Dworak	Hoagland	Newell	Simon
Burrows	Fitzgerald	Johnson	Nichol	Stoney
Carsten	Fowler	Kahle	Pirsch	Vickers
Cope	George	Koch	Reutzel	Wagner
Cullan	Goodrich	Landis	Rumery	Warner
DeCamp	Haberman	Marsh	Schmit	Wesely

Voting in the negative, 7:

Kelly	Labedz	Maresh	Venditte
Kremer	Lamb	Marvel	

Present and not voting, 5:

Chambers	Clark	Kennedy	Keyes	Murphy

Excused and not voting, 1:

Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 378A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 378, Eighty-sixth Legislature, First Session, 1979.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Beutler	Duis	Hefner	Marsh	Sieck
Brennan	Dworak	Hoagland	Merz	Simon
Burrows	Fitzgerald	Johnson	Nichol	Stoney
Carsten	Fowler	Kahle	Pirsch	Vickers
Clark	George	Keyes	Reutzel	Wagner
Cope	Goodrich	Koch	Rumery	Warner
Cullan	Haberman	Landis	Schmit	Wesely

Voting in the negative, 8:

Kelly	Labedz	Maresh	Murphy
Kremer	Lamb	Marvel	Venditte

Present and not voting, 4:

Chambers	DeCamp	Kennedy	Newell

Excused and not voting, 1:

Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 571. With Emergency.

A BILL FOR AN ACT relating to alcohol plants or facilities; to provide for construction of alcohol plants or facilities as prescribed; to provide for contracts with certain political subdivisions; to create a fund; to increase the tax on motor vehicle fuels; to change provisions relating to the reduced tax on agricultural ethyl alcohol; to amend section 39-2215, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410, 66-428, and 66-605, Revised Statutes Supplement, 1978; to provide for severability; 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, 36:

Beutler	George	Kennedy	Merz	Venditte
Brennan	Goodrich	Keyes	Newell	Wagner
Burrows	Haberman	Koch	Nichol	Warner
Carsten	Hefner	Kremer	Reutzel	Wesely
Cope	Hoagland	Labedz	Rumery	
DeCamp	Johnson	Lamb	Schmit	
Duis	Kahle	Maresh	Sieck	
Fitzgerald	Kelly	Marvel	Simon	

Voting in the negative, 9:

Clark	Dworak	Landis	Pirsch	Vickers
Cullan	Fowler	Murphy	Stoney	

Present and not voting, 2:

Chambers Marsh

Excused and not voting, 1:

Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 595. With Emergency.

A BILL FOR AN ACT relating to appropriations; to state legislative intent for the appropriation to the Nebraska Natural Resources Commission for Program 310 - Accelerated State Water Planning Process; 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:

Beutler	Fitzgerald	Kelly	Marsh	Sieck
Brennan	Fowler	Kennedy	Marvel	Simon
Burrows	George	Keyes	Merz	Stoney
Carsten	Goodrich	Koch	Newell	Venditte
Clark	Haberman	Kremer	Nichol	Vickers
Cope	Hefner	Labedz	Pirsch	Wagner
DeCamp	Hoagland	Lamb	Reutzel	Warner
Duis	Johnson	Landis	Rumery	Wesely
Dworak	Kahle	Maresh	Schmit	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Cullan Murphy

Excused and not voting, 1:

Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MESSAGES FROM THE GOVERNOR

May 23, 1979

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 594 with my signature but with three line item veto reductions.

Section 38 of LB 594 authorizes the Board of Regents of the University of Nebraska to undertake two projects on the Lincoln Campus - the restoration of the Temple Building and the construction of a Theatre Arts facility. The total cost of the two projects is limited to $3,436,000 "plus any private donations which may be available...."

Section 38 also schedules the two projects in such a way that during FY 1980/1981 both projects will be under construction. Clearly, if private donations are not forthcoming for either or both projects, neither can be completed within the total dollars allocated. Thus, the possibility of large future deficits necessary to bring the two projects to completion is very real and distinct. Such deficits would require the reallocation of State dollars from other areas of need at a time of troubling economic prospects including the almost assured loss of federal revenue sharing funds.

Therefore, I have stricken the item of appropriation for the Theatre Arts facility project and have reduced accordingly the total project cost and the FY 1979/1980 appropriation by $36,000 each. The remaining State funds will be ample to provide for the complete renovation of the Temple Building, which will include what are necessary life-safety modifications.

It is not, however, my intention to foreclose the possibility of constructing a Theatre Arts facility from any private donations which may become available to the Board of Regents for that purpose. It is my intent through this veto to limit the use of State monies to the restoration of the Temple Building and to ensure its completion within the limits of the appropriation.

Planning funds for the addition to the Calvin T. Ryan Library at Kearney State College were included in my budget recommendation. However, section 28 of LB 594 sets a total cost of $4,069,500 for the project. I have reduced this total cost to $3,669,500, which is ample for meeting the legitimate library space needs at Kearney. Initial planning can proceed as scheduled.

Planning funds for the renovation of the Education and Humanities Building at Wayne State College were included in my budget recommendation. I have left the total cost of the project at my recommended figure of $1,514,290. However, I have reduced the FY 1980/1981 project allocation to $60,000 in section 32 of LB 594. This amount together with the $25,000 of planning money for FY 1979/1980 will be sufficient to finish all plans and construction documents so that initial renovation may begin in FY 1981/1982 and may be completed in early FY 1982/1983.

In closing, you are commended one and all for your restraint and careful deliberation in the preparation of the budget bills you have presented me. While our priorities have not in all instances been the same, we have nevertheless devised a budget which meets Nebraska's most pressing needs within an overall seven per cent limitation and existing tax rates.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:dlg

May 23, 1979

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I return herewith LB 569 without my signature and with my objections.

LB 569, passed by a vote of 41 to 6, would allow the National Democratic Party to return the selection of national convention delegates to the smoke-filled room - to take this important choice from the Nebraska voters and give it to the Democratic Party hierarchy.

While it may even be that this can be accomplished without the aid of legislation, I for one will not lend my support to this step backward. "Open up the system" was the cry of the 1960's. It was a noble goal then. It is a good policy for today.

The selection of delegates who will nominate candidates for the Presidency of the United States should be made by the people.

If the Legislatures of the several states reject these efforts by the national Democratic Party hierarchy to subvert the election process, perhaps in time they will feel compelled to divert from their present course.

I urge you to vote for the democratic process and respectfully request your support of my veto of LB 569.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:

MOTION - Override Veto on LB 569

Mr. Newell moved to pass LB 569 notwithstanding the objections of the Governor.

Motion pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 262, 363, 378, and 378A.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 262, 363, 378, and 378A.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1979, at 11:40 a.m., were the following bills: 158 and 224.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

May 23, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Reengrossed Legislative Bills 585 and 591, 138 and 138A.

These bills were signed by me on May 23, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ANNOUNCEMENT

Mr. Warner announced that the Appropriations Committee will meet 15 minutes before convening after noon recess in Room 2108 to consider recommendations of Governor's line item vetoes of appropriation bills.

EXPLANATION OF VOTE

Had I been present I would have voted aye on LB 138A.

(Signed) Elroy Hefner

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 571 and 595.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 571 and 595.

ANNOUNCEMENT

Speaker Marvel announced any memorials to Sen. Hasebroock may be made to the Tabitha Home in Lincoln.

VISITORS

Visitors to the Chamber were Jim Cope from Wickenburg, Arizona, and Betty Ayres from Lincoln (brother and sister of Senator Cope.)

RECESS

At 12:24 p.m., on a motion by Mr. Kremer, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:09 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, Kennedy, Lamb, Wagner, and the members of the Appropriations Committee who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1979, at 12:29 p.m., were the following bills: 11, 262, 363, 378, 378A, 571, and 595.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

May 22, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 99, 281, 391 and Reengrossed Legislative Bills 136, 358, 387 and 495.

These bills were signed by me on May 22, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 23, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 86, 120 and 120A.

These bills were signed by me on May 23, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

May 23, 1979

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 262 without my signature and with my objections.

As you know, LB 262 repeals Nebraska's death penalty. Nebraska's current death penalty law is considered a model for the nation. It provides all possible safeguards.

The decision to veto LB 262 has been the most difficult decision I have made as your Governor. The proponents of LB 262, and particularly Senator Chambers, have made reasoned and forceful arguments in support of the bill.

In final analysis, the death penalty can only be justified if it serves as a deterrent to murder and thereby saves the lives of some innocent persons who would otherwise become murder victims.

While the evidence is not completely clear, it appears to me that the death penalty serves as a deterrent in some cases.

I respectfully request that the Legislature sustain this veto of LB 262.

Respectfully,
(Signed) CHARLES THONE
Governor

CT

May 23, 1979

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I return herewith LB 11 without my signature and with my objections.

LB 11 provides that a taxpayer may designate on his income tax return up to $10 as a contribution to the Nongame and Endangered Species Conservation Fund.

This is a truly noble purpose but a bad policy. If we have a checkoff for this purpose why not for many, many other truly worthy causes.

The Department of Revenue should not become a collection agency for private donations even though it be for a public agency. If the Legislature wishes to support a project, the better procedure is to appropriate funds.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:dsb

May 23, 1979

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

In keeping with my position as stated to you previously on LB 596, I am neither signing nor vetoing LB 595. LB 595 expresses legislative intent as regards the Accelerated State Water Planning Process and does not have the force of law.

I wholeheartedly concur with your body that water planning needs to be accelerated and have stated so in my Statehood Day Address and Budget Message. On March 23, 1979, I appointed the 11 member Interagency Water Coordinating Committee. Mr. Dayle Williamson, Executive Director of the Natural Resources Commission serves as secretary of the IWCC.

I am confident that the activities of the Accelerated State Water Planning Process and the Interagency Water Coordinating Committee will complement each other as we address the critically important area of water policy.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:dlg

BIRTHDAY

Speaker Marvel announced today is the birthday of Mr. Koch.

MOTION - Adopt Report

Mr. Lewis moved the adoption of the Executive Board Interim Study Resolution Report found in the Journal on page 2238.

Messrs. Lewis and Kelly offered the following amendment to the report:
LR 113 be referred to Public Health & Welfare Committee.

The amendment was adopted with 28 ayes, 0 nays, and 20 not voting.

The report, as amended, was adopted with 25 ayes, 1 nay, and 22 not voting.

MOTION - Reconsider Action on LR 175

Mr. Maresh moved to reconsider action on the adoption of LR 175.

The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 175. Considered.

Mr. Maresh offered the following amendment to LR 175:
In the first sub-paragraph numbered "1.", strike "American Federation of State, County and Municipal Employees" and insert "Nebraska Association of Public Employees"

The amendment was adopted with 25 ayes, 0 nays, and 23 not voting.

LR 175, as amended, was adopted with 25 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 176. Read. Considered.

LR 176 was adopted with 26 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 177.

Introduced by Haberman, 44th District; Schmit, 23rd District; Lamb, 43rd District; Maresh, 32nd District; Nichol, 48th District; Kahle, 37th District; DeCamp, 40th District; Burrows, 30th District.

WHEREAS, the State of Nebraska is in a perilous and precarious situation in that it imports ninety per cent of its energy and depends heavily on imported energy for agriculture; and

WHEREAS, an acute and undeniable shortage has occurred in the supplies of petroleum based fuels including but not limited to gasoline, diesel fuel, aviation fuel and home heating fuel; and

WHEREAS, these shortages are having a grave impact upon agriculture in Nebraska; and

WHEREAS, the crisis is worsening, as evidenced by the fact that at least thirty cooperatives which supply diesel fuel to farmers are either out of or critically low on diesel fuel; and

WHEREAS, this crisis is further evidenced by the decision of the Getty Refining and Marketing Company to stop the sale of diesel oil and furnace fuel in the Midwest; and

WHEREAS, there are state projections of a twenty per cent fuel shortage in farm states; and

WHEREAS, President Carter made a promise earlier this month that "rural America will not run dry."

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature register, with the Department of Energy, its displeasure with the Department's inability to allocate desperately needed diesel fuel into the Midwest.

2. That the Legislature urge the Nebraska Congressional delegation to continue its efforts to meet with President Carter to remind him of his promise and to find a way to immediately funnel needed diesel fuel to the Midwest.

3. That the Clerk of the Legislature be directed to send copies of this resolution to President Carter, members of the Nebraska Congressional delegation, and the Department of Energy.

Mr. Schmit moved to suspend the rules, Rule 4, Sec. 6 to consider LR 177 today.

The motion prevailed with 32 ayes, 0 nays, and 16 not voting.

LR 177 was adopted with 27 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 178.

Introduced by Marvel, 33rd District; Beutler, 28th 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; Dworak, 22nd District; Fitzgerald, 14th District; Fowler, 27th District; George, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Hoagland, 6th District; Johnson, 8th District; Kahle, 37th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lewis, 45th District; Maresh, 32nd District; Marsh, 29th District; Merz, 1st District; Murphy, 17th District; Newell, 13th District; Nichol, 48th District; Pirsch, 10th District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Simon, 31st District; Stoney, 4th District; Venditte, 7th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District.

WHEREAS, William H. Hasebroock was born near Scribner, Nebraska in 1903 and was a life-long resident of this state; and

WHEREAS, he was an active participant in many community interests including the Tabitha Home Board of Directors, the Shrine, Kiwanis, the Izaak Walton League and the Boy Scouts; and

WHEREAS, William Hasebroock served as mayor of the towns of West Point and Scribner; and

WHEREAS, William Hasebroock was elected to the Nebraska Unicameral and served as a representative of the 18th Legislative District since 1960; and

WHEREAS, Senator Hasebroock was elected by his colleagues to serve as Speaker of the Legislature during the 1971-1972 session; and

WHEREAS, Senator Hasebroock also served as Chairman of the Legislature's Executive Board; and

WHEREAS, he also served as Chairman of the Retirement Systems Committee, Appropriations Committee and the Supreme Courts Advisory Committee; and

WHEREAS, Senator Hasebroock was called suddenly from his public duties when he passed from this life on Tuesday, May 22, 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature recognize the public service career of Senator William H. Hasebroock and expresses deepest sympathy to the members of his family.

2. That a copy of this resolution be presented to the Hasebroock family members as a token of his colleagues' sorrow for his passing.

Mr. Duis moved to suspend the rules, Rule 4, Sec. 6 to consider LR 178 today.

The motion prevailed with 32 ayes, 0 nays, and 16 not voting.

LR 178 was adopted with 39 ayes, 0 nays, and 9 not voting.

MOTION - Reconsider Action on LR 1 Report

Mr. Newell moved to reconsider action on the LR 1 Committee report found in the Journal on page 1461.

The motion to reconsider prevailed with 28 ayes, 0 nays, and 20 not voting.

Mr. Newell offered the following amended LR 1 Committee report.

The LR 1 Committee, on Wednesday, May 23, unanimously recommended the following amended report in accordance with the provisions of LR 1.

Room	Committee Assignments	Name
2230	Misc. Subjects; Banking; Urban Affairs	Kenneth S. Wherry
1003	Appropriations	Sarah T. Muir
1019	Const. Review & Rec.; Health & Welfare; Business & Labor	John N. Norton
1113	Judiciary; Government, Military and Veterans Affairs	Arthur F. Mullen
1515	Education; Public Works	C. Petrus Peterson
1520	Revenue; Agriculture and Environment	Moses P. Kinkaid
2102	Executive Board	Gilbert M. Hitchcock
2026	West Senate Lounge	William H. Hasebroock

(Signed) Dave Newell, Chairman; Myron Rumery; Maurice Kremer; R. D. Kelly; Shirley Mac Marsh; Richard D. Marvel.

The report, as amended, was adopted with 25 ayes, 0 nays, and 23 not voting.

MESSAGE FROM THE GOVERNOR

May 23, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 158, 224, 312, 467, 363, 378A and Reengrossed Legislative Bills 378 and 571.

These bills were signed by me on May 23, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT COMMITTEE REPORT
Committee on Committees

May 23, 1979

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor Charles Thone. The Committee suggests the appointments be confirmed by the legislative body and suggests a record vote.

Nebraska Natural Resources Commission
Robert W. Bell
Richard Hahn
Don Thompson

VOTE: For: Marsh, Burrows, Cope, Cullan, Labedz, Nichol, Reutzel, Schmit, Wesely, Merz. (10) Against: None. Not Voting: None. Absent: None. Excused: Simon, Lewis, Newell. (3)

The Committee on Committees unanimously presents the name of Senator Ralph Kelly to fill the vacancy on the Appropriations Committee.

VOTE: For: Marsh, Burrows, Cope, Cullan, Labedz, Nichol, Reutzel, Schmit, Wesely, Merz. (10) Against: None. Not Voting: None. Absent: None. Excused: Simon, Lewis, Newell. (3)

(Signed) Shirley Marsh, Chairperson

Mrs. Marsh moved the adoption of the above report.

Voting in the affirmative, 28:

Burrows	George	Kremer	Nichol	Vickers
Carsten	Goodrich	Landis	Pirsch	Wagner
Chambers	Haberman	Lewis	Rumery	Warner
Cullan	Johnson	Maresh	Simon	Wesely
DeCamp	Kelly	Marsh	Stoney	
Fowler	Koch	Marvel	Venditte	

Voting in the negative, 0.

Present and not voting, 16:

Beutler	Duis	Kahle	Newell
Brennan	Dworak	Labedz	Reutzel
Clark	Fitzgerald	Merz	Schmit
Cope	Hoagland	Murphy	Sieck

Excused and not voting, 4:

Hefner	Kennedy	Keyes	Lamb

The motion prevailed with 28 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The Chair declared the appointments confirmed.

MOTION - Adopt Rule Change

Mr. Carsten renewed his pending rule change found in the Journal on page 427 to Rule 5, Sec. 5d.

Mr. Maresh offered the following amendment to the Carsten rule change:

Amend the Carsten rule change No. 4 by adding after section in line 8. "Provided to suspend the rules to allow a committee to exceed the 10 bill limit a four fifths vote shall be required"

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

MR. NICHOL PRESIDING

The Maresh amendment was adopted with 25 ayes, 9 nays, and 14 not voting.

Mr. Koch offered the following amendment to the Carsten rule change:

Amend Rule #4. Rule 5 Sec. 5(d)

After the word "shall" in the first line and add the word "not".

After the word "introducer of legislative bills" in line 1 add a "period"

Strike the remaining language and add Committees shall not introduce bills as a Committee.

SPEAKER MARVEL PRESIDING

Mr. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, 19 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Brennan	Fowler	Landis	Pirsch	Simon
Burrows	Hoagland	Lewis	Reutzel	Warner
Chambers	Johnson	Merz	Rumery	Wesely
DeCamp	Keyes	Newell	Schmit	
Dworak	Koch	Nichol	Sieck	

Voting in the negative, 22:

Beutler	George	Kelly	Maresh	Vickers
Carsten	Goodrich	Kennedy	Marvel	Wagner
Clark	Haberman	Kremer	Murphy	
Cope	Hefner	Labedz	Stoney	
Fitzgerald	Kahle	Lamb	Venditte	

Present and not voting, 3:

Cullan Duis Marsh

The Koch amendment lost with 23 ayes, 22 nays, and 3 present and not voting.

Mr. Lewis offered the following amendment to the Carsten rule change:

Amend Rule Change 4 as follows:

For each bill introduced, following the name of the introducer and the district number, there shall appear the following language: "This bill introduced on behalf of ___"

The blank space shall be completed by adding the name of the special interest group, if any, encouraging the legislation; if no special interest group was responsible for the legislation, then the Senator shall insert his or her own name.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 16 not voting.

The Lewis amendment was adopted with 27 ayes, 5 nays, and 16 not voting.

Mr. DeCamp moved to refer the Carsten rule change, as amended, to the Rules Committee for further consideration.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 4 nays, and 15 not voting.

The DeCamp motion lost with 15 ayes, 19 nays, and 14 not voting.

Mr. Beutler offered the following amendment to the Carsten rule change:

delete "10" in the second line of the rule change and insert "17" in its place.

The Beutler rule change was adopted with 26 ayes, 11 nays, and 11 not voting.

Mr. Koch offered the following amendment to the Carsten rule change:

Amend the Beutler amendment strike 17 and insert 20

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 22 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Brennan	Fitzgerald	Kelly	Marsh	Simon
Burrows	Fowler	Keyes	Merz	Warner
Chambers	Goodrich	Koch	Newell	Wesely
DeCamp	Hoagland	Kremer	Reutzel	
Dworak	Johnson	Lewis	Schmit	

Voting in the negative, 22:

Beutler	George	Lamb	Nichol	Vickers
Carsten	Haberman	Landis	Pirsch	Wagner
Clark	Hefner	Maresh	Rumery	
Cope	Kahle	Marvel	Stoney	
Cullan	Labedz	Murphy	Venditte	

Present and not voting, 3:

Duis	Kennedy	Sieck

The Koch amendment lost with 23 ayes, 22 nays, and 3 present and not voting.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays, and 15 not voting.

Mr. Beutler requested a roll call vote on the Carsten rule change, as amended.

Mr. Beutler moved for a Call of the House. The motion prevailed with 26 ayes, 4 nays, and 18 not voting.

Voting in the affirmative, 31:

Beutler	George	Keyes	Maresh	Rumery
Carsten	Goodrich	Kremer	Marvel	Sieck
Clark	Haberman	Labedz	Merz	Stoney
Cope	Hefner	Lamb	Murphy	Venditte
Cullan	Kahle	Landis	Pirsch	Vickers
DeCamp	Kennedy	Lewis	Reutzel	Wagner

Warner

Voting in the negative, 14:

Burrows	Fowler	Kelly	Newell	Simon
Chambers	Hoagland	Koch	Nichol	Wesely
Dworak	Johnson	Marsh	Schmit	

Present and not voting, 3:

Brennan	Duis	Fitzgerald

The Carsten rule change, as amended, was adopted with 31 ayes, 14 nays, and 3 present and not voting.

MESSAGE FROM THE GOVERNOR

May 23, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bills 152, 216, 216A and Reengrossed Legislative Bills 42 and 538.

These bills were signed by me on May 23, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mm

EXPLANATION OF VOTE

Had I been present for Final Reading on Tuesday morning, May 22, 1979, I would have voted "aye" on the following bills: LB 80, LB 107, LB 149, LB 162, LB 172, LB 172A, LB 216, LB 216A, LB 251, LB 321, LB 348, LB 380, LB 380A, LB 398 and LB 467.

And "nay" on LB 357.

(Signed) Peter Hoagland

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 175, LR 176, LR 177, and LR 178.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 479. With Emergency.

A BILL FOR AN ACT to amend section 13, Legislative Bill 285, Eighty-sixth Legislature, First Session, 1979, relating to the Political Subdivision Budget Limit Act of 1979; to provide that certain funds not be included as anticipated receipts; to designate a new program; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Beutler	Fowler	Kennedy	Marsh	Sieck
Brennan	George	Keyes	Marvel	Simon
Burrows	Goodrich	Koch	Newell	Stoney
Clark	Haberman	Kremer	Nichol	Venditte
Cope	Hefner	Lamb	Pirsch	Wagner
DeCamp	Hoagland	Landis	Reutzel	Warner
Duis	Kahle	Lewis	Rumery	Wesely
Fitzgerald	Kelly	Maresh	Schmit	

Voting in the negative, 6:

Cullan	Johnson	Murphy
Dworak	Merz	Vickers

Present and not voting, 3:

Carsten	Chambers	Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Ruling of the Chair

Speaker Marvel ruled that reconsideration motions this afternoon will take 29 votes and motions to override vetoes will take 30 votes.

MOTION - Reconsider Action on LB 329

Messrs. Hoagland and Koch moved to reconsider action on the final passage of LB 329 with the emergency clause stricken.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 16 not voting.

The motion to reconsider action on LB 329 prevailed with 31 ayes, 12 nays, and 5 present and not voting.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause stricken?'"

Voting in the affirmative, 25:

Beutler	DeCamp	Kahle	Maresh	Simon
Brennan	Duis	Koch	Marsh	Venditte
Burrows	Dworak	Kremer	Marvel	Vickers
Chambers	Fowler	Landis	Newell	Wagner
Cullan	Johnson	Lewis	Reutzel	Wesely

Voting in the negative, 18:

Carsten	Goodrich	Kennedy	Murphy	Stoney
Clark	Haberman	Labedz	Nichol	Warner
Cope	Hefner	Lamb	Rumery	
George	Hoagland	Merz	Schmit	

Present and not voting, 5:

Fitzgerald	Kelly	Keyes	Pirsch	Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Reconsider Action on LB 345

Messrs. Hoagland and Koch moved to reconsider action on the final passage of LB 345.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 17 not voting.

Mr. Hoagland requested a roll call vote on the motion to reconsider action.

Voting in the affirmative, 28:

Beutler	Dworak	Keyes	Marvel	Simon
Brennan	Fitzgerald	Koch	Merz	Venditte
Burrows	Fowler	Landis	Newell	Vickers
Chambers	Hoagland	Lewis	Pirsch	Wesely
Cullan	Johnson	Maresh	Reutzel	
DeCamp	Kahle	Marsh	Rumery	

Voting in the negative, 19:

Carsten	George	Kennedy	Murphy	Stoney
Clark	Goodrich	Kremer	Nichol	Wagner
Cope	Haberman	Labedz	Schmit	Warner
Duis	Kelly	Lamb	Sieck	

Present and not voting, 1:

Hefner

The motion to reconsider action lost with 28 ayes, 19 nays, and 1 present and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 479.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 479.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 329.

(Signed) Don Wesely, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 329.

MOTION - Place LB 262 on Select File

Mr. DeCamp moved to place LB 262 on Select File for a specific amendment.

Mr. Beutler raised a point of order on the DeCamp motion.

The Chair overruled the point of order.

Mr. DeCamp withdrew his motion.

MOTION - Override Veto on LB 569

Mr. Newell renewed his pending motion found in this day's Journal that LB 569 become law notwithstanding the objections of the Governor.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 18 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Mr. Newell moved for a Call of the House. The motion prevailed with 24 ayes, 1 nay, and 23 not voting.

Mr. Newell requested a roll call vote on his motion.

Voting in the affirmative, 28:

Beutler	Fitzgerald	Keyes	Newell	Stoney
Brennan	Fowler	Koch	Pirsch	Venditte
Burrows	Hoagland	Labedz	Reutzel	Warner
Chambers	Johnson	Landis	Rumery	Wesely
Cullan	Kahle	Lewis	Sieck	
Dworak	Kennedy	Merz	Simon	

Voting in the negative, 19:

Carsten	Duis	Hefner	Marsh	Schmit
Clark	George	Kelly	Marvel	Vickers
Cope	Goodrich	Kremer	Murphy	Wagner
DeCamp	Haberman	Maresh	Nichol	

Present and not voting, 1:

Lamb

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Line Item Veto on LB 594

Mr. Warner moved pursuant to Rule 6, Section 13, that the Legislature override the Governor's line-item veto of the Wayne State College renovation of the Education and Humanities Buildings in Program 917, Section 32, on page 14 of LB 594.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Warner requested a roll call vote on his motion.

Voting in the affirmative, 33:

Beutler	Carsten	Cullan	Dworak	Hefner
Brennan	Chambers	DeCamp	Fitzgerald	Hoagland
Burrows	Cope	Duis	Fowler	Johnson

Kahle	Labedz	Marsh	Reutzel	Warner
Kelly	Landis	Merz	Rumery	Wesely
Kennedy	Lewis	Murphy	Sieck	
Koch	Maresh	Newell	Wagner	

Voting in the negative, 13:

George	Kremer	Nichol	Simon	Vickers
Haberman	Lamb	Pirsch	Stoney	
Keyes	Marvel	Schmit	Venditte	

Present and not voting, 2:

Clark Goodrich

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 11

Mr. Reutzel moved that LB 11 become law notwithstanding the objections of the Governor.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 23:

Beutler	Fowler	Labedz	Murphy	Venditte
Brennan	George	Landis	Newell	Warner
Burrows	Hefner	Lewis	Reutzel	Wesely
Dworak	Hoagland	Marsh	Schmit	
Fitzgerald	Koch	Merz	Simon	

Voting in the negative, 24:

Carsten	Duis	Kelly	Maresh	Sieck
Clark	Goodrich	Kennedy	Marvel	Stoney
Cope	Haberman	Keyes	Nichol	Vickers
Cullan	Johnson	Kremer	Pirsch	Wagner
DeCamp	Kahle	Lamb	Rumery	

Present 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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1979, at 5:10 p.m., were the following bills: 479 and 329.

(Signed) Hazel Kaltenberger,
Enrolling Clerk

MESSAGE FROM THE GOVERNOR

May 23, 1979

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

We have received Engrossed Legislative Bill 479 and Reengrossed Legislative Bill 329.

These bills were signed by me on May 23, 1979 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

COMMUNICATION

May 23, 1979

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Re: LB 594

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS of Nebraska, 1943, we are forwarding LB 594 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:sd
cc: Governor Thone
Enclosure

CERTIFICATE

Legislative Bill 594 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 13, Page 14 - Wayne State College Education and Humanities Building - Program 917, Section 32

Those provisions have become law this 23rd day of May, 1979.

(Signed) Richard D. Marvel, Speaker
Presiding Officer of the Legislature

MOTION - Approve Journal

Mr. Warner moved that the Journal for the 89th Day, as prepared by the Clerk, be approved.

The motion prevailed with 36 ayes, 2 nays, and 10 not voting.

MOTION - Session Laws and Journals

Mr. Kremer 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.

The motion prevailed with 37 ayes, 1 nay, and 10 not voting.

MOTION - Advise Governor

Mr. Clark moved that a committee of five be appointed to advise the Governor that the Eighty-Sixth Legislature, First Session, of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed with 38 ayes, 1 nay, and 9 not voting.

The Chair appointed Messrs. Clark, Keyes, Schmit, Kennedy, Carsten, Maresh, and Lewis to serve on said committee.

PRESIDENT LUEDTKE PRESIDING

The committee escorted the Governor to the rostrum where he addressed the body.

The Committee escorted the Governor from the Chamber.

Speaker Marvel expressed his appreciation to the members.

VISITORS

Visitors to the Chamber were Dorothy Beutler, Marie Beutler, and Myrtle Lanning (mother and grandmothers of Senator Beutler).

MOTION - Adjournment

Mr. Duis moved that the Eighty-Sixth Legislature, First Session, of the Legislature, having finished all business before it, now at 6:27 p.m., we adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

COMMUNICATION

May 24, 1979

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Thone on LB 579, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:sd
cc: Governor Thone

ATTORNEY GENERAL'S OPINIONS

Opinion No. 119
May 18, 1979

Dear Senator Goodrich:

You have requested the opinion of this office as to whether section 30-2814, R.R.S. 1943, requires the trustee of a marital trust to inform other possible heirs of the trust property, when the spouse makes a valid gift of all or part of that trust property to one of these heirs. Your letter indicates that you were contemplating proposed legislation in regard to the confidentiality of such a gift.

Section 30-2814, R.R.S. 1943, provides only that the trustee shall keep the beneficiaries of a trust reasonably informed of the trust and its administration. Generally, the spouse is the sole beneficiary of a marital trust and while the children of the grantor and spouse may be beneficiaries of a second trust known as a family trust, they would not be beneficiaries under the marital trust. Therefore, if the spouse exercises an authorized power of appointment under the marital trust and thereby makes a gift of the principal and interest to one of these children, there is no requirement under section 30-2814, R.R.S. 1943, that the trustee notify anyone other than the beneficiary of the marital

trust of its present status. The spouse of course being the sole beneficiary of this trust would already be aware of the transfer.

While there may be provisions within a particular trust instrument that would require such disclosure to be made, there is no statutory requirement under section 30-2814, R.R.S. 1943, that would prohibit maintaining the confidentiality of such a gift.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John M. Boehm
Assistant Attorney General

JMB/cmb
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

May 18, 1979

Dear Senator Sieck:

You have requested an opinion from this office with regard to the administration of the Groundwater Management Act (Section 46-601, et seq., R.R.S. 1943). More specifically, you set forth four situations and asked whether any or all of them are in compliance with the existing law and rules and regulations of the Department of Water Resources and if not, whether under any other existing law the described wells can be given permits.

The situations you describe are these:

(1) Persons constructing replacement wells in the control area with greater pumping capacity without first obtaining a permit.

(2) Persons constructing replacement wells in the control area when the original well was not registered.

(3) Persons constructing new wells in the control area without a permit.

(4) Persons replacing parts, improving or increasing the pumping capacity of existing wells in a control area (not abandoned or replacement wells).

Presently, the Nebraska Groundwater Management Act in section 46-657 (8) R.S.Supp., 1978 defines an "illegal well" as:

> ". . . (a) any well operated or constructed without, or in violation of, a permit required by the provisions of this act, (b) any well completed at any time before or after August 24, 1975 but not properly registered in accordance with the provisions of sections 46-602 to 46-605, or (c) any well not in compliance with any other applicable laws of the State of Nebraska or with rules and regulations adopted pursuant to this act; . . ."

The situations described in your letter clearly fall within the definition of "illegal well" as defined by section 46-657 (8) set forth above.

As to the second part of your inquiry, we were unable to find any provision in the Groundwater Management Act which provided for an exception to the foregoing definition of an "illegal well" under the Nebraska Groundwater Management Act. Similarly, we were unable to find anything in the rules and regulations which would provide for an exception.

Accordingly, we must conclude that the examples set forth in your letter are "illegal wells" as defined by the Nebraska Groundwater Management Act and that there are no exceptions under existing laws, rules or regulations by which these "illegal wells" can be made legal.

We note parenthetically, that on the fact of your request, you did not indicate that your question related to pending legislation. It is the policy of this office to provide legal opinions only in such instances. However, inasmuch as you advised us in a telephone conversation that your question does relate to proposed legislation, we have responded to your question. We hope that in so doing, we have been of some assistance to you.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Judy K. Hoffman
Assistant Attorney General

JKH:jjp
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

MESSAGES FROM THE SECRETARY OF STATE

May 25, 1979

Patrick J. O'Donnell
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, NE

RE: LB 579, Eighty-Sixth Legislature, First Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 579.

Respectfully Submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 579 passed by the Eighty-Sixth Legislature, First Session, was signed by Governor Charley Thone on May 16, 1979. Further I hereby certify that the Governor exercised his authority with one line item veto in the Bill; that is Claim No. 078 — Major Robert J. Van Valkenburg was reduced from $10,708.00 to $5,000.00. Further I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 579 became law on the 24th day of May, 1979.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-fifth day of May in the year of our Lord, one thousand nine hundred and Seventy-Nine.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

May 25, 1979

Patrick J. O'Donnell
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, Nebraska

RE: LB 594, Eighty-sixth Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on May 24, 1979 at 2:20 p.m., LB 594. Along with LB 594, I hereby acknowledge receipt of your cover letter and a signed certificate by Richard D. Marvel,

Speaker and Presiding Officer of the Legislature the contents of which are as follows:

> "Legislative Bill 594 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 13, Page 14 - Wayne State College Education and Humanities Building - Program 917, Section 32 Those provisions have become law this 23rd day of May, 1979."

Further, I hereby acknowledge that LB 594, 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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 594 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 13, Page 14 - Wayne State College Education and Humanities Building - Program 917, Section 32

Those provisions have become law this 23rd day of May, 1979
Finally, I certify that Legislative Bill 594 is now on file in the office of the Secretary of State and is a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this Twenty-Fifth day of May in the year of our Lord, one thousand nine hundred and Seventy-Nine.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

RESIGNATION

May 25, 1979

The Honorable Governor Charles Thone
State of Nebraska
State Capitol
Lincoln, Nebraska 68509

Dear Governor Thone:

I hereby resign my office as a member of the Legislature, 39th District, effective at 10:00 a.m. May 25, 1979.

Sincerely yours,
(Signed) Herbert J. Duis

HJD:jg

MESSAGE FROM THE GOVERNOR

May 24, 1979

Honorable Herb Duis
State Capitol
Lincoln, Nebraska

Dear Senator Duis:

I hereby accept your resignation from the Legislature, District 39, effective 10:00 A.M., May 25, 1979.

On behalf of all Nebraskans, let me thank you for your many years of able and distinguished service to the citizens of the 39th District and the people of Nebraska.

With warm personal regards.

Sincerely,
(Signed) CHARLES THONE
Governor

cc: Clerk of the Legislature

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Eighty-sixth Legislature, First Session and other correspondence.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

May 31, 1979
Lincoln, Nebraska

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FIRST SESSION 1979

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-79

CHRONOLOGY OF BILLS

EIGHTY-SIXTH LEGISLATURE
FIRST SESSION
1979

LEGISLATIVE BILL 1 By Executive Board

Jan. 4 Read first time....65
Jan. 4 Placed on General File....77
Jan. 10 Advanced for Review....152
Jan. 15 Placed on Select File....194
Jan. 16 Advanced for Engrossment....211
Jan. 18 Correctly Engrossed....278
Jan. 22 Final Reading....294
Jan. 22 Stoney explanation of vote....301
Jan. 23 Correctly Enrolled. President signed....310
Jan. 24 Presented to Governor....315
Jan. 24 Hefner explanation of vote....316
Jan. 29 Approved by Governor....357

LEGISLATIVE BILL 2 By Executive Board

Jan. 4 Read first time....65
Jan. 4 Placed on General File....77
Jan. 10 Advanced for Review....152
Jan. 15 Placed on Select File....194
Jan. 16 Advanced for Engrossment....211
Jan. 18 Correctly Engrossed....278
Jan. 22 Final Reading....295
Jan. 22 Stoney explanation of vote....301
Jan. 23 Correctly Enrolled. President signed....310
Jan. 24 Presented to Governor....315
Jan. 24 Hefner explanation of vote....316
Jan. 29 Approved by Governor....357

LEGISLATIVE BILL 3 By Executive Board

Jan. 4 Read first time....65
Jan. 4 Placed on General File....77
Jan. 10 Advanced for Review....152
Jan. 15 Placed on Select File....194
Jan. 16 Advanced for Engrossment....211
Jan. 18 Correctly Engrossed....278
Jan. 22 Final Reading....296

Jan. 22 Stoney explanation of vote....301
Jan. 23 Correctly Enrolled. President signed....310
Jan. 24 Presented to Governor....315
Jan. 24 Hefner explanation of vote....316
Jan. 29 Approved by Governor....357

LEGISLATIVE BILL 4 By Executive Board

Jan. 4 Read first time....65
Jan. 4 Placed on General File....77
Jan. 10 Advanced for Review....152
Jan. 15 Placed on Select File....194
Jan. 16 Advanced for Engrossment....211
Jan. 18 Correctly Engrossed....278
Jan. 22 Final Reading....297
Jan. 23 Correctly Enrolled. President signed....310
Jan. 24 Presented to Governor....315
Jan. 24 Hefner explanation of vote....316
Jan. 29 Approved by Governor....357

LEGISLATIVE BILL 5 By Executive Board

Jan. 4 Read first time....66
Jan. 4 Placed on General File....77
Jan. 10 Advanced for Review....152
Jan. 15 Placed on Select File....194
Jan. 16 Advanced for Engrossment....212
Jan. 18 Correctly Engrossed....278
Jan. 22 Final Reading....298
Jan. 23 Correctly Enrolled. President signed....310
Jan. 24 Presented to Governor....315
Jan. 24 Hefner explanation of vote....316
Jan. 29 Approved by Governor....357

LEGISLATIVE BILL 6 By Executive Board

Jan. 4 Read first time....66
Jan. 4 Placed on General File....77
Jan. 10 Advanced for Review....153
Jan. 15 Placed on Select File....194
Jan. 16 Advanced for Engrossment....212
Jan. 18 Correctly Engrossed....278
Jan. 22 Final Reading....299
Jan. 23 Correctly Enrolled. President signed....310
Jan. 24 Presented to Governor....315
Jan. 24 Hefner explanation of vote....316

Jan. 29 Approved by Governor 357

LEGISLATIVE BILL 7 By Executive Board

Jan. 4 Read first time 66
Jan. 4 Placed on General File 77
Jan. 10 Advanced for Review 153
Jan. 15 Placed on Select File 194
Jan. 16 Advanced for Engrossment 212
Jan. 18 Correctly Engrossed 278
Jan. 22 Final Reading 300
Jan. 23 Correctly Enrolled. President signed 310
Jan. 24 Presented to Governor 315
Jan. 24 Hefner explanation of vote 316
Jan. 29 Approved by Governor 357

LEGISLATIVE BILL 8 By Koch

Jan. 4 Read first time 66
Jan. 4 Referred to Committee on Revenue 77
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LEGISLATIVE BILL 9 By Clark

Jan. 4 Read first time 67
Jan. 4 Referred to Committee on Public Health and Welfare 77
Jan. 9 Notice of hearing 131
Jan. 22 Placed on General File 293
Jan. 22 Objection to bracket 304
Jan. 29 Committee amendment adopted. Clark amendment adopted. Dworak amendment lost. Advanced for Review 355
Jan. 30 Hoagland explanation of vote 371
Jan. 31 Placed on Select File 374
Feb. 5 Koch motion to indefinitely postpone pending 429
Feb. 6 Koch pending motion withdrawn 434
Feb. 6 Dworak and Clark amendments adopted. Advanced for Engrossment 435
Feb. 7 Simon explanation of vote 446
Feb. 8 Replaced on Select File 451
Feb. 9 Advanced for Engrossment. Expedited 470
Feb. 9 Correctly Engrossed 473
Feb. 13 Final Reading 506

Feb. 13 Correctly Enrolled. President signed.....508
Feb. 13 Presented to Governor.....512
Feb. 14 Approved by Governor.....516

LEGISLATIVE BILL 10 By Reutzel

Jan. 4 Read first time.....67
Jan. 4 Referred to Committee on Constitutional Revision and Recreation.....77
Jan. 17 Notice of hearing.....226
Jan. 29 Placed on General File.....355
Feb. 12 Committee amendments adopted. Advanced for Review.....494
Feb. 14 Placed on Select File.....515
Feb. 15 Advanced for Engrossment.....536
Feb. 20 Correctly Engrossed.....557
Feb. 23 Final Reading.....624
Feb. 27 Correctly Enrolled. Speaker signed.....657
Feb. 27 Dworak explanation of vote.....670
Feb. 28 Presented to Governor.....680
Mar. 6 Returned by Governor without approval.....762
Mar. 6 Reutzel motion to override pending.....763

LEGISLATIVE BILL 11 By Reutzel

Jan. 4 Read first time.....67
Jan. 4 Referred to Committee on Constitutional Revision and Recreation.....77
Jan. 25 Notice of hearing.....328
Mar. 5 Placed on General File.....739
May 2 Committee amendments adopted. Reutzel amendment adopted. K[illegible] motion to indefinitely postpone lost. Stoney amendment adopted. Advanced for Review.....1805
May 2 Schmit amendment printed.....1808
May 3 Schmit amendment printed.....1848
May 3 Placed on Select File.....1851
May 4 Schmit amendment printed.....1878
May 7 Schmit pending amendment p.1808 adopted as amended by Reutzel. Schmit pending amendment p.1848 withdrawn. Schmit pending amendment p.1878 adopted. Kahle amendment to Schmit amendment lost. Advanced for Engrossment.....1926
May 10 Replaced on Select File.....2022

May 10 Advanced for Engrossment....2041
May 15 Replaced on Select File....2182
May 15 Advanced for Engrossment....2190
May 21 Correctly Engrossed....2197
May 23 Final Reading....2277
May 23 Correctly Enrolled. President signed....2285
May 23 Presented to Governor....2301
May 23 Returned by Governor without approval....2303
May 23 Reutzel motion to override lost....2319

LEGISLATIVE BILL 12 By Nichol

Jan. 4 Read first time....67
Jan. 4 Referred to Committee on Education....77
Jan. 10 Notice of hearing....147
Jan. 19 Indefinitely postponed....288

LEGISLATIVE BILL 13 By Nichol

Jan. 4 Read first time....67
Jan. 4 Referred to Committee on Urban Affairs....77
Jan. 9 Notice of hearing....140
Jan. 26 Placed on General File....348
Feb. 8 Committee amendment adopted.
Advanced for Review....453
Feb. 12 Placed on Select File....478
Feb. 14 Advanced for Engrossment....519
Feb. 15 Correctly Engrossed....532
Feb. 22 Final Reading....607
Feb. 22 Correctly Enrolled. President signed.
Stoney explanation of vote....618
Feb. 23 Presented to Governor....631
Feb. 26 Approved by Governor....645
Feb. 27 Dworak explanation of vote....670

LEGISLATIVE BILL 14 By Nichol

Jan. 4 Read first time....67
Jan. 4 Referred to Committee on Agriculture
and Environment....77
Jan. 19 Notice of hearing....287
Feb. 15 Placed on General File....542
Mar. 30 Nichol amendment printed....1213
Apr. 3 Nichol pending amendment adopted.
Committee amendments adopted as amended.
Keyes amendment lost.

Advanced for Review 1265
Apr. 5 Placed on Select File 1319
Apr. 6 Nichol amendments adopted.
Advanced for Engrossment 1350
Apr. 17 Correctly Engrossed 1471
Apr. 20 Attorney General's Opinion 1590
May 14 Final Reading 2108
May 15 Correctly Enrolled. President signed 2147
May 15 Presented to Governor 2173
May 21 Approved by Governor 2199

LEGISLATIVE BILL 14A By Nichol

Mar. 9 Read first time. Placed on General File 817
Apr. 3 Advanced for Review 1272
Apr. 5 Placed on Select File 1319
Apr. 6 Nichol amendment adopted.
Advanced for Engrossment 1350
Apr. 17 Correctly Engrossed 1471
May 14 Final Reading 2109
May 15 Correctly Enrolled. President signed 2147
May 15 Presented to Governor 2173
May 21 Approved by Governor 2199

LEGISLATIVE BILL 15 By Nichol

Jan. 4 Read first time 68
Jan. 4 Referred to Committee on Education 77
Jan. 24 Notice of hearing 316
Feb. 1 Re-referred to Committee on Nebraska
Retirement Systems 386
Feb. 1 Notice of hearing cancelled 388
Feb. 27 Notice of hearing 670
Mar. 9 Placed on General File 832
Apr. 3 Committee amendments adopted.
Advanced for Review 1265
Apr. 5 Placed on Select File 1319
Apr. 6 Advanced for Engrossment 1350
Apr. 10 Correctly Engrossed 1417
Apr. 19 Final Reading 1548
Apr. 20 Correctly Enrolled. Speaker signed 1579
Apr. 20 Presented to Governor 1589
Apr. 24 Dworak explanation of vote 1619
Apr. 25 Approved by Governor 1653

LEGISLATIVE BILL 16 By Newell

Jan. 4 Read first time....68
Jan. 4 Referred to Committee on Revenue....77
Jan. 10 Notice of hearing....153
Mar. 8 Placed on General File....812
Apr. 10 Newell amendment adopted. Failed to advance for Review....1401
May 3 Newell motion to suspend rules lost....1845

LEGISLATIVE BILL 17 By Newell

Jan. 4 Read first time....68
Jan. 4 Referred to Committee on Revenue....77
Jan. 17 Notice of hearing....254
Feb. 6 Placed on General File....431
Feb. 23 Committee amendments adopted. Advanced for Review....633
Feb. 27 Placed on Select File....657
Mar. 8 Warner amendments adopted. Advanced for Engrossment....808
Mar. 12 Replaced on Select File....842
Mar. 14 Advanced for Engrossment. Returned to Select File for Newell amendment....910
Mar. 14 Newell amendment adopted. Advanced for Engrossment....911
Mar. 15 Correctly Engrossed....925
May 14 Final Reading....2110
May 15 Correctly Enrolled. President signed....2147
May 15 Presented to Governor....2173
May 21 Approved by Governor....2216

LEGISLATIVE BILL 17A By Newell

Mar. 8 Read first time. Placed on General File....808
Mar. 14 Advanced for Review....896
Mar. 16 Placed on Select File....939
Mar. 21 Advanced for Engrossment....1037
Mar. 22 Correctly Engrossed....1066
May 14 Final Reading....2111
May 15 Correctly Enrolled. President signed....2147
May 15 Presented to Governor....2173
May 21 Approved by Governor....2216

LEGISLATIVE BILL 18 By Newell

Jan. 4 Read first time....68
Jan. 4 Referred to Committee on Business and Labor....78
Jan. 24 Notice of hearing....319
Feb. 9 Indefinitely postponed....475

LEGISLATIVE BILL 19 By Newell

Jan. 4 Read first time....68
Jan. 4 Referred to Committee on Judiciary....78
Jan. 16 Notice of hearing....202
Feb. 12 Placed on General File....480
Mar. 8 Johnson amendment printed....813
Mar. 14 Committee amendments adopted. Johnson pending amendment adopted. Advanced for Review....897
Mar. 16 Placed on Select File....940
Mar. 21 Advanced for Engrossment....1037
Mar. 22 Correctly Engrossed....1066
Mar. 30 Final Reading....1182
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 20 By Carsten

Jan. 4 Read first time....68
Jan. 4 Referred to Committee on Appropriations....78
Jan. 18 Notice of hearing....269
Jan. 18 Notice of hearing duplicated....272
Apr. 10 Indefinitely postponed....1416

LEGISLATIVE BILL 21 By Carsten

Jan. 4 Read first time....68
Jan. 4 Referred to Committee on Public Health and Welfare....78
Jan. 8 Cope name added....124
Jan. 9 Notice of hearing....131

LEGISLATIVE BILL 22 By Carsten

Jan. 4 Read first time....69
Jan. 4 Referred to Committee on Government, Military and Veterans Affairs....78
Jan. 17 Notice of hearing....226
Jan. 30 Placed on General File....363
Feb. 13 Advanced for Review....512
Feb. 15 Placed on Select File....532
Feb. 20 Advanced for Engrossment....562
Feb. 21 Correctly Engrossed....589
Feb. 26 Final Reading....648
Feb. 27 Correctly Enrolled. Speaker signed....657
Feb. 28 Presented to Governor....680
Mar. 5 Approved by Governor....708

LEGISLATIVE BILL 23 By Merz

Jan. 4 Read first time....69
Jan. 4 Referred to Committee on Public Works....78
Jan. 9 Notice of hearing....132
Feb. 13 Placed on General File....511
Mar. 16 Committee amendments adopted. Advanced for Review....957
Mar. 16 Merz amendment printed....963
Mar. 20 Placed on Select File....1004
Mar. 20 DeCamp amendment printed....1013
Mar. 22 Merz pending amendment p.963 withdrawn. DeCamp pending amendment p.1013 adopted. DeCamp amendment withdrawn. Koch amendment lost. Advanced for Engrossment....1061
Mar. 27 Replaced on Select File....1103
Mar. 29 Venditte amendment printed....1157
Mar. 29 Advanced for Engrossment. Venditte motion to return to Select File lost....1173
Apr. 3 Correctly Engrossed....1278
Apr. 10 Final Reading....1404
Apr. 11 Correctly Enrolled. Speaker signed....1437
Apr. 12 Presented to Governor....1456
Apr. 17 Approved by Governor....1471

LEGISLATIVE BILL 24 By Maresh

Jan. 4 Read first time....69
Jan. 4 Referred to Committee on Public Works....78
Jan. 9 Notice of hearing....132
Feb. 6 Indefinitely postponed....431

LEGISLATIVE BILL 25 By George

Jan. 4 Read first time....69
Jan. 4 Referred to Committee on Agriculture and Environment....78
Jan. 19 Notice of hearing....287
Feb. 6 Placed on General File....435
Feb. 28 Advanced for Review....684
Mar. 5 Placed on Select File....706
Mar. 8 Advanced for Engrossment....809
Mar. 9 Correctly Engrossed....840
Mar. 13 Final Reading....871
Mar. 14 Correctly Enrolled. Speaker signed....888
Mar. 14 Presented to Governor....898
Mar. 16 Approved by Governor....941

LEGISLATIVE BILL 26 By Kremer

Jan. 4 Read first time....69
Jan. 4 Referred to Committee on Public Works....78
Jan. 9 Notice of hearing....132
Feb. 6 Placed on General File....431
Feb. 15 Committee amendments adopted. Murphy amendment lost....540
Feb. 15 Merz amendment lost....545
Feb. 21 DeCamp and Kremer amendments pending....594
Feb. 22 Kremer and DeCamp pending amendments adopted. Merz and Maresh amendments lost. Advanced for Review....616
Feb. 26 Placed on Select File....643
Mar. 6 Vickers amendment printed....763
Mar. 9 Attorney General's Opinion....820
Mar. 12 Vickers pending amendment p.763 laid over. Koch amendment to Schmit-Cullan amendment adopted. Carsten and Schmit-Cullan amendments pending as amended. Kelly amendment pending. Laid over....855
Mar. 13 DeCamp amendments printed....880
Mar. 14 Warner amendment printed....903
Mar. 19 Carsten pending amendment p.858 and Schmit-Cullan amendments as amended withdrawn. DeCamp pending amendments p.880 withdrawn. Kremer amendment adopted. Advanced for Engrossment....971
Mar. 20 Replaced on Select File....1014

Mar. 22 Advanced for Engrossment 1062
Mar. 26 Kelly pending amendment p.858, Warner pending amendment p.903 and Vickers pending amendment p.763 withdrawn..... 1080
Mar. 27 Correctly Engrossed..... 1111
Mar. 30 Final Reading 1189
Mar. 30 Haberman explanation of vote..... 1203
Mar. 30 Correctly Enrolled. Speaker signed 1207
Mar. 30 Presented to Governor 1220
Apr. 2 Koch explanation of vote 1261
Apr. 3 Approved by Governor 1288

LEGISLATIVE BILL 27 By Kremer

Jan. 4 Read first time..... 69
Jan. 4 Referred to Committee on Public Works 78
Jan. 9 Notice of hearing..... 132
Jan. 23 Placed on General File..... 310
Jan. 24 Advanced for Review 318
Feb. 2 Placed on Select File 408
Feb. 7 Maresh and Beutler amendments to Kremer amendment adopted. Duis amendment to Kremer amendment withdrawn. George amendment to Kremer amendment lost. Kremer amendment as amended pending..... 446
Feb. 15 Kremer amendments printed 544
Feb. 20 Attorney General's Opinion 575
Mar. 5 Laid over..... 736
Mar. 13 Kremer pending amendments p.446 as amended rejected. Kremer pending amendment p.544 withdrawn. Returned to Committee 883

LEGISLATIVE BILL 28 By Clark

Jan. 4 Read first time..... 69
Jan. 4 Referred to Committee on Public Works 78
Jan. 11 Notice of hearing..... 162
Mar. 9 Indefinitely postponed..... 832

LEGISLATIVE BILL 29 By Chambers

Jan. 4 Read first time..... 70
Jan. 4 Referred to Committee on Revenue 78
Jan. 10 Notice of hearing..... 153
Feb. 22 Indefinitely postponed..... 618

LEGISLATIVE BILL 30 By Koch

Jan. 4 Read first time....70
Jan. 4 Referred to Committee on Government, Military and Veterans Affairs....78
Jan. 17 Notice of hearing....226
Feb. 13 Indefinitely postponed....511

LEGISLATIVE BILL 31 By Kremer

Jan. 4 Read first time....70
Jan. 4 Referred to Committee on Public Works....78
Jan. 9 Notice of hearing....132
Jan. 26 Placed on General File....336
Feb. 2 Lamb amendment lost....419
Feb. 8 Advanced for Review....452
Feb. 12 Placed on Select File....477
Feb. 14 Advanced for Engrossment....519
Feb. 15 Correctly Engrossed....532
Feb. 22 Final Reading....607
Feb. 22 Correctly Enrolled. President signed. Stoney explanation of vote....618
Feb. 23 Presented to Governor....631
Feb. 26 Approved by Governor....645
Feb. 27 Dworak explanation of vote....670

LEGISLATIVE BILL 32 By Kahle

Jan. 4 Read first time....70
Jan. 4 Referred to Committee on Education....78
Jan. 16 Notice of hearing....221
Feb. 8 Indefinitely postponed....460

LEGISLATIVE BILL 33 By Kahle

Jan. 4 Read first time....70
Jan. 4 Referred to Committee on Judiciary....78
Jan. 10 Notice of hearing....147
Feb. 26 Indefinitely postponed....644

LEGISLATIVE BILL 34 By Maresh

Jan. 4 Read first time....71
Jan. 4 Referred to Committee on Public Health and Welfare....78
Jan. 9 Notice of hearing....131

Jan. 18 Placed on General File....278
Jan. 19 Advanced for Review....286
Jan. 23 Placed on Select File....309
Jan. 24 Advanced for Engrossment....318
Jan. 25 Correctly Engrossed....325
Jan. 29 Final Reading.
Newell explanation of vote....354
Jan. 30 Correctly Enrolled. President signed....368
Jan. 31 Presented to Governor....378
Feb. 5 Approved by Governor....422

LEGISLATIVE BILL 35 By Johnson

Jan. 4 Read first time....71
Jan. 4 Referred to Committee on Public Health and Welfare....78
Jan. 17 Notice of hearing....255
Feb. 27 Placed on General File....668
Mar. 30 Johnson amendments printed....1204
Apr. 26 Committee amendments adopted.
Johnson amendment pending....1694

LEGISLATIVE BILL 35A By Johnson

Mar. 7 Read first time. Placed on General File....785

LEGISLATIVE BILL 36 By Stoney

Jan. 4 Read first time....71
Jan. 4 Referred to Committee on Banking, Commerce and Insurance....78
Jan. 15 Notice of hearing....192
Feb. 9 Placed on General File....470
Mar. 9 Advanced for Review....834
Mar. 13 Placed on Select File....878
Mar. 16 Advanced for Engrossment....952
Mar. 17 Correctly Engrossed....965
Mar. 22 Final Reading....1051
Mar. 22 Correctly Enrolled. Speaker signed....1066
Mar. 26 Presented to Governor....1076
Mar. 26 Haberman explanation of vote....1088
Mar. 28 Approved by Governor....1144

LEGISLATIVE BILL 37 By Stoney

Jan. 4 Read first time....71
Jan. 4 Referred to Committee on Revenue....78
Jan. 10 Notice of hearing....153
Jan. 24 Indefinitely postponed....319

LEGISLATIVE BILL 38 By Labedz

Jan. 4 Read first time....71
Jan. 4 Referred to Committee on Government, Military and Veterans Affairs....78
Jan. 10 Notice of hearing....147
Jan. 30 Placed on General File....363
Feb. 14 Labedz amendment adopted. Committee amendment adopted as amended. Schmit amendment adopted. Advanced for Review....519
Feb. 20 Placed on Select File....555
Feb. 21 Advanced for Engrossment....586
Feb. 22 Correctly Engrossed....618
Feb. 27 Final Reading....660
Feb. 27 Haberman and Newell explanations of vote....670
Feb. 28 Correctly Enrolled. Speaker signed....680
Mar. 5 Presented to Governor....708
Mar. 8 Approved by Governor....791

LEGISLATIVE BILL 39 By Marsh

Jan. 4 Read first time....71
Jan. 4 Referred to Committee on Public Health and Welfare....78
Jan. 9 Notice of hearing....131
Mar. 5 Placed on General File....730
Apr. 12 Committee amendments adopted. Marsh amendment adopted. Advanced for Review....1457
Apr. 18 Placed on Select File....1514
Apr. 25 Advanced for Engrossment....1655
Apr. 27 Correctly Engrossed....1717
May 7 Final Reading....1890
May 8 Correctly Enrolled....1936
May 8 President signed....1937
May 8 Presented to Governor....1940
May 9 Approved by Governor....1999

LEGISLATIVE BILL 40 By Cullan

Jan. 4 Read first time....71
Jan. 4 Referred to Committee on Revenue....78
Jan. 10 Notice of hearing....153
Jan. 17 Indefinitely postponed....266

LEGISLATIVE BILL 41 By Cullan

Jan. 4 Read first time....72
Jan. 4 Referred to Committee on Revenue....78
Jan. 10 Notice of hearing....153
Feb. 22 Indefinitely postponed....618

LEGISLATIVE BILL 42 By Cullan

Jan. 4 Read first time....72
Jan. 4 Referred to Committee on Public Works....78
Jan. 9 Notice of hearing....132
Feb. 13 Placed on General File....503
Mar. 16 Committee amendments adopted.
Wesely amendment withdrawn.
Advanced for Review....953
Mar. 19 DeCamp amendment printed....967
Mar. 19 Murphy amendments printed....975
Mar. 20 Placed on Select File....1004
Mar. 21 Cullan amendment adopted. DeCamp pending amendment p.967 withdrawn. Murphy pending amendment p.975 adopted.
Dworak amendment lost. Laid over....1037
Mar. 21 Dworak motion to reconsider amendment on p.1038 pending....1043
Mar. 26 Lewis amendment printed....1088
Mar. 26 Maresh amendment printed....1092
Mar. 27 Maresh pending amendment p.1092 adopted.
Dworak pending motion p.1043 lost.
Cullan and DeCamp amendments adopted.
Lewis pending amendment p.1088 adopted.
Advanced for Engrossment....1105
Mar. 28 Attorney General's Opinion....1133
Mar. 29 Replaced on Select File....1152
Mar. 29 Advanced for Engrossment.
Returned to Select File for DeCamp amendment. DeCamp amendment adopted.
Advanced for Engrossment....1170
Apr. 3 Correctly Engrossed....1278

Apr. 10 Returned to Select File
for Cullan amendment 1405
Apr. 19 Cullan pending amendment adopted.
Advanced for Re-Engrossment 1571
Apr. 19 DeCamp amendment printed..... 1572
Apr. 20 Replaced on Select File.
DeCamp amendments printed..... 1593
Apr. 25 Advanced for Re-Engrossment 1660
Apr. 26 Attorney General's Opinion 1679
Apr. 27 DeCamp amendments p.1572 withdrawn.
Returned to Select File for
DeCamp amendments p.1593.
DeCamp amendments adopted.
Advanced for Re-Engrossment 1709
Apr. 30 Correctly Re-Engrossed..... 1733
May 2 Nebr. Railroad Assn. letter printed 1820
May 2 Haberman amendment printed 1821
May 3 Goodrich amendment printed 1855
May 7 Laid over..... 1892
May 7 Haberman amendments p.1821 ruled out of order.
Goodrich amendment p.1855 withdrawn.
Returned to Select File for DeCamp amendment.
DeCamp amendment adopted.
Advanced for Re-Engrossment 1903
May 7 Correctly Re-Engrossed..... 1928
May 15 DeCamp amendment printed..... 2191
May 21 Returned to Select File for DeCamp
amendment p.2191. DeCamp amendment
adopted. Advanced for Re-Engrossment 2203
May 21 Correctly Re-Engrossed..... 2212
May 23 Cullan motion to hold lost.
Final Reading 2278
May 23 Correctly Enrolled. President signed..... 2285
May 23 Presented to Governor 2291
May 23 Approved by Governor 2313

LEGISLATIVE BILL 43 By Marsh

Jan. 4 Read first time..... 72
Jan. 4 Referred to Committee on Government,
Military and Veterans Affairs..... 78
Jan. 17 Notice of hearing..... 226
Feb. 28 Indefinitely postponed..... 691

LEGISLATIVE BILL 44 By Maresh

Jan. 4 Read first time....72
Jan. 4 Referred to Committee on Revenue....78
Jan. 10 Notice of hearing....153
Mar. 8 Placed on General File....812
Apr. 4 Beutler amendments printed....1300
Apr. 10 Beutler amendment p.1300 withdrawn.
Wesely and Chambers amendments lost.
Laid over....1409
Apr. 11 Keyes and Marsh amendments printed....1439
Apr. 11 Keyes and Marsh amendments printed....1583
May 3 Maresh motion to suspend rules lost....1846
May 7 Attorney General's Opinion....1912

LEGISLATIVE BILL 45 By Dworak

Jan. 4 Read first time....72
Jan. 4 Referred to Committee on Public Works....78
Jan. 11 Notice of hearing....162
Jan. 29 Placed on General File....357
Feb. 12 Advanced for Review....495
Feb. 14 Placed on Select File....515
Feb. 15 Advanced for Engrossment....536
Feb. 20 Correctly Engrossed....557
Feb. 23 Final Reading....625
Feb. 27 Correctly Enrolled. Speaker signed....657
Feb. 27 Dworak explanation of vote....670
Feb. 28 Presented to Governor....680
Mar. 5 Approved by Governor....708

LEGISLATIVE BILL 46 By Dworak

Jan. 4 Read first time....72
Jan. 4 Referred to Committee on Education....78
Jan. 24 Notice of hearing....316
Mar. 16 Indefinitely postponed....951

LEGISLATIVE BILL 47 By Hefner

Jan. 4 Read first time....73
Jan. 4 Referred to Committee on Urban Affairs....78
Jan. 9 Notice of hearing....140
Jan. 25 Placed on General File....333
Jan. 31 Advanced for Review....381
Feb. 2 Placed on Select File....408

Feb. 9 Advanced for Engrossment....471
Feb. 12 Correctly Engrossed....478
Feb. 15 Final Reading....534
Feb. 15 Correctly Enrolled. President signed....541
Feb. 20 Presented to Governor....557
Feb. 21 Approved by Governor....582

LEGISLATIVE BILL 48 By Warner

Jan. 4 Read first time....73
Jan. 4 Referred to Committee on Public Works....78
Jan. 11 Notice of hearing....162

LEGISLATIVE BILL 49 By Cullan

Jan. 4 Read first time....73
Jan. 4 Referred to Committee on Public Works....78
Jan. 9 Notice of hearing....132
Jan. 23 Placed on General File....310
Jan. 25 Committee amendments adopted.
Indefinitely postponed....332

LEGISLATIVE BILL 50 By Keyes

Jan. 4 Read first time....73
Jan. 4 Referred to Committee on Education....78
Feb. 1 Notice of hearing....385
Mar. 16 Indefinitely postponed....951

LEGISLATIVE BILL 51 By Simon, Johnson

Jan. 4 Read first time....73
Jan. 4 Referred to Committee on Business and Labor....78
Jan. 9 Notice of hearing....139
Jan. 29 Placed on General File....357
Feb. 12 Returned to Committee....495
Mar. 12 Indefinitely postponed....863

LEGISLATIVE BILL 52 By DeCamp

Jan. 4 Read first time....74
Jan. 4 Referred to Committee on Banking,
Commerce and Insurance....78
Jan. 15 Notice of hearing....192
Mar. 5 Placed on General File....715
Mar. 21 Committee amendments adopted.
Advanced for Review....1044

Mar. 22 Fowler amendments printed 1060
Mar. 26 Placed on Select File 1073
Mar. 26 Laid over 1117
Mar. 29 Fowler amendments printed 1156
Apr. 3 Fowler pending amendment p.1060 lost. Fowler pending amendment p.1156 withdrawn. Fowler amendment adopted. Advanced for Engrossment 1283
Apr. 9 Correctly Engrossed 1362
Apr. 18 Final Reading 1520
Apr. 18 Correctly Enrolled. Speaker signed 1530
Apr. 18 Presented to Governor 1531
Apr. 24 Approved by Governor 1600

LEGISLATIVE BILL 53 By Simon

Jan. 4 Read first time 75
Jan. 8 Referred to Committee on Business and Labor 111
Jan. 9 Notice of hearing 139
Jan. 29 Placed on General File 357
Feb. 13 Vickers amendment adopted. Lamb amendment lost. Advanced for Review 510
Feb. 15 Placed on Select File 532
Feb. 20 Advanced for Engrossment 561
Feb. 21 Correctly Engrossed 589
Feb. 26 Final Reading 648
Feb. 27 Correctly Enrolled. Speaker signed 657
Feb. 27 DeCamp, Dworak, and Hoagland explanations of vote 670
Feb. 27 Fowler explanation of vote 678
Feb. 28 Presented to Governor 680
Mar. 6 Approved by Governor 745

LEGISLATIVE BILL 54 By Cullan

Jan. 4 Read first time 75
Jan. 8 Referred to Committee on Government, Military and Veterans Affairs 111
Jan. 10 Notice of hearing 147
Mar. 14 Placed on General File 888
Mar. 29 Committee amendments adopted. Advanced for Review. Murphy amendment printed 1156
Apr. 2 Placed on Select File 1243
Apr. 5 Koch amendment adopted. Murphy pending amendment p.1156 adopted.

Burrows amendment lost.
Advanced for Engrossment 1333
Apr. 9 Replaced on Select File 1379
Apr. 17 Advanced for Engrossment 1506
Apr. 20 Correctly Engrossed 1593
May 14 Final Reading 2112
May 15 Correctly Enrolled. President signed 2147
May 15 Presented to Governor 2173
May 21 Approved by Governor 2216

LEGISLATIVE BILL 54A By Cullan

Mar. 28 Read first time. Placed on General File 1135
Mar. 29 Advanced for Review 1156
Apr. 2 Placed on Select File 1244
Apr. 3 Advanced for Engrossment 1285
Apr. 20 Correctly Engrossed 1593
May 14 Final Reading 2112
May 15 Correctly Enrolled. President signed 2147
May 15 Presented to Governor 2173
May 21 Approved by Governor 2216

LEGISLATIVE BILL 55 By Stoney

Jan. 4 Read first time 76
Jan. 8 Referred to Committee on Urban Affairs 111
Jan. 8 Stoney motion to withdraw pending 127
Jan. 9 Withdrawn 140

LEGISLATIVE BILL 56 By Clark

Jan. 4 Read first time 76
Jan. 8 Laid over 111
Jan. 10 Referred to Committee on Public Works 145
Jan. 11 Notice of hearing 162
Jan. 26 Placed on General File 336
Feb. 8 Committee amendments adopted.
Advanced for Review 453
Feb. 12 Placed on Select File 478
Feb. 14 Advanced for Engrossment 519
Feb. 15 Correctly Engrossed 532
Feb. 22 Final Reading 608
Feb. 22 Correctly Enrolled. President signed.
Stoney explanation of vote 618
Feb. 23 Presented to Governor 631
Feb. 26 Approved by Governor 645

Feb. 27 Dworak explanation of vote....670

LEGISLATIVE BILL 57 By Koch

Jan. 4 Read first time....76
Jan. 8 Referred to Committee on Education....111
Jan. 10 Notice of hearing....147
Feb. 12 Placed on General File....478
Mar. 14 Committee amendments adopted. Koch amendment adopted. Advanced for Review....897
Mar. 16 Placed on Select File....940
Mar. 21 Advanced for Engrossment....1037
Mar. 26 Correctly Engrossed....1076
Mar. 30 Final Reading....1185
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Koch motion to reconsider pending....1204
Apr. 2 Koch substitute motion pending....1255
Apr. 5 Koch pending motion p.1255 prevailed. Final Reading....1320
Apr. 5 Correctly Enrolled. Speaker signed....1330
Apr. 6 Presented to Governor....1342
Apr. 17 Approved by Governor....1471

LEGISLATIVE BILL 58 By Koch

Jan. 4 Read first time....76
Jan. 8 Referred to Committee on Miscellaneous Subjects....111
Jan. 11 Notice of hearing....162
Feb. 14 Placed on General File....522
Mar. 19 Committee amendment adopted. Advanced for Review....994
Mar. 19 Koch amendments printed....996
Mar. 21 Placed on Select File....1029
Mar. 22 Koch pending amendment p.996 adopted. Advanced for Engrossment....1064
Mar. 26 Replaced on Select File....1072
Mar. 26 Kelly amendments printed....1092
Mar. 27 Advanced for Engrossment....1116
Mar. 30 Correctly Engrossed....1214
Apr. 3 Kelly pending amendments p.1092 withdrawn....1276
Apr. 4 Final Reading....1295
Apr. 5 DeCamp motion to reconsider pending....1338
Apr. 9 Koch motion to reconsider pending....1376
Apr. 10 Koch pending motion prevailed....1407

Apr. 24 Final Reading 1603
Apr. 25 Correctly Enrolled. President signed 1645
Apr. 25 Presented to Governor 1653
Apr. 30 Approved by Governor 1752

LEGISLATIVE BILL 59 By Koch

Jan. 4 Read first time 76
Jan. 8 Referred to Committee on Education 111
Jan. 16 Notice of hearing 221
Feb. 9 Placed on General File 464
Mar. 6 Committee amendments adopted. Koch and Chambers amendments adopted. Advanced for Review 761
Mar. 7 Chambers amendments printed 780
Mar. 8 Placed on Select File 787
Mar. 19 Chambers amendments p.780 pending 978
Mar. 20 Chambers pending amendments p.780 lost. Koch amendment adopted. Chambers amendment lost. Venditte amendment withdrawn. Advanced for Engrossment 1011
Mar. 21 Replaced on Select File 1027
Mar. 22 Advanced for Engrossment 1062
Mar. 28 Correctly Engrossed 1128
Apr. 2 Laid over 1225
Apr. 2 Venditte explanation of vote 1236
Apr. 2 Koch amendment printed 1261
Apr. 4 Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for Re-Engrossment 1312
Apr. 9 Correctly Re-Engrossed 1361
Apr. 18 Final Reading 1521
Apr. 18 Correctly Enrolled. Speaker signed 1530
Apr. 18 Presented to Governor 1531
Apr. 24 Approved by Governor 1600

LEGISLATIVE BILL 60 By Fowler

Jan. 4 Read first time 76
Jan. 8 Referred to Committee on Appropriations 111
Jan. 18 Notice of hearing 269
Jan. 18 Notice of hearing duplicated 273
Mar. 8 Placed on General File 802

LEGISLATIVE BILL 61 By Marsh

Jan. 4 Read first time....77
Jan. 8 Referred to Committee on Urban Affairs....111
Jan. 9 Notice of hearing....140

LEGISLATIVE BILL 62 By Kremer

Jan. 4 Read first time....82
Jan. 8 Referred to Committee on Agriculture and Environment....111
Feb. 1 Notice of hearing....395
Mar. 15 Indefinitely postponed....925

LEGISLATIVE BILL 63 By Wesely

Jan. 4 Read first time....82
Jan. 8 Referred to Committee on Education....111
Jan. 16 Notice of hearing....221
Feb. 1 Placed on General File....387
Feb. 21 Committee amendments adopted. Indefinitely postponed....588
Feb. 23 Chambers motion to reconsider pending....640
Feb. 26 Attorney General's Opinion....646
Mar. 5 Chambers motion to reconsider lost....729

LEGISLATIVE BILL 64 By Wesely

Jan. 4 Read first time....82
Jan. 8 Referred to Committee on Government, Military and Veterans Affairs....111
Jan. 10 Notice of hearing....147
Feb. 13 Indefinitely postponed....511

LEGISLATIVE BILL 65 By Revenue Committee

Jan. 4 Read first time....82
Jan. 8 Referred to Committee on Revenue....111
Jan. 10 Notice of hearing....153
Feb. 9 Placed on General File....473
Feb. 20 Newell amendment printed....577
Mar. 9 Committee amendment adopted. Newell amendment adopted. Advanced for Review....835
Mar. 13 Placed on Select File....878
Mar. 13 Carsten amendment printed....884
Mar. 21 Carsten amendment adopted.

Advanced for Engrossment 1036
Mar. 22 Returned to Select File for Carsten amendment . 1057
Mar. 22 Carsten amendment adopted.
Advanced for Engrossment 1058
Mar. 26 Replaced on Select File 1072
Mar. 27 Advanced for Engrossment 1116
Mar. 30 Replaced on Select File 1207
Apr. 3 Advanced for Engrossment 1274
Apr. 4 Correctly Engrossed 1305
Apr. 10 Newell amendments printed 1409
Apr. 17 Returned to Select File for Newell
amendment p.1409 1483
Apr. 17 Newell amendment adopted.
Advanced for Re-Engrossment 1484
Apr. 18 Correctly Re-Engrossed 1516
Apr. 26 Final Reading 1683
Apr. 26 Haberman explanation of vote 1686
Apr. 27 Correctly Enrolled. Speaker signed 1708
Apr. 27 Presented to Governor 1717
May 2 Message from Governor 1820
May 3 Approved by Governor. Corrected letter 1844
May 7 Dworak explanation of vote 1925

LEGISLATIVE BILL 66 By Clark

Jan. 5 Read first time 95
Jan. 8 Referred to Committee on Public Works 111
Jan. 16 Notice of hearing 223
Jan. 26 Fitzgerald withdrew request 346
Feb. 7 Placed on General File 443
Feb. 28 Committee amendment adopted.
Advanced for Review 696
Mar. 5 Placed on Select File 707
Mar. 19 Clark amendment adopted.
Advanced for Engrossment 978
Mar. 21 Correctly Engrossed 1030
Mar. 27 Final Reading 1103
Mar. 28 Correctly Enrolled. Speaker signed 1128
Mar. 28 Koch explanation of vote 1143
Mar. 28 Presented to Governor 1146
Apr. 2 Approved by Governor 1237

LEGISLATIVE BILL 67 By Marsh

Jan. 5 Read first time....95
Jan. 8 Referred to Committee on Business and Labor...111
Jan. 9 Notice of hearing....139
Jan. 30 Placed on General File....363
Feb. 13 Committee amendment adopted.
Marsh amendment adopted.
Advanced for Review....512
Feb. 15 Placed on Select File....532
Feb. 20 Advanced for Engrossment....562
Feb. 21 Correctly Engrossed....589
Feb. 26 Final Reading....649
Feb. 27 Correctly Enrolled. Speaker signed....657
Feb. 28 Presented to Governor....680
Mar. 6 Approved by Governor....745

LEGISLATIVE BILL 68 By Duis

Jan. 5 Read frist time....95
Jan. 8 Placed on General File....111
Jan. 16 Advanced for Review....211
Jan. 18 Placed on Select File....276
Jan. 19 Advanced for Engrossment....286
Jan. 22 Correctly Engrossed....293
Jan. 24 Final Reading....317
Jan. 24 Correctly Enrolled....318
Jan. 24 President signed....319
Jan. 25 Presented to Governor....325
Jan. 29 Approved by Governor....351

LEGISLATIVE BILL 69 By DeCamp

Jan. 5 Read first time....95
Jan. 8 Referred to Committee on Banking, Commerce and Insurance....111
Jan. 23 Notice of hearing....311
Mar. 8 Placed on General File....803
Apr. 26 Committee amendment adopted. DeCamp amendment to Cullan amendment lost. Cullan amendment adopted. Lewis amendment lost. Failed to advance for Review. Haberman motion to indefinitely postpone lost....1676

LEGISLATIVE BILL 70 By Warner

Jan. 5 Read first time....96
Jan. 8 Placed on General File....111
Jan. 18 Advanced for Review....275
Jan. 22 Placed on Select File....293
Jan. 23 Advanced for Engrossment....312
Jan. 24 Correctly Engrossed....315
Jan. 26 Final Reading....343
Jan. 29 Correctly Enrolled. President signed....350
Jan. 30 Presented to Governor....368
Feb. 1 Approved by Governor....387

LEGISLATIVE BILL 71 By Warner

Jan. 5 Read first time....96
Jan. 8 Referred to Committee on Revenue....111
Feb. 2 Notice of hearing....415
May 23 Placed on General File....2283

LEGISLATIVE BILL 72 By Banking, Commerce and Insurance Committee

Jan. 5 Read first time....96
Jan. 8 Referred to Committee on Banking, Commerce and Insurance....111
Jan. 15 Notice of hearing....192
Jan. 25 Indefinitely postponed....333

LEGISLATIVE BILL 73 By Beutler

Jan. 5 Read first time....96
Jan. 8 Referred to Committee on Banking, Commerce and Insurance....111
Jan. 15 Notice of hearing....192
Jan. 25 Placed on General File....333
Jan. 31 Advanced for Review....381
Feb. 2 Placed on Select File....408
Feb. 9 Advanced for Engrossment....471
Feb. 12 Correctly Engrossed....478
Feb. 15 Final Reading....535
Feb. 15 Correctly Enrolled. President signed....541
Feb. 20 Presented to Governor....557
Feb. 21 Approved by Governor....582

LEGISLATIVE BILL 74 By Agriculture and Environment Committee

Jan. 5 Read first time....96
Jan. 8 Referred to Committee on Public Works....111
Jan. 15 Re-referred to Committee on Agriculture and Environment....198
Feb. 1 Notice of hearing....395
Feb. 20 Placed on General File....569
Mar. 20 Committee amendment adopted. Advanced for Review....1015
Mar. 22 Placed on Select File....1048
Mar. 26 Advanced for Engrossment....1084
Mar. 28 Correctly Engrossed....1146
Apr. 2 Final Reading....1225
Apr. 2 Venditte explanation of vote....1236
Apr. 2 Correctly Enrolled....1244
Apr. 2 Speaker signed....1245
Apr. 2 Presented to Governor....1255
Apr. 3 Dworak explanation of vote....1264
Apr. 9 Approved by Governor....1361

LEGISLATIVE BILL 75 By Nichol

Jan. 5 Read first time....99
Jan. 8 Referred to Committee on Government, Military and Veterans Affairs....111
Jan. 10 Notice of hearing....147
Feb. 7 Attorney General's Opinion....445
Feb. 13 Placed on General File....511
Apr. 17 Nichol amendment printed....1482
Apr. 25 Nichol amendment printed....1666
Apr. 26 Committee amendment adopted. Nichol amendment p.1482 withdrawn. Nichol amendment p.1666 adopted. Advanced for Review....1693
Apr. 30 Placed on Select File....1732
May 1 Advanced for Engrossment....1791
May 3 Correctly Engrossed....1844
May 9 Final Reading....1989
May 10 Correctly Enrolled. Speaker signed....2003
May 10 Presented to Governor....2039
May 15 Approved by Governor....2182

LEGISLATIVE BILL 76 By Dworak

Jan. 5 Read first time....99
Jan. 8 Referred to Committee on Revenue....111
Jan. 10 Notice of hearing....153

Jan. 17 Placed on General File....244
Jan. 17 Expedited. Advanced for Review....266
Jan. 18 Placed on Select File....276
Jan. 19 Advanced for Engrossment....286
Jan. 22 Correctly Engrossed....293
Jan. 22 Returned to Select File for Dworak amendment. Dworak amendment adopted. Advanced for Re-Engrossment....302
Jan. 23 Correctly Re-Engrossed....310
Jan. 25 Final Reading....326
Jan. 25 Stoney explanation of vote....334
Jan. 29 Correctly Enrolled. President signed....350
Jan. 30 Presented to Governor....368
Jan. 31 Approved by Governor....375

LEGISLATIVE BILL 77 By Constitutional Revision and Recreation Committee

Jan. 5 Read first time....99
Jan. 8 Referred to Committee on Constitutional Revision and Recreation....111
Jan. 17 Notice of hearing....226
Jan. 29 Indefinitely postponed....355

LEGISLATIVE BILL 78 By Constitutional Revision and Recreation Committee

Jan. 5 Read first time....99
Jan. 8 Referred to Committee on Constitutional Revision and Recreation....111
Jan. 17 Notice of hearing....226
Feb. 6 Placed on General File....435
Feb. 28 Committee amendments adopted. Lamb amendment lost. Advanced for Review....686
Mar. 5 Placed on Select File....707
Mar. 8 Advanced for Engrossment....810
Mar. 9 Correctly Engrossed....840
Mar. 13 Final Reading....872
Mar. 14 Correctly Enrolled. Speaker signed....888
Mar. 14 Presented to Governor....898
Mar. 16 Approved by Governor....941

LEGISLATIVE BILL 79 By Marsh

Jan. 5 Read first time....100
Jan. 8 Referred to Committee on Public Health and Welfare....111
Jan. 11 Notice of hearing....178
Jan. 25 Indefinitely postponed....325

LEGISLATIVE BILL 80 By Marsh

Jan. 5 Read first time....100
Jan. 8 Referred to Committee on Judiciary....111
Jan. 10 Notice of hearing....147
Mar. 14 Placed on General File....912
Mar. 20 Marsh amendment printed....1019
Apr. 6 Marsh pending amendment adopted. Committee amendments adopted as amended by Marsh. Advanced for Review....1346
Apr. 26 Placed on Select File....1685
May 2 Duis amendment adopted. Murphy amendment lost. Advanced for Engrossment....1821
May 7 Replaced on Select File....1888
May 10 Advanced for Engrossment....2022
May 10 Murphy amendment printed....2048
May 14 Murphy amendment withdrawn....2088
May 14 Replaced on Select File....2121
May 14 Advanced for Engrossment....2137
May 15 Correctly Engrossed....2173
May 22 Final Reading....2248
May 22 Correctly Enrolled. Speaker signed....2267
May 22 Presented to Governor....2270
May 23 Approved by Governor....2276
May 23 Hoagland explanation of vote....2313

LEGISLATIVE BILL 81 By Marsh

Jan. 5 Read first time....100
Jan. 8 Referred to Committee on Public Works....111
Jan. 16 Notice of hearing....223
Feb. 7 Placed on General File....443
Feb. 28 Maresh amendment adopted. Advanced for Review....684
Feb. 28 Maresh name added....687
Mar. 5 Placed on Select File....706
Mar. 8 Advanced for Engrossment....809
Mar. 9 Correctly Engrossed....840
Mar. 13 Final Reading....873
Mar. 13 Haberman explanation of vote....880

Mar. 14 Correctly Enrolled. Speaker signed 888
Mar. 14 Presented to Governor 898
Mar. 19 Approved by Governor 966

LEGISLATIVE BILL 82 By Constitutional Revision and Recreation Committee

Jan. 5 Read first time 100
Jan. 8 Referred to Committee on Constitutional Revision and Recreation 111
Jan. 19 Notice of hearing 286

LEGISLATIVE BILL 83 By Johnson

Jan. 5 Read first time 100
Jan. 8 Referred to Committee on Judiciary 111
Jan. 10 Notice of hearing 147
Feb. 28 Indefinitely postponed 683

LEGISLATIVE BILL 84 By Revenue Committee

Jan. 5 Read first time 101
Jan. 8 Referred to Committee on Revenue 111
Jan. 17 Notice of hearing 254
Jan. 25 Placed on General File 329
Jan. 30 Committee amendments 2, 3, and 4 adopted. Committee amendment 1 pending 370
Jan. 31 Committee amendment 1 lost. Johnson amendment adopted. Burrows motion to indefinitely postone lost. Advanced for Review 377
Feb. 2 Placed on Select File 408
Feb. 6 Johnson amendment printed 439
Mar. 5 Johnson pending amendment adopted. Advanced for Engrossment 736
Mar. 6 Replaced on Select File 745
Mar. 8 Advanced for Engrossment 798
Mar. 12 Correctly Engrossed 842
Mar. 15 Final Reading 925
Mar. 16 Correctly Enrolled. President signed 940
Mar. 16 Presented to Governor 957
Mar. 20 Approved by Governor 1005

LEGISLATIVE BILL 85 By Reutzel

Jan. 5 Read first time....101
Jan. 8 Referred to Committee on Government, Military and Veterans Affairs....111
Jan. 10 Notice of hearing....147
Jan. 30 Placed on General File....364
Feb. 14 Committee amendment adopted. Advanced for Review....520
Feb. 20 Placed on Select File....556
Feb. 21 Advanced for Engrossment....586
Feb. 22 Correctly Engrossed....618
Feb. 27 Final Reading....661
Feb. 27 Reutzel, Haberman, and Newell explanations of vote....670
Feb. 28 Correctly Enrolled. Speaker signed....680
Mar. 5 Presented to Governor....708
Mar. 8 Approved by Governor....791

LEGISLATIVE BILL 86 By Murphy

Jan. 5 Read first time....101
Jan. 10 Referred to Committee on Administrative Rules and Regulations....145
Jan. 16 Re-referred to Committee on Government, Military and Veterans Affairs....214
Jan. 30 Notice of hearing....366
Apr. 24 Placed on General File....1617
Apr. 27 Landis amendment adopted. Committee amendments adopted as amended. Advanced for Review....1719
Apr. 27 Murphy amendments printed....1728
Apr. 30 Placed on Select File....1759
May 2 Murphy amendment printed....1827
May 4 Murphy pending amendment p.1728 withdrawn. Murphy pending amendment p.1827 adopted. Murphy amendment p.1728 reoffered and laid over....1885
May 7 Murphy amendment printed....1908
May 11 Murphy pending amendment p.1728 withdrawn. Murphy pending amendment p.1908 adopted. Advanced for Engrossment....2077
May 14 Returned to Select File for Landis amendment. Landis amendment adopted. Advanced for Engrossment....2088
May 14 Replaced on Select File....2122
May 14 Advanced for Engrossment....2138

May 21 Correctly Engrossed....2197
May 23 Final Reading....2279
May 23 Correctly Enrolled. President signed....2285
May 23 Presented to Governor....2291
May 23 Approved by Governor....2302

LEGISLATIVE BILL 87 By Banking, Commerce and Insurance Committee

Jan. 5 Read first time....101
Jan. 10 Referred to Committee on Banking, Commerce and Insurance....145
Jan. 15 Notice of hearing....192
Feb. 9 Placed on General File....470
Mar. 7 DeCamp amendments as amended by Fowler, Cullan, Hoagland, Burrows, Dworak and Koch adopted. Advanced for Review....774
Mar. 9 Placed on Select File....829
Mar. 14 Chambers amendment printed....901
Mar. 15 DeCamp and Fowler amendments printed....933
Mar. 19 Chambers pending amendment p.901 lost. DeCamp and Fowler amendments adopted. Advanced for Engrossment....969
Mar. 20 Replaced on Select File....1014
Mar. 22 Advanced for Engrossment....1062
Mar. 26 Replaced on Select File....1072
Mar. 27 Advanced for Engrossment....1116
Apr. 3 Correctly Engrossed....1271
Apr. 9 Returned to Select File for DeCamp amendment....1364
Apr. 9 DeCamp amendment adopted. Advanced for Re-Engrossment....1365
Apr. 11 Correctly Re-Engrossed....1436
Apr. 24 Chambers motion to return to Select File lost....1611
Apr. 24 Final Reading....1612
Apr. 25 Correctly Enrolled. President signed....1645
Apr. 25 Presented to Governor....1653
Apr. 30 Approved by Governor....1752

LEGISLATIVE BILL 88 By Koch, Hefner

Jan. 5 Read first time....102
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs....145
Jan. 30 Notice of hearing....366

Feb. 1 Re-referred to Committee on Appropriations.....386
Feb. 1 Notice of hearing cancelled.....395
Feb. 7 Notice of hearing.....444

LEGISLATIVE BILL 89 By Burrows

Jan. 5 Read first time.....102
Jan. 9 Sieck name added.....132
Jan. 10 Referred to Committee on Revenue.....145
Jan. 19 Notice of hearing.....286

LEGISLATIVE BILL 90 By Clark

Jan. 5 Read first time.....103
Jan. 10 Referred to Committee on Public Works.....145
Jan. 11 Notice of hearing.....162
Jan. 26 Placed on General File.....336
Feb. 8 Merz amendment lost.
Advanced for Review.....452
Feb. 12 Placed on Select File.....478
Feb. 26 Merz amendments printed.....646
Feb. 28 Merz pending amendments lost.
Advanced for Engrossment.....682
Feb. 28 Chambers motion to return to
Select File pending.....687
Mar. 5 Correctly Engrossed.....708
Mar. 5 Chambers pending motion lost.....729
Mar. 12 Final Reading.....844
Mar. 13 Correctly Enrolled. President signed.....866
Mar. 13 Presented to Governor.....884
Mar. 14 Approved by Governor.....914

LEGISLATIVE BILL 90A By Clark

Jan. 31 Read first time. Placed on General File.....381
Feb. 8 Advanced for Review.....453
Feb. 12 Placed on Select File.....478
Feb. 28 Advanced for Engrossment.....683
Mar. 5 Correctly Engrossed.....708
Mar. 12 Final Reading.....845
Mar. 13 Correctly Enrolled. President signed.....866
Mar. 13 Presented to Governor.....884
Mar. 14 Approved by Governor.....914

LEGISLATIVE BILL 91 By Schmit

Jan. 5 Read first time....103
Jan. 10 Referred to Committee on Judiciary....145
Jan. 16 Notice of hearing....202
Jan. 29 Placed on General File....350
Feb. 9 Advanced for Review....471
Feb. 14 Placed on Select File....515
Feb. 15 Advanced for Engrossment....536
Feb. 20 Correctly Engrossed....557
Feb. 23 Final Reading....626
Feb. 27 Correctly Enrolled. Speaker signed....657
Feb. 27 Dworak explanation of vote....670
Feb. 28 Presented to Governor....680
Mar. 5 Approved by Governor....708

LEGISLATIVE BILL 92 By Business and Labor Committee

Jan. 5 Read first time....103
Jan. 10 Referred to Committee on Business and Labor....145
Jan. 17 Notice of hearing....254
Feb. 2 Indefinitely postponed....418

LEGISLATIVE BILL 93 By Nichol

Jan. 5 Read first time....103
Jan. 10 Referred to Committee on Public Works....145
Jan. 16 Notice of hearing....223
Feb. 1 Indefinitely postponed....384
Feb. 28 Attorney General's Opinion....699

LEGISLATIVE BILL 94 By Public Health and Welfare Committee

Jan. 5 Read first time....104
Jan. 10 Referred to Committee on Public Health and Welfare....145
Jan. 11 Notice of hearing....178
Feb. 12 Placed on General File....481
Mar. 12 Wesely amendment printed....850
Mar. 14 Committee amendments adopted. Wesely pending amendment adopted. Laid over....909
Mar. 15 Haberman and Chambers amendments lost. Failed to advance for Review....934
Mar. 20 Chambers amendments printed....1024
Mar. 21 Wesely amendment printed....1033
Mar. 22 Wesely pending amendment adopted. Portion

of Chambers pending amendment lost
as amended by Marsh.
Returned to Committee 1055

LEGISLATIVE BILL 95 By Public Health and Welfare Committee

Jan. 5 Read first time 104
Jan. 10 Referred to Committee on Public Health and Welfare 145
Jan. 11 Notice of hearing 178
Jan. 25 Placed on General File 325
Jan. 30 Advanced for Review 370
Feb. 1 Placed on Select File 384
Feb. 2 Advanced for Engrossment 418
Feb. 5 Correctly Engrossed 421
Feb. 12 Final Reading 488
Feb. 13 Correctly Enrolled. President signed 499
Feb. 13 Presented to Governor 512
Feb. 14 Approved by Governor 516

LEGISLATIVE BILL 96 By Public Health and Welfare Committee

Jan. 5 Read first time 104
Jan. 10 Laid over 145
Jan. 11 Referred to Committee on Public Health and Welfare 184
Jan. 16 Notice of hearing 213
Jan. 25 Placed on General File 325
Jan. 30 Advanced for Review 370
Feb. 1 Placed on Select File 384
Feb. 2 Advanced for Engrossment 418
Feb. 5 Correctly Engrossed 421
Feb. 12 Final Reading 489
Feb. 13 Correctly Enrolled. President signed 499
Feb. 13 Presented to Governor 512
Feb. 14 Approved by Governor 516

LEGISLATIVE BILL 97 By Public Health and Welfare Committee

Jan. 5 Read first time 105
Jan. 10 Laid over 145
Jan. 11 Referred to Committee on Public Health and Welfare 184
Jan. 16 Notice of hearing 213
Jan. 25 Placed on General File 325
Jan. 30 Advanced for Review 370

Feb. 1 Placed on Select File 384
Feb. 2 Advanced for Engrossment 419
Feb. 5 Correctly Engrossed 421
Feb. 12 Final Reading 490
Feb. 13 Correctly Enrolled. President signed 499
Feb. 13 Presented to Governor 512
Feb. 14 Approved by Governor 516

LEGISLATIVE BILL 98 By Public Health and Welfare Committee

Jan. 5 Read first time 105
Jan. 10 Laid over 145
Jan. 11 Referred to Committee on Public Health and Welfare 184
Jan. 16 Notice of hearing 213
Jan. 25 Placed on General File 325
Jan. 30 Advanced for Review 370
Feb. 1 Placed on Select File 384
Feb. 2 Advanced for Engrossment 419
Feb. 5 Correctly Engrossed 421
Feb. 12 Final Reading 490
Feb. 13 Correctly Enrolled. President signed 499
Feb. 13 Presented to Governor 512
Feb. 14 Approved by Governor 516

LEGISLATIVE BILL 99 By Constitutional Revision and Recreation Committee

Jan. 5 Read first time 105
Jan 10 Referred to Committee on Constitutional Revision and Recreation 145
Jan. 25 Notice of hearing 328
Mar. 16 Placed on General File 948
Apr. 24 Newell, Schmit, Lamb and Merz amendments lost. Murphy amendment adopted. Committee amendments adopted as amended. Advanced for Review 1624
Apr. 25 Murphy amendment printed 1649
Apr. 26 Placed on Select File 1675
May 2 Murphy pending amendment adopted. Reutzel amendment adopted. Advanced for Engrossment 1811
May 3 Replaced on Select File 1842
May 7 Attorney General's Opinion 1914
May 7 Advanced for Engrossment 1931
May 10 Correctly Engrossed 2023

May 21 Final Reading 2221
May 21 Correctly Enrolled. Speaker signed 2234
May 22 Presented to Governor 2237
May 23 Approved by Governor 2301

LEGISLATIVE BILL 100 By Lamb

Jan. 8 Read first time 124
Jan. 10 Referred to Committee on Constitutional Revision and Recreation 145
Jan. 17 Notice of hearing 226
Feb. 6 Indefinitely postponed 437

LEGISLATIVE BILL 101 By Labedz

Jan. 8 Read first time 124
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs 145
Jan. 17 Notice of hearing 226
Jan. 19 Notice of hearing cancelled 287
Jan. 30 Notice of hearing 366
Mar. 14 Placed on General File 891
Mar. 29 Committee amendment adopted. Advanced for Review 1158
Mar. 30 Wagner amendment printed 1219
Apr. 2 Placed on Select File 1244
Apr. 5 Wagner and Newell amendments lost. Labedz amendment adopted. Advanced for Engrossment 1334
Apr. 17 Correctly Engrossed 1471
May 14 Final Reading 2113
May 15 Correctly Enrolled. President signed 2147
May 15 Presented to Governor 2173
May 21 Approved by Governor 2215

LEGISLATIVE BILL 101A By Labedz

Mar. 26 Read first time. Placed on General File 1093
Mar. 29 Advanced for Review 1158
Apr. 2 Placed on Select File 1244
Apr. 2 Hefner amendment printed 1255
Apr. 5 Hefner pending amendment adopted. Advanced for Engrossment 1336
Apr. 17 Correctly Engrossed 1471
May 14 Final Reading 2114
May 15 Correctly Enrolled. President signed 2147

May 15 Presented to Governor 2173
May 21 Approved by Governor 2216

LEGISLATIVE BILL 102 By Labedz

Jan. 8 Read first time 124
Jan. 10 Referred to Committee on Miscellaneous Subjects 145
Jan. 17 Notice of hearing 265
Feb. 8 Placed on General File 451
Feb. 22 Burrows amendment printed 619
Feb. 26 Burrows amendment printed 653
Mar. 5 Burrows pending amendment p.619 withdrawn. Burrows pending amendment p.653 adopted. DeCamp amendment adopted. Advanced for Review 740
Mar. 7 Placed on Select File 769
Mar. 8 Advanced for Engrossment 811
Mar. 12 Correctly Engrossed 842
Mar. 15 Returned to Select File for DeCamp amendment 926
Mar. 21 DeCamp amendment adopted. Advanced for Re-Engrossment 1037
Mar. 26 Correctly Re-Engrossed 1076
Mar. 30 Final Reading 1186
Mar. 30 Haberman explanation of vote 1203
Mar. 30 Correctly Enrolled. Speaker signed 1207
Mar. 30 Presented to Governor 1220
Apr. 2 Koch explanation of vote 1261
Apr. 5 Approved by Governor 1330

LEGISLATIVE BILL 103 By Cullan, Newell

Jan. 8 Read first time 125
Jan. 10 Referred to Committee on Revenue 145
Jan. 25 Notice of hearing 329
Feb. 15 Placed on General File 536
Mar. 28 Committee amendments adopted. Maresh motion to hold lost. Haberman amendment pending 1135
Mar. 28 Haberman pending amendment lost. Schmit motion to indefinitely postpone lost. Advanced for Review 1140
Mar. 28 Rumery name added 1144
Mar. 30 Placed on Select File 1177
Mar. 30 DeCamp amendment printed 1219

Apr. 2 Cullan and Keyes amendments printed 1256
Apr. 4 Attorney General's Opinion 1294
Apr. 4 DeCamp pending amendments p.1219 withdrawn. Cullan and Keyes amendments p.1256 withdrawn. Cullan amendments adopted. Advanced for Engrossment 1315
Apr. 9 Attorney General's Opinion 1392
Apr. 10 Correctly Engrossed 1398
Apr. 11 Schmit motion to return to Select File laid over 1440
Apr. 17 Attorney General's Opinion 1476
Apr. 19 Schmit pending motion withdrawn. Final Reading 1549
Apr. 20 Correctly Enrolled. Speaker signed 1579
Apr. 20 Kelly explanation of vote 1588
Apr. 20 Presented to Governor 1589
Apr. 24 Dworak explanation of vote 1619
Apr. 26 Approved by Governor 1692

LEGISLATIVE BILL 104 By Cullan

Jan. 8 Read first time 125
Jan. 10 Referred to Committee on Education 145
Feb. 1 Notice of hearing 385

LEGISLATIVE BILL 105 By Cullan

Jan. 8 Read first time 125
Jan. 10 Referred to Committee on Revenue 145
Jan. 25 Notice of hearing 329
Feb. 8 Placed on General File 461
Mar. 6 Committee amendments adopted. Advanced for Review 760
Mar. 8 Placed on Select File 787
Mar. 9 Advanced for Engrossment 822
Mar. 12 Correctly Engrossed 842
Mar. 15 Final Reading 927
Mar. 16 Correctly Enrolled. President signed 940
Mar. 16 Presented to Governor 957
Mar. 21 Approved by Governor 1046
Apr. 4 Attorney General's Opinion 1294

LEGISLATIVE BILL 106 By Agriculture and Environment Committee

Jan. 8 Read first time....125
Jan. 10 Referred to Committee on Agriculture and Environment....145
Jan. 19 Notice of hearing....287

LEGISLATIVE BILL 107 by Fowler

Jan. 8 Read first time....125
Jan. 10 Referred to Committee on Judiciary....145
Jan. 16 Notice of hearing....202
Jan. 17 Notice of hearing cancelled. Reset....255
Mar. 28 Placed on General File....1147
Apr. 11 Committee amendment adopted. Failed to advance for Review....1427
May 3 Advanced for Review....1846
May 7 Placed on Select File....1888
May 10 Advanced for Engrossment....2041
May 15 Correctly Engrossed....2143
May 22 Final Reading....2249
May 22 Correctly Enrolled. Speaker signed....2267
May 22 Presented to Governor....2270
May 23 Approved by Governor....2276
May 23 Hoagland explanation of vote....2313

LEGISLATIVE BILL 108 By Business and Labor Committee

Jan. 8 Read first time....126
Jan. 10 Referred to Committee on Business and Labor....145
Jan. 17 Notice of hearing....254
Feb. 2 Placed on General File....418
Feb. 14 Newell amendment pending....530
Feb. 15 Newell pending amendment withdrawn. Committee amendment lost. Landis motion to indefinitely postpone lost. Maresh motion to hold lost. Failed to advance for Review....538
Feb. 20 Wesely amendment printed....577
Feb. 21 Wesely motion to recommit lost. Wesely pending amendment lost. Advanced for Review....594
Feb. 23 Placed on Select File....623
Feb. 23 Lewis amendment printed....640
Mar. 5 Wesely amendment printed....738
Mar. 19 Lewis pending amendment withdrawn. Lewis amendment adopted. Wesely pending amendment withdrawn.

Failed to advance for Engrossment.....970
May 10 DeCamp amendment printed.....2023

LEGISLATIVE BILL 109 By Koch

Jan. 8 Read first time.....126
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs.....145
Jan. 23 Notice of hearing.....311
Feb. 13 Indefinitely postponed.....511

LEGISLATIVE BILL 110 By Clark

Jan. 8 Read first time.....126
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs.....145
Feb. 7 Notice of hearing.....444
Feb. 28 Indefinitely postponed.....691

LEGISLATIVE BILL 111 By Chambers

Jan. 8 Read first time.....126
Jan. 10 Referred to Committee on Judiciary 145
Jan. 16 Notice of hearing.....202
Jan. 29 Placed on General File.....350
Feb. 1 Chambers amendments printed.....405
Feb. 9 Chambers pending amendment adopted. Advanced for Review.....471
Feb. 14 Placed on Select File 515
Feb. 15 Advanced for Engrossment.....536
Feb. 20 Correctly Engrossed.....557
Feb. 23 Final Reading.....627
Feb. 27 Correctly Enrolled. Speaker signed.....657
Feb. 27 Dworak explanation of vote.....670
Feb. 28 Presented to Governor.....680
Mar. 5 Approved by Governor 708

LEGISLATIVE BILL 112 By Kremer

Jan. 8 Read first time.....126
Jan. 10 Referred to Committee on Public Works 145
Jan. 11 Notice of hearing.....162
Jan. 29 Placed on General File.....357
Feb. 13 Dworak motion to indefinitely postpone withdrawn. Advanced for Review 509
Feb. 15 Placed on Select File 532

Feb. 22 Kremer amendment printed....619
Feb. 28 Kremer amendments printed. Laid over....684
Mar. 5 Laid over....736
Mar. 7 Chambers amendments printed....784
Mar. 14 Kremer pending amendment p.619 adopted. Kremer pending amendment p.684 ruled out of order. Chambers pending amendment withdrawn. Advanced for Engrossment....911
Mar. 15 Replaced on Select File....917
Mar. 21 Advanced for Engrossment....1036
Mar. 22 Correctly Engrossed....1066
Mar. 30 Final Reading....1183
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1264

LEGISLATIVE BILL 113 By Brennan

Jan. 8 Read first time....126
Jan. 10 Referred to Committee on Business and Labor....145
Jan. 24 Notice of hearing....319

LEGISLATIVE BILL 114 By DeCamp

Jan. 8 Read first time....127
Jan. 10 Referred to Committee on Business and Labor....145
Jan. 10 Kelly name added....148
Jan. 24 Notice of hearing....319
Feb. 9 Placed on General File....475
Feb. 13 Hefner amendment lost. Committee amendments adopted. Advanced for Review....507
Feb. 15 Placed on Select File....532
Feb. 20 Advanced for Engrossment....561
Feb. 21 Correctly Engrossed....589
May 14 Final Reading....2115
May 15 Correctly Enrolled. President signed....2147
May 15 Presented to Governor....2173
May 21 Approved by Governor....2215

LEGISLATIVE BILL 114A By DeCamp

Feb. 14 Read first time. Placed on General File 530
Feb. 23 Advanced for Review 633
Feb. 27 Placed on Select File 657
Mar. 9 Advanced for Engrossment 822
Mar. 12 Correctly Engrossed 842
May 14 Final Reading 2116
May 15 Correctly Enrolled. President signed 2147
May 15 Presented to Governor 2173
May 21 Approved by Governor 2215

LEGISLATIVE BILL 115 By Haberman

Jan. 8 Read first time 127
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs 145
Jan. 17 Notice of hearing 226
Jan. 30 Placed on General File 365
Feb. 14 Committee amendments adopted. Advanced for Review 521
Feb. 20 Placed on Select File 556
Feb. 21 Advanced for Engrossment 586
Feb. 22 Correctly Engrossed 618
Feb. 27 Final Reading 662
Feb. 27 Haberman and Newell explanations of vote 670
Feb. 28 Correctly Enrolled. Speaker signed 680
Mar. 5 Presented to Governor 708
Mar. 8 Approved by Governor 791

LEGISLATIVE BILL 116 By Fowler

Jan. 8 Read first time 127
Jan. 10 Referred to Committee on Appropriations 146
Jan. 18 Notice of hearing 269
Jan. 18 Notice of hearing duplicated 272
Mar. 8 Placed on General File 802
Mar. 26 Cope name added. Committee amendment adopted. Advanced for Review 1094
Mar. 28 Placed on Select File 1128
Apr. 2 Murphy and Fowler amendments lost. Advanced for Engrossment 1248
Apr. 5 Correctly Engrossed 1320
Apr. 17 Final Reading 1485
Apr. 18 Correctly Enrolled. President signed 1516
Apr. 18 Presented to Governor 1529
Apr. 24 Approved by Governor 1600

LEGISLATIVE BILL 117 By Johnson, Beutler

Jan. 8 Read first time....127
Jan. 10 Referred to Committee on Judiciary....146
Jan. 16 Notice of hearing....202
Jan. 29 Placed on General File....350
Feb. 12 Committee amendments adopted as amended by Johnson. Advanced for Review....493
Feb. 12 Carsten explanation of vote....496
Feb. 14 Placed on Select File....515
Feb. 15 Advanced for Engrossment....536
Feb. 20 Correctly Engrossed....557
Feb. 23 Chambers motion to return to Select File lost....628
Feb. 23 Final Reading....629
Feb. 27 Correctly Enrolled. Speaker signed....657
Feb. 28 Presented to Governor....680
Mar. 5 Approved by Governor....708

LEGISLATIVE BILL 118 By Nebraska Retirement Systems Committee

Jan. 8 Read first time....128
Jan. 10 Referred to Committee on Nebraska Retirement Systems....146
Feb. 21 Notice of hearing....583

LEGISLATIVE BILL 119 By Warner, Wesely, Fowler

Jan. 8 Read first time....128
Jan. 10 Referred to Committee on Public Works....146
Jan. 16 Notice of hearing....223
Feb. 7 Placed on General File....443
Feb. 21 Lamb amendments printed....598
Feb. 27 Kelly amendments printed....668
Feb. 28 Fowler amendment adopted. Lamb and Kelly amendments withdrawn. Advanced for Review....695
Mar. 5 Placed on Select File....707
Mar. 8 Attorney General's Opinion....797
Mar. 8 Lamb and Koch amendments adopted. Advanced for Engrossment....810
Mar. 12 Correctly Engrossed....842
Mar. 15 Final Reading....928
Mar. 16 Correctly Enrolled. President signed....940
Mar. 16 Presented to Governor....957
Mar. 21 Approved by Governor....1046

LEGISLATIVE BILL 120 By DeCamp

Jan. 8 Read first time....128
Jan. 10 Referred to Committee on Agriculture and Environment....146
Feb. 1 Notice of hearing....395
Apr. 3 Placed on General File....1275
Apr. 18 DeCamp amendments printed....1527
Apr. 24 DeCamp and Maresh amendments adopted. Fowler motion to indefinitely postpone lost. Advanced for Review....1638
Apr. 27 Placed on Select File....1707
Apr. 27 Koch amendment printed....1716
May 7 DeCamp amendment printed....1918
May 10 Koch pending amendment lost. DeCamp pending amendment adopted. Cullan motion to indefinitely postpone lost. DeCamp motion to advance lost....2045
May 14 Stoney and Dworak amendments lost. Advanced for Engrossment....2138
May 21 Correctly Engrossed....2197
May 23 Final Reading....2280
May 23 Correctly Enrolled. Speaker signed....2288
May 23 Presented to Governor....2291
May 23 Approved by Governor....2302

LEGISLATIVE BILL 120A By DeCamp

May 4 Read first time. Placed on General File....1866
May 7 Dworak motion to indefinitely postpone lost....1907
May 7 Advanced for Review....1907
May 8 Placed on Select File....1938
May 14 DeCamp amendment adopted. Advanced for Engrossment....2140
May 21 Correctly Engrossed....2197
May 23 Final Reading....2280
May 23 Correctly Enrolled. Speaker signed....2288
May 23 Presented to Governor....2291
May 23 Approved by Governor....2302

LEGISLATIVE BILL 121 By Agriculture and Environment Committee

Jan. 8 Read first time....128
Jan. 10 Referred to Committee on Appropriations....146
Jan. 18 Notice of hearing....269
Jan. 18 Notice of hearing duplicated....272
Mar. 19 Attorney General's Opinion....984
May 7 Schmit motion to place on General File pending....1917
May 9 Placed on General File....1967
May 10 Hefner amendment printed....2023

LEGISLATIVE BILL 122 By Sieck

Jan. 9 Read first time....133
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs....184
Jan. 23 Notice of hearing....311
Feb. 14 Indefinitely postponed....520

LEGISLATIVE BILL 123 By Hefner

Jan. 9 Read first time....133
Jan. 11 Referred to Committee on Banking, Commerce and Insurance....184
Jan. 15 Notice of hearing....192
Mar. 27 Placed on General File....1121
Apr. 11 Committee amendment considered. Laid over....1427
Apr. 11 Fowler amendment printed....1429
Apr. 12 Wesely amendment printed....1461
Apr. 25 Hefner amendment printed....1666

LEGISLATIVE BILL 124 By Education Committee

Jan. 9 Read first time....133
Jan. 10 Notice of hearing....147
Jan. 11 Referred to Committee on Education....184
Jan. 19 Placed on General File....288
Jan. 22 Committee amendments adopted. Advanced for Review. Murphy amendment printed....302
Jan. 23 Koch amendment printed....313
Jan. 24 Placed on Select File....315
Jan. 24 Koch amendment printed....321
Jan. 25 Laid over....332
Feb. 2 Murphy amendment p.302 adopted. Koch amendment p.313 adopted. Koch amendment p.321 withdrawn. Haberman motion

to indefinitely postpone pending 418
Feb. 6 Haberman pending motion lost.
Stoney amendment adopted.
Advanced for Engrossment 438
Feb. 12 Correctly Engrossed.....478
May 14 Final Reading 2116
May 15 Correctly Enrolled. President signed.....2147
May 15 Presented to Governor 2173
May 21 Approved by Governor 2216

LEGISLATIVE BILL 124A By Koch

Jan. 23 Read first time. Placed on General File 312
Jan. 31 Advanced for Review 381
Feb. 2 Placed on Select File 408
Feb. 6 Advanced for Engrossment 439
Feb. 12 Correctly Engrossed.....478
May 14 Final Reading 2117
May 15 Correctly Enrolled. President signed.....2147
May 15 Presented to Governor 2173
May 21 Approved by Governor 2216

LEGISLATIVE BILL 125 By Education Committee

Jan. 9 Read first time.....133
Jan. 11 Referred to Committee on Education.....184
Jan. 16 Notice of hearing.....221
Feb. 13 Placed on General File.....499
Mar. 6 Stoney amendment printed 750
Mar. 16 Committee amendments adopted. Koch amendment adopted. Stoney pending amendment p.750 adopted.
Advanced for Review 953
Mar 20 Placed on Select File 1004
Mar. 21 Advanced for Engrossment 1037
Mar. 26 Correctly Engrossed.....1076
Mar. 30 Final Reading 1187
Mar. 30 Haberman explanation of vote.....1203
Mar. 30 Correctly Enrolled. Speaker signed 1207
Mar. 30 Presented to Governor 1220
Apr. 2 Koch explanation of vote 1261
Apr. 3 Approved by Governor 1288

LEGISLATIVE BILL 126 By Education Committee

Jan. 9 Read first time....133
Jan. 11 Referred to Committee on Education....184
Jan. 24 Notice of hearing....316
Feb. 8 Placed on General File....460
Feb. 12 Attorney General's Opinion....487
Mar. 5 Koch motion to withdraw pending....728
Mar. 6 Withdrawn....747

LEGISLATIVE BILL 127 By Education Committee

Jan. 9 Read first time....134
Jan. 11 Referred to Committee on Education....184
Jan. 24 Notice of hearing....315
Feb. 1 Placed on General File....387
Feb. 20 Advanced for Review....577
Feb. 22 Placed on Select File....601
Feb. 23 Advanced for Engrossment....633
Feb. 26 Correctly Engrossed....654
Mar. 6 Final Reading....748
Mar. 7 Correctly Enrolled. Speaker signed....769
Mar. 7 Presented to Governor....785
Mar. 13 Approved by Governor....869

LEGISLATIVE BILL 128 By Education Committee

Jan. 9 Read first time....134
Jan. 11 Referred to Committee on Education....184
Jan. 16 Notice of hearing....221
Jan. 25 Placed on General File....325
Jan. 30 Advanced for Review....370
Feb. 1 Placed on Select File....384
Feb. 2 Advanced for Engrossment....418
Feb. 5 Correctly Engrossed....421
Feb. 12 Final Reading....491
Feb. 13 Correctly Enrolled. President signed....499
Feb. 13 Presented to Governor....512
Feb. 20 Approved by Governor....558

LEGISLATIVE BILL 129 By Education Committee

Jan. 9 Read first time....134
Jan. 11 Referred to Committee on Education....184
Jan. 16 Notice of hearing....221
Feb. 1 Placed on General File....387
Feb. 20 Advanced for Review....578
Feb. 22 Placed on Select File....601

Feb. 23 Advanced for Engrossment 633
Feb. 26 Correctly Engrossed 654
Mar. 6 Final Reading 748
Mar. 7 Correctly Enrolled. Speaker signed 769
Mar. 7 Presented to Governor 785
Mar. 13 Approved by Governor 869

LEGISLATIVE BILL 130 By Education Committee

Jan. 9 Read first time 134
Jan. 11 Referred to Committee on Education 185
Jan. 16 Notice of hearing 221
Feb. 2 Placed on General File 408
Feb. 21 Committee amendment adopted. Advanced for Review 593
Feb. 23 Placed on Select File 622
Feb. 28 Advanced for Engrossment 684
Mar. 5 Correctly Engrossed 708
Mar. 12 Final Reading 846
Mar. 13 Correctly Enrolled. President signed 866
Mar. 13 Presented to Governor 884
Mar. 14 Approved by Governor 914

LEGISLATIVE BILL 131 By Education Committee

Jan. 9 Read first time 134
Jan. 11 Laid over 185
Jan. 15 Referred to Committee on Judiciary 198
Jan. 16 Notice of hearing 210
Jan. 29 Placed on General File 350
Feb. 9 Committee amendment lost. Chambers amendment lost 472
Feb. 12 Kahle amendment adopted. Returned to Committee 493
Mar. 22 Indefinitely postponed 1070

LEGISLATIVE BILL 132 By Education Committee

Jan. 9 Read first time 135
Jan. 11 Referred to Committee on Education 185
Jan. 16 Notice of hearing 221
Feb. 1 Placed on General File 387
Feb. 21 Advanced for Review 588
Feb. 23 Placed on Select File 622
Feb. 28 Advanced for Engrossment 684
Mar. 5 Correctly Engrossed 708

Mar. 12 Final Reading 847
Mar. 13 Correctly Enrolled. President signed 866
Mar. 13 Presented to Governor 884
Mar. 16 Approved by Governor 941

LEGISLATIVE BILL 133 By Education Committee

Jan. 9 Read first time 135
Jan. 11 Referred to Committee on Education 185
Jan. 24 Notice of hearing 316
Feb. 8 Placed on General File 460
Feb. 28 Dworak amendment printed 696
Mar. 5 Koch and Dworak pending amendments adopted. Advanced for Review 742
Mar. 7 Placed on Select File 769
Mar. 8 Advanced for Engrossment 811
Mar. 9 Correctly Engrossed 840
Mar. 13 Final Reading 874
Mar. 14 Correctly Enrolled. Speaker signed 888
Mar. 14 Presented to Governor 898
Mar. 16 Approved by Governor 941

LEGISLATIVE BILL 134 By Education Committee

Jan. 9 Read first time 135
Jan. 11 Referred to Committee on Education 185
Jan. 16 Notice of hearing 221
Mar. 16 Indefinitely postponed 951

LEGISLATIVE BILL 135 By Education Committee

Jan. 9 Read first time 135
Jan. 11 Referred to Committee on Education 185
Jan. 24 Notice of hearing 316
Feb. 1 Re-referred to Committee on Nebraska Retirement Systems 386
Feb. 1 Notice of hearing cancelled 388
Feb. 27 Notice of hearing reset 670
Mar. 9 Placed on General File 832
Mar. 29 Committee amendment adopted. Murphy amendment adopted. Advanced for Review ... 1154
Apr. 2 Placed on Select File 1243
Apr. 3 Advanced for Engrossment 1284
Apr. 9 Correctly Engrossed 1362
Apr. 18 Final Reading 1522
Apr. 18 Correctly Enrolled. Speaker signed 1530

Apr. 18 Presented to Governor 1531
Apr. 24 Approved by Governor 1600

LEGISLATIVE BILL 136 By Rumery

Jan. 9 Read first time 136
Jan. 11 Referred to Committee on Urban Affairs 185
Jan. 19 Notice of hearing 290
Mar. 19 Placed on General File 976
Mar. 30 Committee amendments adopted. Advanced for Review 1208
Apr. 4 Placed on Select File 1293
Apr. 5 Advanced for Engrossment 1322
Apr. 9 Correctly Engrossed 1362
Apr. 18 Returned to Select File for Rumery amendment. Rumery amendment adopted. Advanced for Re-Engrossment 1523
Apr. 20 Correctly Re-Engrossed 1584
Apr. 26 Keyes motion to return to Select File lost 1676
May 1 Returned to Select File for Rumery amendment 1768
May 1 Rumery amendment adopted. Advanced for Re-Engrossment 1769
May 3 Replaced on Select File 1842
May 7 Advanced for Engrossment 1931
May 10 Correctly Re-Engrossed 2023
May 21 Final Reading 2224
May 21 Correctly Enrolled. Speaker signed 2234
May 22 Presented to Governor 2237
May 23 Approved by Governor 2301

LEGISLATIVE BILL 137 By Duis

Jan. 9 Read first time 136
Jan. 11 Referred to Committee on Administrative Rules and Regulations 185
Jan. 16 Re-referred to Committee on Government, Military and Veterans Affairs 214
Jan. 30 Notice of hearing 366
Feb. 13 Placed on General File 511
Mar. 19 Committee amendment adopted. Advanced for Review 994
Mar. 21 Placed on Select File 1029
Mar. 22 Advanced for Engrossment 1064
Mar. 27 Correctly Engrossed 1111
Mar. 30 Final Reading 1190

Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 138 By Kahle, Goodrich

Jan. 9 Read first time....136
Jan. 11 Referred to Committee on Public Health and Welfare....185
Feb. 1 Notice of hearing....385
Mar. 5 Placed on General File....730
Apr. 6 Kahle and Goodrich amendment printed....1352
Apr. 20 Kahle amendment adopted. Lewis amendments lost. Committee amendments as amended adopted. Goodrich and Kahle amendment p.1352 withdrawn. Advanced for Review....1584
Apr. 25 Placed on Select File....1649
May 1 Hoagland amendment printed....1789
May 2 Hoagland pending amendment lost. Advanced for Engrossment....1810
May 3 Correctly Engrossed....1844
May 14 Returned to Select File for Carsten amendment. Carsten amendment adopted. Advanced for Re-Engrossment....2118
May 21 Correctly Re-Engrossed....2197
May 23 Final Reading....2281
May 23 Correctly Enrolled. Speaker signed....2288
May 23 Presented to Governor....2291
May 23 Approved by Governor....2299

LEGISLATIVE BILL 138A By Goodrich, Kahle

Mar. 15 Read first time. Placed on General File....918
Mar. 16 Kahle and Goodrich amendment printed....952
Apr. 20 Goodrich and Kahle amendment adopted. Advanced for Review....1588
Apr. 25 Placed on Select File....1649
May 2 Warner amendment adopted. Advanced for Engrossment....1810
May 3 Correctly Engrossed....1844
May 14 Returned to Select File for Carsten amendment....2119
May 14 Carsten amendment adopted. Advanced for Re-Engrossment....2120

May 21 Correctly Re-Engrossed....2197
May 23 Final Reading....2282
May 23 Correctly Enrolled. Speaker signed....2288
May 23 Presented to Governor....2291
May 23 Approved by Governor....2299
May 23 Hefner explanation of vote....2300

LEGISLATIVE BILL 139 By Rumery

Jan. 9 Read first time....136
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs....185
Jan. 15 Beutler explanation of vote....192
Jan. 23 Notice of hearing....311
Feb. 14 Indefinitely postponed....520

LEGISLATIVE BILL 140 By Marsh

Jan. 9 Read first time....136
Jan. 11 Laid over....185
Jan. 15 Referred to Committee on Agriculture and Environment....198
Jan. 19 Notice of hearing....287
Feb. 6 Placed on General File....435
Feb. 28 Advanced for Review....684
Mar. 5 Placed on Select File....706
Mar. 8 Advanced for Engrossment....809
Mar. 9 Correctly Engrossed....840
Mar. 13 Final Reading....874
Mar. 14 Correctly Enrolled. Speaker signed....888
Mar. 14 Presented to Governor....898
Mar. 19 Approved by Governor....966

LEGISLATIVE BILL 141 By Education Committee

Jan. 9 Read first time....136
Jan. 11 Referred to Committee on Education....185
Jan. 24 Notice of hearing....315
Feb. 2 Placed on General File....408
Feb. 21 Committee amendments adopted. Indefinitely postponed....593
Feb. 21 Koch motion to reconsider pending....595
Feb. 27 Koch motion to reconsider prevailed....671
Apr. 19 Goodrich amendment printed....1563
Apr. 26 Advanced for Review....1703
Apr. 30 Placed on Select File....1732

May 4 Advanced for Engrossment 1885
May 8 Correctly Engrossed 1958
May 14 Goodrich motion to return to Select File for amendment on p.1563 lost. Final Reading 2091
May 15 Correctly Enrolled. President signed 2143
May 15 Presented to Governor 2173
May 21 Approved by Governor 2199

LEGISLATIVE BILL 142 By Burrows

Jan. 9 Read first time 137
Jan. 11 Referred to Committee on Revenue 185
Feb. 6 Notice of hearing 439

LEGISLATIVE BILL 143 By Simon

Jan. 9 Read first time 137
Jan. 11 Referred to Committee on Public Works 185
Jan. 15 Re-referred to Committee on Miscellaneous Subjects 198
Jan. 31 Notice of hearing 380
Feb. 13 Simon amendment printed 513
Feb. 14 Placed on General File 522
Mar. 26 Johnson amendment printed 1096
Mar. 27 Simon pending amendment p.513 adopted. Committee amendments adopted as amended. Warner amendment lost. Advanced for Review 1120
Mar. 29 Placed on Select File 1152
Mar. 30 Nichol amendment printed 1205
Apr. 3 Johnson pending amendment p.1096 lost. Nichol pending amendment p.1205 lost. Laid over 1274
Apr. 3 Warner amendment adopted. Advanced for Engrossment 1276
Apr. 5 Replaced on Select File 1319
Apr. 6 E & R amendments withdrawn. Advanced for Engrossment 1349
Apr. 9 Correctly Engrossed 1388
Apr. 18 Venditte motion to return to Select File withdrawn. Final Reading 1523
Apr. 18 Correctly Enrolled. Speaker signed 1530
Apr. 18 Presented to Governor 1531
Apr. 24 Approved by Governor 1630

LEGISLATIVE BILL 144 By Labedz, Pirsch, Simon

Jan. 9 Read first time....137
Jan. 11 Referred to Committee on Revenue....185
Jan. 26 Notice of hearing....339
Mar. 14 Carsten amendment printed.
Notice of hearing....901
Mar. 19 Attorney General's Opinion....987

LEGISLATIVE BILL 145 By Wesely

Jan. 9 Read first time....137
Jan. 11 Referred to Committee on Urban Affairs....185
Jan. 19 Notice of hearing....290
Feb. 2 Placed on General File....417
Feb. 14 Advanced for Review....529
Feb. 20 Placed on Select File....557
Feb. 22 Advanced for Engrossment....609
Feb. 23 Correctly Engrossed....631
Mar 5 Final Reading....732
Mar. 7 Correctly Enrolled. Speaker signed....769
Mar. 7 Presented to Governor....785
Mar. 13 Approved by Governor....869

LEGISLATIVE BILL 146 By Wesely

Jan. 9 Read first time....137
Jan. 11 Referred to Committee on Urban Affairs....185
Jan. 19 Notice of hearing....290
Feb. 2 Placed on General File....417
Feb. 14 Committee amendments adopted.
Advanced for Review....529
Feb. 20 Placed on Select File....557
Feb. 22 Laid over....609
Feb. 23 Wesely amendment adopted. Advanced for
Engrossment....633
Feb. 26 Correctly Engrossed....654
Mar. 6 Returned to Select File for Johnson
amendment....749
Mar. 6 Johnson amendment adopted.
Advanced for Re-Engrossment....750
Mar. 9 Correctly Re-Engrossed....831
Mar. 13 Final Reading....875
Mar. 14 Correctly Enrolled. Speaker signed....888
Mar. 14 Presented to Governor....898
Mar. 16 Approved by Governor....941

LEGISLATIVE BILL 147 By Dworak

Jan. 9 Read first time....137
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs....185
Jan. 19 Notice of hearing....287
Feb. 14 Indefinitely postponed....520

LEGISLATIVE BILL 148 By Judiciary Committee

Jan. 9 Read first time....138
Jan. 11 Referred to Committee on Judiciary....185
Jan. 16 Notice of hearing....210
Jan. 29 Placed on General File....350
Feb. 9 Advanced for Review....472
Feb. 14 Placed on Select File....515
Feb. 15 Advanced for Engrossment....536
Feb. 20 Correctly Engrossed....557
Feb. 23 Final Reading....630
Feb. 27 Correctly Enrolled. Speaker signed....657
Feb. 28 Presented to Governor....680
Mar. 5 Approved by Governor....708

LEGISLATIVE BILL 149 By Judiciary Committee

Jan. 9 Read first time....138
Jan. 11 Referred to Committee on Judiciary....185
Jan. 16 Notice of hearing....210
Mar. 22 Placed on General File....1067
Apr. 27 Committee amendments adopted. Advanced for Review....1720
Apr. 30 Placed on Select File....1760
May 4 Advanced for Engrossment....1882
May 10 Replaced on Select File....2003
May 10 Advanced for Engrossment....2022
May 15 Correctly Engrossed....2143
May 22 Final Reading....2251
May 22 Correctly Enrolled. Speaker signed....2267
May 22 Presented to Governor....2270
May 23 Approved by Governor....2276
May 23 Hoagland explanation of vote....2313

LEGISLATIVE BILL 150 By Pirsch

Jan. 9 Read first time....138
Jan. 11 Referred to Committee on Revenue....185
Jan. 17 Notice of hearing....254
Jan. 24 Placed on General File....319
Jan. 25 Advanced for Review....332
Jan. 29 Placed on Select File....350
Jan. 30 Carsten amendment lost.
Advanced for Engrossment....368
Jan. 31 Correctly Engrossed....378
Feb. 2 Pirsch motion to return to Select File lost.
Chambers motion to return to Select File withdrawn. Final Reading....412
Feb. 5 Correctly Enrolled. President signed....422
Feb. 6 Presented to Governor....439
Feb. 8 Attorney General's Opinion....457
Feb. 26 Approved by Governor....645

LEGISLATIVE BILL 151 By Duis

Jan. 9 Read first time....138
Jan. 11 Referred to Committee on Constitutional Revision and Recreation....185
Feb. 6 Notice of hearing....437
Mar. 16 Placed on General File....950

LEGISLATIVE BILL 152 By DeCamp

Jan. 9 Read first time....138
Jan. 11 Laid over....185
Jan. 15 Referred to Committee on Miscellaneous Subjects....198
Feb. 12 Notice of hearing....483
Feb. 23 Attorney General's Opinion....634
Apr. 12 Placed on General File....1462
Apr. 18 DeCamp amendments printed....1516
Apr. 19 DeCamp pending amendments adopted.
Chambers amendment adopted. Chambers amendment lost. Committee amendments adopted as amended. Venditte amendment lost.
Advanced for Review....1560
Apr. 24 Chambers amendment printed....1634
Apr. 25 Placed on Select File....1648
Apr. 25 DeCamp amendment printed....1665
May 1 DeCamp amendment p.1665 withdrawn.
DeCamp, Beutler, and Johnson amendment adopted. DeCamp amendment adopted.

Failed to advance for Engrossment.....1792
May 2 Chambers pending amendment p.1634 withdrawn. Fitzgerald amendment adopted. Hoagland amendment lost. Advanced for Engrossment..1823
May 4 Replaced on Select File.....1857
May 4 DeCamp amendment printed.....1883
May 7 Advanced for Engrossment.....1931
May 9 DeCamp pending amendment p.1883 withdrawn.
May 9 Returned to Select File for Fitzgerald amendment.....1962
May 9 Fitzgerald amendment adopted. Advanced for Engrossment. DeCamp motion to return to Select File held over.....1963
May 9 DeCamp-Hoagland amendment printed.....2000
May 10 Replaced on Select File.....2003
May 10 Advanced for Engrossment. DeCamp motion p.1963 withdrawn. Returned to Select File for DeCamp amendment p.2000.....2013
May 10 DeCamp-Hoagland amendment p.2000 adopted. Advanced for Engrossment.....2014
May 12 Replaced on Select File.....2085
May 14 Advanced for Engrossment.....2137
May 21 Correctly Engrossed.....2197
May 23 Final Reading.....2283
May 23 Correctly Enrolled. Speaker signed.....2288
May 23 Presented to Governor.....2291
May 23 Approved by Governor.....2313

LEGISLATIVE BILL 153 By Fowler, Landis

Jan. 9 Read first time.....141
Jan. 11 Referred to Committee on Urban Affairs.....185
Jan. 19 Notice of hearing.....290

LEGISLATIVE BILL 154 By Koch

Jan. 9 Read first time.....141
Jan. 11 Referred to Committee on Banking, Commerce and Insurance.....185
Jan. 15 Notice of hearing.....192
Feb. 9 Placed on General File.....470
Mar. 14 Advanced for Review.....896
Mar. 14 Koch amendment printed.....898
Mar. 16 Placed on Select File.....939
Mar. 21 Koch pending amendment adopted. Advanced for Engrossment.....1037

Mar. 22 Replaced on Select File 1048
Mar. 27 Advanced for Engrossment 1106
Mar. 28 Correctly Engrossed 1146
Apr. 2 Final Reading 1225
Apr. 2 Venditte explanation of vote 1236
Apr. 2 Correctly Enrolled 1244
Apr. 2 Speaker signed 1245
Apr. 2 Presented to Governor 1255
Apr. 3 Dworak explanation of vote 1264
Apr. 9 Approved by Governor 1361

LEGISLATIVE BILL 155 By Reutzel

Jan. 9 Read first time 141
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 185
Jan. 23 Notice of hearing 311
Feb. 14 Indefinitely postponed 520

LEGISLATIVE BILL 156 By Kremer

Jan. 9 Read first time 141
Jan. 15 Referred to Committee on Government, Military and Veterans Affairs 198
Jan. 23 Notice of hearing 311
Feb. 14 Indefinitely postponed 520

LEGISLATIVE BILL 157 By Stoney

Jan. 9 Read first time 141
Jan. 15 Laid over 198
Jan. 16 Referred to Committee on Government, Military and Veterans Affairs 214
Jan. 16 Notice of hearing 221
Jan. 19 Re-referred to Committee on Education 287
Feb. 8 Indefinitely postponed 460

LEGISLATIVE BILL 158 By Koch

Jan. 9 Read first time 141
Jan. 15 Referred to Committee on Urban Affairs 198
Jan. 19 Notice of hearing 290
Feb. 27 Placed on General File 674
Mar. 26 Johnson amendments printed 1099
Apr. 3 Kelly amendments printed 1275
Apr. 18 Koch amendment printed 1530

May 1 Beutler and Murphy amendments adopted. Committee amendments adopted as amended. Koch amendment p.1530 withdrawn. Koch amendment p.1763 adopted. Kelly pending amendment p.1275 lost. Johnson pending amendment p.1099 withdrawn. Murphy amendment p.1764 adopted. Laid over 1762
May 4 Murphy amendments 4, 6, 7, 8, and 9 adopted. Murphy amendment 5 lost. Advanced for Review 1858
May 7 Placed on Select File 1921
May 14 Murphy motion to indefinitely postpone lost. Beutler amendment pending..... 2140
May 15 Beutler pending amendment p.2140 withdrawn. Warner amendment lost. Murphy motion to recommit to Committee lost. Murphy amendment lost. Advanced for Engrossment .. 2169
May 21 Correctly Engrossed..... 2197
May 23 Murphy motion to return to Select File withdrawn 2285
May 23 Final Reading 2286
May 23 Correctly Enrolled. Speaker signed 2291
May 23 Presented to Governor 2299
May 23 Approved by Governor 2308

LEGISLATIVE BILL 159 By Oversight Committee

Jan. 9 Read first time..... 142
Jan. 15 Referred to Committee on Revenue 198
Jan. 17 Notice of hearing..... 254
Jan. 26 Placed on General File..... 336
Feb. 8 Committee amendments adopted. Advanced for Review 453
Feb. 12 Placed on Select File 478
Feb. 14 Advanced for Engrossment 519
Feb. 21 Dworak amendment printed 583
Feb. 27 Returned to Select File for Dworak amendment p.583. Dworak amendment adopted. Advanced for Engrossment. Returned to Select File for Carsten amendment. Carsten amendment adopted. Advanced for Engrossment 667
Feb. 28 Replaced on Select File 680
Mar. 8 Advanced for Engrossment 798
Mar. 12 Replaced on Select File 842

Mar. 14 Advanced for Engrossment 911
Mar. 15 Correctly Engrossed 925
Mar. 20 Final Reading 1010
Mar. 21 Correctly Enrolled. Speaker signed 1030
Mar. 21 Presented to Governor 1032
Mar. 27 Approved by Governor 1111

LEGISLATIVE BILL 160 By Kahle

Jan. 9 Read first time 142
Jan. 15 Referred to Committee on Revenue 198
Feb. 6 Notice of hearing 439
Mar. 13 Indefinitely postponed 886

LEGISLATIVE BILL 161 By Newell, Wesely

Jan. 9 Read first time 142
Jan. 15 Referred to Committee on Public Health and Welfare 198
Jan. 30 Notice of hearing 369
Jan. 31 Labedz name added 381
Feb. 28 Attorney General's Opinon 702
Mar. 5 Placed on General File 730
Apr. 27 Committee amendments adopted. Advanced for Review 1718
Apr. 30 Placed on Select File 1759
May 4 Advanced for Engrossment 1882
May 9 Returned to Select File for Lewis amendment. Lewis amendment adopted. Advanced for Engrossment 1961
May 10 Replaced on Select File 2002
May 10 Advanced for Engrossment 2022
May 14 Correctly Engrossed 2122
May 21 Attorney General's Opinion 2213
May 21 Final Reading 2228
May 21 Correctly Enrolled. Speaker signed 2234
May 22 Presented to Governor 2237
May 23 Approved by Governor 2288

LEGISLATIVE BILL 162 By Miscellaneous Subjects Committee

Jan. 9 Read first time 142
Jan. 15 Referred to Committee on Miscellaneous Subjects 198
Feb. 12 Notice of hearing 483
Apr. 10 Placed on General File 1399

Apr. 20 Hoagland amendment lost. Committee amendments adopted. Advanced for Review ..1596
Apr. 26 Placed on Select File 1675
May 11 Newell amendment adopted. Advanced for Engrossment 2077
May 15 Correctly Engrossed.....2193
May 22 Final Reading 2252
May 22 Correctly Enrolled. Speaker signed 2267
May 22 Presented to Governor 2270
May 23 Approved by Governor 2276
May 23 Hoagland explanation of vote 2313

LEGISLATIVE BILL 163 By Miscellaneous Subjects Committee

Jan. 9 Read first time.....142
Jan. 15 Referred to Committee on Miscellaneous Subjects 198
Jan. 25 Newell, Sieck, Simon, Fitzgerald, and Murphy motion to withdraw pending.....332
Jan. 26 Withdrawn.....346

LEGISLATIVE BILL 164 By Johnson

Jan. 9 Read first time.....143
Jan. 15 Referred to Committee on Miscellaneous Subjects 198
Jan. 17 Notice of hearing.....265
Feb. 14 Placed on General File.....525
Mar. 16 Keyes amendments printed 946
Mar. 19 Dworak amendment printed 972
Mar. 21 Johnson amendments adopted. Newell amendment withdrawn. Committee amendments adopted as amended. Keyes pending amendment p.946 withdrawn. Keyes and Landis amendments lost. Dworak pending amendment p.972 adopted. Advanced for Review 1030
Mar. 26 Placed on Select File 1072
Mar. 27 Advanced for Engrossment.....1116
Mar. 28 Attorney General's Opinion 1148
Mar. 30 Correctly Engrossed.....1214
Apr. 2 Johnson statement of intent printed.....1237
Apr. 2 Returned to E & R for engrossing error 1262
Apr. 3 Replaced on Select File 1271
Apr. 4 Advanced for Re-Engrossment.....1311
Apr. 5 Correctly Re-Engrossed.....1320

Apr. 17 Final Reading 1485
Apr. 17 Attorney General's Opinion 1481
Apr. 18 Correctly Enrolled. President signed 1516
Apr. 18 Presented to Governor 1529
Apr. 24 Approved by Governor 1600

LEGISLATIVE BILL 165 By Miscellaneous Subjects Committee

Jan. 10 Read first time 148
Jan. 15 Referred to Committee on Miscellaneous Subjects 198
Jan. 17 Notice of hearing 265
Mar. 28 Indefinitely postponed 1138

LEGISLATIVE BILL 166 By Miscellaneous Subjects Committee

Jan. 10 Read first time 148
Jan. 15 Referred to Committee on Miscellaneous Subjects 198
Jan. 31 Notice of hearing 380
Apr. 4 Placed on General File 1308

LEGISLATIVE BILL 167 By Merz

Jan. 10 Read first time 149
Jan. 15 Referred to Committee on Judiciary 198
Jan. 16 Notice of hearing 210
Jan. 31 Indefinitely postponed 374

LEGISLATIVE BILL 168 By Merz

Jan. 10 Read first time 149
Jan. 15 Referred to Committee on Public Works 198
Jan. 16 Notice of hearing 223
Jan. 26 Fitzgerald request to re-refer withdrawn 346
Feb. 8 Indefinitely postponed 451

LEGISLATIVE BILL 169 By Merz

Jan. 10 Read first time 149
Jan. 15 Referred to Committee on Public Works 198
Jan. 16 Notice of hearing 223
Jan. 26 Fitzgerald request to re-refer withdrawn 346
Feb. 8 Indefinitely postponed 451

LEGISLATIVE BILL 170 By Merz

Jan. 10 Read first time....149
Jan. 15 Referred to Committee on Judiciary....198
Jan. 16 Notice of hearing....210
Jan. 31 Indefinitely postponed....374

LEGISLATIVE BILL 171 By Public Health and Welfare Committee

Jan. 10 Read first time....149
Jan. 15 Referred to Committee on Public Health and Welfare....198
Feb. 1 Notice of hearing....385

LEGISLATIVE BILL 172 By Public Health and Welfare Committee

Jan. 10 Read first time....149
Jan. 15 Referred to Committee on Public Health and Welfare....198
Jan. 17 Notice of hearing....255
Mar. 15 Placed on General File....918
Apr. 17 Marsh amendment printed....1511
Apr. 18 Committee amendments adopted as amended by Schmit et al. Cullan motion to indefinitely postpone lost. Goodrich motion to recommit lost. Advanced for Review....1531
Apr. 24 Placed on Select File....1599
Apr. 24 Haberman amendments printed....1629
Apr. 24 Cullan, DeCamp, Kennedy, and Carsten amendments printed....1633
Apr. 24 Koch amendments printed....1642
Apr. 26 Attorney General's Opinion....1687
May 4 Marsh, Haberman, Cullan, DeCamp, Kennedy, Carsten, Cullan, and Koch pending amendments withdrawn. Schmit et al amendments adopted. Advanced for Engrossment....1860
May 10 Correctly Engrossed....2023
May 22 Final Reading....2252
May 22 Correctly Enrolled. Speaker signed....2267
May 22 Presented to Governor....2270
May 23 Approved By Governor....2276
May 23 Hoagland explanation of vote....2313

LEGISLATIVE BILL 172A By Cullan

Apr. 9 Read first time. Placed on General File 1377
May 7 Advanced for Review 1906
May 8 Placed on Select File 1938
May 10 Advanced for Engrossment 2041
May 15 Correctly Engrossed 2173
May 22 Final Reading 2253
May 22 Marsh explanation of vote.
Correctly Enrolled. Speaker signed 2267
May 22 Presented to Governor 2270
May 23 Approved by Governor 2276
May 23 Hoagland explanation of vote 2313

LEGISLATIVE BILL 173 By Public Health and Welfare Committee

Jan. 10 Read first time 150
Jan. 15 Referred to Committee on Public
Health and Welfare 198
Jan. 16 Notice of hearing 213
Jan. 25 Indefinitely postponed 325

LEGISLATIVE BILL 174 By Public Health and Welfare Committee

Jan. 10 Read first time 150
Jan. 15 Referred to Committee on Public
Health and Welfare 198
Jan. 17 Notice of hearing 255
Feb. 22 Placed on General File 610
Mar. 20 Committee amendment adopted.
Advanced for Review 1022
Mar. 22 Placed on Select File 1049
Mar. 26 Advanced for Engrossment 1085
Mar. 28 Correctly Engrossed 1146
Apr. 2 Venditte explanation of vote 1236
Apr. 19 Final Reading 1550
Apr. 20 Kelly explanation of vote 1588
Apr. 24 Dworak explanation of vote 1619
Apr. 25 Correctly Enrolled. Speaker signed 1654
Apr. 26 Presented to Governor 1675
Apr. 30 Approved by Governor 1752

LEGISLATIVE BILL 174A By Cullan

Mar. 20 Read first time. Placed on General File 1016
Apr. 3 Advanced for Review 1273
Apr. 5 Placed on Select File 1320
Apr. 6 Advanced for Engrossment 1351
Apr. 10 Correctly Engrossed 1417
Apr. 19 Final Reading 1551
Apr. 20 Kelly explanation of vote 1588
Apr. 24 Dworak explanation of vote 1619
Apr. 25 Cullan motion to reconsider prevailed 1646
Apr. 25 Final Reading 1647
Apr. 25 Correctly Enrolled. Speaker signed 1654
Apr. 26 Presented to Governor 1675
Apr. 30 Approved by Governor 1752

LEGISLATIVE BILL 175 By Simon

Jan. 10 Read first time 150
Jan. 15 Referred to Committee on Constitutional Revision and Recreation 198
Jan. 25 Notice of hearing 329
Feb. 8 Notice of hearing cancelled. Reset 461
Mar. 5 Placed on General File 739
Mar. 26 Committee amendments adopted as amended by Simon.
Advanced for Review 1090
Mar. 28 Placed on Select File 1127
Apr. 2 Nichol amendment withdrawn.
Failed to advance for Engrossment 1246
Apr. 17 Attorney General's Opinion 1479

LEGISLATIVE BILL 176 By Maresh

Jan. 10 Read first time 150
Jan. 15 Referred to Committee on Urban Affairs 198
Jan. 19 Notice of hearing 290
Feb. 23 Placed on General File 631
Mar. 19 Advanced for Review 984
Mar. 21 Placed on Select File 1028
Mar. 22 Advanced for Engrossment 1063
Mar. 28 Correctly Engrossed 1128
Mar. 29 Koch motion to return to Select File pending 1167
Apr. 2 Koch pending motion withdrawn 1226
Apr. 2 Laid over 1227
Apr. 9 Attorney General's Opinion 1369
May 9 Final Reading 1983

May 10 Correctly Enrolled. Speaker signed 2003
May 10 Presented to Governor 2039
May 21 Approved by Governor 2198

LEGISLATIVE BILL 177 By Kahle

Jan. 10 Read first time 150
Jan. 15 Referred to Committee on Education 198
Feb. 1 Notice of hearing 385

LEGISLATIVE BILL 178 By Vickers

Jan. 10 Read first time 151
Jan. 15 Referred to Committee on Revenue 198
Jan. 17 Notice of hearing 254
Feb. 2 Placed on General File 416
Feb. 14 Committee amendments adopted.
Advanced for Review 528
Feb. 20 Placed on Select File 556
Feb. 22 Advanced for Engrossment 609
Feb. 23 Correctly Engrossed 631
Mar. 5 Final Reading 733
Mar. 7 Correctly Enrolled. Speaker signed 769
Mar. 7 Presented to Governor 785
Mar. 13 Approved by Governor 869

LEGISLATIVE BILL 179 By Landis

Jan. 10 Read first time 151
Jan. 15 Referred to Committee on Government,
Military and Veterans Affairs 198
Feb. 21 Notice of hearing 591
Mar. 22 Placed on General File 1058
Apr. 6 Committee amendments adopted.
Advanced for Review 1347
Apr. 10 Placed on Select File 1397
Apr. 17 Advanced for Engrossment 1506
Apr. 20 Correctly Engrossed 1593
May 1 Final Reading 1769
May 2 Correctly Enrolled. President signed 1798
May 2 Presented to Governor 1809
May 7 Approved by Governor 1889
May 7 Dworak explanation of vote 1926

LEGISLATIVE BILL 180 By Simon

Jan. 10 Read first time....151
Jan. 15 Referred to Committee on Banking, Commerce and Insurance....198
Jan. 22 Notice of hearing....294
Mar. 5 Placed on General File....718
Mar. 21 Committee amendments adopted. Advanced for Review....1044
Mar. 26 Placed on Select File....1074
Mar. 27 Advanced for Engrossment....1117
Apr. 3 Correctly Engrossed....1271
May 14 Final Reading....2120
May 15 Correctly Enrolled. President signed....2147
May 15 Presented to Governor....2173
May 21 Approved by Governor....2216

LEGISLATIVE BILL 180A By Simon

Mar. 28 Read first time. Placed on General File....1143
Apr. 3 Advanced for Review....1272
Apr. 5 Placed on Select File....1319
Apr. 6 Advanced for Engrossment....1351
Apr. 10 Correctly Engrossed....1417
May 14 Final Reading....2121
May 15 Correctly Enrolled. President signed....2147
May 15 Presented to Governor....2173
May 21 Approved by Governor....2216

LEGISLATIVE BILL 181 By Brennan

Jan. 10 Read first time....151
Jan. 15 Referred to Committee on Urban Affairs....198
Jan. 19 Notice of hearing....290
Mar. 19 Placed on General File....997
Mar. 30 Committee amendments adopted. Advanced for Review....1208
Apr. 2 George amendment printed....1261
Apr. 4 Placed on Select File....1293
Apr. 10 George amendment printed....1417
Apr. 19 George pending amendment p.1261 withdrawn. George pending amendment p.1417 adopted. Advanced for Engrossment....1570
Apr. 24 Correctly Engrossed....1619
May 1 Final Reading....1775
May 1 Haberman explanation of vote....1791

May 2 Correctly Enrolled. President signed....1798
May 2 Presented to Governor....1809
May 7 Approved by Governor....1889
May 7 Dworak explanation of vote....1926

LEGISLATIVE BILL 182 By Rumery

Jan. 10 Read first time....151
Jan. 15 Referred to Committee on Nebraska Retirement Systems....198
Feb. 7 Notice of hearing....448

LEGISLATIVE BILL 183 By Brennan

Jan. 10 Read first time....151
Jan. 15 Referred to Committee on Business and Labor....198
Feb. 2 Notice of hearing....415
Feb. 20 Placed on General File....569
Mar. 20 Committee amendment adopted. Advanced for Review....1016
Mar. 22 Placed on Select File....1049
Mar. 29 Brennan and DeCamp amendments adopted. Advanced for Engrossment....1171
Apr. 3 Correctly Engrossed....1278
Apr. 10 Final Reading....1405
Apr. 10 Kelly motion to reconsider pending....1418
Apr. 11 Kelly pending motion withdrawn. Correctly Enrolled. Speaker signed....1437
Apr. 12 Presented to Governor....1456
Apr. 18 Approved by Governor....1536

LEGISLATIVE BILL 184 By Venditte, Nichol, Labedz, Fitzgerald

Jan. 10 Read first time....152
Jan. 15 Referred to Committee on Government, Military and Veterans Affairs....198
Feb. 7 Notice of hearing....444
Mar. 14 Placed on General File....894

LEGISLATIVE BILL 185 By Miscellaneous Subjects Committee

Jan. 10 Read first time....153
Jan. 15 Referred to Committee on Miscellaneous Subjects....198
Feb. 5 Notice of hearing....427
Apr. 4 Placed on General File....1307

Apr. 5 Newell amendments printed....1328
Apr. 20 Newell pending amendment withdrawn.
Failed to advance for Review....1592

LEGISLATIVE BILL 186 By Miscellaneous Subjects Committee

Jan. 10 Read first time....154
Jan. 15 Laid over....198
Jan. 16 Referred to Committee on Miscellaneous Subjects....214
Feb. 5 Notice of hearing....427
Feb. 20 Notice of hearing....562
Apr. 4 Placed on General File....1307

LEGISLATIVE BILL 187 By Warner

Jan. 10 Read first time....154
Jan. 11 Referred to Committee on Revenue....185
Jan. 17 Notice of hearing....254
Jan. 23 Placed on General File....310
Jan. 24 Advanced for Review....318
Jan. 26 Placed on Select File....335
Jan. 30 Laid over....368
Mar. 12 Maresh amendment adopted.
Advanced for Engrossment....858
Mar. 13 Replaced on Select File....878
Mar. 16 Warner amendment printed....962
Mar. 21 Advanced for Engrossment....1033
Mar. 21 Returned to Select File for Warner amendment....1034
Mar. 21 Warner amendment adopted.
Advanced for Engrossment....1036
Mar. 26 Correctly Engrossed....1076
Apr. 9 Keyes motion to return to Select File lost....1369
Apr. 9 Final Reading....1377
Apr. 9 Correctly Enrolled. Speaker signed....1388
Apr. 9 Hefner explanation of vote....1389
Apr. 10 Presented to Governor....1399
Apr. 17 Approved by Governor....1471

LEGISLATIVE BILL 188 By DeCamp, Venditte, George, Kahle, Nichol, Hasebroock, Schmit, Wagner, Maresh, Kremer, Merz

Jan. 10 Read first time....155
Jan. 11 Keyes name added....172
Jan. 15 Referred to Committee on Revenue....199

Feb. 6 Notice of hearing....439
Mar. 26 Attorney General's Opinion....1080
Apr. 4 Indefinitely postponed....1300

LEGISLATIVE BILL 189 By Constitutional Revision and Recreation Committee

Jan. 10 Read first time....155
Jan. 15 Referred to Committee on Constitutional Revision and Recreation....199
Jan. 19 Notice of hearing....286
Feb. 6 Indefinitely postponed....437

LEGISLATIVE BILL 190 By Burrows

Jan. 10 Read first time....155
Jan. 15 Referred to Committee on Agriculture and Environment....199
Jan. 25 Notice of hearing....325
Mar. 14 Burrows motion to place on General File pending....898
Mar. 15 Burrows pending motion lost. Indefinitely postponed....918

LEGISLATIVE BILL 191 By Burrows

Jan. 10 Read first time....156
Jan. 15 Referred to Committee on Constitutional Revision and Recreation....199
Feb. 6 Notice of hearing....437
Mar. 13 Indefinitely postponed....885

LEGISLATIVE BILL 192 By Appropriations Committee

Jan. 10 Read first time....156
Jan. 15 Referred to Committee on Revenue....199
Jan. 17 Notice of hearing....254
Jan. 24 Placed on General File....319
Jan. 30 Committee amendments adopted. Advanced for Review....369
Feb. 1 Placed on Select File....384
Feb. 2 Advanced for Engrossment....418
Feb. 5 Correctly Engrossed....421
Feb. 12 Final Reading....492
Feb. 13 Correctly Enrolled. President signed....499
Feb. 13 Presented to Governor....512

Feb. 14 Approved by Governor 516

LEGISLATIVE BILL 193 By Appropriations Committee

Jan. 10 Read first time 156
Jan. 15 Referred to Committee on Appropriations 199
Jan. 16 Notice of hearing 215
Jan. 18 Notice of hearing duplicated 270
Apr. 9 Placed on General File 1388
Apr. 12 Committee amendments adopted.
Advanced for Review 1460
Apr. 18 Placed on Select File 1515
Apr. 25 Advanced for Engrossment 1659
Apr. 26 Replaced on Select File 1685
Apr. 30 Advanced for Engrossment 1757
May 2 Correctly Engrossed 1807
May 9 Final Reading 1984
May 10 Correctly Enrolled. Speaker signed 2003
May 10 Presented to Governor 2039
May 15 Approved by Governor 2182

LEGISLATIVE BILL 194 By Appropriations Committee

Jan. 10 Read first time 156
Jan. 15 Referred to Committee on Appropriations 199
Jan. 16 Notice of hearing 215
Jan. 18 Notice of hearing duplicated 270
Jan. 31 Placed on General File 378
Feb. 14 Advanced for Review 521
Feb. 20 Placed on Select File 556
Feb. 21 Advanced for Engrossment 586
Feb. 22 Correctly Engrossed 618
Feb. 27 Final Reading 663
Feb. 27 Haberman and Newell
explanations of vote 670
Feb. 28 Correctly Enrolled. Speaker signed 680
Mar. 5 Presented to Governor 708
Mar. 9 Approved by Governor 835

LEGISLATIVE BILL 195 By Appropriations Committee

Jan. 10 Read first time 157
Jan. 15 Referred to Committee on Government,
Military and Veterans Affairs 199
Jan. 30 Notice of hearing 366
Mar. 19 Placed on General File 977

Mar. 26 Advanced for Review 1089
Mar. 28 Placed on Select File 1126
Apr. 2 Advanced for Engrossment 1245
Apr. 5 Correctly Engrossed 1320
Apr. 17 Final Reading 1486
Apr. 18 Correctly Enrolled. President signed 1516
Apr. 18 Presented to Governor 1529
Apr. 24 Approved by Governor 1600

LEGISLATIVE BILL 196 By Appropriations Committee

Jan. 10 Read first time 157
Jan. 15 Referred to Committee on Banking, Commerce and Insurance 199
Jan. 22 Notice of hearing 294
Feb. 9 Placed on General File 470
Mar. 9 Committee amendment adopted. Advanced for Review 834
Mar. 13 Placed on Select File 878
Mar. 21 Warner amendment adopted. Advanced for Engrossment 1036
Mar. 22 Replaced on Select File 1048
Mar. 26 Advanced for Engrossment 1084
Mar. 28 Correctly Engrossed 1146
Apr. 2 Final Reading 1227
Apr. 2 Correctly Enrolled 1244
Apr. 2 Speaker signed 1245
Apr. 2 Presented to Governor 1255
Apr. 3 Dworak explanation of vote 1264
Apr. 9 Approved by Governor 1361

LEGISLATIVE BILL 197 By Banking, Commerce and Insurance Committee

Jan. 10 Read first time 157
Jan. 15 Referred to Committee on Business and Labor 199
Jan. 16 Re-referred to Committee on Banking, Commerce and Insurance 214
Jan. 22 Notice of hearing 293
Mar. 5 Placed on General File 719

LEGISLATIVE BILL 198 By Beutler

Jan. 10 Read first time 157
Jan. 15 Referred to Committee on Public Health and Welfare 199

Jan. 24 Notice of hearing....320
Feb. 22 Placed on General File....611
Mar. 29 Beutler amendment printed....1174
Mar. 30 Beutler pending amendment adopted.
Committee amendments adopted as amended.
Advanced for Review....1216
Apr. 4 Placed on Select File....1294
Apr. 5 Cullan amendments adopted.
Advanced for Engrossment....1322
Apr. 10 Correctly Engrossed....1398
Apr. 19 Final Reading....1553
Apr. 20 Correctly Enrolled. Speaker signed....1579
Apr. 20 Presented to Governor....1589
Apr. 24 Approved by Governor....1631
Apr. 24 Dworak explanation of vote....1619

LEGISLATIVE BILL 199 By Stoney

Jan. 10 Read first time....157
Jan. 15 Referred to Committee on Public Works....199
Jan. 16 Notice of hearing....223
Feb. 13 Indefinitely postponed....506

LEGISLATIVE BILL 200 By Stoney

Jan. 10 Read first time....158
Jan. 15 Referred to Committee on Banking,
Commerce and Insurance....199
Jan. 23 Notice of hearing....311
Mar. 5 Placed on General File....715
Mar. 19 Johnson amendment adopted.
Advanced for Review....993
Mar. 21 Placed on Select File....1029
Mar. 22 Advanced for Engrossment....1063
Mar. 28 Correctly Engrossed....1128
Apr. 2 Final Reading....1227
Apr. 2 Correctly Enrolled....1244
Apr. 2 Speaker signed....1245
Apr. 2 Presented to Governor....1255
Apr. 2 Dworak explanation of vote....1264
Apr. 9 Approved by Governor....1361

LEGISLATIVE BILL 201 By Public Works Committee

Jan. 11 Read first time....163
Jan. 15 Referred to Committee on Public Works....199
Jan. 16 Notice of hearing....224
Jan. 26 Fitzgerald request to re-refer withdrawn....346
Feb. 13 Placed on General File....506
Mar. 16 Advanced for Review....957
Mar. 20 Placed on Select File....1004
Mar. 22 Advanced for Engrossment....1061
Mar. 27 Correctly Engrossed....1111
Mar. 30 Final Reading....1190
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 202 By Public Works Committee

Jan. 11 Read first time....164
Jan. 15 Referred to Committee on Public Works....199
Jan. 16 Notice of hearing....224
Jan. 26 Fitzgerald request to re-refer withdrawn....346
Feb. 27 Indefinitely postponed....660

LEGISLATIVE BILL 203 By Public Works Committee

Jan. 11 Read first time....164
Jan. 15 Referred to Committee on Public Works....199
Jan. 16 Notice of hearing....223
Mar. 19 Placed on General File....965

LEGISLATIVE BILL 204 By Public Works Committee

Jan. 11 Read first time....164
Jan. 15 Referred to Committee on Public Works....199
Jan. 16 Notice of hearing....224
Jan. 26 Fitzgerald request to re-refer withdrawn....346
Feb. 13 Placed on General File....506
Mar. 16 Advanced for Review....957
Mar. 20 Placed on Select File....1004
Mar. 22 Advanced for Engrossment....1061
Mar. 27 Correctly Engrossed....1111
Mar. 30 Final Reading....1191
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220

Apr. 2 Koch explanation of vote 1261
Apr. 3 Approved by Governor 1288

LEGISLATIVE BILL 205 By Public Works Committee

Jan. 11 Read first time 164
Jan. 15 Referred to Committee on Public Works 199
Jan. 16 Notice of hearing 223
Feb. 15 Placed on General File 541
Mar. 19 Committee amendments adopted.
Advanced for Review 996
Mar. 21 Placed on Select File 1029
Mar. 22 Advanced for Engrossment 1064
Mar. 27 Correctly Engrossed 1111
Mar. 30 Final Reading 1192
Mar. 30 Haberman explanation of vote 1203
Mar. 30 Correctly Enrolled. Speaker signed 1207
Mar. 30 Presented to Governor 1220
Apr. 2 Koch explanation of vote 1261
Apr. 3 Approved by Governor 1288

LEGISLATIVE BILL 206 By Public Works Committee

Jan. 11 Read first time 164
Jan. 15 Referred to Committee on Public Works 199
Jan. 16 Notice of hearing 223
Jan. 26 Fitzgerald request to re-refer withdrawn 346
Mar. 9 Indefinitely postponed 832

LEGISLATIVE BILL 207 By Public Works Committee

Jan. 11 Read first time 165
Jan. 15 Referred to Committee on Public Works 199
Jan. 16 Notice of hearing 223
Mar. 12 Attorney General's Opinion 854
Mar. 16 Placed on General File 959
Mar. 29 Committee amendments adopted.
Advanced for Review 1166
Apr. 3 Placed on Select File 1270
Apr. 5 Beutler amendment adopted.
Advanced for Engrossment 1337
Apr. 10 Correctly Engrossed 1417
Apr. 19 Final Reading 1553
Apr. 20 Correctly Enrolled. Speaker signed 1579
Apr. 20 Kelly explanation of vote 1588
Apr. 20 Presented to Governor 1589

Apr. 24 Approved by Governor 1600
Apr. 24 Dworak explanation of vote 1619

LEGISLATIVE BILL 208 By Administrative Rules and Regulations Review Committee

Jan. 11 Read first time 165
Jan. 15 Referred to Committee on Administrative Rules and Regulations 199
Jan. 16 Re-referred to Committee on Government, Military and Veterans Affairs 214
Jan. 30 Notice of hearing 366
Feb. 23 Placed on General File 631
Mar. 20 Committee amendments adopted. Advanced for Review 1023
Mar. 22 Placed on Select File 1049
Mar. 26 Advanced for Engrossment 1086
Mar. 28 Correctly Engrossed 1146
Apr. 2 Final Reading 1228
Apr. 2 Correctly Enrolled 1244
Apr. 2 Speaker signed 1245
Apr. 2 Presented to Governor 1255
Apr. 2 Dworak explanation of vote 1264
Apr. 5 Approved by Governor 1330

LEGISLATIVE BILL 209 By Revenue Committee

Jan. 11 Read first time 165
Jan. 15 Referred to Committee on Revenue 199
Jan. 18 Notice of hearing 275
Feb. 5 Indefinitely postponed 423

LEGISLATIVE BILL 210 By Revenue

Jan. 11 Read first time 165
Jan. 15 Referred to Committee on Revenue 199
Jan. 18 Notice of hearing 275
Feb. 5 Indefinitely postponed 423

LEGISLATIVE BILL 211 By Revenue Committee

Jan. 11 Read first time 165
Jan. 15 Referred to Committee on Revenue 199
Jan. 24 Notice of hearing 320
Feb. 2 Placed on General File 416
Feb. 14 Committee amendments adopted as amended

by Hefner. Advanced for Review 528
Feb. 20 Placed on Select File 557
Feb. 28 Keyes motion to indefinitely postpone pending 684
Mar. 5 Keyes pending motion to indefinitely postpone lost. Carsten amendment adopted. Advanced for Engrossment 736
Mar. 6 Correctly Engrossed 763
Mar. 7 Returned to Select File for Murphy amendment. Murphy amendment adopted. Advanced for Re-Engrossment 782
Mar. 8 Correctly Re-Engrossed 787
Mar. 13 Final Reading 870

LEGISLATIVE BILL 212 By Appropriations Committee

Jan. 11 Read first time 166
Jan. 15 Referred to Committee on Appropriations 199
Jan. 16 Notice of hearing 215
Jan. 18 Notice of hearing duplicated 270
Apr. 10 Placed on General File 1411
Apr. 11 Committee amendment adopted. Advanced for Review 1444
Apr. 17 Placed on Select File 1470
Apr. 19 Advanced for Engrossment 1576
Apr. 24 Correctly Engrossed 1600
May 1 Final Reading 1776
May 1 Haberman explanation of vote 1791
May 2 Correctly Enrolled. President signed 1798
May 2 Presented to Governor 1809
May 7 Approved by Governor 1889
May 7 Dworak explanation of vote 1926

LEGISLATIVE BILL 213 By Maresh

Jan. 11 Read first time 166
Jan. 15 Referred to Committee on Public Works 199
Jan. 16 Notice of hearing 223
Feb. 14 Placed on General File 526
Mar. 19 Committee amendment adopted. Advanced for Review 994
Mar. 21 Placed on Select File 1029
Mar. 22 Murphy amendment adopted. Advanced for Engrossment 1064
Mar. 27 Correctly Engrossed 1111
Mar. 30 Final Reading 1193

Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 214 By Vickers, Lamb, Haberman

Jan. 11 Read first time....166
Jan. 15 Referred to Committee on Appropriations....199
Jan. 16 Notice of hearing....215
Jan. 18 Notice of hearing duplicated....270
Mar. 7 Indefinitely postponed....784

LEGISLATIVE BILL 215 By Business and Labor Committee

Jan. 11 Read first time....166
Jan. 15 Referred to Committee on Business and Labor....199
Jan. 17 Notice of hearing....254
Jan. 29 Placed on General File....357
Feb. 13 Advanced for Review....512
Feb. 15 Placed on Select File....532
Feb. 20 Advanced for Engrossment....562
Feb. 21 Correctly Engrossed....589
Mar. 6 Attorney General's Opinion....746
Mar. 12 Final Reading....843
Mar. 13 Correctly Enrolled. President signed....866
Mar. 13 Presented to Governor....884
Mar. 14 Approved by Governor....914

LEGISLATIVE BILL 216 By Reutzel

Jan. 11 Read first time....166
Jan. 15 Referred to Committee on Banking, Commerce and Insurance....199
Jan. 22 Notice of hearing....294
Jan. 25 Notice of hearing cancelled. Reset....334
Mar. 22 Placed on General File....1059
Apr. 11 Committee amendments adopted. Advanced for Review....1421
Apr. 17 Placed on Select File....1470
Apr. 20 Reutzel amendment printed....1592
Apr. 25 Reutzel pending amendment adopted. Advanced for Engrossment....1655
Apr. 30 Correctly Engrossed....1733
May 22 Final Reading....2254

May 22 Correctly Enrolled. Speaker signed 2267
May 22 Presented to Governor 2270
May 23 Approved by Governor.
Hoagland explanation of vote 2313

LEGISLATIVE BILL 216A By Reutzel

Apr. 26 Read first time. Placed on General File 1703
May 7 Advanced for Review 1906
May 8 Placed on Select File 1938
May 10 Advanced for Engrossment 2041
May 15 Correctly Engrossed 2147
May 22 Final Reading 2255
May 22 Correctly Enrolled. Speaker signed 2267
May 22 Presented to Governor 2270
May 23 Approved by Governor.
Hoagland explanation of vote 2313

LEGISLATIVE BILL 217 By Dworak

Jan. 11 Read first time 166
Jan. 15 Referred to Committee on Urban Affairs 199
Jan. 19 Notice of hearing 290
Mar. 8 Placed on General File 801
Apr. 6 Advanced for Review 1354
Apr. 10 Placed on Select File 1398
Apr. 17 Advanced for Engrossment 1506
Apr. 20 Correctly Engrossed 1593
May 9 Final Reading 1984
May 10 Correctly Enrolled. Speaker signed 2003
May 10 Presented to Governor 2039
May 21 Approved by Governor 2198

LEGISLATIVE BILL 218 By Nebraska Retirement Systems Committee

Jan. 11 Read first time 167
Jan. 15 Referred to Committee on Nebraska
Retirement Systems 199
Jan. 31 Notice of hearing 379

LEGISLATIVE BILL 219 By Kelly

Jan. 11 Read first time 167
Jan. 15 Referred to Committee on Revenue 199
Feb. 9 Re-referred to Committee on Public Works 476

Feb. 13 Notice of hearing....509
Mar. 12 Indefinitely postponed....842

LEGISLATIVE BILL 220 By Kelly

Jan. 11 Read first time....167
Jan. 15 Referred to Committee on Banking, Commerce and Insurance....199
Jan. 22 Notice of hearing....294
Mar. 5 Placed on General File....719
Mar. 21 Committee amendment adopted as amended by Murphy. Advanced for Review....1044
Mar. 26 Placed on Select File....1074
Mar. 27 Advanced for Engrossment....1117
Mar. 27 Keyes amendments printed....1122
Mar. 29 Returned to Select File for Keyes amendment....1170
Mar. 29 Keyes amendment adopted. Advanced for Engrossment....1171
Apr. 2 Replaced on Select File....1223
Apr. 3 Advanced for Engrossment....1284
Apr. 9 Correctly Engrossed....1361
Apr. 18 Final Reading....1524
Apr. 18 Correctly Enrolled. Speaker signed....1530
Apr. 18 Presented to Governor....1531
Apr. 24 Approved by Governor....1600

LEGISLATIVE BILL 221 By Kelly

Jan. 11 Read first time....167
Jan. 16 Referred to Committee on Miscellaneous Subjects....214
Feb. 12 Notice of hearing....484
Mar. 19 Attorney General's Opinion....990
Mar. 19 Attorney General's Opinion....991
Apr. 2 Murphy motion to place on General File pending....1262
Apr. 3 Dworak explanation of vote....1264
Apr. 4 Dworak explanation of vote corrected....1299
Apr. 4 Placed on General File....1313
Apr. 6 Simon amendments printed....1352
Apr. 9 Reutzel amendment printed....1366
Apr. 19 Attorney General's Opinion....1558
Apr. 19 Attorney General's Opinion....1559
Apr. 24 Hoagland and Dworak amendments printed....1632
Apr. 25 Simon pending amendment p.1352 lost. Newell amendment lost. Koch motion

to indefinitely postpone withdrawn.
Reutzel pending amendment p.1366 adopted.
Hoagland-Dworak pending amendment p.1632 lost. Chambers amendment lost. Lewis motion to indefinitely postpone lost.
Failed to advance for Review.....1649
Apr. 26 Kelly motion to reconsider pending 1681
Apr. 26 Clark explanation of vote.....1686
Apr. 27 Haberman explanation of vote.....1720
May 3 Kelly pending motion p.1681 renewed.
Motion to overrule chair prevailed.
Kelly pending motion lost.....1852
May 15 Kremer motion to suspend rules
to advance lost.....2168

LEGISLATIVE BILL 222 By LR 158 Select Committee

Jan. 11 Read first time.....167
Jan. 16 Referred to Committee on Judiciary 214
Jan. 30 Notice of hearing.....366
Mar. 13 Placed on General File.....866

LEGISLATIVE BILL 222A By DeCamp

Apr. 4 Read first time. Placed on General File 1310

LEGISLATIVE BILL 223 By Cullan, Lewis

Jan. 11 Read first time.....167
Jan. 16 Referred to Committee on Public Works 214
Jan. 16 Notice of hearing.....223
Feb. 7 Placed on General File.....448
Feb. 28 Committee amendment adopted.
Advanced for Review.....696
Mar. 5 Placed on Select File 707
Mar. 8 Advanced for Engrossment.....811
Mar. 12 Correctly Engrossed.....842
Mar. 12 Kelly amendments printed.....853
Mar. 13 Kelly motion to return to Select
File withdrawn 883
Mar. 15 Kelly motion to return to Select
File withdrawn 928
Mar. 15 Final Reading.....929
Mar. 16 Correctly Enrolled. President signed.....940
Mar. 16 Presented to Governor.....957
Mar. 20 Approved by Governor 1005

LEGISLATIVE BILL 224 By Miscellaneous Subjects Committee

Jan. 11 Read first time....168
Jan. 16 Referred to Committee on Miscellaneous Subjects....214
Jan. 17 Notice of hearing....265
Mar. 28 Placed on General File....1137
Apr. 11 Committee amendments adopted. Advanced for Review....1427
Apr. 17 Placed on Select File....1470
Apr. 25 Laid over....1655
Apr. 25 Newell amendments adopted. Advanced for Engrossment....1657
Apr. 27 Replaced on Select File....1709
May 10 Advanced for Engrossment. Returned to Select File for Newell amendment. Newell amendment adopted. Advanced for Engrossment....2021
May 14 Replaced on Select File....2105
May 14 Advanced for Engrossment....2137
May 21 Correctly Engrossed....2197
May 23 Final Reading....2286
May 23 Correctly Enrolled. Speaker signed....2291
May 23 Presented to Governor....2299
May 23 Approved by Governor....2308

LEGISLATIVE BILL 225 By Lamb, Kahle

Jan. 11 Read first time....168
Jan. 16 Referred to Committee on Constitutional Revision and Recreation....214
Feb. 6 Notice of hearing....437
Mar. 12 Indefinitely postponed....850

LEGISLATIVE BILL 226 By Lamb

Jan. 11 Read first time....168
Jan. 16 Referred to Committee on Education....214
Jan. 24 Notice of hearing....316
Mar. 16 Placed on General File....951
Mar. 27 Lamb amendment printed....1121
Apr. 19 Committee amendments adopted. Koch amendment adopted. Lamb pending amendment p.1121 adopted. Lamb amendment lost. Indefinitely postponed....1565

LEGISLATIVE BILL 227 By Warner

Jan. 11 Read first time....168
Jan. 16 Referred to Committee on Public Works....214
Jan. 23 Notice of hearing....311
Feb. 15 Placed on General File....542
Mar. 19 Lewis amendments printed....974
Mar. 28 Committee amendments adopted. Lewis pending amendment adopted. Advanced for Review....1142
Mar. 30 Placed on Select File....1180
Apr. 2 Maresh amendments printed....1250
Apr. 3 Maresh pending amendment adopted. Venditte amendment withdrawn. Advanced for Engrossment....1281
Apr. 6 Correctly Engrossed....1352
Apr. 17 Warner amendment printed....1511
Apr. 18 Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment....1519
Apr. 20 Correctly Re-Engrossed....1584
Apr. 25 Warner amendment printed....1665
Apr. 30 Warner amendment p.1665 withdrawn. Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment....1734
Apr. 30 Correctly Re-Engrossed....1753
May 7 Final Reading....1893
May 8 Correctly Enrolled....1936
May 8 President signed....1937
May 8 Presented to Governor....1940
May 14 Approved by Governor....2086

LEGISLATIVE BILL 228 By Fowler

Jan. 11 Read first time....169
Jan. 16 Referred to Committee on Nebraska Retirement Systems....214
Feb. 7 Notice of hearing....448
Apr. 6 Placed on General File....1355
Apr. 10 Hasebroock, Fowler, Lewis, Goodrich and Cullan amendments printed....1417

LEGISLATIVE BILL 228A By Fowler

May 2 Read first time. Placed on General File 1805

LEGISLATIVE BILL 229 By Nebraska Retirement Systems Committee

Jan. 11 Read first time.....169
Jan. 16 Referred to Committee on Nebraska Retirement Systems 214
Feb. 14 Notice of hearing.....521

LEGISLATIVE BILL 230 By Nebraska Retirement Systems Committee

Jan. 11 Read first time.....169
Jan. 16 Referred to Committee on Nebraska Retirement Systems 214
Feb. 14 Notice of hearing.....521

LEGISLATIVE BILL 231 By Nebraska Retirement Systems Committee

Jan. 11 Read first time.....169
Jan. 16 Referred to Committee on Nebraska Retirement Systems 214
Jan. 24 Notice of hearing.....316

LEGISLATIVE BILL 232 By Appropriations Committee

Jan. 11 Read first time.....169
Jan. 16 Referred to Committee on Appropriations 214
Jan. 16 Notice of hearing.....215
Jan. 18 Notice of hearing duplicated.....270
Jan. 31 Placed on General File.....378
Feb. 14 Committee amendments adopted. Advanced for Review 527
Feb. 20 Placed on Select File 556
Feb. 21 Advanced for Engrossment 587
Feb. 22 Correctly Engrossed.....618
Feb. 27 Final Reading 664
Feb. 27 Haberman and Newell explanations of vote 670
Feb. 28 Correctly Enrolled. Speaker signed 680
Mar. 5 Presented to Governor 708
Mar. 8 Approved by Governor 791

LEGISLATIVE BILL 233 By Appropriations Committee

Jan. 11 Read first time....170
Jan. 16 Referred to Committee on Appropriations....214
Jan. 16 Notice of hearing....215
Jan. 18 Notice of hearing duplicated....270
Jan. 31 Placed on General File....378
Feb. 14 Committee amendment adopted. Advanced for Review....527
Feb. 20 Placed on Select File....556
Feb. 21 Advanced for Engrossment....587
Feb. 22 Correctly Engrossed....618
Feb. 27 Final Reading....664
Feb. 27 Newell explanation of vote....670
Feb. 28 Correctly Enrolled. Speaker signed....680
Mar. 5 Presented to Governor....708
Mar. 8 Approved by Governor....791

LEGISLATIVE BILL 234 By Judiciary Committee

Jan. 11 Read first time....170
Jan. 16 Referred to Committee on Judiciary....214
Jan. 24 Notice of hearing....320
Feb. 26 Placed on General File....643
Mar. 20 Committee amendments adopted. Advanced for Review....1023
Mar. 22 Placed on Select File....1049
Mar. 26 Reutzel and Landis amendment 1 lost, 2, 3, and 4 pending....1086
Mar. 27 Reutzel and Landis pending amendments 2, 3, and 4 withdrawn. Lamb amendment lost. Newell amendment to DeCamp amendment lost. DeCamp amendments adopted. Advanced for Engrossment....1107
Mar. 28 Replaced on Select File....1126
Apr. 2 Advanced for Engrossment....1245
Apr. 5 Correctly Engrossed....1320
Apr. 17 Dworak motion to return to Select File laid over....1487
Apr. 24 Dworak pending motion withdrawn. Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Advanced for Re-Engrossment....1602
Apr. 24 Correctly Re-Engrossed....1633
May 3 Final Reading....1835
May 3 Wesely explanation of vote....1841

May 7 Warner motion to reconsider pending 1917
May 7 Dworak explanation of vote 1926
May 10 Warner pending motion prevailed.
Final Reading 2010
May 11 Correctly Enrolled. Speaker signed 2053
May 14 Presented to Governor 2085
May 21 Approved by Governor 2198

LEGISLATIVE BILL 235 By Judiciary Committee

Jan. 11 Read first time 170
Jan. 16 Referred to Committee on Judiciary 214
Jan. 19 Notice of hearing 285
Mar. 22 Placed on General File 1068

LEGISLATIVE BILL 236 By Judiciary Committee

Jan. 11 Read first time 170
Jan. 16 Referred to Committee on Judiciary 214
Jan. 19 Notice of hearing 286
Mar. 14 Indefinitely postponed 909

LEGISLATIVE BILL 237 By Judiciary Committee

Jan. 11 Read first time 170
Jan. 16 Referred to Committee on Judiciary 214
Jan. 19 Notice of hearing 285
Feb. 26 Placed on General File 643
Mar. 21 Committee amendments adopted.
Murphy amendment adopted.
Advanced for Review 1041
Mar. 26 Placed on Select File 1072
Mar. 27 Advanced for Engrossment 1116
Mar. 30 Correctly Engrossed 1214
Apr. 4 Final Reading 1296
Apr. 4 Correctly Enrolled. President signed 1305
Apr. 4 Presented to Governor 1314
Apr. 5 Approved by Governor 1330

LEGISLATIVE BILL 238 By Judiciary Committee

Jan. 11 Read first time 171
Jan. 16 Referred to Committee on Judiciary 214
Jan. 19 Notice of hearing 286
Feb. 26 Indefinitely postponed 644

LEGISLATIVE BILL 239 By Judiciary Committee

Jan. 11 Read first time....171
Jan. 16 Referred to Committee on Judiciary....214
Jan. 19 Notice of hearing....285
Feb. 26 Indefinitely postponed....644

LEGISLATIVE BILL 240 By Judiciary Committee

Jan. 11 Read first time....171
Jan. 16 Referred to Committee on Judiciary....214
Jan. 19 Notice of hearing....285
Feb. 12 Placed on General File....480
Mar. 14 Advanced for Review....898
Mar. 16 Placed on Select File....940
Mar. 21 Advanced for Engrossment....1037
Mar. 22 Correctly Engrossed....1066
Mar. 30 Final Reading....1184
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 241 By Judiciary Committee

Jan. 11 Read first time....172
Jan. 16 Referred to Committee on Judiciary....214
Jan. 19 Notice of hearing....286
Feb. 26 Placed on General File....643
Mar. 21 Committee amendment adopted.
Advanced for Review....1041
Mar. 26 Placed on Select File....1072
Mar. 27 Advanced for Engrossment....1116
Mar. 30 Correctly Engrossed....1214
Apr. 4 Laid over....1297
Apr. 6 Nichol amendment printed....1348
Apr. 9 Returned to Select File for Nichol amendment.
Nichol amendment adopted. Advanced for Re-Engrossment....1364
Apr. 11 Correctly Re-Engrossed....1436
Apr. 24 Final Reading....1613
Apr. 25 Correctly Enrolled. President signed....1645
Apr. 25 Presented to Governor....1653
Apr. 30 Approved by Governor....1752

LEGISLATIVE BILL 242 By Revenue Committee

Jan. 11 Read first time....172
Jan. 16 Referred to Committee on Revenue....214
Jan. 25 Notice of hearing....329
Mar. 9 Attorney General's Opinion....818
Mar. 13 Indefinitely postponed....886

LEGISLATIVE BILL 243 By Government, Military and Veterans Affairs Committee

Jan. 11 Read first time....172
Jan. 16 Referred to Committee on Public Works....214
Jan. 29 Notice of hearing....358
Feb. 2 Keyes motion to withdraw pending....416
Feb. 6 Keyes motion withdrawn....434
Feb. 13 Notice of hearing cancelled....508
Feb. 13 Notice of hearing reset....509
Feb. 20 Notice of hearing cancelled. Reset....576

LEGISLATIVE BILL 244 By Haberman

Jan. 11 Read first time....172
Jan. 16 Referred to Committee on Public Works....214
Jan. 23 Notice of hearing....311
Feb. 13 Indefinitely postponed....506

LEGISLATIVE BILL 245 By Wagner

Jan. 11 Read first time....173
Jan. 16 Referred to Committee on Public Works....214
Jan. 24 Notice of hearing....310
Feb. 8 Placed on General File....451
Mar. 5 Advanced for Review....741
Mar. 7 Placed on Select File....769
Mar. 8 Advanced for Engrossment....811
Mar. 12 Correctly Engrossed....842
Mar. 15 Final Reading....930
Mar. 16 Correctly Enrolled. President signed....940
Mar. 16 Presented to Governor....957
Mar. 20 Approved by Governor....1005

LEGISLATIVE BILL 246 By Kremer

Jan. 11 Read first time....173
Jan. 16 Referred to Committee on Revenue....214
Jan. 24 Notice of hearing....320
Feb. 8 Indefinitely postponed....451

LEGISLATIVE BILL 247 By Hasebroock

Jan. 11 Read first time....173
Jan. 16 Referred to Committee on Judiciary....214
Jan. 19 Notice of hearing....285
Feb. 26 Indefinitely postponed....644

LEGISLATIVE BILL 248 By Beutler

Jan. 11 Read first time....173
Jan. 16 Referred to Committee on Education....214
Jan. 24 Notice of hearing....315
Feb. 2 Placed on General File....408
Feb. 14 Committee amendment adopted.
Advanced for Review....527
Feb. 20 Placed on Select File....556
Feb. 22 Advanced for Engrossment....609
Feb. 23 Correctly Engrossed....631
Mar. 5 Final Reading....733
Mar. 7 Correctly Enrolled. Speaker signed....769
Mar. 7 Presented to Governor....785
Mar. 13 Approved by Governor....869

LEGISLATIVE BILL 249 By Urban Affairs Committee

Jan. 11 Read first time....174
Jan. 16 Referred to Committee on Urban Affairs....214
Jan. 19 Notice of hearing....290
Feb. 26 Placed on General File....653
Mar. 21 Committee amendment adopted.
Advanced for Review....1041
Mar. 26 Placed on Select File....1072
Mar. 27 Advanced for Engrossment....1116
Mar. 30 Correctly Engrossed....1214
Apr. 4 Final Reading....1297
Apr. 4 Correctly Enrolled. President signed....1305
Apr. 4 Presented to Governor....1314
Apr. 9 Approved by Governor....1361

LEGISLATIVE BILL 250 By Urban Affairs Committee

Jan. 11 Read first time....174
Jan. 16 Referred to Committee on Urban Affairs....214
Jan. 19 Notice of hearing....290
Mar. 6 Placed on General File....765
Mar. 26 Committee amendments adopted.
Advanced for Review....1092
Mar. 29 Koch amendment printed....1168
Apr. 2 Placed on Select File....1237
Apr. 9 Attorney General's Opinion....1369
Apr. 19 Koch pending amendment lost.
Advanced for Engrossment....1569
Apr. 24 Correctly Engrossed....1600
May 3 Final Reading....1835
May 7 Dworak explanation of vote....1926

LEGISLATIVE BILL 251 By Urban Affairs Committee

Jan. 11 Read first time....174
Jan. 16 Referred to Committee on Urban Affairs....214
Jan. 19 Notice of hearing....290
Mar. 9 Placed on General File....833
Mar. 29 Committee amendments adopted.
Advanced for Review....1154
Apr. 2 Placed on Select File....1243
Apr. 3 Laid over....1284
Apr. 19 George amendment adopted.
Advanced for Engrossment....1567
Apr. 24 Replaced on Select File....1599
Apr. 25 Advanced for Engrossment....1660
Apr. 30 Correctly Engrossed....1733
May 7 Returned to Select File for Fowler amendment...1894
May 7 Fowler amendment adopted.
Advanced for Re-Engrossment....1896
May 10 Replaced on Select File....2002
May 10 Advanced for Engrossment....2022
May 15 Correctly Re-Engrossed....2147
May 22 Final Reading....2256
May 22 Correctly Enrolled. Speaker signed....2267
May 22 Presented to Governor....2270
May 23 Approved by Governor....2276
May 23 Hoagland explanation of vote....2313

LEGISLATIVE BILL 252 By Urban Affairs Committee

Jan. 11 Read first time....174
Jan. 16 Referred to Committee on Urban Affairs....214
Jan. 19 Notice of hearing....291
Mar. 9 Placed on General File....833
Mar. 29 Committee amendments adopted.
Advanced for Review....1154
Apr. 2 Placed on Select File....1243
Apr. 3 Advanced for Engrossment....1284
Apr. 9 Correctly Engrossed....1362
Apr. 18 Returned to Select File for George amendment.
George amendment adopted.
Advanced for Re-Engrossment....1525
Apr. 19 Replaced on Select File....1539
Apr. 25 Advanced for Re-Engrossment....1660
Apr. 27 Correctly Re-Engrossed....1717
May 7 Final Reading....1891
May 8 Correctly Enrolled....1936
May 8 President signed....1937
May 8 Presented to Governor....1940
May 14 Approved by Governor....2086

LEGISLATIVE BILL 253 By Urban Affairs Committee

Jan. 11 Read first time....174
Jan. 16 Referred to Committee on Government,
Military and Veterans Affairs....215
Jan. 30 Notice of hearing....371
Jan. 31 Notice of hearing cancelled....379
Feb. 21 Notice of hearing reset....591
Mar. 14 Placed on General File....888
Mar. 26 Advanced for Review....1089
Mar. 28 Placed on Select File....1126
Apr. 2 Advanced for Engrossment....1245
Apr. 5 Correctly Engrossed....1320
Apr. 17 Final Reading....1487
Apr. 18 Correctly Enrolled. President signed....1516
Apr. 18 Presented to Governor....1529
Apr. 24 Approved by Governor....1600

LEGISLATIVE BILL 254 By Venditte

Jan. 11 Read first time....175
Jan. 16 Referred to Committee on Public Works....215
Jan. 29 Notice of hearing....358

Mar. 13 Placed on General File....880

LEGISLATIVE BILL 255 By Public Works Committee

Jan. 11 Read first time....175
Jan. 16 Referred to Committee on Public Works....215
Jan. 29 Notice of hearing....358
Feb. 27 Placed on General File....660
Mar. 19 Advanced for Review....992
Mar. 21 Placed on Select File....1028
Mar. 22 Advanced for Engrossment....1063
Mar. 27 Correctly Engrossed....1111
Mar. 30 Final Reading....1193
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 256 By Wesely

Jan. 11 Read first time....175
Jan. 16 Referred to Committee on Public Health and Welfare....215
Feb. 1 Notice of hearing....385

LEGISLATIVE BILL 257 By Wesely

Jan. 15 Read first time....188
Jan. 16 Referred to Committee on Miscellaneous Subjects....215
Jan. 24 Notice of hearing....316
Mar. 6 Placed on General File....766
Mar. 26 Committee amendments adopted. Advanced for Review....1094
Mar. 28 Placed on Select File....1127
Apr. 2 Lamb amendment adopted. Advanced for Engrossment....1247
Apr. 4 Replaced on Select File....1293
Apr. 5 Advanced for Engrossment....1322
Apr. 9 Correctly Engrossed....1362
Apr. 18 Final Reading....1525
Apr. 18 Correctly Enrolled. Speaker signed....1530
Apr. 18 Presented to Governor....1531
Apr. 24 Approved by Governor....1600

LEGISLATIVE BILL 258 By Warner

Jan. 15 Read first time....188
Jan. 16 Referred to Committee on Miscellaneous Subjects....215
Feb. 12 Notice of hearing....484
Mar. 28 Indefinitely postponed....1138

LEGISLATIVE BILL 259 By Public Health and Welfare Committee

Jan. 15 Read first time....190
Jan. 16 Referred to Committee on Public Health and Welfare....215
Jan. 17 Notice of hearing....255
Feb. 27 Placed on General File....668

LEGISLATIVE BILL 260 By Public Health and Welfare Committee

Jan. 15 Read first time....190
Jan. 16 Referred to Committee on Public Health and Welfare....215
Jan. 17 Notice of hearing....255
Feb. 21 Placed on General File....596
Mar. 30 Committee amendments adopted as amended by Cullan. Murphy motion to indefinitely postpone lost. Laid over....1202
Apr. 3 Advanced for Review....1273
Apr. 5 Placed on Select File....1319
Apr. 6 Cullan amendment adopted. Advanced for Engrossment....1351
Apr. 10 Correctly Engrossed....1417
May 15 Murphy motion to return to Select File lost. Final Reading....2145
May 15 Correctly Enrolled. Speaker signed....2182
May 15 Presented to Governor....2193
May 21 Approved by Governor....2235

LEGISLATIVE BILL 260A By Cullan

Mar. 28 Read first time. Placed on General File....1136
Apr. 3 Advanced for Review....1273
Apr. 5 Placed on Select File....1320
Apr. 6 Advanced for Engrossment....1351
Apr. 10 Correctly Engrossed....1417
May 15 Final Reading....2146
May 15 Correctly Enrolled. Speaker signed....2182

May 15 Presented to Governor 2193
May 21 Approved by Governor 2235

LEGISLATIVE BILL 261 By Hoagland

Jan. 15 Read first time 191
Jan. 16 Referred to Committee on Constitutional Revision and Recreation 215
Feb. 6 Notice of hearing 438
Mar. 16 Placed on General File 951

LEGISLATIVE BILL 262 By Chambers

Jan. 15 Read first time 191
Jan. 16 Referred to Committee on Judiciary 215
Feb. 12 Notice of hearing 483
Apr. 20 DeCamp motion to place on General File pending 1597
Apr. 26 DeCamp pending motion prevailed. Placed on General File 1690
May 8 Goodrich amendment printed 1955
May 9 Labedz-Pirsch motion to indefinitely postpone lost. Advanced for Review 1968
May 9 Newell and Venditte amendments printed 1970
May 10 Placed on Select File 2047
May 10 Newell amendment printed 2049
May 11 Wesely amendment printed 2079
May 14 Attorney General's Opinion 2089
May 15 Supplemental E & R amendments adopted. Goodrich pending amendment p.1955 withdrawn. Newell pending amendments p.1970 and 2049 withdrawn. Venditte pending amendment p.1971 lost. Newell amendment lost. Venditte motion to indefinitely postpone lost. Advanced for Engrossment 2177
May 21 Correctly Engrossed 2197
May 21 Venditte motion to return to Select File lost 2211
May 21 Venditte motion to return to Select File lost 2288
May 23 Final Reading 2289
May 23 Correctly Enrolled. Speaker signed 2299
May 23 Presented to Governor 2301
May 23 Returned by Governor without approval 2302
May 23 DeCamp motion to place on Select File for amendment withdrawn 2317

LEGISLATIVE BILL 263 By Rumery

Jan. 15 Read first time....191
Jan. 16 Referred to Committee on Revenue....215
Jan. 24 Notice of hearing....320
Feb. 12 Goodrich name added....497
Feb. 20 Attorney General's Opinion....573
Feb. 22 Indefinitely postponed....618

LEGISLATIVE BILL 264 By Kahle

Jan. 15 Read first time....191
Jan. 16 Referred to Committee on Education....215
Jan. 24 Notice of hearing....315

LEGISLATIVE BILL 265 By Sieck

Jan. 15 Read first time....191
Jan. 16 Referred to Committee on Public Works....215
Jan. 23 Notice of hearing....311
Feb. 14 Placed on General File....526
Mar. 19 Committee amendments adopted.
Advanced for Review....995
Mar. 21 Placed on Select File....1029
Mar. 22 Advanced for Engrossment....1064
Mar. 27 Correctly Engrossed....1111
Mar. 30 Final Reading....1194
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 266 By Merz

Jan. 15 Read first time....192
Jan. 16 Referred to Committee on Public Works....215
Jan. 23 Notice of hearing....311

LEGISLATIVE BILL 267 By Newell

Jan. 15 Read first time....192
Jan. 16 Referred to Committee on Government, Military and Veterans Affairs....215
Feb. 2 Notice of hearing....415
Feb. 28 Placed on General File....687

Mar. 21 Committee amendment adopted.
Failed to advance for Review....1042
Apr. 20 Failed to advance for Review....1596

LEGISLATIVE BILL 267A By Newell

Mar. 21 Read first time. Placed on General File....1032

LEGISLATIVE BILL 268 By Miscellaneous Subjects Committee

Jan. 15 Read first time....193
Jan. 16 Referred to Committee on Public
Health and Welfare....215
Feb. 1 Notice of hearing....385
Mar. 5 Placed on General File....731
Mar. 22 Committee amendments adopted.
Maresh amendment adopted.
Advanced for Review....1065
Mar. 26 Placed on Select File....1075
Mar. 27 Advanced for Engrossment....1117
Apr. 3 Correctly Engrossed....1271
Apr. 11 Final Reading....1429
Apr. 11 Correctly Enrolled. Speaker signed....1447
Apr. 12 Presented to Governor....1456
Apr. 17 Approved by Governor....1501

LEGISLATIVE BILL 269 By Hasebroock

Jan. 15 Read first time....193
Jan. 16 Referred to Committee on Banking,
Commerce and Insurance....215
Jan. 22 Notice of hearing....294
Feb. 9 Placed on General File....470
Mar. 9 Committee amendment adopted.
Advanced for Review....834
Mar. 13 Placed on Select File....878
Mar. 16 Maresh amendment adopted.
Advanced for Engrossment....952
Mar. 19 Correctly Engrossed....965
Mar. 22 Final Reading....1052
Mar. 22 Correctly Enrolled. Speaker signed....1066
Mar. 26 Presented to Governor....1076
Mar. 26 Haberman explanation of vote....1088
Mar. 28 Approved by Governor....1144

LEGISLATIVE BILL 270 By DeCamp

Jan. 15 Read first time....193
Jan. 16 Referred to Committee on Public Works....215
Jan. 29 Notice of hearing....358
Mar. 20 Indefinitely postponed....1018

LEGISLATIVE BILL 271 By Hefner

Jan. 15 Read first time....193
Jan. 16 Referred to Committee on Government, Military and Veterans Affairs....215
Feb. 1 Notice of hearing....395
Mar. 14 Placed on General File....895
Mar. 29 Committee amendment adopted. Advanced for Review....1158
Mar. 29 Stoney amendment printed....1167
Apr. 2 Placed on Select File....1244
Apr. 5 Stoney pending amendment adopted. Advanced for Engrossment....1337
Apr. 10 Correctly Engrossed....1417
Apr. 19 Final Reading....1554
Apr. 20 Correctly Enrolled. Speaker signed....1579
Apr. 20 Kelly explanation of vote....1588
Apr. 20 Presented to Governor....1589
Apr. 24 Approved by Governor....1600
Apr. 24 Dworak explanation of vote....1619

LEGISLATIVE BILL 272 By Cullan, Marvel

Jan. 15 Read first time....193
Jan. 16 Referred to Committee on Education....215
Feb. 1 Notice of hearing....385
Mar. 16 Indefinitely postponed....962

LEGISLATIVE BILL 273 By Keyes

Jan. 15 Read first time....194
Jan. 16 Referred to Committee on Government, Military and Veterans Affairs....215
Feb. 7 Notice of hearing....444
Feb. 28 Placed on General File....687
Mar. 21 Committee amendments adopted. Murphy amendment pending. Laid over....1043
Apr. 6 Murphy pending amendment p.1043 adopted as amended by Landis.

Advanced for Review 1353
Apr. 10 Placed on Select File 1398
Apr. 17 Advanced for Engrossment 1506
Apr. 20 Correctly Engrossed 1593
May 1 Final Reading 1770
May 2 Correctly Enrolled. President signed 1798
May 2 Presented to Governor 1809
May 7 Approved by Governor 1889
May 7 Dworak explanation of vote 1926

LEGISLATIVE BILL 274 By Banking, Commerce and Insurance Committee

Jan. 15 Read first time 195
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 280
Feb. 7 Notice of hearing 444
Feb. 28 Indefinitely postponed 691

LEGISLATIVE BILL 275 By Banking, Commerce and Insurance Committee

Jan. 15 Read first time 196
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 280
Feb. 7 Notice of hearing 444
Mar. 5 Indefinitely postponed 708

LEGISLATIVE BILL 276 By Banking, Commerce and Insurance Committee

Jan. 15 Read first time 196
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 280
Jan. 22 Notice of hearing 294

LEGISLATIVE BILL 277 By Banking, Commerce and Insurance Committee

Jan. 15 Read first time 196
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 280
Feb. 7 Notice of hearing 444
Mar. 5 Indefinitely postponed 708

LEGISLATIVE BILL 278 By Banking, Commerce and Insurance Committee

Jan. 15 Read first time....196
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....280
Jan. 22 Notice of hearing....294
Mar. 9 Placed on General File....822
Mar. 26 Committee amendments adopted. Advanced for Review....1095
Mar. 26 Marsh amendment printed....1101
Mar. 28 Placed on Select File....1128
Apr. 2 Keyes amendment adopted. Advanced for Engrossment....1247
Apr. 4 Replaced on Select File....1293
Apr. 5 Advanced for Engrossment....1322
Apr. 5 Marsh pending amendment p.1101 withdrawn....1325
Apr. 9 Correctly Engrossed....1362
Apr. 19 Final Reading....1543
Apr. 19 Haberman explanation of vote....1557
Apr. 20 Correctly Enrolled. Speaker signed....1579
Apr. 20 Presented to Governor....1589
Apr. 24 Dworak explanation of vote....1619
Apr. 24 Approved by Governor....1631

LEGISLATIVE BILL 279 By Banking, Commerce and Insurance Committee

Jan. 15 Read first time....196
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....280
Jan. 22 Notice of hearing....294

LEGISLATIVE BILL 280 By Banking, Commerce and Insurance Committee

Jan. 15 Read first time....197
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....280
Jan. 22 Notice of hearing....294

LEGISLATIVE BILL 281 By Carsten

Jan. 15 Read first time....197
Jan. 18 Referred to Committee on Urban Affairs....280
Jan. 25 Notice of hearing....334

Mar. 8 Placed on General File....801
Apr. 27 Committee amendments adopted.
Advanced for Review....1718
Apr. 30 Placed on Select File....1759
May 4 Advanced for Engrossment....1882
May 10 Correctly Engrossed....2003
May 21 Attorney General's Opinion....2201
May 21 Final Reading....2225
May 21 Correctly Enrolled. Speaker signed....2234
May 22 Presented to Governor....2237
May 23 Approved by Governor....2301

LEGISLATIVE BILL 282 By Wagner

Jan. 15 Read first time....197
Jan. 18 Referred to Committee on Public Works....280
Jan. 29 Notice of hearing....357
Mar. 5 Placed on General File....726
Apr. 27 Committee amendment adopted.
Advanced for Review....1721
May 1 Placed on Select File....1762
May 4 Advanced for Engrossment....1883
May 8 Correctly Engrossed....1958
May 11 Final Reading....2066
May 11 Haberman explanation of vote....2073
May 14 Correctly Enrolled. President signed....2085
May 14 Presented to Governor....2096
May 15 Haberman explanation of vote....2143
May 21 Approved by Governor....2199

LEGISLATIVE BILL 283 By Nebraska Retirement Systems Committee

Jan. 15 Read first time....197
Jan. 18 Referred to Committee on Nebraska
Retirement Systems....280
Feb. 21 Notice of hearing....583
Apr. 9 Placed on General File....1376
Apr. 10 Goodrich amendment printed....1416

LEGISLATIVE BILL 284 By Stoney

Jan. 15 Read first time....197
Jan. 18 Referred to Committee on Public Works....280
Jan. 29 Notice of hearing....358
Mar. 20 Placed on General File....1017

LEGISLATIVE BILL 285 By Revenue Committee

Jan. 16 Read first time....203
Jan. 18 Referred to Committee on Revenue....280
Feb. 2 Notice of hearing....415
Mar. 8 Attorney General's Opinion....792
Mar. 8 Attorney General's Opinion....795
Mar. 9 Carsten amendment printed....836
Mar. 9 Notice of hearing....840
Mar. 29 Placed on General File....1159
Mar. 30 Dworak amendments printed....1204
Apr. 3 Keyes amendments printed....1264
Apr. 3 Koch amendments printed....1290
Apr. 4 Dworak pending amendments p.1204 renewed, amendment 1 lost, 2 withdrawn. Dworak amendment lost. Murphy and Warner amendments adopted. Keyes pending amendments p.1264 renewed, 1, 2, and 5 withdrawn, 3, 4, and 7 lost, and 6 adopted. Newell amendment adopted. Committee amendments adopted as amended. Carsten pending amendment p.836 withdrawn. DeCamp amendment lost. Advanced for Review....1300
Apr. 6 Placed on Select File....1341
Apr. 9 Attorney General's Opinion....1371
Apr. 9 Attorney General's Opinion....1373
Apr. 9 Attorney General's Opinion....1374
Apr. 9 Attorney General's Opinion....1389
Apr. 10 Carsten amendment printed....1403
Apr. 10 Koch amendment printed....1417
Apr. 11 Schmit amendment printed....1440
Apr. 12 Johnson amendment printed....1460
Apr. 17 Koch and DeCamp amendments printed....1500
Apr. 19 Schmit amendment printed....1557
Apr. 25 Koch amendment lost. Koch amendments p.1290 and 1417 withdrawn. Carsten pending amendment p.1403 adopted. Johnson pending amendment p.1460 adopted. Schmit pending amendment p.1440 withdrawn. Koch pending amendment p.1500 withdrawn. Koch amendments adopted. DeCamp pending amendments p.1500 withdrawn. DeCamp motion to reconsider prevailed. Murphy amendment lost. Koch reconsidered amendment adopted. Schmit pending amendment

p.1557 lost. Murphy amendments lost. Keyes amendment lost. Advanced for Engrossment 1660
Apr. 26 Keyes amendments printed 1705
Apr. 27 Replaced on Select File 1707
May 1 Carsten amendment printed..... 1767
May 3 Advanced for Engrossment. Keyes motion to return to Select File lost. Returned to Select File for Carsten amendment. Carsten amendment adopted. Advanced for Engrossment 1847
May 7 Correctly Engrossed..... 1888
May 7 Attorney General's Opinion 1910
May 9 DeCamp motion to return to Select File withdrawn. Keyes motion to return to Select File lost 1994
May 9 Final Reading 1995
May 10 Correctly Enrolled. Speaker signed 2003
May 10 Presented to Governor 2039
May 21 Approved by Governor 2197

LEGISLATIVE BILL 286 By Maresh, Kremer

Jan. 16 Read first time..... 203
Jan. 18 Laid over..... 280
Jan. 24 Referred to Committee on Appropriations 321
Feb. 7 Notice of hearing..... 444
Apr. 10 Indefinitely postponed..... 1416

LEGISLATIVE BILL 287 By Warner

Jan. 16 Read first time..... 204
Jan. 18 Referred to Committee on Public Works 280
Jan. 25 Notice of hearing..... 329
Feb. 5 Placed on General File..... 429
Feb. 15 Committee amendments adopted. Advanced for Review 540
Feb. 20 Placed on Select File 557
Feb. 22 Advanced for Engrossment 610
Feb. 23 Correctly Engrossed..... 631
Mar. 5 Final Reading 734
Mar. 7 Correctly Enrolled. Speaker signed 769
Mar. 7 Presented to Governor 785
Mar. 13 Approved by Governor 869

LEGISLATIVE BILL 288 By Venditte

Jan. 16 Read first time....204
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....280
Jan. 22 Notice of hearing....294
Jan. 24 Notice of hearing cancelled. Reset....315
Jan. 24 Notice of hearing cancelled....319
Jan. 25 Notice of hearing....333
Mar. 8 Placed on General File....813
Mar. 19 DeCamp amendment adopted. Advanced for Review....994
Mar. 21 Placed on Select File....1029
Mar. 22 Advanced for Engrossment....1063
Mar. 27 Correctly Engrossed....1111
Mar. 30 Final Reading....1195
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 289 By Education Committee

Jan. 16 Read first time....204
Jan. 18 Placed on General File....280
Jan. 23 Advanced for Review....311
Jan. 25 Placed on Select File....325
Jan. 26 Advanced for Engrossment....344
Jan. 29 Correctly Engrossed....350
Jan. 31 Final Reading....376
Feb. 1 Correctly Enrolled. President signed....388
Feb. 2 Presented to Governor....416
Feb. 5 Approved by Governor....422

LEGISLATIVE BILL 290 By Education Committee

Jan. 16 Read first time....204
Jan. 18 Referred to Committee on Education....280
Jan. 24 Notice of hearing....316
Mar. 16 Indefinitely postponed....962

LEGISLATIVE BILL 291 By Education Committee

Jan. 16	Read first time	204
Jan. 18	Referred to Committee on Education	280
Feb. 1	Notice of hearing	385
Feb. 15	Placed on General File	532
Mar. 28	Advanced for Review	1135
Mar. 30	Placed on Select File	1177
Apr. 3	Murphy motion to indefinitely postpone pending	1281
Apr. 4	Murphy pending motion lost. Advanced for Engrossment	1315
Apr. 9	Correctly Engrossed	1362
Apr. 19	Final Reading	1544
Apr. 19	Haberman explanation of vote	1557
Apr. 20	Correctly Enrolled. Speaker signed	1579
Apr. 20	Presented to Governor	1589
Apr. 24	Dworak explanation of vote	1619
Apr. 25	Approved by Governor	1653

LEGISLATIVE BILL 292 By Clark

Jan. 16	Read first time	204
Jan. 18	Referred to Committee on Judiciary	280
Jan. 24	Notice of hearing	320
Mar. 7	Placed on General File	780
Mar. 19	Advanced for Review	993
Mar. 21	Placed on Select File	1029
Mar. 22	Advanced for Engrossment	1063
Mar. 27	Correctly Engrossed	1111
Mar. 30	Final Reading	1196
Mar. 30	Haberman explanation of vote	1203
Mar. 30	Correctly Enrolled. Speaker signed	1207
Mar. 30	Presented to Governor	1220
Apr. 2	Koch explanation of vote	1261
Apr. 3	Approved by Governor	1288

LEGISLATIVE BILL 293 By Rumery

Jan. 16	Read first time	205
Jan. 18	Referred to Committee on Urban Affairs	280
Jan. 25	Notice of hearing	334
Mar. 16	Indefinitely postponed	959

LEGISLATIVE BILL 294 By Keyes

Jan. 16 Read first time....205
Jan. 18 Laid over....280
Jan. 24 Referred to Committee on Revenue....321
Jan. 26 Notice of hearing....339
Feb. 23 Placed on General File....640
Mar. 20 Committee amendments adopted.
Advanced for Review....1023
Mar. 22 Placed on Select File....1049
Mar. 26 Advanced for Engrossment....1086
Mar. 28 Correctly Engrossed....1146
Apr. 2 Final Reading....1229
Apr. 2 Correctly Enrolled....1244
Apr. 2 Speaker signed....1245
Apr. 2 Presented to Governor....1255
Apr. 2 Dworak explanation of vote....1264
Apr. 9 Approved by Governor....1361

LEGISLATIVE BILL 295 By Government, Military, and Veterans Affairs Committee

Jan. 16 Read first time....205
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs....280
Feb. 7 Notice of hearing....444
Feb. 28 Indefinitely postponed....691

LEGISLATIVE BILL 296 By Government, Military, and Veterans Affairs Committee

Jan. 16 Read first time....205
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs....280
Feb. 7 Notice of hearing....444
Feb. 28 Indefinitely postponed....691

LEGISLATIVE BILL 297 By Public Health and Welfare Committee

Jan. 16 Read first time....205
Jan. 18 Referred to Committee on Public Health and Welfare....280
Jan. 30 Notice of hearing....369
Feb. 8 Placed on General File....460
Mar. 6 Advanced for Review....760
Mar. 8 Placed on Select File....787
Mar. 9 Advanced for Engrossment....822
Mar. 12 Correctly Engrossed....842
Mar. 15 Final Reading....930

Mar. 16 Correctly Enrolled. President signed....940
Mar. 16 Presented to Governor....957
Mar. 20 Approved by Governor....1005

LEGISLATIVE BILL 298 By Public Health and Welfare Committee

Jan. 16 Read first time....206
Jan. 18 Referred to Committee on Public Health and Welfare....280
Jan. 30 Notice of hearing....369
Mar. 8 Placed on General File....788
Mar. 20 Attorney General's Opinion....1019
Mar. 26 Committee amendments adopted. Advanced for Review....1094
Mar. 28 Placed on Select File....1127
Apr. 3 Laid over....1283
Apr. 5 Cullan amendment adopted. Advanced for Engrossment....1330
Apr. 17 Correctly Engrossed....1471
Apr. 26 Returned to Select File for Cullan amendment...1681
Apr. 26 Cullan amendment adopted. Advanced for Re-Engrossment....1682
Apr. 30 Correctly Re-Engrossed....1733
May 7 Final Reading....1898
May 8 Correctly Enrolled....1936
May 8 President signed....1937
May 8 Presented to Governor....1940
May 10 Approved by Governor....2048

LEGISLATIVE BILL 299 By Public Health and Welfare Committee

Jan. 16 Read first time....206
Jan. 18 Referred to Committee on Public Health and Welfare....280
Jan. 30 Notice of hearing....369

LEGISLATIVE BILL 300 By Kahle

Jan. 16 Read first time....206
Jan. 18 Referred to Committee on Agriculture and Environment....280
Jan. 23 Kahle motion to withdraw pending....311
Jan. 24 Withdrawn....318

LEGISLATIVE BILL 301 By Murphy

Jan. 16	Read first time	206
Jan. 18	Referred to Committee on Banking, Commerce and Insurance	280
Jan. 22	Notice of hearing	294
Mar. 5	Placed on General File	721
Mar. 21	Committee amendments adopted. Advanced for Review	1045
Mar. 26	Placed on Select File	1075
Mar. 27	Advanced for Engrossment	1117
Apr. 3	Correctly Engrossed	1271
Apr. 11	Final Reading	1430
Apr. 11	Correctly Enrolled. Speaker signed	1447
Apr. 12	Presented to Governor	1456
Apr. 17	Approved by Governor	1501

LEGISLATIVE BILL 302 By Revenue Committee

Jan. 16	Read first time	207
Jan. 18	Referred to Committee on Revenue	280
Jan. 24	Notice of hearing	320
Feb. 15	Placed on General File	537
Mar. 19	Committee amendments adopted. Advanced for Review	995
Mar. 21	Placed on Select File	1029
Mar. 22	Advanced for Engrossment	1064
Mar. 27	Correctly Engrossed	1111
May 15	Final Reading	2149
May 15	Correctly Enrolled. Speaker signed	2182
May 15	Presented to Governor	2193
May 21	Approved by Governor	2216

LEGISLATIVE BILL 302A By Revenue Committee

Mar. 8	Read first time. Placed on General File	807
Mar. 19	Advanced for Review	996
Mar. 21	Placed on Select File	1029
Mar. 22	Advanced for Engrossment	1064
Mar. 28	Correctly Engrossed	1128
May 15	Final Reading	2150
May 15	Correctly Enrolled. Speaker signed	2182
May 15	Presented to Governor	2193
May 21	Approved by Governor	2216

LEGISLATIVE BILL 303 By Johnson

Jan. 16 Read first time....207
Jan. 18 Referred to Committee on Urban Affairs....280
Jan. 25 Notice of hearing....334

LEGISLATIVE BILL 304 By Education Committee

Jan. 16 Read first time....207
Jan. 18 Referred to Committee on Education....280
Feb. 1 Notice of hearing....385
Apr. 3 Placed on General File....1278

LEGISLATIVE BILL 305 By Education Committee

Jan. 16 Read first time....207
Jan. 18 Referred to Committee on Education....280
Jan. 24 Notice of hearing....315
Feb. 1 Placed on General File....387
Feb. 2 George amendments printed....413
Feb. 21 Advanced for Review....588
Feb. 23 Placed on Select File....622
Mar. 5 Advanced for Engrossment....737
Mar. 6 Correctly Engrossed....763
Mar. 8 George motion to return to Select File lost....811
Mar. 12 Final Reading....849
Mar. 13 Correctly Enrolled. President signed....866
Mar. 13 Presented to Governor....884
Mar. 16 Approved by Governor....941

LEGISLATIVE BILL 306 By Beutler

Jan. 16 Read first time....207
Jan. 18 Referred to Committee on Judiciary....280
Jan. 24 Notice of hearing....320
Mar. 12 Placed on General File....859

LEGISLATIVE BILL 307 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time....207
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....280
Jan. 22 Notice of hearing....293
Feb. 9 Placed on General File....470

Mar. 9 Advanced for Review 834
Mar. 13 Placed on Select File 878
Mar. 16 Advanced for Engrossment 952
Mar. 19 Correctly Engrossed 965
Mar. 22 Final Reading 1053
Mar. 22 Correctly Enrolled. Speaker signed 1066
Mar. 26 Presented to Governor 1076
Mar. 26 Haberman explanation of vote 1088
Mar. 28 Approved by Governor 1144

LEGISLATIVE BILL 308 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 208
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 280
Jan. 22 Notice of hearing 294

LEGISLATIVE BILL 309 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 208
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 280
Jan. 22 Notice of hearing 294

LEGISLATIVE BILL 310 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 208
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 280
Jan. 22 Notice of hearing 293
Feb. 9 Indefinitely postponed 470

LEGISLATIVE BILL 311 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 208
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 280
Jan. 22 Notice of hearing 293
Feb. 9 Indefinitely postponed 470

LEGISLATIVE BILL 312 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time....208
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....280
Jan. 22 Notice of hearing....294
Mar. 9 Placed on General File....826
Mar. 26 Returned to Committee....1095
Mar. 27 Notice of hearing....1109
Apr. 9 Placed on General File....1384
Apr. 20 Committee amendments adopted. Advanced for Review....1595
Apr. 26 Placed on Select File....1674
Apr. 27 DeCamp amendment printed....1716
May 11 DeCamp pending amendment adopted. Advanced for Engrossment....2077
May 15 Correctly Engrossed....2173
May 22 Final Reading....2257
May 22 Correctly Enrolled. Speaker signed....2267
May 22 Presented to Governor....2270
May 23 Approved by Governor....2308

LEGISLATIVE BILL 313 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time....209
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....280
Jan. 22 Notice of hearing....294
Mar. 9 Placed on General File....826
Mar. 29 Committee amendments adopted. Advanced for Review....1153
Apr. 2 Placed on Select File....1242
Apr. 3 Advanced for Engrossment....1284
Apr. 9 Correctly Engrossed....1388
Apr. 19 Final Reading....1545
Apr. 19 Haberman explanation of vote....1557
Apr. 20 Correctly Enrolled. Speaker signed....1579
Apr. 20 Presented to Governor....1589
Apr. 24 Dworak explanation of vote....1619
Apr. 24 Approved by Governor....1631

LEGISLATIVE BILL 314 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time....209
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....281
Jan. 22 Notice of hearing....293
Mar. 7 Placed on General File....780

LEGISLATIVE BILL 315 By Landis

Jan. 16 Read first time....209
Jan. 18 Referred to Committee on Judiciary....281
Jan. 24 Notice of hearing....320
Feb. 27 Placed on General File....657
Mar. 21 Committee amendments adopted. Advanced for Review....1042
Mar. 26 Placed on Select File....1073
Mar. 27 Advanced for Engrossment....1116
Mar. 30 Correctly Engrossed....1214
Apr. 4 Final Reading....1298
Apr. 4 Correctly Enrolled. President signed....1305
Apr. 4 Presented to Governor....1314
Apr. 9 Approved by Governor....1361

LEGISLATIVE BILL 316 By DeCamp, Dworak

Jan. 16 Read first time....209
Jan. 18 Laid over....281
Jan. 18 Labedz name added....282
Jan. 24 Notice of hearing....320
Jan. 24 Referred to Committee on Judiciary....321
Feb. 5 Placed on General File....423
Feb. 8 DeCamp amendments printed....454
Feb. 20 DeCamp pending amendments withdrawn. Chambers amendment adopted. Chambers and Johnson amendments lost. DeCamp amendment adopted. Chambers motion to indefinitely postpone lost. Advanced for Review....562
Feb. 22 Placed on Select File....601
Feb. 22 Nichol and Venditte amendments printed....620
Feb. 23 DeCamp, Johnson, Hoagland, and Landis amendments printed....638
Feb. 26 Nichol pending amendment p.620 lost. Venditte pending amendments 1 and 2 p.620 adopted as amended by Johnson. Venditte pending amendment 3 p.620 withdrawn.

DeCamp et al pending amendment 1 and 2 p.638 adopted. DeCamp amendment p.652 adopted. DeCamp pending amendments 10 and 11 p.639 adopted. DeCamp amendment 7 p.639 pending....650
Feb. 27 DeCamp pending amendment 7 lost. DeCamp remaining amendments p.638 withdrawn. DeCamp and Venditte amendments lost. Nichol amendment p.620 reconsidered and adopted. Advanced for Engrossment....672
Feb. 27 Koch amendment printed....678
Mar. 5 Replaced on Select File....706
Mar. 5 DeCamp amendments printed....709
Mar. 5 DeCamp amendments printed....739
Mar. 6 Attorney General's Opinion....750
Mar. 8 Advanced for Engrossment. DeCamp pending amendments p.709 and 739 withdrawn. Returned to Select File for DeCamp amendment....798
Mar. 8 DeCamp amendment adopted. Advanced for Engrossment. Venditte motion to return to Select File lost....799
Mar. 8 Koch pending amendment p.678 withdrawn. Koch motion to return to Select File lost....800
Mar. 8 Expedited....808
Mar. 9 Correctly Engrossed....831
Mar. 13 Chambers motion to return to Select File lost....876
Mar. 13 Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Advanced for Re-Engrossment....877
Mar. 14 Correctly Re-Engrossed....888
Mar. 16 Attorney General's Opinion....943
Mar. 19 Final Reading....968
Mar. 19 Newell explanation of vote....978
Mar. 19 Warner explanation of vote....984
Mar. 20 Correctly Enrolled. President signed....1005
Mar. 20 Kelly explanation of vote....1009
Mar. 20 Presented to Governor....1014
Mar. 22 Approved by Governor....1061

LEGISLATIVE BILL 317 By Wesely, Schmit

Jan. 16 Read first time....210
Jan. 18 Referred to Committee on Revenue....281
Jan. 26 Notice of hearing....339
Feb. 21 Communication....583

LEGISLATIVE BILL 318 By Burrows

Jan. 16 Read first time....210
Jan. 18 Referred to Committee on Business and Labor....281
Feb. 2 Notice of hearing....415
Mar. 12 Placed on General File....863

LEGISLATIVE BILL 319 By Schmit

Jan. 16 Read first time....210
Jan. 18 Referred to Committee on Judiciary....281
Jan. 24 Notice of hearing....320
Feb. 7 Attorney General's Opinion....444
Mar. 27 Placed on General File....1111
Apr. 12 Committee amendments considered. Laid over....1457
Apr. 20 Schmit amendment printed....1597
May 2 Attorney General's Opinion....1800

LEGISLATIVE BILL 320 By Constitutional Revision and Recreation Committee

Jan. 16 Read first time....211
Jan. 18 Referred to Committee on Constitutional Revision and Recreation....281
Jan. 25 Notice of hearing....329
Feb. 26 Indefinitely postponed....645

LEGISLATIVE BILL 321 By Agriculture and Environment Committee

Jan. 16 Read first time....211
Jan. 18 Referred to Committee on Agriculture and Environment....281
Jan. 25 Notice of hearing....325
Feb. 20 Placed on General File....569
Feb. 28 Attorney General's Opinion....697
Mar. 20 Committee amendments adopted. Advanced for Review....1016
Mar. 22 Placed on Select File....1048

Mar. 26 Advanced for Engrossment 1085
Mar. 28 Correctly Engrossed 1146
Apr. 2 Final Reading 1230
Apr. 2 Correctly Enrolled 1244
Apr. 2 Speaker signed 1245
Apr. 2 Presented to Governor 1255
Apr. 4 Dworak explanation of vote 1299
Apr. 5 Schmit motion to request Governor to return bill prevailed 1338
Apr. 6 Returned by Governor for further consideration 1343
Apr. 9 Schmit motion to reconsider action prevailed 1365
Apr. 9 Schmit amendments printed 1367
Apr. 10 Returned to Select File for Schmit amendment. Schmit amendment adopted. Advanced for Re-Engrossment 1407
Apr. 11 Correctly Re-Engrossed 1436
Apr. 24 Returned to Select File for Venditte amendment 1614
May 14 Advanced for Re-Engrossment 2138
May 15 Correctly Re-Engrossed 2147
May 15 Venditte pending amendments p.1614 withdrawn 2163
May 22 Final Reading 2257
May 22 Correctly Enrolled. Speaker signed 2267
May 22 Presented to Governor 2270
May 23 Approved by Governor 2276
May 23 Hoagland explanation of vote 2313

LEGISLATIVE BILL 322 By Appropriations Committee

Jan. 16 Read first time 212
Jan. 18 Referred to Committee on Appropriations 281
Jan. 19 Notice of hearing 285
Jan. 31 Placed on General File 378
Feb. 14 Advanced for Review 521
Feb. 20 Placed on Select File 556
Feb. 21 Warner amendments adopted. Advanced for Engrossment 587
Feb. 22 Replaced on Select File 601
Feb. 28 Advanced for Engrossment 684
Mar. 5 Correctly Engrossed 708
Mar. 12 Final Reading 847
Mar. 13 Correctly Enrolled. President signed 866

Mar. 13 Presented to Governor 884
Mar. 14 Approved by Governor 914

LEGISLATIVE BILL 323 By Haberman

Jan. 16 Read first time 212
Jan. 18 Referred to Committee on Miscellaneous Subjects 281
Jan. 24 Notice of hearing 316
Feb. 8 Placed on General File 451
Mar. 5 Advanced for Review 741
Mar. 7 Placed on Select File 769
Mar. 8 Advanced for Engrossment 811
Mar. 9 Correctly Engrossed 840
Mar. 13 Final Reading 880
Mar. 14 Correctly Enrolled. Speaker signed 888
Mar. 14 Presented to Governor 898
Mar. 19 Approved by Governor 966

LEGISLATIVE BILL 324 By Hefner

Jan. 16 Read first time 213
Jan. 18 Referred to Committee on Constitutional Revision and Recreation 281
Feb. 6 Notice of hearing 438
Mar. 16 Placed on General File 951

LEGISLATIVE BILL 325 By Keyes

Jan. 16 Read first time 213
Jan. 18 Referred to Committee on Revenue 281
Feb. 2 Notice of hearing 415

LEGISLATIVE BILL 326 By Agriculture and Environment Committee

Jan. 16 Read first time 213
Jan. 18 Referred to Committee on Agriculture and Environment 281
Jan. 25 Notice of hearing 325
Mar. 15 Placed on General File 925
Mar. 29 Committee amendment adopted. Advanced for Review 1165
Apr. 3 Placed on Select File 1270
Apr. 4 Advanced for Engrossment 1311
Apr. 10 Correctly Engrossed 1398

Apr. 19 Final Reading....1555
Apr. 20 Correctly Enrolled. Speaker signed....1579
Apr. 20 Presented to Governor....1589
Apr. 24 Dworak explanation of vote....1619
Apr. 25 Approved by Governor....1653

LEGISLATIVE BILL 327 By Agriculture and Environment Committee

Jan. 16 Read first time....215
Jan. 18 Laid over....281
Jan. 24 Referred to Committee on Agriculture and Environment....321
Feb. 1 Notice of hearing....395
Mar. 20 Placed on General File....1007
Mar. 30 Committee amendments adopted. Warner amendment lost. Laid over....1215
Apr. 2 Wesely and Warner amendments printed....1252
Apr. 19 Duis amendment printed....1576
Apr. 27 Attorney General's Opinion....1715
May 4 Duis amendment printed....1878

LEGISLATIVE BILL 328 By Brennan

Jan. 16 Read first time....216
Jan. 18 Referred to Committee on Business and Labor....281
Feb. 2 Notice of hearing....415
Mar. 13 Placed on General File....885
Mar. 29 Committee amendment adopted. Advanced for Review....1155
Apr. 2 Placed on Select File....1243
Apr. 3 Advanced for Engrossment....1285
Apr. 10 Correctly Engrossed....1398
Apr. 19 Final Reading....1556
Apr. 20 Correctly Enrolled. Speaker signed....1579
Apr. 20 Presented to Governor....1589
Apr. 24 Approved by Governor....1600
Apr. 24 Dworak explanation of vote....1619

LEGISLATIVE BILL 329 By Chambers

Jan. 16 Read first time....216
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs....281
Feb. 21 Notice of hearing....591
Mar. 19 Placed on General File....977

Mar. 21 Placed on General File.
Corrected report....1043
Apr. 5 Chambers amendment printed....1327
Apr. 9 Chambers amendment printed....1379
Apr. 11 Committee amendments adopted as amended by Chambers pending amendment p.1379.
Chambers pending amendment p.1327 adopted.
Failed to advance for Review....1427
Apr. 12 Bill printed with all adopted amendments incorporated....1465
May 3 Advanced for Review....1846
May 7 Placed on Select File....1888
May 10 Advanced for Engrossment....2041
May 16 Correctly Engrossed....2173
May 21 Pirsch motion to return to Select File lost....2202
May 21 Returned to Select File for Chambers amendment.
Chambers amendment adopted.
Advanced for Re-Engrossment....2210
May 21 Correctly Re-Engrossed....2212
May 23 Final Reading....2290
May 23 Hoagland and Koch motion to reconsider action prevailed. Final Reading....2315
May 23 Correctly Enrolled. Speaker signed....2317
May 23 Presented to Governor.
Approved by Governor....2320

LEGISLATIVE BILL 330 By Chambers

Jan. 16 Read first time....216
Jan. 18 Referred to Committee on Public Works....281
Jan. 29 Notice of hearing....358
Mar. 5 Placed on General File....726

LEGISLATIVE BILL 331 By Murphy

Jan. 16 Read first time....216
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs....281
Feb. 21 Notice of hearing....591
Mar. 19 Placed on General File....977
Mar. 30 Committee amendments adopted.
Advanced for Review....1208
Apr. 12 Placed on Select File....1466
Apr. 17 Murphy amendments adopted.
Advanced for Engrossment....1507
Apr. 24 Correctly Engrossed....1600

May 3 Final Reading....1836
May 4 Correctly Enrolled. Speaker signed....1857
May 4 Presented to Governor....1883
May 7 Approved by Governor....1909
May 7 Dworak explanation of vote....1926

LEGISLATIVE BILL 332 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time....217
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....281
Jan. 22 Notice of hearing....293
Mar. 22 Placed on General File....1059
Apr. 12 Committee amendment adopted. Advanced for Review....1459
Apr. 18 Placed on Select File....1515
Apr. 25 Advanced for Engrossment....1659
Apr. 27 Correctly Engrossed....1717
May 7 Final Reading....1892
May 8 Correctly Enrolled....1936
May 8 President signed....1937
May 8 Presented to Governor....1940
May 9 Approved by Governor....1999

LEGISLATIVE BILL 333 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time....217
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....281
Jan. 22 Notice of hearing....293

LEGISLATIVE BILL 334 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time....217
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....281
Jan. 22 Notice of hearing....293
Mar. 5 Placed on General File....721
Mar. 21 Committee amendment adopted. Advanced for Review....1045
Mar. 26 Placed on Select File....1075
Mar. 27 Advanced for Engrossment....1117
Apr. 3 Correctly Engrossed....1271

Apr. 11 Final Reading 1431
Apr. 11 Correctly Enrolled. Speaker signed 1447
Apr. 12 Presented to Governor 1456
Apr. 17 Approved by Governor 1501

LEGISLATIVE BILL 335 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 217
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 281
Jan. 22 Notice of hearing 293

LEGISLATIVE BILL 336 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 217
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 281
Jan. 22 Notice of hearing 293

LEGISLATIVE BILL 337 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 218
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 281
Jan. 22 Notice of hearing 293

LEGISLATIVE BILL 338 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 218
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 281
Jan. 22 Notice of hearing 293

LEGISLATIVE BILL 339 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 218
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 281
Feb. 7 Notice of hearing 444
Mar. 6 Attorney General's Opinion 759
Mar. 14 Placed on General File 888
Mar. 26 Advanced for Review 1089

Mar. 28 Placed on Select File 1126
Apr. 2 Advanced for Engrossment 1245
Apr. 5 Correctly Engrossed 1320
Apr. 17 Final Reading 1488
Apr. 18 Correctly Enrolled. President signed 1516
Apr. 18 Presented to Governor 1529
Apr. 24 Approved by Governor 1600

LEGISLATIVE BILL 340 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 218
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 281
Jan. 22 Notice of hearing 293

LEGISLATIVE BILL 341 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 218
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 281
Jan. 22 Notice of hearing 293
Mar. 5 Placed on General File 726
Apr. 27 Committee amendment adopted. Advanced for Review 1719
Apr. 30 Placed on Select File 1759
May 4 Advanced for Engrossment 1882
May 8 Correctly Engrossed 1958
May 11 Final Reading 2066
May 11 Haberman explanation of vote 2073
May 14 Correctly Enrolled. President signed 2085
May 14 Presented to Governor 2096
May 15 Haberman explanation of vote 2143
May 21 Approved by Governor 2199

LEGISLATIVE BILL 342 By George

Jan. 16 Read first time 219
Jan. 18 Referred to Committee on Agriculture and Environment 281
Jan. 25 Notice of hearing 326
Mar. 5 Placed on General File 731
Mar. 22 Committee amendments adopted. Advanced for Review 1065
Mar. 26 Placed on Select File 1075

Mar. 27 George amendment adopted. Advanced for Engrossment 1117
Apr. 3 Correctly Engrossed 1271
Apr. 11 Final Reading 1432
Apr. 11 Correctly Enrolled. Speaker signed 1447
Apr. 12 Presented to Governor 1456
Apr. 17 Approved by Governor 1501

LEGISLATIVE BILL 343 By Keyes

Jan. 16 Read first time 219
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 281
Feb. 7 Notice of hearing 444
Feb. 28 Indefinitely postponed 691

LEGISLATIVE BILL 344 By Stoney

Jan. 16 Read first time 219
Jan. 18 Referred to Committee on Public Health and Welfare 281
Feb. 1 Notice of hearing 385
Feb. 27 Placed on General File 669
Mar. 26 Wesely amendments printed 1093
Apr. 2 Committee amendments adopted. Wesely pending amendments p.1093 withdrawn. Maresh amendment lost. Advanced for Review 1239
Apr. 4 Placed on Select File 1294
Apr. 5 Maresh amendment adopted. Wesely amendment lost. Advanced for Engrossment 1322
Apr. 9 Correctly Engrossed 1388
May 7 George amendment printed 1933
May 8 DeCamp amendment printed 1940
May 9 George motion to return to Select File lost. DeCamp pending amendment p.1940 withdrawn 1960
May 10 Attorney General's Opinion 2006
May 15 Final Reading 2151
May 15 Cope explanation of vote 2164
May 15 Correctly Enrolled. Speaker signed 2182
May 15 Presented to Governor 2193
May 21 Approved by Governor 2215

LEGISLATIVE BILL 344A By Stoney

Apr. 2 Read first time. Placed on General File 1256
Apr. 26 Advanced for Review 1693
Apr. 30 Placed on Select File 1732
May 1 Advanced for Engrossment 1791
May 3 Correctly Engrossed 1844
May 15 Final Reading 2151
May 15 Correctly Enrolled. Speaker signed 2182
May 15 Presented to Governor 2193
May 21 Approved by Governor 2215

LEGISLATIVE BILL 345 By Newell, Johnson, Brennan

Jan. 16 Read first time 219
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 281
Feb. 21 Notice of hearing 591
Mar. 19 Placed on General File 977
Mar. 26 Advanced for Review 1089
Mar. 28 Placed on Select File 1126
Mar. 28 DeCamp amendments printed 1134
Mar. 29 Newell amendments printed 1174
Mar. 30 Kelly amendment printed 1219
Apr. 2 Kelly amendments printed 1238
Apr. 2 DeCamp pending amendment p.1134 adopted. Newell pending amendment p.1174 withdrawn. Kelly pending amendments p.1219 and p.1238 lost. Advanced for Engrossment 1245
Apr. 4 Replaced on Select File 1293
Apr. 5 Advanced for Engrossment 1321
Apr. 10 Correctly Engrossed 1398
Apr. 19 Pirsch amendment printed 1563
Apr. 24 Returned to Select File for Pirsch amendment ... 1603
Apr. 24 Pirsch pending amendment p.1563 lost. Failed to re-advance to Final Reading 1604
May 4 Laid over 1882
May 14 Advanced for Re-Engrossment 2138
May 15 Correctly Re-Engrossed 2147
May 22 Final Reading 2258
May 23 Hoagland and Koch motion to reconsider lost 2316

LEGISLATIVE BILL 346 By Murphy

Jan. 16 Read first time....219
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....281
Jan. 22 Notice of hearing....294

LEGISLATIVE BILL 347 By Keyes

Jan. 16 Read first time....219
Jan. 18 Referred to Committee on Public Works....281
Jan. 29 Notice of hearing....357
Feb. 27 Indefinitely postponed....660

LEGISLATIVE BILL 348 By Miscellaneous Subjects Committee

Jan. 16 Read first time....220
Jan. 18 Referred to Committee on Miscellaneous Subjects....281
Jan. 24 Notice of hearing....316
Mar. 5 Placed on General File....742
Mar. 19 Committee amendments adopted as amended by Simon. Laid over....993
Apr. 6 Goodrich amendment adopted. Duis amendment withdrawn. Advanced for Review....1354
Apr. 10 Placed on Select File....1398
Apr. 17 Fowler amendment adopted as amended by Newell. Advanced for Engrossment....1508
Apr. 19 Replaced on Select File....1539
Apr. 25 Advanced for Engrossment....1660
Apr. 30 Correctly Engrossed....1733
May 2 Newell amendment printed....1807
May 7 Returned to Select File for Newell amendment....1899
May 7 Newell pending amendment adopted. Advanced for Re-Engrossment....1900
May 10 Replaced on Select File....2002
May 10 Advanced for Re-Engrossment....2022
May 15 Correctly Re-Engrossed....2143
May 22 Final Reading....2259
May 22 Correctly Enrolled. Speaker signed....2267
May 22 Presented to Governor....2270
May 23 Approved by Governor....2276
May 23 Hoagland explanation of vote....2313

LEGISLATIVE BILL 349 By Kelly

Jan. 16 Read first time....220
Jan. 18 Referred to Committee on Miscellaneous Subjects....281
Jan. 24 Notice of hearing....316
Feb. 2 Indefinitely postponed....451

LEGISLATIVE BILL 350 By Kelly

Jan. 16 Read first time....220
Jan. 18 Referred to Committee on Constitutional Revision and Recreation....281
Jan. 25 Notice of hearing....329

LEGISLATIVE BILL 351 By Kelly, Murphy

Jan. 16 Read first time....220
Jan. 18 Referred to Committee on Business and Labor....281
Jan. 24 Notice of hearing....319
Mar. 12 Indefinitely postponed....863

LEGISLATIVE BILL 352 By Kelly

Jan. 16 Read first time....220
Jan. 18 Referred to Committee on Miscellaneous Subjects....281
Feb. 12 Notice of hearing....483
Mar. 14 Placed on General File....913
Mar. 26 Advanced for Review....1089
Mar. 28 Placed on Select File....1126
Apr. 2 Advanced for Engrossment....1245
Apr. 5 Correctly Engrossed....1320
Apr. 17 Final Reading....1489
Apr. 18 Correctly Enrolled. President signed....1516
Apr. 18 Presented to Governor....1529
Apr. 24 Approved by Governor....1600

LEGISLATIVE BILL 353 By Hoagland, Rumery, Cope

Jan. 16 Read first time....220
Jan. 18 Referred to Committee on Agriculture and Environment....281
Feb. 8 Notice of hearing....461
Mar. 20 Placed on General File....1007
Mar. 30 Committee amendments adopted. Advanced for Review....1216

Apr. 4 Placed on Select File 1293
Apr. 5 Advanced for Engrossment 1322
Apr. 10 Correctly Engrossed 1398
Apr. 24 Final Reading 1605
Apr. 25 Correctly Enrolled. President signed 1645
Apr. 25 Presented to Governor 1653
Apr. 30 Approved by Governor 1733

LEGISLATIVE BILL 354 By Banking, Commerce and Insurance Committee

Jan. 16 Read first time 221
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 281
Jan. 22 Notice of hearing 294
Mar. 22 Placed on General File 1060
Apr. 12 Committee amendments adopted. Advanced for Review 1459
Apr. 18 Placed on Select File 1515
Apr. 25 Advanced for Engrossment 1659
Apr. 27 Correctly Engrossed 1717
May 7 Final Reading 1889
May 8 Correctly Enrolled 1936
May 8 President signed 1937
May 8 Presented to Governor 1940
May 14 Approved by Governor 2086

LEGISLATIVE BILL 355 By Clark

Jan. 16 Read first time 222
Jan. 18 Referred to Committee on Public Health and Welfare 281
Jan. 30 Notice of hearing 369
Feb. 27 Placed on General File 669
Mar. 28 Clark amendment printed 1142
Apr. 26 Committee amendments adopted. Clark pending amendment p.1142 adopted. Advanced for Review 1703
Apr. 30 Placed on Select File 1732
May 1 Advanced for Engrossment 1791
May 3 Correctly Engrossed 1844
May 9 Final Reading 1990
May 10 Correctly Enrolled. Speaker signed 2003
May 10 Presented to Governor 2039
May 21 Approved by Governor 2197

LEGISLATIVE BILL 355A By Clark

Mar. 28	Read first time. Placed on General File	1136
Apr. 26	Advanced for Review	1703
Apr. 30	Placed on Select File	1732
May 1	Advanced for Engrossment	1791
May 3	Correctly Engrossed	1844
May 9	Final Reading	1991
May 10	Correctly Enrolled. Speaker signed	2003
May 10	Presented to Governor	2039
May 21	Approved by Governor	2197

LEGISLATIVE BILL 356 By Urban Affairs Committee

Jan. 16	Read first time	222
Jan. 18	Referred to Committee on Urban Affairs	281
Jan. 25	Notice of hearing	334
Mar. 6	Placed on General File	766
Mar. 26	Committee amendments adopted. Advanced for Review	1093
Mar. 28	Placed on Select File	1127
Apr. 2	Advanced for Engrossment	1247
Apr. 5	Correctly Engrossed	1320
Apr. 17	Returned to Select File for Beutler amendment	1490
Apr. 19	Beutler pending amendment adopted. Advanced for Re-Engrossment	1571
Apr. 20	Kelly amendment printed	1588
Apr. 24	Correctly Engrossed	1600
Apr. 30	Returned to Select File for Kelly amendment. Kelly amendment adopted. Advanced for Re-Engrossment	1735
Apr. 30	Correctly Re-Engrossed	1753
May 7	Lewis motion to return to Select File pending	1900
May 7	Kelly motion to return to Select File pending	1909
May 9	Lewis pending motion p.1900 lost	1965
May 9	Returned to Select File for Kelly pending amendment. Kelly pending amendment adopted. Advanced for Re-Engrossment	1966
May 11	Correctly Engrossed	2053
May 21	Final Reading	2226
May 21	Correctly Enrolled. Speaker signed	2234
May 22	Presented to Governor	2237
May 23	Approved by Governor	2276

LEGISLATIVE BILL 357 By Agriculture and Environment Committee

Jan. 16 Read first time....222
Jan. 18 Laid over....281
Jan. 24 Referred to Committee on Education....321
Feb. 1 Notice of hearing....385
Feb. 9 Notice of hearing cancelled. Reset....467
Apr. 2 Placed on General File....1260
Apr. 10 Schmit amendment printed....1403
Apr. 26 Maresh amendment printed....1688
Apr. 30 Committee amendment adopted. Schmit pending amendment p.1403 withdrawn. Advanced for Review....1736
May 1 Hoagland amendment printed....1778
May 1 Placed on Select File....1791
May 2 Vickers amendment printed....1805
May 7 Schmit reoffered amendment p.1403 adopted. Maresh pending amendments p.1688 withdrawn. Maresh amendment adopted. Hoagland pending amendment p.1778 lost. Vickers pending amendment p.1805 lost. Newell amendment lost. Laid over....1923
May 10 Beutler amendment lost. Advanced for Engrossment....2041
May 15 Correctly Engrossed....2193
May 22 Koch motion to return to Select File lost....2260
May 22 Beutler motion to return to Select File lost....2261
May 22 Final Reading....2262
May 22 Sieck explanation of vote....2266
May 22 Correctly Enrolled. Speaker signed....2270
May 22 Presented to Governor....2273
May 23 Approved by Governor....2288
May 23 Hoagland explanation of vote....2313

LEGISLATIVE BILL 358 By Brennan

Jan. 16 Read first time....223
Jan. 18 Referred to Committee on Business and Labor....281
Jan. 24 Notice of hearing....319
Feb. 20 Placed on General File....569
Mar. 28 Committee amendments adopted. Brennan amendment adopted. Advanced for Review....1144
Mar. 30 Placed on Select File....1181
Apr. 3 Brennan amendment adopted. Advanced for Engrossment....1283

Apr. 6 Correctly Engrossed....1352
Apr. 18 Returned to Select File for Brennan amendment.
Brennan amendment adopted.
Advanced for Re-Engrossment....1519
Apr. 20 Correctly Re-Engrossed....1584
May 21 Final Reading....2219
May 21 Correctly Enrolled. Speaker signed....2234
May 22 Presented to Governor....2237
May 23 Approved by Governor....2301

LEGISLATIVE BILL 359 By Agriculture and Environment Committee

Jan. 16 Read first time....223
Jan. 18 Laid over....282
Jan. 24 Referred to Committee on Agriculture and Environment....321
Jan. 25 Notice of hearing....325
Feb. 9 Placed on General File....466
Mar. 6 Schmit motion to advance pending....762
Mar. 9 Indefinitely postponed....831

LEGISLATIVE BILL 360 By Nebraska Transportation Advisory Committee

Jan. 17 Read first time....231
Jan. 18 Referred to Committee on Revenue....282
Jan. 26 Notice of hearing....339
Mar. 9 Indefinitely postponed....831

LEGISLATIVE BILL 361 By Nebraska Transportation Advisory Committee

Jan. 17 Read first time....231
Jan. 18 Referred to Committee on Revenue....282
Jan. 26 Notice of hearing....339
Mar. 14 Placed on General File....903

LEGISLATIVE BILL 362 By Nebraska Transportation Advisory Committee

Jan. 17 Read first time....231
Jan. 18 Laid over....282
Jan. 24 Referred to Committee on Revenue....321
Jan. 26 Notice of hearing....339
Mar. 13 Indefinitely postponed....886

LEGISLATIVE BILL 363 By Education Committee

Jan. 17 Read first time....231
Jan. 18 Referred to Committee on Education....282
Feb. 1 Notice of hearing....385
Apr. 4 Placed on General File....1315
May 4 Special Order....1866
May 9 Koch amendment considered, 1 lost, 2 and 3 adopted. Cullan amendment adopted. Committee amendments adopted as amended. Advanced for Review....1972
May 10 Placed on Select File....2047
May 14 Koch amendment printed....2090
May 15 Attorney General's Opinion....2174
May 15 Koch pending amendment p.2090 adopted. Koch amendment adopted. Advanced for Engrossment....2189
May 21 Replaced on Select File....2196
May 21 Advanced for Engrossment....2202
May 21 Correctly Engrossed....2212
May 23 Final Reading....2292
May 23 Correctly Enrolled. Speaker signed....2299
May 23 Presented to Governor....2301
May 23 Approved by Governor....2308

LEGISLATIVE BILL 363A By Koch

Apr. 24 Read first time. Placed on General File....1620
May 9 Advanced for Review....1979
May 10 Placed on Select File....2047
May 21 Nichol motion to return to Select File lost....2204
May 21 Koch motion to indefinitely postpone pending....2212
May 23 Indefinitely postponed....2293

LEGISLATIVE BILL 364 By Wesely

Jan. 17 Read first time....232
Jan. 18 Referred to Committee on Nebraska Retirement Systems....282

LEGISLATIVE BILL 365 By DeCamp

Jan. 17 Read first time....232
Jan. 18 Referred to Committee on Revenue....282
Feb. 2 Notice of hearing....415

Mar. 7 Placed on General File....784
Apr. 5 DeCamp amendments lost. Simon amendments withdrawn. Committee amendments adopted. Advanced for Review....1326
Apr. 6 Placed on Select File....1351
Apr. 6 Keyes amendment printed....1358
Apr. 17 Carsten amendment printed....1497
Apr. 30 Keyes pending amendment p.1358 withdrawn. Labedz name added. Carsten pending amendment p.1497 adopted. Advanced for Engrossment....1754
May 2 Correctly Engrossed....1807
May 9 Lewis motion to pass over lost. Simon motion to indefinitely postpone lost. Newell motion to bracket withdrawn....1985
May 9 Final Reading....1987
May 10 Correctly Enrolled. Speaker signed....2003
May 10 Presented to Governor....2039
May 15 Approved by Governor....2144

LEGISLATIVE BILL 366 By Dworak

Jan. 17 Read first time....232
Jan. 18 Referred to Committee on Constitutional Revision and Recreation....282
Jan. 25 Notice of hearing....328

LEGISLATIVE BILL 367 By Johnson

Jan. 17 Read first time....232
Jan. 18 Referred to Committee on Education....282
Feb. 1 Notice of hearing....385
Mar. 16 Indefinitely postponed....951

LEGISLATIVE BILL 368 By Haberman

Jan. 17 Read first time....232
Jan. 18 Referred to Committee on Miscellaneous Subjects....282
Feb. 12 Notice of hearing....483
Apr. 4 Placed on General File....1308
Apr. 5 Indefinitely postponed....1329

LEGISLATIVE BILL 369 By Burrows

Jan. 17 Read first time....233
Jan. 18 Referred to Committee on Business and Labor....282
Feb. 2 Notice of hearing....415
Mar. 15 Attorney General's Opinion....919
Apr. 20 Attorney General's Opinion....1590
May 15 Indefinitely postponed....2143

LEGISLATIVE BILL 370 By Burrows

Jan. 17 Read first time....233
Jan. 18 Referred to Committee on Public Health and Welfare....282
Jan. 30 Notice of hearing....369
Feb. 22 Indefinitely postponed....616

LEGISLATIVE BILL 371 By Stoney

Jan. 17 Read first time....233
Jan. 18 Referred to Committee on Judiciary....282

LEGISLATIVE BILL 372 By Judiciary Committee

Jan. 17 Read first time....233
Jan. 18 Referred to Committee on Judiciary....282
Jan. 24 Notice of hearing. Cancelled....320
Jan. 30 Notice of hearing....365
Mar. 9 Indefinitely postponed....833

LEGISLATIVE BILL 373 By Judiciary Committee

Jan. 17 Read first time....233
Jan. 18 Referred to Committee on Judiciary....282
Jan. 24 Notice of hearing....320
Feb. 26 Placed on General File....643
Mar. 21 Committee amendment adopted. Advanced for Review....1041
Mar. 26 Placed on Select File....1072
Mar. 27 Advanced for Engrossment....1116
Mar. 30 Correctly Engrossed....1214
Apr. 4 Final Reading....1299
Apr. 4 Correctly Enrolled. President signed....1305
Apr. 4 Presented to Governor....1314
Apr. 9 Approved by Governor....1361

LEGISLATIVE BILL 374 By Judiciary Committee

Jan. 17 Read first time....233
Jan. 22 Referred to Committee on Judiciary....304
Jan. 24 Notice of hearing. Cancelled....320
Jan. 30 Notice of hearing....365
Feb. 26 Placed on General File....644
Apr. 26 Failed to advance for Review....1694

LEGISLATIVE BILL 375 By Judiciary Committee

Jan. 17 Read first time....234
Jan. 22 Referred to Committee on Judiciary....304
Jan. 24 Notice of hearing. Cancelled....320
Jan. 30 Notice of hearing....365
Feb. 12 Placed on General File....480
Mar. 14 Advanced for Review....898
Mar. 16 Placed on Select File....940
Mar. 21 Advanced for Engrossment....1037
Mar. 22 Correctly Engrossed....1066
Mar. 30 Final Reading....1185
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 376 By Judiciary Committee

Jan. 17 Read first time....234
Jan. 22 Referred to Committee on Public Health and Welfare....304
Feb. 1 Notice of hearing....385
Mar. 15 Placed on General File....937
Mar. 29 Committee amendments adopted. Venditte amendment withdrawn. Advanced for Review....1165
Mar. 30 Expedited....1204
Apr. 2 Placed on Select File....1223
Apr. 3 Advanced for Engrossment....1284
Apr. 5 Correctly Engrossed....1320
Apr. 17 Final Reading....1490
Apr. 18 Correctly Enrolled. President signed....1516
Apr. 18 Presented to Governor....1529
Apr. 24 Approved by Governor....1600

LEGISLATIVE BILL 377 By Judiciary Committee

Jan. 17 Read first time....234
Jan. 22 Referred to Committee on Judiciary 304
Jan. 30 Notice of hearing....365
Feb. 12 Placed on General File....480
Mar. 14 Committee amendment adopted. Advanced for Review....909
Mar. 16 Placed on Select File 940
Mar. 21 Advanced for Engrossment....1037
Mar. 26 Correctly Engrossed....1076
Mar. 30 Final Reading....1188
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote 1261
Apr. 3 Approved by Governor 1288

LEGISLATIVE BILL 378 By Judiciary Committee

Jan. 17 Read first time....234
Jan. 22 Referred to Committee on Judiciary 304
Jan. 30 Notice of hearing....365
Mar. 27 Placed on General File....1113
Mar. 28 Venditte amendments printed 1138
Apr. 11 Nichol amendment adopted. Chambers amendment lost. Committee amendments adopted as amended. Advanced for Review....1437
Apr. 17 Placed on Select File 1470
Apr. 24 Hoagland amendment printed....1635
May 2 Hoagland amendment printed....1824
May 4 Venditte pending amendment p.1138 withdrawn. Hoagland pending amendment p.1635 withdrawn. Hoagland pending amendment p.1824 laid over....1884
May 11 Hoagland pending amendment p.1824 withdrawn. Nichol-Hoagland amendment adopted. Advanced for Engrossment 2074
May 15 Correctly Engrossed....2193
May 21 Returned to Select File for Nichol amendment. Nichol amendment adopted. Advanced for Re-Engrossment....2204
May 21 Returned to Select File for Hoagland amendment 2208
May 21 Hoagland amendment adopted. Advanced for Re-Engrossment....2210
May 21 Haberman explanation of vote.

Correctly Re-Engrossed....2212
May 23 Final Reading....2293
May 23 Correctly Enrolled. Speaker signed....2299
May 23 Presented to Governor....2301
May 23 Approved by Governor....2308

LEGISLATIVE BILL 378A By Nichol

Apr. 17 Read first time. Placed on General File....1501
Apr. 26 Advanced for Review....1693
Apr. 30 Placed on Select File....1732
May 11 Advanced for Engrossment....2075
May 15 Correctly Engrossed....2193
May 23 Final Reading....2294
May 23 Correctly Enrolled. Speaker signed....2299
May 23 Presented to Governor....2301
May 23 Approved by Governor....2308

LEGISLATIVE BILL 379 By Judiciary Committee

Jan. 17 Read first time....235
Jan. 22 Referred to Committee on Constitutional Revision and Recreation....304
Jan. 25 Notice of hearing....328
Feb. 12 Placed on General File....495
Mar. 15 Committee amendments adopted. Laid over....936
Mar. 16 Indefinitely postponed....953

LEGISLATIVE BILL 380 By Reutzel

Jan. 17 Read first time....235
Jan. 22 Referred to Committee on Agriculture and Environment....304
Feb. 14 Notice of hearing....520
Mar. 12 Placed on General File....850
Mar. 30 Reutzel amendments printed....1182
Apr. 27 Committee amendments adopted. Advanced for Review....1721
May 1 Placed on Select File....1762
May 10 Reutzel amendment printed....2025
May 11 Reutzel pending amendment p.1182 withdrawn. Reutzel pending amendment p.2025 adopted. Advanced for Engrossment...2078
May 15 Correctly Engrossed....2182
May 22 Final Reading....2263
May 22 Correctly Enrolled. Speaker signed....2270

May 22 Presented to Governor 2273
May 23 Approved by Governor 2276
May 23 Hoagland explanation of vote 2313

LEGISLATIVE BILL 380A By Reutzel

May 3 Read first time. Placed on General File 1848
May 7 Advanced for Review 1907
May 8 Placed on Select File 1938
May 11 Advanced for Engrossment 2079
May 15 Correctly Engrossed 2182
May 22 Final Reading 2263
May 22 Correctly Enrolled. Speaker signed 2270
May 22 Presented to Governor 2273
May 23 Approved by Governor 2276
May 23 Hoagland explanation of vote 2313

LEGISLATIVE BILL 381 By Duis

Jan. 17 Read first time 235
Jan. 22 Laid over 304
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 321
Feb. 7 Notice of hearing 444
Mar. 22 Placed on General File 1059
Apr. 6 Advanced for Review 1355
Apr. 10 Placed on Select File 1398
Apr. 17 Advanced for Engrossment 1506
Apr. 20 Correctly Engrossed 1593
May 1 Final Reading 1771
May 2 Correctly Enrolled. President signed 1798
May 2 Presented to Governor 1809
May 7 Approved by Governor 1889
May 7 Dworak explanation of vote 1926

LEGISLATIVE BILL 382 By Venditte

Jan. 17 Read first time 235
Jan. 22 Referred to Committee on Public Health and Welfare 304
Feb. 1 Notice of hearing 385
Mar. 21 Venditte motion to place on General File pending 1033
Mar. 26 Venditte pending motion withdrawn. Placed on General File by Kahle motion 1079

Mar. 26 Labedz and Kahle names added 1088
Apr. 2 DeCamp amendment printed..... 1262
Apr. 19 Simon amendments printed..... 1573
Apr. 26 DeCamp amendments printed..... 1690
Apr. 26 Fowler, Labedz, Venditte, and Kahle amendments printed 1700
Apr. 27 DeCamp pending amendments p.1262 withdrawn. Simon pending amendments p.1573-74 adopted. Labedz-Venditte-Kahle amendments renewed. Wesely amendments 1-4 adopted, 5 lost. Murphy and Simon amendments adopted. Labedz et al amendments adopted as amended. Fowler pending amendment p.1700 withdrawn. Cullan motion to indefinitely postpone lost. Advanced for Review 1711
May 1 Hoagland amendments printed..... 1779
May 1 Placed on Select File 1790
May 7 DeCamp pending amendments p.1690 lost. Laid over..... 1919
May 7 Stoney amendment printed 1920
May 9 Cullan and Stoney amendments printed..... 1999
May 10 Hoagland pending amendments p.1779 lost. DeCamp amendment ruled out of order. Cullan motion to indefinitely postpone lost. DeCamp re-offered amendment pending . 2031
May 11 Simon amendment printed..... 2056

LEGISLATIVE BILL 382A By Venditte, Labedz, Kahle

Apr. 9 Read first time. Placed on General File 1377
May 7 Advanced for Review..... 1906
May 8 Placed on Select File 1938

LEGISLATIVE BILL 383 By Judiciary Committee

Jan. 17 Read first time..... 235
Jan. 22 Referred to Committee on Constitutional Revision and Recreation..... 304
Jan. 25 Notice of hearing..... 328

LEGISLATIVE BILL 384 By Judiciary Committee

Jan. 17 Read first time..... 235
Jan. 22 Referred to Committee on Judiciary 304
Jan. 30 Notice of hearing..... 365
Feb. 26 Indefinitely postponed..... 644

LEGISLATIVE BILL 385 By Lewis, Landis

Jan. 17 Read first time....236
Jan. 22 Referred to Committee on Appropriations....304
Feb. 26 Notice of hearing....653
Apr. 10 Indefinitely postponed....1416

LEGISLATIVE BILL 386 By Fowler, Hoagland

Jan. 17 Read first time....236
Jan. 22 Laid over....304
Jan. 24 Referred to Committee on Miscellaneous Subjects....321
Feb. 5 Notice of hearing....427
Mar. 28 Indefinitely postponed....1138

LEGISLATIVE BILL 387 By Carsten

Jan. 17 Read first time....236
Jan. 22 Laid over....304
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs....321
Feb. 21 Notice of hearing....591
Mar. 19 Placed on General File....977
Apr. 6 Committee amendments adopted as amended by Murphy. Advanced for Review....1353
Apr. 10 Placed on Select File....1397
Apr. 17 Advanced for Engrossment....1506
Apr. 20 Replaced on Select File....1593
Apr. 25 Advanced for Engrossment....1660
Apr. 27 Correctly Engrossed....1717
May 7 Laid over....1892
May 7 Returned to Select File for Carsten amendment....1896
May 7 Carsten amendment adopted. Advanced for Re-Engrossment....1898
May 7 Replaced on Select File....1925
May 10 Advanced for Re-Engrossment....2022
May 14 Correctly Re-Engrossed....2122
May 21 Final Reading....2229
May 21 Correctly Enrolled. Speaker signed....2234
May 22 Presented to Governor....2237
May 23 Approved by Governor....2301

LEGISLATIVE BILL 388 By Judiciary Committee

Jan. 17 Read first time....236
Jan. 22 Referred to Committee on Judiciary 304
Jan. 30 Notice of hearing....365

LEGISLATIVE BILL 389 By Nichol

Jan. 17 Read first time....236
Jan. 22 Laid over....305
Jan. 24 Referred to Committee on Miscellaneous Subjects 322
Jan. 31 Notice of hearing....380

LEGISLATIVE BILL 390 By Duis

Jan. 17 Read first time....236
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....305
Feb. 2 Notice of hearing....409
Feb. 28 Notice of hearing cancelled. Reset 697
Mar. 22 Placed on General File....1066
Mar. 27 Burrows amendment printed....1121
Apr. 12 Burrows pending amendment lost. Laid over....1459
Apr. 17 Burrows amendment printed....1511
Apr. 20 Burrows amendment lost. Burrows pending amendment p.1511 adopted. Committee amendments adopted as amended. Pirsch amendment adopted. Advanced for Review....1582
Apr. 25 Placed on Select File 1648
Apr. 27 Johnson amendments printed....1720
May 1 Johnson pending amendments adopted. Simon and Burrows amendments withdrawn. Burrows amendment lost. Burrows motion to indefinitely postpone pending 1794
May 2 Burrows pending motion withdrawn. Duis amendment adopted. Advanced for Engrossment....1810
May 3 Correctly Engrossed....1844
May 9 Final Reading....1991
May 10 Correctly Enrolled. Speaker signed....2003
May 10 Presented to Governor....2039
May 15 Approved by Governor 2182

LEGISLATIVE BILL 391 By Duis

Jan. 17 Read first time....237
Jan. 22 Referred to Committee on Nebraska Retirement Systems....305
Jan. 24 Notice of hearing....316
Apr. 11 Placed on General File....1440
Apr. 19 Duis amendment printed....1557
Apr. 27 Committee amendments adopted. Duis pending amendment adopted. Advanced for Review....1718
Apr. 30 Placed on Select File....1758
May 4 Advanced for Engrossment....1882
May 10 Replaced on Select File....2002
May 10 Advanced for Engrossment....2022
May 14 Correctly Engrossed....2122
May 21 Final Reading....2230
May 21 Correctly Enrolled. Speaker signed....2234
May 22 Presented to Governor....2237
May 23 Approved by Governor....2301

LEGISLATIVE BILL 392 By Keyes

Jan. 17 Read first time....237
Jan. 22 Referred to Committee on Appropriations....305
Feb. 1 Notice of hearing....384
Apr. 11 Indefinitely postponed....1422

LEGISLATIVE BILL 393 By Landis

Jan. 17 Read first time....237
Jan. 22 Referred to Committee on Constitutional Revision and Recreation....305
Feb. 6 Notice of hearing....438
Mar. 12 Indefinitely postponed....850

LEGISLATIVE BILL 394 By Landis

Jan. 17 Read first time....237
Jan. 22 Referred to Committee on Judiciary....305
Jan. 30 Notice of hearing....365
Mar. 12 Placed on General File....859
Mar. 29 Committee amendments adopted. Advanced for Review....1155
Mar. 29 Wesely explanation of vote....1158
Apr. 2 Placed on Select File....1243

Apr. 5 DeCamp name added. Landis amendment adopted. Advanced for Engrossment 1332
Apr. 17 Correctly Engrossed..... 1471
Apr. 26 Final Reading..... 1682
Apr. 27 Correctly Enrolled. Speaker signed..... 1708
Apr. 27 Presented to Governor..... 1717
May 2 Message from Governor..... 1820
May 3 Approved by Governor 1844
May 7 Dworak explanation of vote..... 1925

LEGISLATIVE BILL 395 By Landis, Fowler

Jan. 17 Read first time..... 237
Jan. 22 Referred to Committee on Public Works 305
Jan. 29 Notice of hearing..... 358
Mar. 26 Placed on General File..... 1077
Apr. 6 Venditte amendment lost. Landis amendment adopted. Advanced for Review 1356
Apr. 10 Placed on Select File 1398
Apr. 11 Wesely amendment printed 1445
Apr. 19 Wesely pending amendment p.1445 adopted. Fowler amendment lost. Advanced for Engrossment 1571
Apr. 24 Correctly Engrossed..... 1619
May 3 Final Reading..... 1837
May 4 Correctly Enrolled. Speaker signed..... 1857
May 4 Presented to Governor..... 1883
May 7 Dworak explanation of vote..... 1926
May 8 Approved by Governor 1954

LEGISLATIVE BILL 396 By Landis

Jan. 17 Read first time..... 237
Jan. 22 Referred to Committee on Judiciary 305
Jan. 30 Notice of hearing..... 365
Mar. 14 Placed on General File..... 912
Mar. 21 Landis amendments printed..... 1038
Mar. 29 Committee amendments adopted. Landis pending amendment adopted. Advanced for Review ... 1165
Apr. 3 Placed on Select File 1270
Apr. 4 Advanced for Engrossment..... 1311
Apr. 10 Correctly Engrossed..... 1417
Apr. 24 Final Reading..... 1605
Apr. 25 Correctly Enrolled. President signed..... 1645
Apr. 25 Presented to Governor..... 1653
Apr. 30 Approved by Governor 1752

LEGISLATIVE BILL 397 By Hefner

Jan. 17 Read first time....238
Jan. 22 Referred to Committee on Agriculture and Environment....305
Feb. 1 Notice of hearing....395
Mar. 12 Indefinitely postponed....853

LEGISLATIVE BILL 398 By Judiciary Committee

Jan. 17 Read first time....238
Jan. 22 Laid over....305
Jan. 24 Referred to Committee on Judiciary....322
Jan. 30 Notice of hearing....365
Jan. 31 Notice of hearing cancelled. Reset....380
Mar. 22 Placed on General File....1069
Apr. 12 Lewis amendments printed....1453
Apr. 17 Lewis pending amendments adopted. Committee amendments pending as amended....1496
Apr. 17 Committee amendments lost as amended. Reutzel amendment adopted. Nichol amendments p.1069 adopted. Haberman motion to indefinitely postpone lost. Advanced for Review....1499
Apr. 17 Beutler explanation of vote....1500
Apr. 19 Placed on Select File....1539
Apr. 27 Koch amendment printed....1716
Apr. 27 DeCamp amendments printed....1728
Apr. 30 Koch pending amendment p.1716 withdrawn. DeCamp pending amendments p.1728 withdrawn. DeCamp amendment lost. Advanced for Engrossment....1754
May 2 Correctly Engrossed....1807
May 4 DeCamp and Reutzel amendments printed....1870
May 8 Returned to Select File for DeCamp-Reutzel pending amendments p.1870. DeCamp-Reutzel amendments adopted. Failed to advance for Engrossment....1952
May 10 Advanced for Re-Engrossment....2011
May 10 Returned to Select File for Dworak amendment. Dworak amendment adopted. Advanced for Re-Engrossment. Nichol motion to return to Select File lost....2012
May 10 Replaced on Select File....2047
May 11 Advanced for Engrossment....2078
May 15 Correctly Re-Engrossed....2182

May 22 Final Reading 2264
May 22 Correctly Enrolled. Speaker signed 2270
May 22 Presented to Governor 2273
May 23 Approved by Governor 2276
May 23 Hoagland explanation of vote 2313

LEGISLATIVE BILL 398A By Nichol

Apr. 3 Read first time. Placed on General File 1280
Apr. 17 Advanced for Review 1505
Apr. 19 Placed on Select File 1539
Apr. 30 Laid over 1756
May 11 Nichol motion to indefinitely postpone pending 2078
May 14 Indefinitely postponed 2137

LEGISLATIVE BILL 399 By Merz

Jan. 17 Read first time 238
Jan. 22 Referred to Committee on Agriculture and Environment 305
Jan. 25 Notice of hearing 326
Mar. 6 Attorney General's Opinion 756
Mar. 15 Placed on General File 925
Apr. 27 Schmit amendment printed 1710

LEGISLATIVE BILL 400 By Merz

Jan. 17 Read first time 238
Jan. 22 Referred to Committee on Public Works 305
Jan. 23 Notice of hearing 311
Feb. 27 Indefinitely postponed 660

LEGISLATIVE BILL 401 By Rumery

Jan. 17 Read first time 238
Jan. 22 Referred to Committee on Constitutional Revision and Recreation 305
Feb. 6 Notice of hearing 437
Mar. 16 Indefinitely postponed 951

LEGISLATIVE BILL 402 By Rumery

Jan. 17 Read first time 238
Jan. 22 Referred to Committee on Banking, Commerce and Insurance 305
Feb. 2 Notice of hearing 409

LEGISLATIVE BILL 403 By Rumery

Jan. 17 Read first time....239
Jan. 22 Referred to Committee on Education....305
Feb. 1 Notice of hearing....385
Mar. 16 Indefinitely postponed....962
Mar. 20 Rumery motion to place on General File pending....1007
Mar. 21 Rumery pending motion lost....1033

LEGISLATIVE BILL 404 By Public Works Committee

Jan. 17 Read first time....239
Jan. 22 Laid over....305
Jan. 24 Referred to Committee on Revenue....322
Jan. 26 Notice of hearing....338
Feb. 8 Placed on General File....461
Mar. 6 Committee amendment adopted. Advanced for Review....761
Mar. 8 Placed on Select File....787
Mar. 9 Advanced for Engrossment....822
Mar. 12 Correctly Engrossed....842
Mar. 15 Final Reading....931
Mar. 15 Newell explanation of vote....932
Mar. 16 Correctly Enrolled. President signed....940
Mar. 16 Presented to Governor....957
Mar. 21 Approved by Governor....1046

LEGISLATIVE BILL 405 By Banking, Commerce and Insurance Committee

Jan. 17 Read first time....239
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....305
Feb. 2 Notice of hearing....409
May 14 Placed on General File....2086

LEGISLATIVE BILL 406 By Hoagland

Jan. 17 Read first time....239
Jan. 22 Referred to Committee on Judiciary....305
Jan. 30 Notice of hearing....365

LEGISLATIVE BILL 407 By Merz

Jan. 17 Read first time....239
Jan. 22 Referred to Committee on Public Health and Welfare....305
Jan. 24 Notice of hearing....320
Mar. 5 Indefinitely postponed....731

LEGISLATIVE BILL 408 By Johnson

Jan. 17 Read first time....239
Jan. 22 Referred to Committee on Business and Labor....305
Feb. 2 Notice of hearing....415
Feb. 23 Indefinitely postponed....631

LEGISLATIVE BILL 409 By Johnson

Jan. 17 Read first time....240
Jan. 22 Referred to Committee on Judiciary....305
Jan. 30 Notice of hearing....365
Mar. 14 Placed on General File....903

LEGISLATIVE BILL 410 By Nebraska Retirement Systems Committee

Jan. 17 Read first time....240
Jan. 22 Referred to Committee on Nebraska Retirement Systems....305
Feb. 14 Notice of hearing....521

LEGISLATIVE BILL 411 By Nebraska Retirement Systems Committee

Jan. 17 Read first time....240
Jan. 22 Referred to Committee on Nebraska Retirement Systems....305
Jan. 24 Notice of hearing....316
Jan. 31 Placed on General File....378
Feb. 14 Advanced for Review....527
Feb. 20 Placed on Select File....556
Feb. 22 Advanced for Engrossment....609
Feb. 23 Correctly Engrossed....631
Mar. 5 Final Reading....735
Mar. 7 Correctly Enrolled. Speaker signed....769
Mar. 7 Presented to Governor....785
Mar. 13 Approved by Governor....869

LEGISLATIVE BILL 412 By Government, Military and Veterans Affairs Committee

Jan. 17	Read first time....240
Jan. 22	Referred to Committee on Government, Military and Veterans Affairs....305
Feb. 7	Notice of hearing....444
Feb. 20	Placed on General File....570
Mar. 19	Duis amendments to Committee amendments printed....996
Mar. 20	Duis pending amendments adopted. Laid over....1022
Mar. 28	Committee amendments adopted as amended. Advanced for Review. Duis amendment printed....1145
Apr. 2	Placed on Select File....1241
Apr. 5	Duis pending amendment p.1145 adopted. Newell amendment lost. Advanced for Engrossment....1331
Apr. 9	Returned to Select File for Cullan amendment. Cullan amendment adopted. Advanced for Engrossment....1364
Apr. 17	Correctly Engrossed....1471
May 15	Final Reading....2152
May 15	Correctly Enrolled. Speaker signed....2182
May 15	Presented to Governor....2193
May 21	Approved by Governor....2216

LEGISLATIVE BILL 412A By Keyes

Mar. 28	Read first time. Placed on General File....1146
Apr. 3	Duis amendment adopted. Advanced for Review....1272
Apr. 5	Placed on Select File....1319
Apr. 6	Warner amendment adopted. Advanced for Engrossment....1351
Apr. 17	Correctly Engrossed....1471
May 15	Final Reading....2153
May 15	Correctly Enrolled. Speaker signed....2182
May 15	Presented to Governor....2193
May 21	Approved by Governor....2216

LEGISLATIVE BILL 413 By Banking, Commerce and Insurance Committee

Jan. 17 Read first time....240
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....305
Feb. 2 Notice of hearing....409

LEGISLATIVE BILL 414 By Government, Military and Veterans Affairs Committee

Jan. 17 Read first time....241
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs....305
Feb. 7 Notice of hearing....444
Feb. 28 Placed on General File....688
Mar 21 Committee amendments adopted. Advanced for Review....1044
Mar. 26 Placed on Select File....1073
Mar. 27 Advanced for Engrossment....1116
Apr. 3 Correctly Engrossed....1271
Apr. 24 Final Reading....1606
Apr. 25 Correctly Enrolled. President signed....1645
Apr. 25 Presented to Governor....1653
Apr. 30 Approved by Governor....1752

LEGISLATIVE BILL 414A By Keyes

Mar. 28 Read first time. Placed on General File....1143
Apr. 3 Advanced for Review....1273
Apr. 5 Placed on Select File....1319
Apr. 6 Advanced for Engrossment....1351
Apr. 10 Correctly Engrossed....1417
Apr. 24 Final Reading....1607
Apr. 25 Correctly Enrolled. President signed....1645
Apr. 25 Presented to Governor....1653
Apr. 30 Approved by Governor....1752

LEGISLATIVE BILL 415 By Banking, Commerce and Insurance Committee

Jan. 17 Read first time....241
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....305
Jan. 24 Notice of hearing....315
Mar. 19 Placed on General File....976
Mar. 29 Committee amendments adopted. Advanced for Review....1167
Apr. 3 Placed on Select File....1271

Apr. 4 Advanced for Engrossment 1311
Apr. 9 Correctly Engrossed 1362
Apr. 19 Final Reading 1546
Apr. 20 Correctly Enrolled. Speaker signed 1579
Apr. 20 Presented to Governor 1589
Apr. 24 Dworak explanation of vote 1619
Apr. 24 Approved by Governor 1631

LEGISLATIVE BILL 416 By Lewis

Jan. 17 Read first time 241
Jan. 22 Referred to Committee on Nebraska Retirement Systems 305
Feb. 27 Notice of hearing 670
Mar. 9 Placed on General File 833
Mar. 29 Committee amendment adopted. Murphy amendment adopted. Advanced for Review 1154
Apr. 3 Placed on Select File 1266
Apr. 5 Laid over 1337
Apr. 6 Murphy amendments adopted. Advanced for Engrossment 1349
Apr. 9 Replaced on Select File 1379
Apr. 17 Advanced for Engrossment 1506
Apr. 20 Correctly Engrossed 1593
May 1 Final Reading 1771
May 2 Correctly Enrolled. President signed 1798
May 2 Presented to Governor 1809
May 7 Approved by Governor 1889
May 7 Dworak explanation of vote 1926

LEGISLATIVE BILL 417 By Kelly

Jan. 17 Read first time 241
Jan. 22 Referred to Committee on Banking, Commerce and Insurance 305
Feb. 2 Notice of hearing 409
Feb. 2 Notice of hearing cancelled. Reset 415
Mar. 9 Placed on General File 828
Mar. 29 Committee amendment adopted. Advanced for Review 1153
Apr. 2 Placed on Select File 1242
Apr. 3 Advanced for Engrossment 1284
Apr. 10 Correctly Engrossed 1417
Apr. 24 Final Reading 1608
Apr. 25 Correctly Enrolled. President signed 1645
Apr. 25 Presented to Governor 1653

Apr. 30 Approved by Governor 1752

LEGISLATIVE BILL 418 By Kelly

Jan. 17 Read first time 241
Jan. 22 Referred to Committee on Public Health and Welfare 305
Feb. 1 Notice of hearing 385
Mar. 5 Placed on General File 731
Mar. 26 Committee amendments adopted. Advanced for Review 1090
Mar. 28 Placed on Select File 1127
Apr. 2 Goodrich motion to indefinitely postpone pending 1246
Apr. 5 Goodrich pending motion withdrawn. Recommitted to Committee 1323

LEGISLATIVE BILL 418A By Kelly

Mar. 20 Read first time. Placed on General File 1016
Mar. 26 Advanced for Review 1090
Mar. 28 Placed on Select File 1127
Apr. 2 Laid over 1246
Apr. 6 Koch motion to indefinitely postpone pending 1349

LEGISLATIVE BILL 419 By Urban Affairs Committee

Jan. 17 Read first time 242
Jan. 22 Referred to Committee on Urban Affairs 305
Jan. 25 Notice of hearing 334
Mar. 8 Indefinitely postponed 801

LEGISLATIVE BILL 420 By Sieck, Pirsch

Jan. 17 Read first time 242
Jan. 22 Referred to Committee on Public Works 305
Jan. 29 Notice of hearing 357
Feb. 27 Indefinitely postponed 660

LEGISLATIVE BILL 421 By Pirsch

Jan. 17 Read first time 242
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 305
Feb. 21 Notice of hearing 591
Mar. 7 Attorney General's Opinion 770

Mar. 14 Placed on General File....895
Mar. 29 Committee amendments adopted.
Pirsch amendment adopted.
Advanced for Review....1159
Apr. 3 Placed on Select File....1268
Apr. 4 Advanced for Engrossment....1311
Apr. 5 Keyes amendments printed....1326
Apr. 9 Returned to Select File for Keyes amendment.
Keyes amendment adopted.
Advanced for Engrossment....1365
Apr. 9 Replaced on Select File....1382
Apr. 12 Advanced for Engrossment....1456
Apr. 12 Returned to Select File for Murphy amendment.
Murphy amendment adopted.
Advanced for Engrossment....1457
Apr. 12 Replaced on Select File....1466
Apr. 17 Advanced for Engrossment....1507
Apr. 20 Correctly Engrossed....1584
May 1 Final Reading....1772
May 2 Correctly Enrolled. President signed....1798
May 2 Presented to Governor....1809
May 7 Approved by Governor....1889
May 7 Dworak explanation of vote....1926

LEGISLATIVE BILL 422 By Goodrich

Jan. 17 Read first time....242
Jan. 22 Referred to Committee on Banking,
Commerce and Insurance....305
Feb. 1 Notice of hearing....384

LEGISLATIVE BILL 423 By Goodrich

Jan. 17 Read first time....242
Jan. 22 Laid over....305
Jan. 24 Referred to Committee on Miscellaneous
Subjects....322
Jan. 26 Lamb amendment to Cullan motion to re-refer
lost. Cullan motion withdrawn....346
Feb. 12 Notice of hearing....483
Mar. 5 Placed on General File....742
May 1 Goodrich amendments printed....1789

LEGISLATIVE BILL 424 By Government, Military and Veterans Affairs Committee

Jan. 17 Read first time....243
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs....305
Feb. 7 Notice of hearing....444
Feb. 28 Indefinitely postponed....691
Mar. 19 Attorney General's Opinion....985

LEGISLATIVE BILL 425 By Education Committee

Jan. 17 Read first time....243
Jan. 22 Referred to Committee on Education....305
Jan. 24 Notice of hearing....315
Feb. 1 Placed on General File....387
Feb. 21 Advanced for Review....588
Feb. 23 Placed on Select File....622
Feb. 28 Advanced for Engrossment....684
Mar. 5 Correctly Engrossed....708
Mar. 12 Returned to Select File for Simon amendment....848
Mar. 14 Simon amendment printed....911
Mar. 20 Simon pending amendment p.848 adopted. Advanced for Re-Engrossment. Returned to Select File for Simon pending amendment p.911. Simon pending amendment adopted. Advanced for Re-Engrossment....1013
Mar. 21 Replaced on Select File....1027
Mar. 22 Advanced for Re-Engrossment....1062
Mar. 27 Correctly Re-Engrossed....1111
Mar. 30 Final Reading....1196
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Koch motion to reconsider pending....1204
Apr. 2 Koch substitute motion pending....1255
Apr. 5 Koch pending substitute motion prevailed....1321
Apr. 18 Koch amendments printed....1516
Apr. 27 Koch pending amendment p.1516 withdrawn. Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for Re-Engrossment....1708
Apr. 30 Correctly Re-Engrossed....1733
May 7 Final Reading....1900
May 8 Correctly Enrolled....1936
May 8 President signed....1937
May 8 Presented to Governor....1940
May 9 Approved by Governor....1999

LEGISLATIVE BILL 426 By Education Committee

Jan. 17 Read first time....243
Jan. 22 Referred to Committee on Education....305
Jan. 24 Notice of hearing....315

LEGISLATIVE BILL 427 By Public Health and Welfare Committee

Jan. 17 Read first time....243
Jan. 22 Referred to Committee on Public Health and Welfare....305
Jan. 30 Notice of hearing....369
Mar. 16 Placed on General File....958
Mar. 29 Committee amendments adopted. Advanced for Review....1166
Apr. 6 Placed on Select File....1341
Apr. 17 Advanced for Engrossment....1506
Apr. 20 Correctly Engrossed....1593
May 1 Final Reading....1773
May 1 Haberman explanation of vote....1791
May 2 Correctly Enrolled. President signed....1798
May 2 Presented to Governor....1809
May 7 Approved by Governor....1889
May 7 Dworak explanation of vote....1926

LEGISLATIVE BILL 428 By Public Health and Welfare Committee

Jan. 17 Read first time....244
Jan. 22 Referred to Committee on Public Health and Welfare....305
Jan. 30 Notice of hearing....369
Jan. 31 Notice of hearing cancelled....374
Feb. 1 Notice of hearing reset....385
Feb. 22 Placed on General File....615
Mar. 19 Advanced for Review....983
Mar. 21 Placed on Select File....1027
Mar. 22 Advanced for Engrossment....1063
Mar. 28 Replaced on Select File....1126
Apr. 2 Advanced for Engrossment....1245
Apr. 4 Correctly Engrossed....1305
Apr. 17 Final Reading....1491
Apr. 18 Correctly Enrolled. President signed....1516
Apr. 18 Presented to Governor....1529
Apr. 24 Approved by Governor....1600

LEGISLATIVE BILL 428A By Cullan

Mar. 20 Read first time. Placed on General File 1017
Mar. 27 Advanced for Review 1118
Mar. 29 Placed on Select File 1152
Apr. 3 Advanced for Engrossment 1274
Apr. 5 Correctly Engrossed 1320
Apr. 17 Final Reading 1492
Apr. 18 Correctly Enrolled. President signed 1516
Apr. 18 Presented to Governor 1529
Apr. 24 Approved by Governor 1600

LEGISLATIVE BILL 429 By Fowler

Jan. 17 Read first time 244
Jan. 22 Laid over 305
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 322
Feb. 21 Notice of hearing 591
Mar. 19 Indefinitely postponed 977

LEGISLATIVE BILL 430 By Lewis

Jan. 17 Read first time 244
Jan. 22 Referred to Committee on Public Works 305
Jan. 29 Notice of hearing 357
Feb. 5 Notice of hearing cancelled 423
Feb. 5 Kremer motion to suspend rules to cancel hearing prevailed 424

LEGISLATIVE BILL 431 By Burrows

Jan. 17 Read first time 244
Jan. 22 Referred to Committee on Public Works 305
Jan. 25 Notice of hearing 329
Feb. 27 Indefinitely postponed 660

LEGISLATIVE BILL 432 By Urban Affairs Committee

Jan. 17 Read first time 245
Jan. 22 Referred to Committee on Urban Affairs 305
Jan. 25 Notice of hearing 334
Mar. 8 Indefinitely postponed 801

LEGISLATIVE BILL 433 By Constitutional Revision and Recreation Committee

Jan. 17 Read first time....245
Jan. 22 Laid over....305
Jan. 24 Referred to Committee on Appropriations....322
Jan. 26 Reutzel request to re-refer withdrawn....346
Feb. 7 Notice of hearing....444
Apr. 10 Indefinitely postponed....1416

LEGISLATIVE BILL 434 By Constitutional Revision and Recreation Committee

Jan. 17 Read first time....245
Jan. 22 Referred to Committee on Constitutional Revision and Recreation....306
Jan. 25 Notice of hearing....328
Feb. 6 Placed on General File....436
Feb. 28 Committee amendments adopted. Advanced for Review....687
Mar. 5 Placed on Select File....707
Mar. 8 Advanced for Engrossment....810
Mar. 9 Correctly Engrossed....840
Mar. 13 Final Reading....881
Mar. 14 Correctly Enrolled. Speaker signed....888
Mar. 14 Presented to Governor....898
Mar. 16 Approved by Governor....941

LEGISLATIVE BILL 435 By Constitutional Revision and Recreation Committee

Jan. 17 Read first time....245
Jan. 22 Referred to Committee on Constitutional Revision and Recreation....306
Jan. 25 Notice of hearing....328
Feb. 6 Placed on General File....437
Feb. 28 Committee amendments adopted. Advanced for Review....695
Mar. 5 Placed on Select File....707
Mar. 7 Reutzel amendment printed....783
Mar. 8 Reutzel amendments printed....812
Mar. 19 Reutzel pending amendment p.783 withdrawn. Reutzel pending amendments p.812 adopted. Advanced for Engrossment....978
Mar. 21 Correctly Engrossed....1030
Mar. 27 Haberman motion to return to Select File lost. Final Reading....1104
Mar. 28 Correctly Enrolled. Speaker signed....1128
Mar. 28 Koch explanation of vote....1143

Mar. 28 Presented to Governor 1146
Apr. 3 Approved by Governor 1264

LEGISLATIVE BILL 436 By Constitutional Revision and Recreation Committee

Jan. 17 Read first time 245
Jan. 22 Referred to Committee on Constitutional Revision and Recreation 306
Jan. 25 Notice of hearing 329
Feb. 8 Notice of hearing cancelled. Reset 461
Feb. 26 Placed on General File 645

LEGISLATIVE BILL 437 By Constitutional Revision and Recreation Committee

Jan. 17 Read first time 246
Jan. 22 Referred to Committee on Constitutional Revision and Recreation 306
Jan. 25 Notice of hearing 328
Feb. 6 Placed on General File 437
Feb. 28 Committee amendment adopted. Advanced for Review 695
Mar. 5 Placed on Select File 707
Mar. 8 Advanced for Engrossment 810
Mar. 12 Correctly Engrossed 842
Mar. 15 Final Reading 932
Mar. 16 Correctly Enrolled. President signed 940
Mar. 16 Presented to Governor 957
Mar. 20 Approved by Governor 1005

LEGISLATIVE BILL 438 By Miscellaneous Subjects Committee

Jan. 17 Read first time 246
Jan. 22 Laid over 306
Jan. 24 Referred to Committee on Judiciary 322
Jan. 30 Notice of hearing 365
Mar. 12 Placed on General File 862
Mar. 28 Newell amendment printed 1145
Mar. 29 Committee amendments adopted. Newell pending amendment adopted. Advanced for Review 1155
Apr. 2 Placed on Select File 1243
Apr. 3 Advanced for Engrossment 1284
Apr. 10 Correctly Engrossed 1398
Apr. 24 Final Reading 1609

Apr. 25 Correctly Enrolled. President signed....1645
Apr. 25 Presented to Governor....1653
Apr. 30 Approved by Governor....1752

LEGISLATIVE BILL 439 By Hoagland

Jan. 17 Read first time....246
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....306
Jan. 25 Notice of hearing....333

LEGISLATIVE BILL 440 By Hoagland

Jan. 17 Read first time....246
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....306
Jan. 25 Notice of hearing....333

LEGISLATIVE BILL 441 By Lewis

Jan. 17 Read first time....246
Jan. 22 Referred to Committee on Miscellaneous Subjects....306
Jan. 24 Notice of hearing....316
Feb. 12 Placed on General File....480
Mar. 9 Committee amendment adopted. Advanced for Review....835
Mar. 13 Placed on Select File....879
Mar. 16 Advanced for Engrossment....952
Mar. 19 Correctly Engrossed....965
Mar. 22 Final Reading....1054
Mar. 22 Correctly Enrolled. Speaker signed....1066
Mar. 26 Presented to Governor....1076
Mar. 26 Haberman explanation of vote....1088
Mar. 28 Approved by Governor....1144

LEGISLATIVE BILL 442 By Goodrich

Jan. 17 Read first time....246
Jan. 22 Referred to Committee on Education....306
Feb. 1 Notice of hearing....385
Apr. 2 Placed on General File....1261

LEGISLATIVE BILL 443 By Beutler

Jan. 17	Read first time....246
Jan. 22	Referred to Committee on Banking, Commerce and Insurance....306
Feb. 2	Notice of hearing....409
Feb. 2	Notice of hearing. Reset....415
Apr. 9	Placed on General File....1384
Apr. 20	Committee amendments adopted. Advanced for Review....1595
Apr. 26	Placed on Select File....1674
Apr. 30	Advanced for Engrossment....1757
May 2	Correctly Engrossed....1807
May 9	Final Reading....1988
May 10	Correctly Enrolled. Speaker signed....2003
May 10	Presented to Governor....2039
May 15	Approved by Governor....2182

LEGISLATIVE BILL 444 By Brennan

Jan. 17	Read first time....247
Jan. 22	Referred to Committee on Business and Labor....306
Jan. 24	Notice of hearing....319
Mar. 19	Placed on General File....1000
May 1	Committee amendments adopted as amended by DeCamp and Murphy. Advanced for Review....1765
May 1	Goodrich amendments printed....1767
May 1	Landis amendment printed....1795
May 3	Placed on Select File....1842
May 4	Wesely amendment printed....1879
May 7	Goodrich pending amendments p.1767 withdrawn. Landis pending amendment p.1795 adopted. Wesely pending amendment p.1879 lost. Murphy amendment adopted. Advanced for Engrossment....1924
May 10	Correctly Engrossed....2023
May 15	Final Reading....2155
May 15	Correctly Enrolled. Speaker signed....2182
May 15	Presented to Governor....2193
May 21	Approved by Governor....2216

LEGISLATIVE BILL 444A By Brennan

Apr. 11	Read first time. Placed on General File....1429
May 1	Brennan amendment adopted. Advanced for Review....1767
May 3	Placed on Select File....1843

May 7 Advanced for Engrossment 1925
May 10 Correctly Engrossed..... 2023
May 15 Final Reading 2156
May 15 Correctly Enrolled. Speaker signed 2182
May 15 Presented to Governor 2193
May 21 Approved by Governor 2216

LEGISLATIVE BILL 445 By Lamb

Jan. 17 Read first time..... 247
Jan. 22 Referred to Committee on Constitutional Revision and Recreation..... 306
Jan. 25 Notice of hearing..... 328
May 8 Attorney General's Opinion 1955

LEGISLATIVE BILL 446 By Lamb

Jan. 17 Read first time..... 247
Jan. 22 Referred to Committee on Constitutional Revision and Recreation..... 306
Jan. 25 Notice of hearing..... 328
Feb. 6 Indefinitely postponed..... 437

LEGISLATIVE BILL 447 By Landis

Jan. 17 Read first time..... 247
Jan. 22 Referred to Committee on Business and Labor.... 306
Jan. 31 Notice of hearing..... 379
Feb. 20 Placed on General File..... 569
Mar. 20 Committee amendments lost. Indefinitely postponed..... 1021
Mar. 20 Landis amendment printed. DeCamp motion to reconsider pending 1024

LEGISLATIVE BILL 448 By Banking, Commerce and Insurance Committee

Jan. 17 Read first time..... 247
Jan. 22 Laid over..... 306
Jan. 24 Referred to Committee on Banking, Commerce and Insurance..... 322
Feb. 2 Notice of hearing..... 409

LEGISLATIVE BILL 449 By Judiciary Committee

Jan. 17 Read first time....248
Jan. 22 Referred to Committee on Judiciary....306
Feb. 5 Notice of hearing....423
Feb. 15 Indefinitely postponed....546

LEGISLATIVE BILL 450 By Judiciary Committee

Jan. 17 Read first time....248
Jan. 22 Referred to Committee on Judiciary....306
Feb. 5 Notice of hearing....423
Feb. 15 Indefinitely postponed....546
Feb. 22 Johnson-DeCamp motion to place on General File pending....618
Mar. 5 Johnson-DeCamp pending motion lost....714
Mar. 6 Dworak motion to reconsider pending....750
Mar. 8 Dworak pending motion renewed....812
Mar. 9 Dworak pending motion withdrawn....829

LEGISLATIVE BILL 451 By Judiciary Committee

Jan. 17 Read first time....248
Jan. 22 Referred to Committee on Judiciary....306
Feb. 5 Notice of hearing....423
Feb. 15 Indefinitely postponed....546

LEGISLATIVE BILL 452 By LR161 Study Committee

Jan. 17 Read first time....248
Jan. 22 Referred to Committee on Revenue....306
Jan. 26 Lamb amendment to Cullan motion to re-refer lost. Cullan motion withdrawn....346
Feb. 2 Notice of hearing....415
Mar. 7 Indefinitely postponed....784

LEGISLATIVE BILL 453 By LR161 Study Committee

Jan. 17 Read first time....249
Jan. 22 Referred to Committee on Constitutional Revision and Recreation....306
Jan. 25 Notice of hearing....329
Feb. 8 Notice of hearing cancelled. Reset....461

LEGISLATIVE BILL 454 By LR161 Study Committee

Jan. 17 Read first time....249
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs....306

Jan. 24 Re-referred to Committee on Miscellaneous Subjects 321
Jan. 31 Notice of hearing..... 380

LEGISLATIVE BILL 455 By LR161 Study Committee

Jan. 17 Read first time..... 249
Jan. 22 Laid over..... 306
Jan. 24 Referred to Committee on Revenue 322
Jan. 26 Lamb amendment to Cullan motion to re-refer lost. Cullan motion withdrawn..... 346
Feb. 2 Notice of hearing..... 415
Mar. 7 Indefinitely postponed..... 784

LEGISLATIVE BILL 456 By LR161 Study Committee

Jan. 17 Read first time..... 249
Jan. 22 Referred to Committee on Urban Affairs..... 306
Jan. 31 Notice of hearing..... 379
Feb. 23 Indefinitely postponed..... 631
Feb. 23 Fowler motion to place on General File pending..... 639

LEGISLATIVE BILL 457 By LR161 Study Committee

Jan. 17 Read first time..... 249
Jan. 22 Laid over..... 306
Jan. 24 Referred to Committee on Miscellaneous Subjects 322
Jan. 26 Cullan motion to re-refer withdrawn 346
Jan. 31 Notice of hearing..... 380
Feb. 28 Placed on General File..... 694
Mar. 15 Simon amendment printed..... 924
Apr. 9 Committee amendments adopted. Goodrich and Newell motions to return to Committee withdrawn. Simon pending amendment p.924 adopted. Failed to advance for Review..... 1368

LEGISLATIVE BILL 458 By LR161 Study Committee

Jan. 17 Read first time..... 250
Jan. 22 Referred to Committee on Public Works 306
Jan. 25 Notice of hearing..... 329
Feb. 28 Indefinitely postponed..... 681
Mar. 7 Vickers motion to return to

Committee pending 773
Mar. 14 Vickers pending motion prevailed.
Returned to Committee 910

LEGISLATIVE BILL 459 By LR161 Study Committee

Jan. 17 Read first time 250
Jan. 22 Referred to Committee on Public Works 306
Jan. 24 Simon motion to withdraw pending 322
Jan. 25 Withdrawn 332

LEGISLATIVE BILL 460 By LR161 Study Committee

Jan. 17 Read first time 250
Jan. 22 Laid over 306
Jan. 24 Referred to Committee on Miscellaneous Subjects 322
Jan. 26 Cullan motion to re-refer withdrawn 346
Jan. 31 Notice of hearing 380
Feb. 14 Placed on General File 522
Mar. 27 Simon amendment adopted. Kahle motion to indefinitely postpone lost.
Failed to advance for Review 1118

LEGISLATIVE BILL 461 By LR161 Study Committee

Jan. 17 Read first time 250
Jan. 22 Referred to Committee on Public Works 306
Jan. 25 Notice of hearing 329
Apr. 26 Simon motion to place on General File laid over 1692
May 3 Simon pending motion withdrawn 1852

LEGISLATIVE BILL 462 By LR161 Study Committee

Jan. 17 Read first time 250
Jan. 22 Laid over 306
Jan. 24 Referred to Committee on Miscellaneous Subjects 322
Jan. 26 Cullan motion to re-refer withdrawn 346
Jan. 31 Notice of hearing 380

LEGISLATIVE BILL 463 By Business and Labor Committee

Jan. 17 Read first time 251
Jan. 22 Referred to Committee on Business and Labor 306
Feb. 2 Notice of hearing 415

Mar. 12 Indefinitely postponed....863

LEGISLATIVE BILL 464 By Burrows

Jan. 17 Read first time....251
Jan. 22 Referred to Committee on Education....306
Jan. 24 Notice of hearing....315
Feb. 8 Indefinitely postponed....460

LEGISLATIVE BILL 465 By Burrows

Jan. 17 Read first time....251
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs....306
Feb. 21 Notice of hearing....591
Mar. 14 Placed on General File....896
Mar. 29 Committee amendments adopted. Lamb motion to indefinitely postpone pending....1159
Apr. 2 Burrows amendment printed....1255

LEGISLATIVE BILL 466 By Lewis

Jan. 17 Read first time....251
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs....306
Feb. 1 Notice of hearing....395
Feb. 28 Indefinitely postponed....691

LEGISLATIVE BILL 467 By Business and Labor Committee

Jan. 17 Read first time....251
Jan. 22 Referred to Committee on Business and Labor....306
Feb. 2 Notice of hearing....415
Feb. 23 Placed on General File....631
Mar. 19 Failed to advance for Review....983
Apr. 26 Advanced for Review....1694
Apr. 30 Placed on Select File....1732
May 7 Newell and Brennan amendments lost. Failed to advance for Engrossment....1929
May 11 Advanced for Engrossment....2078
May 15 Correctly Engrossed....2173
May 22 Final Reading....2265
May 22 Correctly Enrolled. Speaker signed....2270
May 22 Presented to Governor....2273
May 23 Approved by Governor....2308
May 23 Hoagland explanation of vote....2313

LEGISLATIVE BILL 468 By Business and Labor Committee

Jan. 17 Read first time....252
Jan. 22 Laid over....306
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs....322
Feb. 7 Notice of hearing....444
Mar. 12 Indefinitely postponed....863

LEGISLATIVE BILL 469 By Schmit

Jan. 17 Read first time....252
Jan. 22 Referred to Committee on Public Works....306
Jan. 29 Notice of hearing....357
Mar. 13 Indefinitely postponed....868

LEGISLATIVE BILL 470 By Schmit

Jan. 17 Read first time....252
Jan. 22 Referred to Committee on Judiciary....306
Jan. 30 Notice of hearing....366
Mar. 14 Indefinitely postponed....909

LEGISLATIVE BILL 471 By Venditte

Jan. 17 Read first time....252
Jan. 22 Laid over....306
Jan. 24 Referred to Committee on Judiciary....322
Feb. 12 Notice of hearing....483
Mar. 14 Placed on General File....904

LEGISLATIVE BILL 472 By Schmit

Jan. 17 Read first time....252
Jan. 22 Referred to Committee on Revenue....306
Feb. 2 Notice of hearing....415
Mar. 13 Indefinitely postponed....886

LEGISLATIVE BILL 473 By Agriculture and Environment Committee

Jan. 17 Read first time....252
Jan. 22 Referred to Committee on Public Works....306
Jan. 24 Re-referred to Committee on Agriculture and Environment....321
Feb. 1 Notice of hearing....395
Feb. 5 Notice of hearing cancelled....427

LEGISLATIVE BILL 474 By Venditte

Jan. 17 Read first time....253
Jan. 22 Referred to Committee on Miscellaneous Subjects....306
Jan. 24 Notice of hearing....316
Feb. 8 Placed on General File....451
Mar. 5 Advanced for Review....741
Mar. 7 Placed on Select File....769
Mar. 8 Advanced for Engrossment....811
Mar. 9 Correctly Engrossed....840
Mar. 13 Final Reading....882
Mar. 14 Correctly Enrolled. Speaker signed....888
Mar. 14 Presented to Governor....898
Mar. 19 Approved by Governor....966

LEGISLATIVE BILL 475 By Kremer

Jan. 17 Read first time....253
Jan. 22 Referred to Committee on Miscellaneous Subjects....306
Jan. 31 Notice of hearing....380
Feb. 14 Placed on General File....522
Mar. 19 Advanced for Review....983
Mar. 21 Placed on Select File....1027
Mar. 22 Advanced for Engrossment....1062
Mar. 27 Correctly Engrossed....1111
Apr. 2 Final Reading....1224
Apr. 2 Venditte and Haberman explanations of vote....1236
Apr. 2 Correctly Enrolled....1244
Apr. 2 Speaker signed....1245
Apr. 2 Presented to Governor....1255
Apr. 3 Dworak explanation of vote....1264
Apr. 5 Approved by Governor....1330

LEGISLATIVE BILL 476 By Public Works Committee

Jan. 17 Read first time....253
Jan. 22 Referred to Committee on Public Works....306
Jan. 23 Notice of hearing....311
Feb. 13 Placed on General File....511
Mar. 19 Kremer amendment adopted. Advanced for Review....982
Mar. 21 Placed on Select File....1027
Mar. 22 Advanced for Engrossment....1062

Mar. 27 Correctly Engrossed....1111
Mar. 30 Final Reading....1197
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 477 By Public Works Committee

Jan. 17 Read first time....253
Jan. 22 Referred to Committee on Public Works....306
Jan. 23 Notice of hearing....311
Feb. 13 Placed on General File....511
Mar. 19 Advanced for Review....983
Mar. 21 Placed on Select File....1027
Mar. 22 Advanced for Engrossment....1062
Mar. 27 Correctly Engrossed....1111
Mar. 30 Final Reading....1198
Mar. 30 Haberman explanation of vote....1203
Mar. 30 Correctly Enrolled. Speaker signed....1207
Mar. 30 Presented to Governor....1220
Apr. 2 Koch explanation of vote....1261
Apr. 3 Approved by Governor....1288

LEGISLATIVE BILL 478 By Murphy

Jan. 17 Read first time....253
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....306
Jan. 25 Notice of hearing....333
Mar. 5 Placed on General File....726
Mar. 21 Committee amendment adopted. Advanced for Review....1045
Mar. 26 Placed on Select File....1075
Mar. 27 Advanced for Engrossment....1117
Apr. 3 Correctly Engrossed....1271
Apr. 11 Final Reading....1432
Apr. 11 Correctly Enrolled. Speaker signed....1447
Apr. 12 Presented to Governor....1456
Apr. 17 Approved by Governor....1501

LEGISLATIVE BILL 479 By DeCamp

Jan. 17 Read first time....253
Jan. 22 Referred to Committee on Revenue....307
Feb. 6 Notice of hearing....439
May 10 Placed on General File....2042
May 10 Committee amendments adopted as amended by DeCamp. Keyes amendment lost. Advanced for Review....2043
May 14 Placed on Select File....2085
May 15 Koch amendment adopted. Advanced for Engrossment....2190
May 21 Correctly Engrossed....2197
May 23 Final Reading....2314
May 23 Correctly Enrolled. Speaker signed....2317
May 23 Presented to Governor. Approved by Governor....2320

LEGISLATIVE BILL 480 By Banking, Commerce and Insurance Committee

Jan. 17 Read first time....254
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....307
Feb. 1 Notice of hearing....384

LEGISLATIVE BILL 481 by Banking, Commerce and Insurance Committee

Jan. 17 Read first time....255
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....307
Feb. 2 Notice of hearing....409
Apr. 30 Placed on General File....1745

LEGISLATIVE BILL 482 By Lamb

Jan. 17 Read first time....256
Jan. 22 Referred to Committee on Public Works....307
Jan. 23 Notice of hearing....311
Feb. 2 Notice of hearing cancelled....409
Feb. 13 Notice of hearing reset....509
Mar. 9 Indefinitely postponed....832

LEGISLATIVE BILL 483 By Newell

Jan. 17 Read first time....256
Jan. 22 Laid over....307
Jan. 24 Referred to Committee on Judiciary....322
Jan. 31 Notice of hearing....380
Mar. 28 Placed on General File....1148
Apr. 30 Newell amendments printed....1739

LEGISLATIVE BILL 484 By Miscellaneous Subjects Committee

Jan. 17 Read first time....256
Jan. 22 Referred to Committee on Miscellaneous Subjects....307
Jan. 24 Notice of hearing....316
Feb. 14 Placed on General File....526
Mar. 28 Committee amendments adopted as amended by Newell. Chambers amendment lost. Advanced for Review....1130
Mar. 30 Placed on Select File....1177
Apr. 2 Sieck-Hoagland amendment printed....1262
Apr. 3 Sieck-Hoagland pending amendment adopted. Advanced for Engrossment....1277
Apr. 6 Correctly Engrossed....1352
Apr. 17 Attorney General's Opinion....1473
Apr. 18 Laid over....1519
May 21 Returned to Select File for Lewis amendment....2220

LEGISLATIVE BILL 485 By Miscellaneous Subjects Committee

Jan. 17 Read first time....256
Jan. 22 Referred to Committee on Miscellaneous Subjects....307
Jan. 31 Notice of hearing....380
Apr. 4 Placed on General File....1310

LEGISLATIVE BILL 485A By Miscellaneous Subjects Committee

Apr. 11 Read first time. Placed on General File....1447

LEGISLATIVE BILL 486 By Koch, Reutzel

Jan. 17 Read first time....256
Jan. 22 Referred to Committee on Education....307
Feb. 1 Notice of hearing....385
Mar. 16 Placed on General File....960

LEGISLATIVE BILL 487 By Schmit

Jan. 17 Read first time....457
Jan. 22 Referred to Committee on Revenue....307
Feb. 6 Notice of hearing....439
Mar. 13 Carsten amendments printed.
Notice of hearing....878

LEGISLATIVE BILL 488 By Miscellaneous Subjects Committee

Jan. 17 Read first time....257
Jan. 22 Referred to Committee on Miscellaneous Subjects....307
Feb. 12 Notice of hearing....484
Apr. 10 Placed on General File....1400

LEGISLATIVE BILL 489 By Brennan

Jan. 17 Read first time....257
Jan. 22 Referred to Committee on Business and Labor....307
Feb. 2 Notice of hearing....415
Feb. 28 Placed on General File....697
May 2 Newell amendment adopted. Landis amendment lost. Committee amendments lost.
Indefinitely postponed....1798

LEGISLATIVE BILL 490 By Hoagland

Jan. 17 Read first time....257
Jan. 22 Referred to Committee on Judiciary....307
Feb. 12 Notice of hearing....483
Feb. 15 Notice of hearing cancelled....554
Feb. 21 Notice of hearing reset....595
Mar. 27 Placed on General File....1111
Apr. 19 Nichol et al amendments printed....1539
Apr. 27 Hoagland amendment printed....1727
May 4 Chambers amendment printed....1866

LEGISLATIVE BILL 491 By Banking, Commerce and Insurance Committee

Jan. 17 Read first time....257
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....307
Feb. 2 Notice of hearing....409

May 11 Placed on General File....2079

LEGISLATIVE BILL 492 By Banking, Commerce and Insurance Committee

Jan. 17 Read first time....257
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....307
Feb. 1 Notice of hearing....384
Mar. 8 Placed on General File....807
Mar. 26 DeCamp amendment withdrawn. Fowler motion to recommit withdrawn. Advanced for Review....1095
Mar. 27 Burrows amendment printed....1121
Mar. 30 Burrows amendment printed....1213
Apr. 10 Placed on Select File....1397
Apr. 17 Burrows pending amendments p.1121 and p.1213 withdrawn. Burrows amendment adopted. Advanced for Engrossment....1507
Apr. 20 Correctly Engrossed....1593
Apr. 25 Returned to E & R for engrossing error....1660
Apr. 26 Correctly Re-Engrossed....1675
May 3 Final Reading....1841
May 4 Correctly Enrolled. Speaker signed....1857
May 4 Presented to Governor....1883
May 7 Dworak explanation of vote....1926
May 8 Approved by Governor....1954

LEGISLATIVE BILL 493 By Constitutional Revision and Recreation Committee

Jan. 17 Read first time....258
Jan. 22 Referred to Committee on Constitutional Revision and Recreation....307
Feb. 6 Notice of hearing....437
Mar. 19 Placed on General File....968

LEGISLATIVE BILL 494 By Vickers

Jan. 17 Read first time....258
Jan. 22 Referred to Committee on Education....307
Feb. 1 Notice of hearing....385
Mar. 16 Placed on General File....951
Apr. 30 Lewis amendment withdrawn. Warner amendment lost. Indefinitely postponed....1737

LEGISLATIVE BILL 495 By Miscellaneous Subjects Committee

Jan. 17 Read first time....258
Jan. 22 Referred to Committee on Urban Affairs....307
Jan. 25 Notice of hearing....334
Feb. 23 Placed on General File....631
Mar. 19 Advanced for Review....984
Mar. 21 Placed on Select File....1028
Mar. 22 Fowler motion to indefinitely postpone pending....1063
Mar. 28 Fowler amendment printed....1139
Mar. 29 Fowler pending motion p.1063 withdrawn. Fowler pending amendment p.1139 adopted. Advanced for Engrossment....1171
Apr. 2 Replaced on Select File....1223
Apr. 3 Advanced for Engrossment....1284
Apr. 6 Fowler amendment printed....1355
Apr. 9 Correctly Engrossed....1362
Apr. 9 Haberman amendment printed....1385
Apr. 10 Returned to Select File for Fowler amendment. Fowler amendment adopted. Advanced for Re-Engrossment....1406
Apr. 17 Correctly Re-Engrossed....1471
Apr. 25 Returned to Select File for Haberman amendment. Haberman amendment p.1385 lost. Failed to advance to Final Reading....1645
May 7 Readvanced to Final Reading....1929
May 21 Final Reading....2220
May 21 Correctly Enrolled. Speaker signed....2234
May 22 Presented to Governor....2237
May 23 Approved by Governor....2301

LEGISLATIVE BILL 496 By Banking, Commerce and Insurance Committee

Jan. 17 Read first time....258
Jan. 22 Referred to Committee on Banking, Commerce and Insurance....307
Feb. 2 Notice of hearing....409
Apr. 9 Placed on General File....1385

LEGISLATIVE BILL 497 By Agriculture and Environment Committee

Jan. 17 Read first time....259
Jan. 22 Referred to Committee on Agriculture and Environment....307
Jan. 25 Notice of hearing....326
Mar. 30 Placed on General File....1208
Apr. 20 Committee amendments considered. Laid over ...1595

LEGISLATIVE BILL 498 By Judiciary Committee

Jan. 17 Read first time....259
Jan. 22 Referred to Committee on Judiciary 307
Feb. 21 Notice of hearing....595
Mar. 22 Placed on General File....1067

LEGISLATIVE BILL 499 By Banking, Commerce and Insurance Committee

Jan. 17 Read first time....259
Jan. 22 Laid over....307
Jan. 24 Referred to Committee on Banking, Commerce and Insurance....322
Feb. 2 Notice of hearing....409

LEGISLATIVE BILL 500 By Government, Military and Veterans Affairs Committee

Jan. 17 Read first time....259
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs....307
Feb. 1 Notice of hearing....395
Feb. 21 Placed on General File....589
Mar. 20 Committee amendments adopted. Laid over....1022
Mar. 28 Johnson amendment adopted. Advanced for Review....1145
Apr. 2 Placed on Select File 1242
Apr. 3 Advanced for Engrossment....1284
Apr. 9 Correctly Engrossed....1362
May 15 Final Reading....2157
May 15 Correctly Enrolled. Speaker signed....2182
May 15 Presented to Governor....2193
May 21 Approved by Governor 2235

LEGISLATIVE BILL 500A By Keyes

Mar. 29 Read first time. Placed on General File 1156
Apr. 2 Keyes amendment printed 1240
Apr. 3 Keyes pending amendment adopted. Advanced for Review 1273
Apr. 5 Placed on Select File 1319
Apr. 6 Advanced for Engrossment 1351
Apr. 10 Correctly Engrossed 1417
May 15 Final Reading 2158
May 15 Correctly Enrolled. Speaker signed 2182
May 15 Presented to Governor 2193
May 21 Approved by Governor 2235

LEGISLATIVE BILL 501 By Warner

Jan. 17 Read first time 259
Jan. 22 Referred to Committee on Agriculture and Environment 307
Jan. 25 Notice of hearing 326

LEGISLATIVE BILL 502 By Warner

Jan. 17 Read first time 260
Jan. 22 Referred to Committee on Public Works 307
Jan. 29 Notice of hearing 357

LEGISLATIVE BILL 503 By Appropriations Committee

Jan. 17 Read first time 260
Jan. 22 Referred to Committee on Public Health and Welfare 307
Feb. 1 Notice of hearing 385

LEGISLATIVE BILL 504 By Fowler

Jan. 17 Read first time 260
Jan. 22 Laid over 307
Jan. 24 Referred to Committee on Miscellaneous Subjects 322
Feb. 5 Notice of hearing 427

LEGISLATIVE BILL 505 By Simon

Jan. 17 Read first time 260
Jan. 22 Referred to Committee on Public Health and Welfare 307
Jan. 26 Re-referred to Committee on Judiciary 346
Feb. 5 Notice of hearing 423

Feb. 12	Haberman name added	488
Mar. 14	Placed on General File	904
Mar. 29	Committee amendments adopted. Advanced for Review	1164
Apr. 3	Placed on Select File	1269
Apr. 4	Goodrich amendment printed	1305
Apr. 4	Advanced for Engrossment. Returned to Select File for Goodrich amendment. Goodrich amendment adopted. Advanced for Engrossment	1311
Apr. 4	Returned to Select File for Simon amendment. Simon amendment adopted. Advanced for Engrossment	1312
Apr. 10	Correctly Engrossed	1417
Apr. 12	Haberman amendment printed	1456
Apr. 19	Simon amendment printed	1575
Apr. 25	Haberman pending amendment withdrawn	1647
Apr. 25	Returned to Select File for Simon amendment. Simon amendment adopted. Advanced for Re-Engrossment	1648
Apr. 26	Correctly Re-Engrossed	1675
May 15	Final Reading	2154
May 15	Correctly Enrolled. Speaker signed	2182
May 15	Presented to Governor	2193
May 21	Approved by Governor	2235

LEGISLATIVE BILL 505A By Simon

Mar. 29	Read first time. Placed on General File	1173
Apr. 3	Advanced for Review	1273
Apr. 5	Placed on Select File	1319
Apr. 6	Advanced for Engrossment	1351
Apr. 10	Correctly Engrossed	1417
May 15	Final Reading	2155
May 15	Correctly Enrolled. Speaker signed	2182
May 15	Presented to Governor	2193
May 21	Approved by Governor	2235

LEGISLATIVE BILL 506 By Maresh

Jan. 17	Read first time	260
Jan. 22	Referred to Committee on Public Health and Welfare	307
Jan. 31	Notice of hearing	374
Feb. 22	Placed on General File	615
Mar. 5	DeCamp amendment printed	739

Mar. 20 Committee amendment adopted as amended by DeCamp pending amendment. Advanced for Review....1023
Mar. 22 Placed on Select File....1049
Mar. 26 Advanced for Engrossment....1085
Mar. 29 Replaced on Select File....1151
Mar. 29 Attorney General's Opinion....1168
Apr. 3 Advanced for Engrossment....1274
Apr. 4 Correctly Engrossed....1305
May 15 Final Reading....2159
May 15 Correctly Enrolled. Speaker signed....2182
May 15 Presented to Governor....2193
May 21 Approved by Governor....2217

LEGISLATIVE BILL 506A By Maresh

Mar. 12 Read first time. Placed on General File....843
Mar. 20 Advanced for Review....1023
Mar. 22 Placed on Select File....1049
Mar. 26 Advanced for Engrossment....1086
Apr. 4 Correctly Engrossed....1305
May 15 Final Reading....2160
May 15 Correctly Enrolled. Speaker signed....2182
May 15 Presented to Governor....2193
May 21 Approved by Governor....2217

LEGISLATIVE BILL 507 By Public Works Committee

Jan. 17 Read first time....261
Jan. 22 Referred to Committee on Public Works....307
Jan. 23 Notice of hearing....311
Jan. 29 Notice of hearing cancelled. Reset....357
Mar. 29 Placed on General File....1167

LEGISLATIVE BILL 508 By Agriculture and Environment Committee

Jan. 17 Read first time....261
Jan. 22 Referred to Committee on Public Works....307
Jan. 23 Notice of hearing....311
Jan. 29 Notice of hearing cancelled....357
Jan. 29 Notice of hearing reset....358
Mar. 19 Indefinitely postponed....966
Mar. 19 Schmit motion to place on General File pending....982
Mar. 20 Schmit pending motion withdrawn....1009

LEGISLATIVE BILL 509 By Hoagland

Jan.	17	Read first time....261
Jan.	22	Laid over....307
Jan.	24	Referred to Committee on Miscellaneous Subjects....322
Jan.	31	Notice of hearing....380
Feb.	14	Placed on General File....526
Mar.	19	Committee amendment printed....979
Mar.	19	Committee amendments adopted as amended by Hoagland. Advanced for Review....995
Mar.	21	Placed on Select File....1029
Mar.	22	Advanced for Engrossment....1064
Mar.	27	Correctly Engrossed....1111
Mar.	30	Final Reading....1199
Mar.	30	Haberman explanation of vote....1203
Mar.	30	Correctly Enrolled. Speaker signed....1207
Mar.	30	Presented to Governor....1220
Apr.	2	Koch explanation of vote....1261
Apr.	5	Approved by Governor....1330

LEGISLATIVE BILL 510 By Hoagland

Jan.	17	Read first time....261
Jan.	22	Referred to Committee on Judiciary....307
Feb.	12	Notice of hearing....483
Feb.	15	Notice of hearing cancelled....554
Feb.	21	Notice of hearing reset....595
Mar.	12	Placed on General File....862
Mar.	29	Committee amendments adopted. Advanced for Review....1155
Apr.	2	Placed on Select File....1243
Apr.	3	Advanced for Engrossment....1285
Apr.	9	Correctly Engrossed....1362
Apr.	19	Final Reading....1547
Apr.	20	Correctly Enrolled. Speaker signed....1579
Apr.	20	Presented to Governor....1589
Apr.	24	Dworak explanation of vote....1619
Apr.	24	Approved by Governor....1631

LEGISLATIVE BILL 511 By Hoagland

Jan.	17	Read first time....261
Jan.	22	Referred to Committee on Judiciary....307
Feb.	12	Notice of hearing....483
Feb.	15	Notice of hearing cancelled....554

Feb. 21 Notice of hearing reset....595
Mar. 9 Indefinitely postponed....833

LEGISLATIVE BILL 512 By Goodrich

Jan. 17 Read first time....261
Jan. 22 Referred to Committee on Agriculture and Environment....307
Feb. 1 Notice of hearing....395
Mar. 12 Indefinitely postponed....853

LEGISLATIVE BILL 513 By Business and Labor Committee

Jan. 17 Read first time....262
Jan. 22 Referred to Committee on Business and Labor....307
Feb. 2 Notice of hearing....415
Mar. 12 Indefinitely postponed....863

LEGISLATIVE BILL 514 By Hefner

Jan. 17 Read first time....262
Jan. 22 Referred to Committee on Miscellaneous Subjects....307
Jan. 24 Notice of hearing....316
Mar. 5 Placed on General File....742
Apr. 19 DeCamp amendment printed....1575
Apr. 27 Committee amendment adopted. Advanced for Review....1721
May 1 Placed on Select File....1762
May 4 DeCamp pending amendment withdrawn. Advanced for Engrossment....1884
May 8 Correctly Engrossed....1958
May 11 Final Reading....2067
May 11 Haberman explanation of vote....2073
May 14 Correctly Enrolled. President signed....2085
May 14 Presented to Governor....2096
May 15 Haberman explanation of vote....2143
May 21 Approved by Governor....2199

LEGISLATIVE BILL 515 By Agriculture and Environment Committee

Jan. 17 Read first time....262
Jan. 22 Referred to Committee on Agriculture and Environment....307
Feb. 1 Notice of hearing....395

Mar. 5 Attorney General's Opinion 711

LEGISLATIVE BILL 516 By Duis

Jan. 17 Read first time 262
Jan. 22 Referred to Committee on Revenue 307
Feb. 6 Notice of hearing 438
Feb. 14 Duis motion to withdraw pending 519
Feb. 15 Withdrawn 534
Feb. 20 Notice of hearing cancelled 562

LEGISLATIVE BILL 517 By Judiciary Committee

Jan. 17 Read first time 262
Jan. 22 Referred to Committee on Judiciary 307
Feb. 5 Notice of hearing 423
Mar. 12 Indefinitely postponed 842

LEGISLATIVE BILL 518 By Judiciary Committee

Jan. 17 Read first time 262
Jan. 22 Referred to Committee on Judiciary 307
Feb. 5 Notice of hearing 423
Feb. 15 Indefinitely postponed 546

LEGISLATIVE BILL 519 By Judiciary Committee

Jan. 17 Read first time 263
Jan. 22 Referred to Committee on Judiciary 307
Feb. 5 Notice of hearing 423

LEGISLATIVE BILL 520 By Judiciary Committee

Jan. 17 Read first time 263
Jan. 22 Referred to Committee on Judiciary 307
Feb. 5 Notice of hearing 423
Mar. 12 Indefinitely postponed 842

LEGISLATIVE BILL 521 By Schmit

Jan. 17 Read first time 263
Jan. 22 Referred to Committee on Judiciary 307
Feb. 5 Notice of hearing 423
Mar. 22 Indefinitely postponed 1070

LEGISLATIVE BILL 522 By Schmit

Jan. 17 Read first time....263
Jan. 22 Referred to Committee on Education....307
Jan. 24 Notice of hearing....316
Jan. 31 Notice of hearing cancelled....380
Feb. 1 Notice of hearing reset....385
Mar. 16 Schmit motion to place on General File pending....943

LEGISLATIVE BILL 523 By Chambers

Jan. 17 Read first time....263
Jan. 22 Referred to Committee on Public Health and Welfare....307
Feb. 1 Notice of hearing....385
Mar. 5 Indefinitely postponed....731

LEGISLATIVE BILL 524 By Chambers

Jan. 17 Read first time....263
Jan. 22 Referred to Committee on Judiciary....308
Feb. 5 Notice of hearing....423
Feb. 15 Placed on General File....545
Mar. 19 Committee amendments adopted. Laid over....996
Mar. 28 Advanced for Review....1142
Mar. 30 Placed on Select File....1180
Mar. 30 Chambers amendment printed....1201
Apr. 3 Chambers pending amendment adopted. Advanced for Engrossment....1282
Apr. 6 Correctly Engrossed....1352
Apr. 18 Final Reading....1519
Apr. 18 Correctly Enrolled. Speaker signed....1530
Apr. 18 Presented to Governor....1531
Apr. 24 Approved by Governor....1600

LEGISLATIVE BILL 525 By Sieck

Jan. 17 Read first time....264
Jan. 22 Laid over....308
Jan. 24 Referred to Committee on Public Health and Welfare....322
Feb. 1 Notice of hearing....385
Apr. 17 Placed on General File....1501
Apr. 26 Haberman amendment printed....1704

LEGISLATIVE BILL 526 By Education Committee

Jan. 17 Read first time....264
Jan. 24 Notice of hearing....315
Jan. 24 Referred to Committee on Education....322
Mar. 16 Placed on General File....951
Apr. 3 Koch amendment printed....1290

LEGISLATIVE BILL 527 By Dworak

Jan. 17 Read first time....264
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs....322
Feb. 7 Notice of hearing....444
Mar. 14 Indefinitely postponed....896

LEGISLATIVE BILL 528 By Marsh

Jan. 17 Read first time....264
Jan. 24 Referred to Committee on Banking, Commerce and Insurance....322
Jan. 25 Notice of hearing....334
Feb. 1 Re-referred to Committee on Revenue....387
Feb. 1 Notice of hearing cancelled....384
Feb. 6 Notice of hearing reset....439
Mar. 9 Indefinitely postponed....831

LEGISLATIVE BILL 529 By Chambers

Jan. 17 Read first time....264
Jan. 24 Referred to Committee on Judiciary....322
Feb. 21 Chambers motion to withdraw pending....597
Feb. 22 Withdrawn....616

LEGISLATIVE BILL 530 By Marsh

Jan. 17 Read first time....264
Jan. 24 Referred to Committee on Public Health and Welfare....322
Feb. 1 Notice of hearing....385

LEGISLATIVE BILL 531 By Sieck

Jan. 17 Read first time....265
Jan. 24 Referred to Committee on Public Health and Welfare....322
Feb. 1 Notice of hearing....385

Mar. 5 Indefinitely postponed....731

LEGISLATIVE BILL 532 By Revenue Committee

Jan. 17 Read first time....266
Jan. 24 Referred to Committee on Public Health and Welfare....322
Feb. 1 Notice of hearing....385
Mar. 5 Indefinitely postponed....731

LEGISLATIVE BILL 533 By Nebraska Retirement Systems Committee

Jan. 17 Read first time....266
Jan. 24 Referred to Committee on Nebraska Retirement Systems....322
Jan. 31 Notice of hearing....379
Apr. 11 Placed on General File....1444

LEGISLATIVE BILL 534 By Keyes

Jan. 17 Read first time....266
Jan. 24 Referred to Committee on Judiciary....322
Feb. 12 Notice of hearing....483
Mar. 28 Placed on General File....1148
Apr. 19 Nichol amendment printed....1557
Apr. 20 Committee amendments adopted as amended by Nichol. Advanced for Review....1592
Apr. 26 Placed on Select File....1674
Apr. 26 Hoagland amendment printed....1688
May 4 Hoagland pending amendment withdrawn. Advanced for Engrossment....1883
May 8 Correctly Engrossed....1958
May 11 Final Reading....2068
May 11 Haberman explanation of vote....2073
May 14 Correctly Enrolled. President signed....2085
May 14 Presented to Governor....2096
May 15 Haberman explanation of vote....2143
May 21 Approved by Governor....2199

LEGISLATIVE BILL 535 By Miscellaneous Subjects Committee

Jan. 17 Read first time....267
Jan. 24 Referred to Committee on Miscellaneous Subjects....322
Feb. 12 Notice of hearing....483

May 1 Placed on General File....1785

LEGISLATIVE BILL 536 By Judiciary Committee

Jan. 26 Read first time....340
Feb. 1 Referred to Committee on Judiciary 386
Feb. 15 Notice of hearing....554
Feb. 28 Placed on General File....683
Mar. 21 Committee amendment adopted. Advanced for Review....1042
Mar. 26 Placed on Select File 1073
Mar. 27 Advanced for Engrossment....1116
Apr. 3 Correctly Engrossed....1271
Apr. 11 Final Reading....1433
Apr. 11 Correctly Enrolled. Speaker signed....1447
Apr. 12 Presented to Governor....1456
Apr. 17 Approved by Governor 1501

LEGISLATIVE BILL 537 By Agriculture and Environment Committee

Jan. 26 Read first time....341
Feb. 1 Referred to Committee on Agriculture and Environment....386
Feb. 8 Notice of hearing....461
Feb. 9 Notice of hearing reset....466
Feb. 28 Placed on General File....683
Mar. 19 Advanced for Review....992
Mar. 21 Placed on Select File 1028
Mar. 22 Advanced for Engrossment....1063
Mar. 28 Correctly Engrossed....1128
Apr. 2 Final Reading....1231
Apr. 2 Correctly Enrolled....1244
Apr. 2 Speaker signed 1245
Apr. 2 Presented to Governor....1255
Apr. 3 Dworak explanation of vote....1264
Apr. 5 Approved by Governor 1330

LEGISLATIVE BILL 538 By Agriculture and Environment Committee

Jan. 26 Read first time....341
Feb. 1 Referred to Committee on Agriculture and Environment....386
Feb. 8 Notice of hearing....461
Feb. 9 Notice of hearing reset....466

Feb. 28 Placed on General File....691
Mar. 22 Committee amendments adopted. Advanced for Review....1064
Mar. 26 Placed on Select File....1075
Mar. 27 Advanced for Engrossment....1117
Apr. 4 Returned to Select File for Schmit amendment. Schmit amendment adopted. Advanced for Engrossment....1314
Apr. 9 Correctly Engrossed....1388
Apr. 19 Laid over....1548
May 7 Warner amendment printed....1934
May 9 Returned to Select File for Warner amendment....1960
May 9 Warner amendment adopted. Advanced for Re-Engrossment....1961
May 11 Correctly Engrossed....2053
May 21 Final Reading....2226
May 21 Correctly Enrolled. Speaker signed....2234
May 22 Presented to Governor....2237
May 23 Approved by Governor....2313

LEGISLATIVE BILL 539 By Agriculture and Environment Committee

Jan. 26 Read first time....342
Feb. 1 Referred to Committee on Agriculture and Environment....386
Feb. 8 Notice of hearing....461
Feb. 9 Notice of hearing reset....466
Mar. 12 Indefinitely postponed....853

LEGISLATIVE BILL 540 By Agriculture and Environment Committee

Jan. 26 Read first time....342
Feb. 1 Referred to Committee on Agriculture and Environment....386
Feb. 8 Notice of hearing....461
Feb. 28 Placed on General File....693
Apr. 27 Committee amendments adopted. Advanced for Review....1719
Apr. 30 Placed on Select File....1759
May 4 Advanced for Engrossment....1882
May 8 Correctly Engrossed....1958
May 11 Final Reading....2069
May 11 Haberman explanation of vote....2073

May 14 Correctly Enrolled. President signed....2085
May 14 Presented to Governor....2096
May 15 Haberman explanation of vote....2143
May 21 Approved by Governor....2199

LEGISLATIVE BILL 541 By Judiciary Committee

Jan. 29 Read first time....351
Jan. 30 Notice of hearing....365
Jan. 31 Notice of hearing reset....380
Feb. 1 Referred to Committee on Judiciary....386
Mar. 12 Indefinitely postponed....863

LEGISLATIVE BILL 542 By Speaker Marvel at request of Governor

Jan. 29 Read first time....353
Jan. 30 Referred to Committee on Appropriations. Notice of hearing....371
Apr. 2 Placed on General File....1224
Apr. 6 Committee amendments adopted. Warner amendment adopted. Advanced for Review....1348
Apr. 6 Placed on Select File....1355
Apr. 10 Advanced for Engrossment....1401
Apr. 10 Correctly Engrossed....1407
Apr. 12 Lewis and Dworak motions to return to Select File withdrawn....1455
Apr. 12 Laid over....1456
Apr. 20 Final Reading....1579
Apr. 20 Correctly Enrolled. Speaker signed....1589
Apr. 20 Presented to Governor....1595
Apr. 25 Approved by Governor....1653
Apr. 25 Dworak explanation of vote....1672

LEGISLATIVE BILL 543 By Speaker Marvel at request of Governor

Jan. 29 Read first time....353
Jan. 30 Referred to Committee on Appropriations. Notice of hearing....371
Mar. 26 Placed on General File....1093
Apr. 6 Advanced for Review....1358
Apr. 9 Placed on Select File....1388
Apr. 10 Advanced for Engrossment....1412
Apr. 11 Correctly Engrossed....1436
Apr. 24 Final Reading....1614
Apr. 25 Correctly Enrolled. President signed....1645
Apr. 25 Presented to Governor....1653

Apr. 30 Approved by Governor 1752

LEGISLATIVE BILL 544 By Public Works Committee

Jan. 30 Read first time 366
Feb. 1 Referred to Committee on Public Works 386
Feb. 8 Notice of hearing 461
Feb. 21 Placed on General File 590
Mar. 20 Committee amendment adopted.
Advanced for Review 1022
Mar. 22 Placed on Select File 1049
Mar. 26 Burrows amendment adopted.
Advanced for Engrossment 1085
Mar. 28 Correctly Engrossed 1146
Apr. 2 Final Reading 1232
Apr. 2 Correctly Enrolled 1244
Apr. 2 Speaker signed 1245
Apr. 2 Presented to Governor 1255
Apr. 3 Dworak explanation of vote 1264
Apr. 5 Approved by Governor 1330

LEGISLATIVE BILL 545 By Public Works Committee

Jan. 30 Read first time 367
Feb. 1 Referred to Committee on Public Works 386
Feb. 8 Notice of hearing 461
Feb. 21 Placed on General File 590
Mar. 19 Advanced for Review 983
Mar. 21 Placed on Select File 1027
Mar. 22 Advanced for Engrossment 1062
Mar. 27 Correctly Engrossed 1111
Mar. 30 Final Reading 1200
Mar. 30 Haberman explanation of vote 1203
Mar. 30 Correctly Enrolled. Speaker signed 1207
Mar. 30 Presented to Governor 1220
Apr. 2 Koch explanation of vote 1261
Apr. 5 Approved by Governor 1330

LEGISLATIVE BILL 546 By Public Works Committee

Jan. 30 Read first time 367
Feb. 1 Referred to Committee on Public Works 386
Feb. 13 Notice of hearing 508
Mar. 26 Placed on General File 1077
Apr. 11 Committee amendment adopted.
Advanced for Review 1427

Apr. 17 Placed on Select File 1470
Apr. 19 Advanced for Engrossment 1571
Apr. 24 Correctly Engrossed 1600
May 3 Final Reading 1838
May 4 Correctly Enrolled. Speaker signed 1857
May 4 Presented to Governor 1883
May 7 Dworak explanation of vote 1926
May 8 Approved by Governor 1954

LEGISLATIVE BILL 547 By Public Works Committee

Jan. 30 Read first time 368
Feb. 1 Referred to Committee on Public Works 386
Feb. 13 Notice of hearing 508
Mar. 20 Placed on General File 1006
Mar. 30 Committee amendments adopted. Advanced for Review 1214
Apr. 4 Placed on Select File 1293
Apr. 5 Advanced for Engrossment 1322
Apr. 10 Correctly Engrossed 1398
Apr. 19 Kremer amendment printed 1558
Apr. 24 Returned to Select File for Kremer amendment. Kremer amendment adopted. Advanced for Re-Engrossment 1610
Apr. 25 Correctly Re-Engrossed 1645
May 3 Final Reading 1840
May 4 Correctly Enrolled. Speaker signed 1857
May 4 Presented to Governor 1883
May 7 Dworak explanation of vote 1926
May 8 Approved by Governor 1954

LEGISLATIVE BILL 548 By Agriculture and Environment Committee

Feb. 1 Read first time 389
Feb. 2 Referred to Committee on Agriculture and Environment 420
Feb. 14 Notice of hearing 520
Feb. 28 Placed on General File 683
Mar. 19 Advanced for Review 992
Mar. 21 Placed on Select File 1028
Mar. 22 Advanced for Engrossment 1063
Mar. 28 Correctly Engrossed 1128
Apr. 2 Final Reading 1232
Apr. 2 Correctly Enrolled 1244
Apr. 2 Speaker signed 1245

Apr. 2 Presented to Governor 1255
Apr. 3 Dworak explanation of vote 1264
Apr. 9 Approved by Governor 1361

LEGISLATIVE BILL 549 By Appropriations Committee

Feb. 1 Read first time 389
Feb. 2 Referred to Committee on Appropriations 420
Feb. 6 Notice of hearing 434

LEGISLATIVE BILL 550 By Appropriations Committee

Feb. 1 Read first time 390
Feb. 2 Referred to Committee on Appropriations 420
Feb. 6 Notice of hearing 434
Mar. 7 Placed on General File 783

LEGISLATIVE BILL 551 By Revenue Committee

Feb. 1 Read first time 390
Feb. 2 Referred to Committee on Revenue 420
Feb. 6 Notice of hearing 438
Mar. 7 Placed on General File 784
Mar. 19 Advanced for Review 993
Mar. 21 Placed on Select File 1029
Mar. 22 Advanced for Engrossment 1063
Mar. 27 Correctly Engrossed 1111
Mar. 30 Final Reading 1200
Mar. 30 Haberman explanation of vote 1203
Mar. 30 Correctly Enrolled. Speaker signed 1207
Mar. 30 Presented to Governor 1220
Apr. 2 Koch explanation of vote 1261
Apr. 3 Approved by Governor 1288

LEGISLATIVE BILL 552 By Constitutional Revision and Recreation Committee

Feb. 1 Read first time 391
Feb. 2 Referred to Committee on Constitutional Revision and Recreation 420
Feb. 6 Notice of hearing 437
Mar. 13 Placed on General File 884
Apr. 27 Reutzel amendment printed 1716

LEGISLATIVE BILL 553 By Constitutional Revision and Recreation Committee

Feb.	1	Read first time....391
Feb.	2	Referred to Committee on Constitutional Revision and Recreation....420
Feb.	6	Notice of hearing....437
Mar.	15	Placed on General File....924
Mar.	29	Committee amendments adopted. Advanced for Review....1165
Apr.	3	Placed on Select File....1270
Apr.	4	Advanced for Engrossment....1311
Apr.	10	Correctly Engrossed....1398
Apr.	24	Final Reading....1610
Apr.	25	Correctly Enrolled. President signed....1645
Apr.	25	Presented to Governor....1653
Apr.	30	Approved by Governor....1752

LEGISLATIVE BILL 554 By Speaker Marvel at request of Governor

Feb.	1	Read first time....404
Feb.	2	Referred to Committee on Appropriations....420
Feb.	6	Notice of hearing....434
Apr.	10	Indefinitely postponed....1416

LEGISLATIVE BILL 555 By Speaker Marvel at request of Governor

Feb.	1	Read first time....405
Feb.	2	Referred to Committee on Appropriations....420
Feb.	6	Notice of hearing....434
Mar.	26	Placed on General File....1093
Apr.	6	Advanced for Review....1358
Apr.	9	Placed on Select File....1388
Apr.	10	Advanced for Engrossment....1412
Apr.	11	Correctly Engrossed....1436
Apr.	24	Final Reading....1615
Apr.	25	Correctly Enrolled. President signed....1645
Apr.	25	Presented to Governor....1653
Apr.	30	Approved by Governor....1752

LEGISLATIVE BILL 556 By Speaker Marvel at request of Governor

Feb.	1	Read first time....405
Feb.	2	Referred to Committee on Appropriations....420
Feb.	6	Notice of hearing....434
Apr.	10	Indefinitely postponed....1416

LEGISLATIVE BILL 557 By Speaker Marvel at request of Governor

Feb. 1 Read first time....405
Feb. 2 Referred to Committee on Appropriations....420
Feb. 6 Notice of hearing....434
Mar. 26 Placed on General File....1093
Apr. 6 Advanced for Review....1358
Apr. 9 Placed on Select File....1388
Apr. 10 Advanced for Engrossment....1412
Apr. 11 Correctly Engrossed....1436
Apr. 24 Final Reading....1616
Apr. 25 Correctly Enrolled. President signed....1645
Apr. 25 Presented to Governor....1653
Apr. 30 Approved by Governor....1752

LEGISLATIVE BILL 558 By Speaker Marvel at request of Governor

Feb. 1 Read first time....405
Feb. 2 Referred to Committee on Appropriations....420
Feb. 6 Notice of hearing....434
Mar. 19 Attorney General's Opinion....984
Apr. 10 Indefinitely postponed....1416
Apr. 17 Attorney General's Opinion....1472

LEGISLATIVE BILL 559 By Appropriations Committee

Feb. 2 Read first time....411
Feb. 2 Referred to Committee on Appropriations....420
Feb. 6 Notice of hearing....434
Mar. 19 Placed on General File....966
Apr. 12 Committee amendment adopted.
Advanced for Review....1458
Apr. 18 Placed on Select File....1515
Apr. 25 Advanced for Engrossment....1659
Apr. 27 Correctly Engrossed....1720
May 15 Final Reading....2160
May 15 Correctly Enrolled. Speaker signed....2182
May 15 Presented to Governor....2193
May 21 Approved by Governor....2215

LEGISLATIVE BILL 559A By Warner

Mar. 26 Read first time. Placed on General File....1080
Apr. 12 Advanced for Review....1458
Apr. 18 Placed on Select File....1515
Apr. 25 Advanced for Engrossment....1659

Apr. 27 Correctly Engrossed....1720
May 15 Final Reading....2161
May 15 Correctly Enrolled. Speaker signed....2182
May 15 Presented to Governor....2193
May 21 Approved by Governor....2215

LEGISLATIVE BILL 560 By Appropriations Committee

Feb. 2 Read first time....412
Feb. 2 Referred to Committee on Appropriations....420
Feb. 6 Notice of hearing....434
Mar. 8 Placed on General File....803
Mar. 26 Committee amendment adopted.
Advanced for Review....1094
Mar. 28 Placed on Select File....1128
Apr. 3 Warner amendment adopted.
Advanced for Engrossment....1273
Apr. 5 Correctly Engrossed....1320
Apr. 17 Returned to Select File for Warner amendment.
Warner amendment adopted.
Advanced for Re-Engrossment....1493
Apr. 18 Correctly Re-Engrossed....1516
Apr. 26 Final Reading....1684
Apr. 26 Haberman explanation of vote....1686
Apr. 27 Correctly Enrolled. Speaker signed....1708
Apr. 27 Presented to Governor....1717
May 2 Message from Governor....1820
May 3 Approved by Governor....1844
May 7 Dworak explanation of vote....1925

LEGISLATIVE BILL 561 By Building Maintenance Committee

Feb. 5 Read first time....424
Feb. 7 Referred to Committee on Appropriations....447
Feb. 26 Notice of hearing....653
Apr. 10 Indefinitely postponed....1416

LEGISLATIVE BILL 562 By Revenue Committee

Feb. 5 Read first time....424
Feb. 7 Referred to Committee on Revenue....447
Feb. 8 Notice of hearing....462
Mar. 13 Indefinitely postponed....886

LEGISLATIVE BILL 563 By Government, Military and Veterans Affairs Committee

Feb. 5 Read first time....425
Feb. 7 Referred to Committee on Public Works....447
Feb. 13 Notice of hearing....509
Feb. 20 Notice of hearing cancelled. Reset....576
Apr. 5 Indefinitely postponed....1326

LEGISLATIVE BILL 564 By Agriculture and Environment Committee

Feb. 5 Read first time....426
Feb. 7 Referred to Committee on Agriculture and Environment....447
Feb. 14 Notice of hearing....520
Feb. 28 Placed on General File....683
Mar. 19 Advanced for Review....992
Mar. 21 Placed on Select File....1029
Mar. 21 Advanced for Engrossment....1063
Mar. 28 Replaced on Select File....1126
Apr. 2 Advanced for Engrossment....1245
Apr. 4 Correctly Engrossed....1305
Apr. 17 Final Reading....1484
Apr. 18 Correctly Enrolled. President signed....1516
Apr. 18 Presented to Governor....1529
Apr. 24 Approved by Governor....1600

LEGISLATIVE BILL 565 By Judiciary Committee

Feb. 5 Read first time....426
Feb. 7 Referred to Committee on Judiciary....448
Feb. 15 Notice of hearing....554
Feb. 28 Placed on General File....683
Apr. 26 Committee amendments adopted. Advanced for Review....1704
Apr. 30 Placed on Select File....1732
May 4 Advanced for Engrossment....1884
May 7 Correctly Engrossed....1921
May 15 Final Reading....2162
May 15 Correctly Enrolled. Speaker signed....2182
May 15 Presented to Governor....2193
May 21 Approved by Governor....2216

LEGISLATIVE BILL 565A By Nichol

Apr. 3 Read first time. Placed on General File 1280
Apr. 26 Advanced for Review 1704
Apr. 30 Placed on Select File 1733
Apr. 30 Nichol amendment printed 1740
May 4 Nichol pending amendment adopted. Advanced for Engrossment 1884
May 8 Correctly Engrossed 1958
May 15 Final Reading 2163
May 15 Correctly Enrolled. Speaker signed 2182
May 15 Presented to Governor 2193
May 21 Approved by Governor 2216

LEGISLATIVE BILL 566 By Agriculture and Environment Committee

Feb. 8 Read first time 452
Feb. 9 Referred to Committee on Agriculture and Environment 476
Feb. 14 Notice of hearing 520

LEGISLATIVE BILL 567 By Public Works Committee

Feb. 9 Read first time 468
Feb. 13 Referred to Committee on Public Works 512
Feb. 20 Notice of hearing 576
Mar. 9 Placed on General File 832
Mar. 19 Advanced for Review 994
Mar. 21 Placed on Select File 1029
Mar. 22 Advanced for Engrossment 1064
Mar. 28 Correctly Engrossed 1128
Apr. 2 Final Reading 1233
Apr. 2 Correctly Enrolled 1244
Apr. 2 Speaker signed 1245
Apr. 2 Presented to Governor 1255
Apr. 3 Dworak explanation of vote 1264
Apr. 5 Approved by Governor 1330

LEGISLATIVE BILL 568 By Public Works Committee

Feb. 9 Read first time 468
Feb. 13 Referred to Committee on Public Works 512
Feb. 20 Notice of hearing 576
Mar. 19 Placed on General File 965
Apr. 6 Laid over 1355

Apr. 9 Advanced for Review 1367
Apr. 11 Placed on Select File 1421
Apr. 17 Advanced for Engrossment 1506
Apr. 20 Correctly Engrossed 1593
May 1 Final Reading 1774
May 1 Haberman explanation of vote 1791
May 2 Correctly Enrolled. President signed 1798
May 2 Presented to Governor 1809
May 7 Approved by Governor 1889
May 7 Dworak explanation of vote 1926

LEGISLATIVE BILL 569 By Miscellaneous Subjects Committee

Feb. 9 Read first time 469
Feb. 13 Laid over 512
Feb. 22 Referred to Committee on Miscellaneous Subjects 601
Mar. 6 Notice of hearing 763
Mar. 21 Placed on General File 1039
Mar. 30 Committee amendments adopted. Wesely amendment lost. Laid over 1216
Apr. 3 Wesely-Landis amendment printed 1272
Apr. 27 Wesely-Landis pending amendment adopted. Advanced for Review 1720
Apr. 30 Placed on Select File 1759
May 4 Advanced for Engrossment 1882
May 4 Newell-Landis-Wesely amendment printed 1885
May 8 Correctly Engrossed 1958
May 9 Returned to Select File for Landis et al pending amendment p.1885. Landis et al amendment adopted. Advanced for Re-Engrossment 1965
May 11 Correctly Engrossed 2053
May 21 Final Reading 2227
May 21 Correctly Enrolled. Speaker signed 2234
May 21 Presented to Governor 2237
May 23 Returned by Governor without approval 2298
May 23 Newell motion to override pending 2299
May 23 Newell pending motion lost 2317

LEGISLATIVE BILL 570 By Government, Military and Veterans Affairs Committee

Feb. 12 Read first time 485
Feb. 13 Referred to Committee on Government, Military and Veterans Affairs 512
Feb. 21 Notice of hearing 591

Apr. 19 Indefinitely postponed....1567

LEGISLATIVE BILL 571 By Agriculture and Environment Committee

Feb. 12 Read first time....485
Feb. 13 Referred to Committee on Agriculture and Environment....512
Feb. 21 Notice of hearing....591
Feb. 23 Notice of hearing cancelled. Reset....634
Mar. 5 Placed on General File....740
Mar. 19 Attorney General's Opinion....984
Mar. 26 Committee amendments adopted....1091
Apr. 11 Schmit amendment printed....1423
Apr. 18 Schmit pending amendment adopted. Koch amendment withdrawn. Advanced for Review....1528
Apr. 20 Placed on Select File....1589
Apr. 27 Schmit amendment printed....1722
Apr. 30 Schmit pending amendment adopted. Advanced for Engrossment....1756
May 1 Attorney General's Opinion....1786
May 3 Schmit amendment printed....1844
May 7 Replaced on Select File....1904
May 8 Schmit amendment printed....1958
May 9 Advanced for Engrossment. Returned to Select File for Schmit pending amendment p.1844....1961
May 9 Schmit pending amendment adopted. Advanced for Engrossment. Returned to Select File for Schmit pending amendment p.1958. Schmit pending amendment adopted. Advanced for Engrossment....1962
May 14 Correctly Engrossed....2122
May 21 Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment....2208
May 21 Correctly Re-Engrossed....2212
May 23 Final Reading....2295
May 23 Correctly Enrolled. Speaker signed....2300
May 23 Presented to Governor....2301
May 23 Approved by Governor....2308

LEGISLATIVE BILL 572 By Judiciary Committee

Feb. 12 Read first time....486
Feb. 13 Referred to Committee on Judiciary....512
Feb. 15 Notice of hearing....554
Mar. 15 Attorney General's Opinion....923
Mar. 28 Placed on General File....1147
Apr. 11 Laid over....1420
May 1 Nichol amendment printed....1768

LEGISLATIVE BILL 573 By Judiciary Committee

Feb. 12 Read first time....486
Feb. 13 Referred to Committee on Judiciary....512
Feb. 21 Notice of hearing....595
Mar. 12 Placed on General File....862
Apr. 27 Committee amendments adopted as amended by Warner. Advanced for Review....1720
May 1 Placed on Select File....1762
May 4 Advanced for Engrossment....1882
May 8 Correctly Engrossed....1958
May 11 Final Reading....2070
May 14 Correctly Enrolled. President signed....2085
May 14 Presented to Governor....2096
May 15 Haberman explanation of vote....2143
May 21 Approved by Governor....2199

LEGISLATIVE BILL 574 By Simon, Kremer, Lewis, Reutzel, Schmit

Feb. 21 Read first time....597
Feb. 22 Referred to Committee on Public Works....601
Feb. 23 Notice of hearing....634
Mar. 13 Indefinitely postponed....868

LEGISLATIVE BILL 575 By Judiciary Committee

Feb. 23 Read first time....624
Feb. 23 Referred to Committee on Public Works....641
Feb. 27 Notice of hearing....660
Mar. 19 Placed on General File....965
Mar. 29 Committee amendments adopted. Venditte amendment withdrawn. Advanced for Review....1166
Apr. 3 Placed on Select File....1271
Apr. 4 Advanced for Engrossment....1311
Apr. 9 Correctly Engrossed....1362
Apr. 19 Final Reading....1548
Apr. 20 Correctly Enrolled. Speaker signed....1579

Apr. 20 Presented to Governor 1589
Apr. 24 Dworak explanation of vote 1619
Apr. 24 Approved by Governor 1631

LEGISLATIVE BILL 576 By Appropriations Committee

Feb. 27 Read first time 665
Feb. 27 Referred to Committee on Appropriations.
Notice of hearing 677
Mar. 13 Placed on General File 866
Apr. 12 Committee amendments adopted.
Advanced for Review 1458
Apr. 18 Placed on Select File 1514
Apr. 24 Warner amendment printed 1641
Apr. 25 Warner pending amendment withdrawn.
Warner amendment adopted.
Advanced for Engrossment 1655
Apr. 30 Correctly Engrossed 1733
May 7 Final Reading 1901
May 8 Correctly Enrolled 1936
May 8 President signed 1937
May 8 Presented to Governor 1940
May 9 Approved by Governor 1999

LEGISLATIVE BILL 576A By Warner

Apr. 9 Read first time. Placed on General File 1377
Apr. 12 Advanced for Review 1458
Apr. 18 Placed on Select File 1515
Apr. 24 Warner amendment printed 1641
Apr. 25 Warner pending amendment adopted.
Advanced for Engrossment 1656
Apr. 30 Correctly Engrossed 1733
May 7 Final Reading 1902
May 8 Correctly Enrolled 1936
May 8 President signed 1937
May 8 Presented to Governor 1940
May 9 Approved by Governor 1999

LEGISLATIVE BILL 577 By Appropriations Committee

Feb. 27 Read first time 666
Feb. 27 Placed on General File 677
Mar. 14 Warner amendment adopted. Advanced
for Review. Expedited 897
Mar. 15 Placed on Select File 918

Mar. 16 Advanced for Engrossment 952
Mar. 16 Returned to Select File for Warner amendment 954
Mar. 16 Warner amendment adopted. Advanced for Engrossment 957
Mar. 19 Warner amendment printed 972
Mar. 20 Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Engrossment 1008
Mar. 20 Correctly Engrossed 1014
Mar. 22 Final Reading 1055
Mar. 22 Correctly Enrolled. Speaker signed 1066
Mar. 26 Presented to Governor 1076
Mar. 26 Haberman explanation of vote 1088
Mar. 28 Approved by Governor 1144

LEGISLATIVE BILL 578 By Appropriations Committee

Feb. 27 Read first time 666
Feb. 27 Referred to Committee on Appropriations. Notice of hearing 677
Mar. 13 Placed on General File 866
Mar. 26 Advanced for Review 1089
Mar. 28 Placed on Select File 1126
Apr. 2 Advanced for Engrossment 1245
Apr. 5 Correctly Engrossed 1320
Apr. 17 Final Reading 1494
Apr. 18 Correctly Enrolled. President signed 1516
Apr. 18 Presented to Governor 1529
Apr. 24 Approved by Governor 1600

LEGISLATIVE BILL 579 By Business and Labor Committee

Mar. 7 Read first time 774
Mar. 7 Referred to Committee on Business and Labor. Notice of hearing 783
Apr. 6 Placed on General File 1345
Apr. 26 Committee amendments adopted. Maresh amendment adopted. Advanced for review 1704
Apr. 30 Placed on Select File 1733
May 1 Advanced for Engrossment 1791
May 3 Correctly Engrossed 1844
May 9 Final Reading 1992
May 10 Correctly Enrolled. Speaker signed 2003
May 10 Presented to Governor 2039
May 21 Approved by Governor.

Line-item veto....2199
May 31 Letter....2323
May 31 Certificate....2326

LEGISLATIVE BILL 580 By Business and Labor Committee

Mar. 7 Read first time....774
Mar. 7 Referred to Committee on Business and Labor. Notice of hearing....783
Apr. 6 Indefinitely postponed....1346

LEGISLATIVE BILL 581 By Business and Labor Committee

Mar. 12 Read first time....843
Mar. 12 Referred to Committee on Business and Labor....858
Mar. 13 Notice of hearing....881
Mar. 22 Placed on General File....1058
Apr. 11 Committee amendment adopted. Landis amendment lost. Laid over....1420
Apr. 11 Advanced for Review....1444
Apr. 17 Placed on Select File....1470
Apr. 19 Advanced for Engrossment....1572
Apr. 24 Correctly Engrossed....1600
May 3 Final Reading....1834
May 3 Haberman and Stoney explanations of vote....1844
May 4 Correctly Enrolled. Speaker signed....1857
May 4 Presented to Governor....1883
May 7 Dworak explanation of vote....1926
May 8 Approved by Governor....1954

LEGISLATIVE BILL 582 By Appropriations Committee

Mar. 28 Read first time....1129
Mar. 30 Referred to Committee on Miscellaneous Subjects....1221
Apr. 5 Notice of hearing....1338
Apr. 19 Placed on General File....1576
Apr. 26 Advanced for Review....1691
Apr. 27 Placed on Select File....1722
May 4 Advanced for Engrossment....1873
May 7 Correctly Engrossed....1921
May 10 Final Reading....2017
May 11 Correctly Enrolled. Speaker signed....2053
May 14 Presented to Governor....2085
May 15 Approved by Governor....2182

LEGISLATIVE BILL 583 By Appropriations Committee

Mar. 28	Read first time	1129
Mar. 30	Referred to Committee on Public Works	1221
Apr. 2	Notice of hearing	1255
Apr. 12	Placed on General File	1456
Apr. 26	Advanced for Review	1691
Apr. 27	Placed on Select File	1722
May 4	Advanced for Engrossment	1873
May 7	Correctly Engrossed	1921
May 10	Final Reading	2017
May 11	Correctly Enrolled. Speaker signed	2053
May 14	Presented to Governor	2085
May 15	Approved by Governor	2182

LEGISLATIVE BILL 584 By Appropriations Committee

Mar. 28	Read first time	1130
Mar. 30	Referred to Committee on Appropriations	1221
Apr. 2	Notice of hearing	1255
Apr. 10	Placed on General File	1415
Apr. 11	Committee amendments adopted. Advanced for Review	1444
Apr. 17	Placed on Select File	1470
Apr. 19	Advanced for Engrossment	1576
Apr. 24	Correctly Engrossed	1600
May 3	Final Reading	1839
May 4	Correctly Enrolled. Speaker signed	1857
May 4	Presented to Governor	1883
May 7	Dworak explanation of vote	1926
May 8	Approved by Governor	1954

LEGISLATIVE BILL 585 By Appropriations Committee

Mar. 30	Read first time	1217
Mar. 30	Placed on General File	1218
Apr. 2	Rumery name added	1236
Apr. 11	Lewis amendment withdrawn. Laid over	1447
Apr. 11	Warner amendment printed	1450
Apr. 24	Keyes amendment printed	1632
Apr. 25	Warner pending amendment p.1450 withdrawn. Keyes pending amendment p.1632 withdrawn. Advanced for Review	1664
Apr. 26	Warner amendments printed	1699
Apr. 27	Placed on Select File	1708
May 4	Warner reoffered amendment p.1450 adopted.	

Warner pending amendments p.1699 adopted. Hefner amendment lost. Keyes reoffered amendments p.1632 lost. DeCamp amendment withdrawn. Brennan amendment adopted. Advanced for Engrossment 1863
May 8 Vickers motion to return to Select File lost..... 1941
May 8 Returned to Select File for DeCamp amendment . 1947
May 8 DeCamp amendment adopted. Advanced for Engrossment 1948
May 8 Dworak motion to return to Select File lost 1949
May 8 Cullan motion to return to Select File lost 1951
May 8 Replaced on Select File 1953
May 8 Advanced for Engrossment 1954
May 9 Correctly Engrossed..... 1968
May 10 Keyes amendment printed 2014
May 11 Wesely amendment printed 2057
May 14 Laid over..... 2092
May 14 Keyes motion to return to Select File lost 2102
May 14 Wesely motion to return to Select File lost 2103
May 14 Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Advanced for Re-Engrossment 2104
May 14 Correctly Re-Engrossed..... 2106
May 14 Schmit amendment printed 2136
May 21 Schmit amendment withdrawn. Returned to Select File for Schmit amendment..... 2205
May 21 Schmit amendment lost. Readvanced to Final Reading 2207
May 21 Final Reading 2231
May 21 Correctly Enrolled. Speaker signed 2234
May 22 Presented to Governor 2237
May 23 Approved by Governor 2299

LEGISLATIVE BILL 586 By Appropriations Committee

Mar. 30 Read first time..... 1217
Mar. 30 Placed on General File..... 1218
Apr. 2 Rumery name added..... 1236
Apr. 9 Advanced for Review 1380
Apr. 9 Newell amendment printed 1385
Apr. 10 Placed on Select File 1408
Apr. 11 Warner amendment printed..... 1449
Apr. 19 Reutzel amendments printed 1557
Apr. 24 Reutzel amendments printed 1623
Apr. 30 Warner pending amendment p.1449 adopted.

Reutzel pending amendments p.1557 withdrawn.
Reutzel pending amendments p.1623 lost.
Newell pending amendment p.1385 lost.
DeCamp amendment withdrawn.
Advanced for Engrossment 1741
May 7 Correctly Engrossed 1928
May 10 Newell motion to return to Select File withdrawn 2018
May 10 Final Reading 2019
May 11 Correctly Enrolled. Speaker signed 2053
May 14 Presented to Governor 2085
May 21 Approved by Governor 2198

LEGISLATIVE BILL 587 By Appropriations Committee

Mar. 30 Read first time. Placed on General File 1218
Apr. 2 Rumery name added 1236
Apr. 9 Newell amendment printed 1385
Apr. 10 Newell pending amendment lost. Wesely and Newell amendments lost.
Advanced for Review 1412
Apr. 11 Placed on Select File 1421
Apr. 11 Warner amendment printed 1448
Apr. 24 Reutzel amendments printed 1623
Apr. 30 Lewis amendments printed 1753
May 1 Warner pending amendment p.1448 adopted.
Reutzel pending amendment p.1623 withdrawn.
Murphy amendment lost. Newell reoffered amendment p.1412 adopted. Lamb and Lewis amendments to Lewis amendment adopted.
Lewis amendment 1 as amended lost.
Lewis amendment 2 withdrawn. Newell, Clark, Keyes, and Maresh amendments lost.
Advanced for Engrossment 1780
May 7 Haberman amendment printed 1920
May 8 Haberman pending amendment withdrawn 1942
May 8 Correctly Engrossed 1958
May 11 Newell motion to return to Select File lost 2071
May 11 Final Reading 2072
May 14 Correctly Enrolled. President signed 2085
May 14 Presented to Governor 2096
May 21 Approved by Governor 2199

LEGISLATIVE BILL 588 By Appropriations Committee

Mar. 30 Read first time. Placed on General File 1218
Apr. 2 Rumery name added 1236
Apr. 9 Advanced for Review 1380
Apr. 10 Warner amendment printed 1402
Apr. 10 Placed on Select File 1408
Apr. 11 Warner amendments printed 1450
Apr. 24 Reutzel amendments printed 1623
Apr. 30 Warner pending amendments p.1402 and p.1450 adopted. Reutzel pending amendments p.1623 withdrawn. Advanced for Engrossment 1743
May 7 Correctly Engrossed 1928
May 10 Final Reading 2019
May 11 Correctly Enrolled. Speaker signed 2053
May 14 Presented to Governor 2085
May 21 Approved by Governor 2198

LEGISLATIVE BILL 589 By Appropriations Committee

Apr. 2 Read first time. Placed on General File 1250
Apr. 9 George and Newell amendments lost. Advanced for Review 1386
Apr. 9 Cullan and Newell amendments printed 1395
Apr. 10 Placed on Select File 1408
Apr. 11 Schmit amendment printed 1440
Apr. 11 Warner amendment printed 1448
Apr. 24 Reutzel amendments printed 1631
Apr. 24 Warner amendment printed 1640
Apr. 26 Warner amendments printed 1696
Apr. 30 Warner pending amendments p.1448 and p.1696 adopted. Warner pending amendment p.1640 withdrawn. Cullan and Newell pending amendments p.1395 withdrawn. Schmit pending amendment p.1440 adopted.
Schmit amendment lost.
Reutzel pending amendments p.1631 withdrawn.
Advanced for Engrossment 1743
May 2 Replaced on Select File 1807
May 7 Advanced for Engrossment 1931
May 8 Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Engrossment 1942
May 9 Correctly Engrossed 1979
May 11 Final Reading 2073
May 14 Correctly Enrolled. President signed 2085

May 14 Presented to Governor 2096
May 21 Approved by Governor 2199

LEGISLATIVE BILL 590 By Appropriations Committee

Apr. 6 Read first time 1343
Apr. 9 Placed on General File 1385
Apr. 26 Advanced for Review 1704
Apr. 30 Placed on Select File 1733
May 1 Advanced for Engrossment 1791
May 3 Correctly Engrossed 1844
May 9 Final Reading 1993
May 10 Correctly Enrolled. Speaker signed 2003
May 10 Presented to Governor 2039
May 15 Approved by Governor 2182

LEGISLATIVE BILL 591 By Appropriations Committee

Apr. 6 Read first time 1344
Apr. 6 Placed on General File 1345
Apr. 25 Advanced for Review 1665
Apr. 26 Warner amendments printed 1695
Apr. 27 Placed on Select File 1708
May 4 Warner pending amendments p.1695 adopted.
Warner, Murphy, and Newell amendments adopted.
Advanced for Engrossment 1872
May 7 Replaced on Select File 1888
May 7 Advanced for Engrossment 1928
May 8 Replaced on Select File 1953
May 8 Advanced for Engrossment 1954
May 9 Correctly Engrossed 1968
May 14 Returned to Select File for Warner amendment.
Warner amendment adopted.
Advanced for Re-Engrossment 2092
May 14 Correctly Re-Engrossed 2106
May 21 Final Reading 2232
May 21 Correctly Enrolled. Speaker signed 2234
May 22 Presented to Governor 2237
May 23 Approved by Governor 2299

LEGISLATIVE BILL 592 By Appropriations Committee

Apr. 6 Read first time 1344
Apr. 30 Referred to Committee on Appropriations 1752

LEGISLATIVE BILL 593 By Appropriations Committee

Apr. 6 Read first time. Placed on General File 1345
Apr. 9 George amendment lost.
Advanced for Review 1380
Apr. 10 Placed on Select File 1408
Apr. 10 Koch amendment printed 1416
Apr. 11 Warner amendment printed 1450
Apr. 26 Warner amendment printed 1695
Apr. 30 Warner pending amendments p.1450 and p.1695 adopted. Koch pending amendment p.1416 withdrawn. Advanced for Engrossment 1743
May 7 Replaced on Select File 1928
May 7 Advanced for Engrossment 1929
May 7 Correctly Engrossed 1932
May 10 Final Reading 2020
May 11 Correctly Enrolled. Speaker signed 2053
May 14 Presented to Governor 2085
May 21 Approved by Governor 2198

LEGISLATIVE BILL 594 By Appropriations Committee

Apr. 6 Read first time. Placed on General File 1357
Apr. 11 Nichol and Warner amendments adopted.
Failed to advance for Review 1445
Apr. 17 Koch amendment printed 1497
Apr. 25 Advanced for Review 1664
Apr. 26 Warner amendment printed 1695
Apr. 27 Placed on Select File 1708
May 2 Warner pending amendment p.1695 adopted. Wesely amendment lost. Koch pending amendment p.1497 lost. Portions of Lewis amendment to Haberman amendment adopted, portions lost. Haberman amendment as amended lost. Keyes and Schmit amendments lost. Advanced for Engrossment 1813
May 2 Newell explanation of vote 1820
May 7 Replaced on Select File 1888
May 7 Advanced for Engrossment 1928
May 8 Returned to Select File for Lewis amendment 1942
May 8 Lewis amendment adopted.
Advanced for Engrossment. Returned to Select File for Warner amendment 1943

May 8 Warner amendment adopted. Advanced for Engrossment. DeCamp motion to return to Select File pending 1944
May 8 DeCamp pending motion prevailed. DeCamp amendment adopted. Advanced for Engrossment 1946
May 8 Returned to Select File for Landis amendment. Landis amendment adopted. Advanced for Engrossment 1947
May 8 Replaced on Select File 1953
May 8 Advanced for Engrossment 1954
May 9 Correctly Engrossed 1979
May 14 Returned to Select File for Warner amendment 2093
May 14 Warner amendment adopted. Advanced for Re-Engrossment. Koch motions to return to Select File lost 2095
May 14 Correctly Re-Engrossed 2106
May 21 Final Reading 2233
May 21 Correctly Enrolled. Speaker signed 2234
May 22 Presented to Governor 2237
May 23 Approved by Governor. Line-item vetoes 2296
May 23 Warner motion to override line-item veto of Sec. 32 prevailed 2318
May 23 Letter 2320
May 23 Certificate 2321
May 31 Letter 2326
May 31 Certificate 2327

LEGISLATIVE BILL 595 By Appropriations Committee

Apr. 17 Read first time. Placed on General File 1510
Apr. 30 Kremer amendment printed 1748
May 8 Kremer pending amendment lost. Advanced for Review 1937
May 8 Warner amendment printed 1940
May 8 Placed on Select File 1955
May 15 Warner pending amendment withdrawn. Warner amendment adopted. Kremer-Dworak amendment adopted. Advanced for Engrossment 2176
May 21 Correctly Engrossed 2197
May 23 Final Reading 2295

May 23 Correctly Enrolled. Speaker signed 2300
May 23 Presented to Governor 2301
May 23 Became law without Governor's signature..... 2303

LEGISLATIVE BILL 596 By Appropriations Committee

Apr. 17 Read first time. Placed on General File 1510
Apr. 26 Advanced for Review 1691
Apr. 26 Warner amendment printed..... 1696
Apr. 27 Warner amendment printed..... 1716
Apr. 27 Placed on Select File 1722
Apr. 30 Warner amendment printed..... 1748
May 4 Warner pending amendments p.1696, p.1716, p.1748, and p.1874 adopted. Newell and Johnson amendments adopted. Advanced for Engrossment 1873
May 4 Koch amendment printed..... 1885
May 7 Replaced on Select File 1906
May 7 Advanced for Engrossment 1929
May 8 Returned to Select File for Koch amendment p.1885. Koch amendment adopted. Advanced for Engrossment 1944
May 9 Correctly Engrossed. Keyes amendment printed 1969
May 9 Newell amendment printed 1979
May 14 Keyes motion to return to Select File withdrawn. Newell motion to return to Select File lost 2107
May 14 Final Reading 2108
May 15 Correctly Enrolled. President signed..... 2147
May 15 Presented to Governor 2173
May 21 Became law without Governor's signature..... 2217
May 22 Letter 2273
May 22 Certificate 2274

LEGISLATIVE BILL 597 By Judiciary Committee

Apr. 18 Read first time..... 1537
Apr. 20 Referred to Committee on Judiciary 1583
Apr. 24 Notice of hearing..... 1629
May 3 Placed on General File..... 1852

LEGISLATIVE BILLS

By Original Introducers

CHRIS BEUTLER

73 Restricting severance of joint tenancy property.
117 Increasing jurisdiction of Small Claims Court.
198 City-county health department directors qualifications.
248 Changing use of University Cash Fund.
306 Transfer of property on death of joint owner.
443 Membership limitation in a depository institution guaranty corporation.

BILL BRENNAN

113 Increasing workmen's compensation weekly benefits.
181 Omaha ownership and operation of off-street parking facilities.
183 Increasing maximum amount of unemployment benefits.
328 Extending time of unemployment benefit appeals.
345 District election of Douglas County commissioners.
358 Changing workmen's compensation benefit schedule.
444 Court of Industrial Relations provision changes.
444A Appropriation Bill.
489 Reductions from unemployment benefit amount.

GEORGE BURROWS

89 Income tax for state aid to schools.
142 Delaying effective date of certain personal property tax exemptions.
190 Prohibiting certain types of corporations from owning agricultural land.
191 Restricting ownership of agricultural land, C.A.
318 Changing a condition disqualifying unemployment benefit applicants.
369 Payment of service fee to labor organizations.
370 Distribution of food stamps in all cities.
431 Extended area service for telephone subscribers.
464 Tuition payment of certain high school students outside their district.
465 Allowing voter registration on election day.

CALVIN F. CARSTEN

20 Clarification of biomass appropriation.
21 Reciprocal exchange of blood.
22 County garbage or waste disposal.
281 Changes for cities with commission form of government.
387 Recall procedures for councilmen of certain cities.

ERNEST CHAMBERS

29 Exempting food and food products from sales and use taxes.
111 Increasing rate per day credit on fine and costs for prisoners.
262 Eliminating the death penalty, 30 year sentence.
329 District election of Omaha city council members.
330 Changing speed limits.
523 Allowing ADC payments during transition period to permanent employment.
524 Grand jury proceedings changes.
529 Nebraska Press Protection Act of 1979.

ROBERT L. CLARK

9 To expand practice of optometry.
28 Allow radio common carriers to operate without regulation.
56 Oil and Gas Conservation Commission, increase powers.
66 Funds distribution after discontinuance of irrigation districts.
90 Raising compensation for Nebraska Oil and Gas Conservation Commission members.
90A Appropriation Bill.
110 Auditor of Public Accounts report to Legislative Standing Committees.
292 Allowing work on public property as probation condition.
355 Regulate physical therapist assistants.
355A Appropriation Bill.

RON COPE

21 Reciprocal exchange of blood.
116 Nebraska Art Bank Act.
353 Creating a solar easement.

SAMUEL K. CULLAN

40 Changing income tax provisions relating to active armed forces personnel.

41 Exempting certain premiums from taxation.
42 Creating railroad crossing safety division.
49 Special registration fee for certain farm vehicles.
54 Nebraska Political Accountability and Disclosure Commission, change membership.
54A Appropriation Bill.
103 Railroad property valuation change for taxation purposes.
104 Educational Accountability Act.
105 Recalculation of factors used in valuation of railroad property.
172A Appropriation Bill.
174A Appropriation Bill.
223 Certified electrical service areas, customer's rights.
260A Appropriation Bill.
272 State level central office for technical community colleges.
428A Appropriation Bill.

JOHN DECAMP

52 Authorizing legal service insurance corporations.
69 Bank holding companies, multiple control, limitations.
114 Increasing workmen's compensation weekly benefits.
114A Appropriation Bill.
120 Nebraska Litter Reduction and Recycling Act.
120A Appropriation Bill.
152 Change certain gambling offenses and penalties.
188 Maximum limitation on ad valorem tax on real property.
222A Appropriation Bill.
270 Coal Slurry Pipe Line.
316 Change procedures relating to abortion.
365 Extending Omaha sales tax expiration date.
394 Rights of privacy.
479 Personal property tax changes.

HERBERT J. DUIS

68 Deleting erroneous reference in State Real Estate Commission provision.
137 Appeal of state agency rulings.
151 Biennial session of Legislature, C.A.
381 Changing membership on Board of Appraisers in condemnation of school lands.
390 Maximum lawful interest rate for loans.
391 Mandatory retirement age for state employees.
516 Equalization for classes and subclasses of property between counties.

DONALD N. DWORAK

45 Dam construction provision changes.
46 Education of certain handicapped children.
76 Mobile home permit and tax changes.
147 Access to polling places by handicapped persons.
217 Modify provisions relating to industrial areas.
316 Change procedures relating to abortion.
366 Limiting ad valorem tax rate on real property, C.A.
527 Access to public buildings by handicapped persons.

TOM FITZGERALD

184 Establishing a new veterans' home in Douglas County.

STEVE FOWLER

60 Nebraska Public Radio Act.
107 Limitations on issuance of search warrants.
116 Nebraska Art Bank Act.
119 Removing certain exceptions for municipalities supplying electricity.
153 Fund limit on railroad track construction in Lincoln residential area.
228 Retired Teachers Supplementary Benefits Fund.
228A Appropriation Bill.
386 Qualification for eligibility to Public Service Commission.
395 Reduced speed areas adjacent to Lincoln schools, stopping for pedestrians.
429 Removing limit on amount of sick leave state employees may accumulate.
504 Public Service Commission Secretary, telephone reports and service, customer relations.

WALTER GEORGE

25 Repealing agricultural statistics section.
188 Maximum limitation on ad valorem tax on real property.
342 Modify the Environmental Protection Act.

GLENN A. GOODRICH

138 Changing amount of medical assistance paid by counties.
138A Appropriation Bill.

263 Sales and use tax rate for capital construction contracts.
422 Insurance for inpatient treatment of alcoholism.
423 Natural Resources Commission membership, filling of vacancies, changing.
442 Probationary period for technical community college teachers.
512 Conditions of corporate ownership of agricultural lands, reports.

REX HABERMAN

115 Election of county surveyor.
214 Seven per cent spending lid on state appropriations.
244 Special permits for certain vehicle movement on highways.
323 Bottling and labeling of beer, wine and spirits.
368 Commission on Minority Affairs.
505 Child Protection Act of 1979.

WILLIAM HASEBROOCK

188 Maximum limitation on ad valorem tax on real property.
247 Mandating county boards provide a suitable law library.
269 Require certain markings on checks.

ELROY M. HEFNER

47 Filing duplicate building permits.
88 Increasing Nebraska Veterans' Aid Fund.
123 Foreign ownership of bank stock.
271 Changing Nebraska Veterans' Home Board of Inquiry and Review membership.
324 Fund appropriations for certain political subdivision services, C.A.
397 Lien on livestock for products furnished, machinery used, labor.
514 Sale of alcoholic liquors on Sunday.

PETER HOAGLAND

261 Changing number and formation of Supreme Court judicial districts, C.A.
353 Creating a solar easement.
386 Qualification for eligibility to Public Service Commission.
406 Verbatim record of oral proceedings in District Courts.
439 Uniform Trustees' Powers Act.

440 Uniform Principal and Income Act.
490 Douglas County Board custody and care of jail and correction facilities.
509 Ornamental or decorative street lighting systems in Omaha.
510 Commencement of civil actions.
511 Contributory negligence in actions for injuries.

VARD JOHNSON

35 Standards for determining need for welfare.
35A Appropriation Bill.
51 Hiring of illegal aliens.
83 Repealing guest passenger provision.
117 Increasing jurisdiction of Small Claims Court.
164 Changing bingo provisions.
303 Zoning land for mobile homes.
345 District election of Douglas County commissioners.
367 Tenure, termination of employment of state college faculty members.
408 Prohibiting fraudulent activities by employers.
409 Probation hearings for juveniles.

MARTIN KAHLE

32 Recall of Class I school board members.
33 Commitment of persons under 18 years to penal and correctional complex.
138 Changing amount of medical assistance paid by counties.
138A Appropriation Bill.
160 Personal Property Tax Relief Fund changes.
177 Nebraska Public School Foundation and Equalization Act.
188 Maximum limitation on ad valorem tax on real property.
225 Using unsold school land funds for other than school support, C.A.
264 Bid and contract procedures for Educational Service Units.
300 Wastewater treatment facility operators.
382 Legalizing sale of laetrile for prescription.
382A Appropriation Bill.

RALPH D. KELLY

114 Increasing workmen's compensation weekly benefits.
219 Repealing special tax levy for county road construction or improvement.

220 Changing manner of computing aggregate indebtedness for banks.
221 Raising the drinking age of minors.
349 Minimum pricing provisions for sale of alcoholic liquor.
350 Minimum drinking age, C.A.
351 Considering additional factors in Court of Industrial Relations findings.
352 Nebraska Library Commission membership change.
417 Changing a restriction on unincorporated mutual insurance associations.
418 Mobile home and recreational vehicle provisions changes.
418A Appropriation Bill.

THOMAS KENNEDY

None

ORVAL A. KEYES

50 Funding for schools.
188 Maximum limitation on ad valorem tax on real property.
273 Redefining paraplegic, multiple amputee for tax purposes.
294 Ad valorem advisory committee provision changes.
325 Exempting certain foods from sales tax, Omaha sales tax, revenue reports.
343 Continuance of reclamation districts.
347 Payments for persons contracting with a public power district.
392 Flood control projects, funding.
412A Appropriation Bill.
414A Appropriation Bill.
500A Appropriation Bill.
534 Infraction system for misdemeanor crimes.

GERALD KOCH

8 Centralized valuation and assessment of real property.
30 State Fire Marshal Act.
57 Acquisition of personal property by Educational Service Units.
58 Additional liquor licenses to certain restaurants.
59 Immunization of student entrants.
88 Increasing Nebraska Veterans' Aid Fund.
109 Primary Election changes, extension of certain terms.
124A Appropriation Bill.
154 Building and Loan Associations same advantages as Federal Savings and Loan Associations.

158 Changing provisions relating to community development.
363A Appropriation Bill.
486 Rates of financial support to schools.

MAURICE KREMER

26 Nebraska Ground Water Management Act.
27 Interference from irrigation wells with domestic wells.
31 Participation in Small Watersheds Flood Control Fund.
62 Regulating professional soil classifiers.
112 Weight and length provisions for certain vehicles.
156 Changing certain fees paid to sheriffs.
188 Maximum limitation on ad valorem tax on real property.
246 Sales tax on mobile homes.
286 Using cigarette tax money for development of water storage projects.
475 Adopt an official state soil.
574 Flooding, civil defense procedures to alleviate.

BERNICE LABEDZ

38 Use of agency services and work forces.
101 Establish a Commission for the Deaf.
101A Appropriation Bill.
102 Designating OEA Senior Citizen's, Inc. as corporation.
144 Exempting sewer, water, and certain sources of energy from sales tax.
161 Older Nebraskans Act.
184 Establishing a new veterans' home in Douglas County.
316 Change procedures relating to abortion.
365 Extending Omaha sales tax expiration date.
382 Legalizing sale of laetrile for prescription.
382A Appropriation Bill.

HOWARD LAMB

100 Repealing park entry permits.
214 Seven per cent spending lid on state appropriations.
225 Using unsold school land funds for other than school support, C.A.
226 Provide for education of three to five year old handicapped children.
445 Eliminating a restriction on taxation of public power, C.A.
446 Snowmobile operation, use of registration fee by NRDS.

482 County road tax.

DAVE LANDIS

153 Fund limit on railroad track construction in Lincoln residential areas.
179 Depositing money by county attorneys, safekeeping of personal property.
315 Redefining jail facility for Lincoln.
385 Restoration of Temple Building, Department of Theatre Arts construction.
393 Awarding of damages in excess of compensatory or actual damages, C.A.
394 Rights of privacy.
395 Reduced speed areas adjacent to Lincoln schools, stopping for pedestrians.
396 County board's responsibility over jails in counties over 150,000 persons.
447 Custodial care for disabled employees.

FRANK LEWIS

223 Certified electrical service areas, customer's rights.
385 Restoration of Temple Building, Department of Theatre Arts construction.
416 County employee contributions to retirement system.
430 Bus Passenger Safety Act.
441 Hospital financing.
466 County surveyor duties and qualifications in counties over 100,000.
574 Flooding, civil defense procedures to alleviate.

RICHARD MARESH

24 To require stopping at weighing stations.
34 Reciprocity of Canadian medical licenses.
44 Food sales tax credit increase.
81 Prestige license plates for motorcycles.
176 Petition for and objection to street improvements, second class cities.
188 Maximum limitation on ad valorem tax on real property.
213 Construction of dams in lieu of bridges.
286 Using cigarette tax money for development of water storage projects.

506 Changing medical student provisions.
506A Appropriation Bill.

SHIRLEY MARSH

39 Screening of infants for metabolic diseases.
43 Partial cost reimbursements to auditor of public accounts by counties.
61 Increasing Lincoln's subdivision regulation to ten acres.
67 Suits by public employees against the state.
79 Use of passenger restraint system in motor vehicles.
80 Sex discrimination.
81 Prestige license plates for motorcycles.
140 Restrictions change on control of noise.
528 Uniform Disposition of Unclaimed Property Act changes.
530 Probationary license for child care.

RICHARD D. MARVEL

272 State level central office for technical community colleges.
542 Appropriations for capital construction and other appropriations.
543 Supreme Court appropriation decrease, Tax Commissioner deficiency appropriations.
554 Appropriations and reappropriations of funds.
555 Appropriations for payment of salaries of state officers.
556 Appropriations for state government, state aid, postsecondary education.
557 Appropriation for payment of salaries of members of Legislature.
558 Appropriations for capital construction.

NELSON MERZ

23 Provide for regulation and operation of mopeds.
167 Penalty change for driving while intoxicated.
168 Meters on wells in ground water control areas.
169 Designating ground water control areas, monitoring water levels.
170 Protective custody of dangerous persons.
188 Maximum limitation on ad valorem tax on real property.
266 Restricting power districts that sell at both wholesale and retail.
399 Requiring notice when imported meat or meat products are sold.

400 Zoning areas, limitation removal, utility service, first, second class cities.
407 Delayed Birth Registration Act.

JOHN ROBERT MURPHY

86 Public records open for examination.
301 Arson Reporting Immunity Act.
331 Changing election procedures for governmental subdivisions.
346 Computer recording financing statement information, telephone inquiries.
351 Considering additional factors in Court of Industrial Relations findings.
478 Computation of a time price differential, delinquency charge, prepayment.

DAVID R. NEWELL

16 Exempting certain foods from sales and use tax.
17 Loss of revenue by exemptions, credits, preferential rates.
17A Appropriation Bill.
18 Court of Industrial Relations changes.
19 Nebraska Child Custody Jurisdiction Act.
103 Railroad property valuation change for taxation purposes.
161 Older Nebraskans Act.
267 Creating Commission on Transportation.
267A Appropriation Bill.
345 District election of Douglas County commissioners.
483 Modify requirements for adoptions; provide access to adoption records.

WILLIAM E. NICHOL

12 Educational Service Units purchases.
13 Irrigation and drainage ditches, canals, laterals, first, second class cities.
14 Nebraska Dry Bean Resources Act.
14A Appropriation Bill.
15 Retirement of state college employees.
75 Sale of property used by Nebraska Veteran's Home in Scotts Bluff County.
93 Reduced utility rates for the elderly.
184 Establishing a new veterans' home in Douglas County.
188 Maximum limitation on ad valorem tax on real property.

378A Appropriation Bill.
389 Certification of residential dwelling construction contractors.
398A Appropriation Bill.
565A Appropriation Bill.

CAROL MCBRIDE PIRSCH

144 Exempting sewer, water, and certain sources of energy from sales tax.
150 Including special assessments in Douglas County tax statements.
420 Well permits, installation restriction.
421 Changing rates of compensation for certain election officials.

BARRY L. REUTZEL

10 Refunds for deer, antelope, or turkey permits.
11 Nongame and Endangered Species Conservation Fund.
85 Advance payment for county clerk services.
155 Pay provisions for city employees while in active military service.
216 Cost for confidential banking information ordered by court.
216A Appropriation Bill.
380 Paper recycling program.
380A Appropriation Bill.
486 Rates of financial support to schools.
574 Flooding, civil defense procedures to alleviate.

MYRON RUMERY

103 Railroad property valuation change for taxation purposes.
136 Improvements beyond corporate limits of first, second class cities.
139 Sheriff's mileage, fee for boarding prisoners in first class cities.
182 Annuity adjustments for retired school employees.
263 Sales and use tax rate for capital construction contracts.
293 Plumbing provision changes.
353 Creating a solar easement.
401 Governor's, Legislature's consent for wildlife reserves.
402 Interest on unsettled accounts.
403 Exempting private schools from laws applicable to public schools.

LORAN SCHMIT

91 Testimony taken by deposition.
188 Maximum limitation of ad valorem tax on real property.
317 Tax credit for renewable energy source system.
319 Selling of inmate made goods, disposition of inmate employee wages.
469 Petroleum sales by retail dealers, noncontrolled outlets.
470 Change penalties relating to drugs and narcotics.
472 Eliminating authorization for imposing a sales and use tax.
487 Distribution of Personal Property Tax Relief Fund.
521 Court costs, attorney's fees, petitioning party in alimony proceedings.
522 Requiring school boards establish priority expenditure programs.
574 Flooding, civil defense procedures to alleviate.

HAROLD F. SIECK

89 Income tax for state aid to schools.
122 Increase fees paid to county clerk.
265 Inundation of certain roads by floodwaters.
420 Well permits, installation restriction.
525 Group homes in single family residence zones.
531 Criteria considered for establishing eligibility for medical assistance.

NEIL SIMON

51 Hiring of illegal aliens.
53 Labor organization deductions from teacher or administrator wages.
143 Discontinuance of utilities service for certain subscribers.
144 Exempting sewer, water, and certain sources of energy from sales tax.
175 Exempting from taxation improvements to property, C.A.
180 Controls for selling seller-assisted marketing plans.
180A Appropriation Bill.
505 Child Protection Act of 1979.
505A Appropriation Bill.
574 Flooding, civil defense procedures to alleviate.

LARRY D. STONEY

36 Additional enterprises subject to bulk transfer article.
37 Credit against income tax for certain retired individuals.
55 District Court involvement in Sanitary and Improvement Districts.
157 Recall of Class IV and V school board members.
199 One license plate on all motor vehicles.
200 Minor beneficiaries of life insurance policies, provisions change.
284 Transportation of rubber tired cranes.
344 Nebraska Clean Indoor Air Act.
344A Appropriation Bill.
371 Nebraska Plea Negotiations Act.

PATRICK VENDITTE

184 Establishing a new veterans' home in Douglas County.
188 Maximum limitation on ad valorem tax on real property.
254 Public access to isolated lands.
288 Voiding certain indemnity provisions in construction contracts.
382 Legalizing sale of laetrile for prescription.
382A Appropriation Bill.
471 Changing reporting of fetal deaths.
474 Liquor price discounts.

TOM VICKERS

178 Provide for ESU's filing of amended budget statements.
214 Seven per cent spending lid on state appropriations.
494 Change aid to public schools to foundation funding.

DON WAGNER

188 Maximum limitation on ad valorem tax on real property.
245 Removing verification of certain water resources department lists.
282 Compensation, expenses for irrigation district directors.

JEROME WARNER

48 Permit to remove land from agricultural production.
70 Revisor of Statutes duties in legislative process.
71 Changing tax levy authorizations.

119 Removing certain exceptions for municipalities supplying electricity.
187 Eliminate mill levy method of computing property taxes.
227 Allow refund of unused fees for disabled motor vehicles.
258 Order and maximum duration of horse-race meetings.
287 Exempts special permit trucks from registering, alternate weighing scale.
501 Leasing state fairgrounds real estate by State Board of Agriculture.
502 Nonprofit corporations for acquiring, operating electric generation facilities.
559A Appropriation Bill.
576A Appropriation Bill.

DON WESELY

63 Health education instruction in schools, developmental disabilities.
64 Election, nomination of natural resources district candidates.
119 Removing certain exceptions for municipalities supplying electricity.
145 Removing publication requirement for claims against city of Lincoln.
146 Identification of vehicles used by handicapped persons.
161 Older Nebraskans Act.
256 Data required on hospital licenses.
257 Defining recorded telephone advertisement as deceptive trade practice.
317 Tax credit for renewable energy source systems.
364 Pensionable status for surviving spouse.

LEGISLATIVE BILLS INTRODUCED BY COMMITTEES

ADMINISTRATIVE RULES AND REGULATIONS REVIEW

208 Repealing provision for advisory committee for Revisor of Regulations.

AGRICULTURE AND ENVIRONMENT

74 Use of gasohol in Roads Department vehicles.
106 Grasshopper control.
121 Funds, national gasohol promotion group membership, grain alcohol plants.
321 Solid waste disposal systems.
326 Cost-share funds from Nebraska Water Conservation Act of 1977.
327 Removing second class cities and villages from certain zoning provisions.
357 Regional veterinary school.
359 Repealing certain sections of Nebraska Water Conservation Act of 1977.
473 Repealing certain sections of Nebraska Water Conservation Act of 1977.
497 Change penalties relating to littering.
508 Railroad Branch Line Improvement Fund.
515 Ratification of interstate compact on agricultural grain marketing.
537 Regulating sale of nursery stock.
538 Administration of corn and soybean checkoff.
539 Changing registration period for commercial feed.
540 Penalty for late payment of weights and measures fees.
548 Bee colony inspections, registration, entry permit.
564 Authorizing change of ownership of livestock.
566 Livestock dealers, license application fee change.
571 Gasohol plant construction, gas tax increase.

APPROPRIATIONS

192 Changing sales tax exemption provisions for postsecondary institutions.
193 Access to confidential records by Legislative Fiscal Analyst.

194 University specific sums, accrued funds appropriation changes.
195 Performance review of state agencies, boards, commissions, for "Sunset" review.
196 Securities Deposit Trust Fund.
212 Depositing tax on fire insurance companies in the General Fund.
232 Criteria for valid appropriation.
233 Defining encumbrance for appropriation and expenditure purposes.
322 State agencies, boards, commissions, departments, reports to Legislature.
503 Assistance for employable disabled persons.
549 Appropriation for installation of a capacity chiller at University of Nebraska-Lincoln.
550 Appropriations procedures, priorities for state agencies.
559 Redefining and clarifying Records Management Act.
560 Removing limits on certain charges of central data processing service division.
576 Appropriations for social security coverage, provisions change.
577 Increase Governor's Emergency Fund.
578 Claims, expenses, state employees.
582 Change the number of meetings of the Mexican-American Commission.
583 Changing the frequency of issuance of license plates.
584 State aid to Indians.
585 Appropriations for state aid programs.
586 Appropriations for state agencies.
587 Appropriations for agencies of higher education.
588 Appropriations for state agencies.
589 Appropriations for state agencies.
590 Proceeds from sale of state aircraft.
591 Appropriations for state agencies.
592 Penal and Correctional Complex, warden, deputy, subsistence benefits, discontinuance.
593 Acknowledgement and reaffirmation of previous appropriations.
594 Appropriations for capital construction projects.
595 Legislative intent for appropriations to Natural Resources Commission, Program 310.
596 Legislative intent for appropriations expenditures for certain state agencies and offices.

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72 Requires mortgagee to present certificate of satisfaction.
87 Alter restrictions on small loans.
197 Workmen's Compensation Court Cash Fund.
274 Additional qualification for Auditor of Public Accounts.
275 Auditor of Public Accounts, CPA requirement, removal from a board.
276 CPA's, expiration date for permits, continuing education dates.
277 Changing membership on State Board of Public Accountancy.
278 Public accountant fee changes.
279 Fee for registration of certain public accountant offices.
280 Bond requirement, liability insurance policy for public accountants.
307 Equal rights for state and federal credit unions.
308 Nebraska Captive Insurance Company Act.
309 Allowing University of Nebraska Board of Regents to form a captive insurance company.
310 Loan Broker Licensing Act.
311 False statements concerning depository institution guaranty corporations.
312 Authorization of certain bank deposits.
313 Authorizing certain investments by savings and loan associations.
314 Certificate of approval for establishing building and loan associations.
332 Certain requirements for all types of insurers.
333 Bonding requirements for banks.
334 Payment of certificates of indebtedness before maturity.
335 Loans to bank officers and employees.
336 Restricting loans to employees of industrial loan and investment companies.
337 Additional application requirement for industrial loan and investment companies.
338 Requires industrial loan and investment companies to have undivided profits.
339 Permitting county treasurers to deposit money in cooperative credit association.
340 Cash reserve requirements for industrial loan and investment companies.
341 Surety bond requirements for cooperative credit associations.

354 Establishing insurance standards of valuation, interest rates, reserves.
405 State chartered capital stock savings and loan associations.
413 Continuing insurance for surviving family member after employee's death.
415 Nebraska Life, Sickness and Accident Insurance Policy Readability Act.
448 Removing bank examiners from State Classification and Pay Plan.
480 Insurance Department Regulation of Nebraska Hospital Medical Liability Act.
481 Licensing of insurance consultants.
491 Permitting not more than three detached auxiliary bank teller offices.
492 Maximum interest rates exception in certain installment contracts.
496 Nontransferable partnership interest securities exclusion.
499 Sales tax on lodging.

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92 Coverage of certain volunteer workers for workmen's compensation.
108 Collective bargaining units for postsecondary educational institutions.
215 Direct payment to supplier for workmen's compensation services.
463 Increasing maximum unemployment benefit.
467 Covering public power and irrigation district employees health and safety laws.
468 Legal action against certain businesses by state regulatory agencies.
513 Changing maximum weekly duty hours for firemen.
579 Appropriations for payments of miscellaneous claims against the state.
580 Disallow certain claims against the state.
581 Disqualification of certain aliens for unemployment benefits.

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77 Duplicate habitat stamps.
78 Nonresident fishing permits.

82 Disciplinary measures for Supreme Court judges or other judges, C.A.
99 Review of constitutional officers, judiciary, legislative salaries, C.A.
189 Capture or killing of dogs harming game animals or birds.
320 Changing name of Nebraska Workmen's Compensation Court, C.A.
433 Developing and improving Lake Minatare State Recreation Area.
434 License fee for retired, disabled veterans to trap fur bearing animals.
435 Hunting game animals during firearms deer season.
436 Eliminate reading at large of bills before final passage, C.A.
437 Juveniles hunting deer or antelope.
493 Maintenance and support of a system of free public schools, C.A.
552 Redefining game and fish, permit to destroy additional predators.
553 Denial of nonresident trapping permits.

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124 DPI contracts for additional services for the blind.
125 Recall procedures for Class I, IV, and V school board members.
126 Issuing teacher's certificate without payment of fee.
127 Flashing white lights by school transportation vehicles.
128 Tuition payment by state of certain nonresident pupils.
129 Terms of certain Class I district school board members.
130 Advertising bids for public school construction.
131 Penalty for misuse of former school transportation vehicles.
132 Transfer of fire service and safety training program.
133 Official access to confidential school files, records.
134 Modify tuition exemptions for children of federal employees.
135 Class V school districts board of trustees of retirement membership.
141 Restriction on out-of-state postsecondary education institutions.
289 Deleting State Capitol requirement for Commissioner of Education office.

290 Teacher's or school administrator's certificate, employment contract.
291 Midwestern Education Compact.
304 Resident status for state educational institutions.
305 Review of school board district boundaries.
363 Changing technical community college provisions.
425 Transportation of secondary students in Class II and III school districts.
426 Class I and VI school districts, land transfer, attachment.
526 Tuition reimbursement to educational institutions by National Guard.

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1 Correcting crimes and punishments references.
2 Harmonizing corporation provisions.
3 Harmonizing DAS provisions.
4 Harmonizing various criminal code provisions.
5 Correcting natural resources reference.
6 Harmonizing homestead exemption provisions.
7 Price of unbound session laws and daily journals.

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243 Nebraska Municipal Cooperative Financing Act.
295 Minimum standards for employment of state agency auditors.
296 Filing Class II, III, IV, V, and VI school district audit reports.
412 Certain function changes of State Office of Planning and Programming.
414 Auditor of public accounts, CPA, data access, removal from a board.
424 Nebraska Energy Advisory Committee.
500 Equal employment opportunities for state employees.
563 Nebraska Municipal Cooperative Financing Act.
570 Election procedure changes.

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148 Workmen's Compensation Court appeals in forma pauperis.
149 Fleeing in motor vehicle to avoid arrest.
234 Changing jury selection procedure.

235 Validity for inadequate instruments involving real estate subdivision.
236 Indeterminate sentences, changing minimum term.
237 Judicial qualifications change.
238 Entry upon real property by condemner and its agents.
239 Filling of vacancies on judicial nominating commissions.
240 Assignment of certain retired judges.
241 Appointment of counsel for indigent defendants in criminal matters.
372 Changing responsibility for notice in probate proceedings.
373 Harmonizing county and juvenile court provisions.
374 Document proving ownership of motor vehicle operator's license.
375 Changing time limitations for responding to interrogatories.
376 Provide for taking certain intoxicated persons or incapacitated persons from public property.
377 Distribution, price of Supreme Court reports.
378 Repealing certain provisions relating to sexual sociopaths.
379 Appointment of Supreme Court Librarian, other officers, employees, C.A.
383 Allowing salary changes of public officers while in office, C.A.
384 Increasing fees charged by clerks of certain municipal courts.
388 Native American Crime Enforcement Fund.
398 Increasing judges' salaries.
449 Expungement of conviction records.
450 Expungement of arrest records.
451 Prohibiting certain employment discrimination of criminal offenders.
498 Filing requirements for real estate.
517 Division of marital property, alimony determination in divorces.
518 Prohibiting denial of licenses to persons convicted of a crime.
519 Defining marital property for divorce proceedings.
520 Division of a marital estate in divorce proceedings.
536 Nebraska Probation System Committee duties.
541 Nebraska Act to Free Children for Permanent Placement.
565 Redefining law enforcement officer for arrests.
572 Funds uncalled for in district court.
573 Establish a pretrial diversion program.

575 Redefining careless driving.
597 Attachments, garnishments in aid of execution, provisions change.

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162 Amending Political Accountability and Disclosure Act.
163 Political Accountability and Disclosure Commission, members, political fund.
165 Location factor in issuance of retail liquor license.
166 Prohibiting use of polygraph, similar tests by employer.
185 Making it unlawful to use false or misleading advertisements.
186 Actions which do not constitute violation of Consumer Protection Act.
224 Changing requirements for liquor license applications and renewals.
268 Medical information cards for motor vehicle operators.
348 Towing away cars parked in private parking lots without consent.
438 Governmental subdivisions powers relating to civil rights.
484 Allowing deputy sheriffs to be involved in political activity.
485 Licensing of Truth and Deception Examiner's Act.
485A Appropriation Bill.
488 Authorizing race track messenger services.
495 Granting community television antenna franchise without election.
535 Political Accountability and Disclosure Act changes.
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118 Creating Nebraska city and county peace officers' retirement system.
218 Additional option for judges' retirement.
229 Changing pension contributions of Lincoln firemen.
230 Monthly supplemental pension payment for firemen of certain cities.
231 Mandatory retirement age.
283 Home rule charter cities, fire and police department pension plans.
410 Cost of living adjustments for retired Lincoln firemen, contributions.

411 Deferred compensation plan for state employees.
533 Early retirement for judges.

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360 Sales tax on motor vehicles.
361 Motor vehicle fuel tax rate increase.
362 Motor vehicle registration fee increase.

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94 Embalmers and funeral directors provisions changes.
95 Revocation of professional licenses.
96 Continuation of Board of Examiners in Veterinary Medicine.
97 Continuation of Board of Examiners in Physical Therapy.
98 Continuation of State Anatomical Board.
171 Nebraska Lighting and Thermal Efficiency Act.
172 Nebraska Health Care Certificate of Need Act.
173 Annual reports to lessees within retirement communities.
174 Changing restriction for distribution of prophylactics.
259 Decriminalizing intoxication, date, removal of incapacitated persons.
260 Division of alcoholism duties.
297 Adding dental hygienist to Board of Examiners in Dentistry.
298 Certification of additional emergency medical technician-paramedics.
299 Court review of status of children in child custody cases.
427 Changing professional and occupational licensing provisions.
428 Biennial professional licenses, fees, Board of Examiners terms.

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201 Spacing of irrigation and industrial wells.
202 Diverting unappropriated stream waters, inferior user compensation.
203 Reporting of railroad accidents.
204 Notification of ownership of stream water appropriations and wells.
205 Class C and Class CC motor vehicle operator learner's permits.

206 Regulation of irrigation wells or pits adjacent to natural streams.
207 Arbitration of wholesale electric rate disputes.
255 Railroad car shortage provisions repeal.
404 Amount of motor vehicle registration fee retained by county treasurers.
476 Tank vehicle requirements for transportation of anhydrous ammonia.
477 Permits to bring explosive materials into the state.
507 Agricultural and Industrial Branch Rail Revitalization Act of 1979.
544 Changing provisions for inspection of dams.
545 Changing water application requirements.
546 Information approval of domestic water supply project improvements.
547 Certain Department of Water Resources fee changes.
567 Displacement payments in publicly financed projects.
568 Authorize Department of Roads to replace real property acquisitions.

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65 Recodifying homestead exemption provisions.
84 Changing tax sale procedures.
209 Penalty for failure to file real property improvements with assessor.
210 Changing increments for setting sales and income tax rates.
211 County treasurer ad valorem tax statements to political subdivisions.
242 Tax levies and equalization of assessments of property among counties.
285 Changing political subdivisions budget adjustments provisions.
302 Mandatory school district information on income tax forms.
302A Appropriation Bill.
532 Creating Nursing Home Appeals Board.
551 Award to assessors designated as Certified Assessment Evaluators.
562 Additional information required with tax notice or receipt.

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249 Changing a mill levy for cemeteries in particular classes of cities.
250 Street improvement districts.
251 Downtown Improvement District Act.
252 Sanitary and improvement district changes.
253 Terms of councilmen, county election in lieu of special municipal election.
356 Excluding certain contracts from engineers' cost estimate requirement.
419 Authorizing cities and villages to require sewer and drain repairs.
432 Driveway approach repairs in cities and villages.

BUILDING MAINTENANCE LB 309 COMMITTEE

561 Procedure for disposal of facilities, University of Nebraska and state colleges.

LR 161 "OVERSIGHT" COMMITTEE

159 Mandatory use of Tax Commissioner guides by local assessors.
452 Repealing certain public power tax provisions.
453 Removes requirement certain public corporations make in lieu of tax payment, C.A.
454 Deputy Ombudsman for Public Utility Affairs.
455 Prohibiting certain provisions in wholesale power contracts.
456 Surplus Utility Fund transfer to General Fund in first and second class cities.
457 Electrical rate increase procedure.
458 Restricting use of electric revenue for advertising.
459 Advertising restrictions for private gas utilities.
460 Lowest available rate to residential electric service customers.
461 Construction of electric generation facilities and lines.
462 Restricting rate for different classes of electric power consumers.

LR 158 SELECT COMMITTEE

222 Establish State Coroner's Office.

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Agriculture & Environment

Chairman - Loran Schmit

14	25	62	74	106	120	140	190
300	321	326	327	342	353	359	380
397	399	473	497	501	512	515	537
538	539	540	548	564	566	571	

Appropriations

Chairman - Jerome Warner

20	60	88	116	121	193	194	212
214	232	233	286	322	385	392	433
542	543	549	550	554	555	556	557
558	559	560	561	576	578	584	592

Banking, Commerce & Insurance

Chairman - John DeCamp

36	52	69	72	73	87	123	154
180	196	197	200	216	220	269	276
278	279	280	288	301	307	308	309
310	311	312	313	314	332	333	334
335	336	337	338	340	341	346	354
390	402	405	413	415	417	422	439
440	443	448	478	480	481	491	492
496	499						

Business & Labor

Chairman - Richard Maresh

18	51	53	67	92	108	113	114
183	215	318	328	351	358	369	408
444	447	463	467	489	513	579	580
581							

Constitutional Revision & Recreation

Chairman - Barry Reutzel

10	11	77	78	82	99	100	151
175	189	191	225	261	320	324	350
366	379	383	393	401	434	435	436
437	445	446	453	493	552	553	

Education

Chairman - Gerald Koch

12	32	46	50	57	59	63	104
124	125	126	127	128	129	130	132
133	134	141	157	177	226	248	264
272	290	291	304	305	357	363	367
403	425	426	442	464	486	494	522
526							

Government, Military & Veterans Affairs

Chairman - Orval Keyes

22	30	38	43	54	64	75	85
86	101	109	110	115	122	137	139
147	155	156	179	184	195	208	253
267	271	273	274	275	277	295	296
329	331	339	343	345	381	387	412
414	421	424	429	465	466	468	500
527	570						

Judiciary

Chairman - William Nichol

19	33	80	83	91	107	111	117
131	148	149	167	170	222	234	235
236	237	238	239	240	241	247	262
292	306	315	316	319	371	372	373
374	375	377	378	384	388	394	396
398	406	409	438	449	450	451	470
471	483	490	498	505	510	511	517
518	519	520	521	524	529	534	536
541	565	572	573	597			

Miscellaneous Subjects

Chairman - David Newell

58	102	143	152	162	163	164	165
166	185	186	221	224	257	258	323
348	349	352	368	386	389	423	441
454	457	460	462	474	475	484	485
488	504	509	514	535	569	582	

Nebraska Retirement Systems

Chairman - William H. Hasebroock

15	118	135	182	218	228	229	230
231	283	364	391	410	411	416	533

Public Health & Welfare

Chairman - Sam Cullan

9	21	34	35	39	79	94	95
96	97	98	138	161	171	172	173
174	198	256	259	260	268	297	298
299	344	355	370	376	382	407	418
427	428	503	506	523	525	530	531
532							

Public Works

Chairman - Maurice Kremer

23	24	26	27	28	31	42	45
48	49	56	66	81	90	93	112
119	168	169	199	201	202	203	204
205	206	207	213	219	223	227	243
244	245	254	255	265	266	270	282
284	287	330	347	395	400	420	430
431	458	459	461	469	476	477	482
502	507	508	544	545	546	547	563
567	568	574	575	583			

Revenue

Chairman - Calvin Carsten

8	16	17	29	37	40	41	44
65	71	76	84	89	103	105	142
144	150	159	160	178	187	188	192
209	210	211	242	246	263	285	294
302	317	325	360	361	362	365	404
452	455	472	479	487	516	528	551
562							

Urban Affairs

Chairman - Walter George

13	47	55	61	136	145	146	153
158	176	181	217	249	250	251	252
281	293	303	356	419	432	456	495

SUMMARY OF LEGISLATIVE BILLS

The following table shows the final disposition of each bill

Length 89 days

Total Number of Bills Introduced.....597
Total Number of "A" Bills Introduced 38
Total Number of Resolutions Introduced 178
Total Number of Bills to Become Law.....310

General File (70) (Chronological order):

460	374	436CA	35	35A	259	267	267A
457	197	330	423	314	550	60	69
16	44	306	318	222	222A	254	552
184	465	361	409	471	399	151CA	261CA
324CA	526	486	203	493CA	327	284	498
235	490	319	123	572	483	507	497
442	304	185	186	166	485	485A	221
228	228A	283	496	488	533	525	LR43
481	535	597	121	491	405	71	

General File (70) (Numerical order):

16	35	35A	44	60	69	71	121
123	151CA	166	184	185	186	197	203
221	222	222A	228	228A	235	254	259
261CA	267	267A	283	284	304	306	314
318	319	324CA	327	330	361	374	399
405	409	423	436CA	442	457	460	465
471	481	483	485	485A	486	488	490
491	493CA	496	497	498	507	525	526
533	535	550	552	572	597	LR43	

Select File (6):

108	418A	175CA	382	382A	484

Approved by Governor (305):

1e	2	3e	4e	5	6e	7e	9
13	14e	14Ae	15e	17	17A	19	22e
23e	25	26	31	34e	36	38	39e
42e	45	47	52	53	54e	54A	56e

57	58	59	65e	66e	67e	68e	70e
73	74	75e	76e	78	80	81e	84
85e	86e	87	90	90A	91	95	96e
97e	98e	99CA	101	101A	102e	103	105
107	111	112e	114	114A	115e	116	117
119	120	120A	124e	124A	125	127	128e
129e	130	132	133e	135e	136e	137	138
138A	140e	141	143	145	146	148	149e
150	152	154	158	159	161	162e	164e
172e	172A	174	174A	176	178	179	180
180A	181	183	187e	192	193e	194	195e
196	198	200	201	204	205	207	208e
212	213	215e	216e	216Ae	217	220	223
224e	227e	232e	233e	234	237	240	241
245	248	249	251e	252	253	255	257
260	260A	265e	268e	269	271	273	278
281	282	285e	287e	288	289	291	292
294	297	298e	301e	302	302A	305	307
312e	313e	315	316e	321e	322	323e	326
328	329	331e	332	334	339	341	342e
344	344A	348	352e	353	354	355	355A
356	357	358	363e	365	373	375	376e
377	378e	378A	380e	380Ae	381	387e	390
391e	394	395	396	398	404	411	412e
412Ae	414	414A	415	416	417	421	425
427	428	428A	434	435	437	438	441e
443e	444e	444Ae	467	474	475	476	477
478	479e	492	495e	500	500A	505e	505A
506e	506Ae	509	510	514	524	534	536
537e	538e	540e	542e	543e	544	545	546
547	548e	551	553e	555e	557e	559e	559Ae
560e	564	565	565A	567	568	571e	573
575e	576e	576Ae	577e	578e	581	582	583
584e	585e	586e	587e	588e	589e	590	591e
593e	LR5						

Line-item veto (2):

579e 594e*

Returned by Governor Without Approval (4):

10 11 262 569

Passed Notwithstanding the Objections of Governor (1):

594e*

Became Law Without Governor's Signature (2):

595e 596e

Failed on Final Reading (3):

211 250 345

Indefinitely Postponed (154):

12	18	20	24	28	29	30	32
33	37	40	41	43	46	49	50
51	62	63	64	72	77	79	83
92	93	100	109	110	122	131	134
139	147	155	156	157	160	165	167
168	169	170	173	188	189	190	191CA
199	202	206	209	210	214	219	225CA
226	236	238	239	242	244	246	247
258	263	270	272	274	275	277	286
290	293	295	296	310	311	320CA	343
347	349	351	359	360	362	363A	367
368	369	370	372	379CA	384	385	386
392	393CA	397	398A	400	401	403	407
408	419	420	424	429	431	432	433
446	447	449	450	451	452	455	456
463	464	466	468	469	470	472	482
489	494	508	511	512	513	517	518
520	521	523	527	528	*531	532	539
541	554	556	558	561	562	563	570
574	580						

Withdrawn (7):

55 126 163 300 459 516 529

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106 473 501 515 566

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88 549 592

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276 279 280 308 309 333 335 336
337 338 340 346 402 413 422 439
440 448 480 499

Business and Labor (1):
113

Constitutional Revision & Recreation (6):
82CA 350CA 366CA 383CA 445CA 453CA

Education (5):
104 177 264 426 522

Government: LR30

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371 388 406 519

Miscellaneous Subjects (4):
389 454 462 504

Nebraska Retirement Systems (8):
118 182 218 229 230 231 364 410

Public Health (8):
21 94 171 256 299 418 503 530

Public Works (8):
27 48 243 266 430 458 461 502

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8 89 142 144 317 325 487

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Compiled by

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